



***City of*  
Whittlesea**

# **AGENDA**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 7 FEBRUARY 2017**

**AT 6.30PM**

### **SUMMONS**

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday, 7 February 2017 in Council Chamber, 25 Ferres Boulevard, South Morang at 6.30pm for the transaction of the following business.

**M WOOTTEN  
CHIEF EXECUTIVE OFFICER**







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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

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

STEVE O'BRIEN

DIRECTOR PLANNING AND MAJOR PROJECTS

NICK MANN

DIRECTOR CITY TRANSPORT & PRESENTATION

HELEN SUI

DIRECTOR CORPORATE SERVICES

LIANA THOMPSON

DIRECTOR PARTNERSHIPS & ENGAGEMENT

MICHAEL TONTA

MANAGER GOVERNANCE







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**Note:**

At Council's discretion, the meeting may be closed in accordance with Section 89 of the Local Government Act 1989. The provision which is likely to be relied upon to enable closure is set out in each item. These reports are not available for public distribution.

**Question Time:**

During the meeting, Council will answer questions from residents and ratepayers. Questions should be submitted in writing before the start of the meeting unless this unreasonably prevents or hinders you from participating. A Question Time form can be downloaded from Council's website and copies of the form are available at the meeting.

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council's democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on 9217 2294.

**Large Attachments:**

Where large attachments form part of the Report, due to the size of the attachments – a copy has not been provided in the Agenda document

Copies of these attachments are available for inspection by the public at the following locations:

- a) Council offices at 25 Ferres Boulevard, South Morang; and
- b) Whittlesea City Council's internet site – [www.whittlesea.vic.gov.au](http://www.whittlesea.vic.gov.au)







**1. OPENING**

**1.1 MEETING OPENING AND PRAYER**

The Chief Executive Officer will open the meeting with the reading of the prayers:

*Almighty God, we humbly beseech thee, to vouchsafe thy blessing upon this council. Direct and prosper its deliberations to the advancement of thy glory and the true welfare of the people of the Whittlesea City Council.*

*Our father who art in heaven, hallowed be thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive them that trespass against us; and lead us not into temptation but deliver us from evil, For thine is the kingdom, the power and the glory, for ever and ever.*

*Amen*

**1.2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT**

The Mayor will read the following Acknowledgement of Traditional Owners Statement.

*On behalf of the Whittlesea City Council I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan as the traditional owners of this place.*

**1.3 PRESENT**

**2. APOLOGIES**

**3. DECLARATIONS OF INTEREST**

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

**Ordinary Meeting of Council held 13 December 2016**







**5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS****5.1 PETITIONS****5.1.1 PETITION - NATURE STRIP TREES - WILDFIRE COURT, MILL PARK****File No: 133320**

Petition received from 15 residents requesting Council remove and replace nature strip trees in Wildfire Court, Mill Park.

**RECOMMENDATION**

**THAT Council resolve to receive the petition from 15 residents requesting Council remove and replace nature strip trees in Wildfire Court, Mill Park and a report be prepared.**

**5.1.2 PETITION - NATURE STRIP TREES - ORCHARD ROAD, DOREEN****File No: 133320**

Petition received from 18 residents requesting the following from the Council on Orchard Road Doreen:

1. Regular maintenance, wiring and pruning of these Trees that are gangly & overhang properties.
2. Removal of Trees that impose the most threat to people & property.
3. Regular clearing of drains.
4. Weekly green garbage bin pickups instead of fortnightly.
5. Regular weekly street cleaning and rubbish pickups from nature strips, including leaves, fallen bark and branches and litter from bus stops ie bottles, cans & food packaging.

**RECOMMENDATION**

**THAT Council resolve to receive the petition from 18 residents on the Orchard Road Doreen nature strip and a report be prepared.**







**5.1.3 PETITION - PARKING ISSUES - LORNE STREET, LALOR**

**File No: ST/102823**

Petition from seven traders requesting Council investigate and take appropriate action regarding parking issues in Lorne Street, Lalor.

<b>RECOMMENDATION</b>
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**THAT Council resolve to receive the petition from seven traders requesting Council investigate and take appropriate action regarding parking issues in Lorne Street, Lalor and a report be prepared.**

**5.2 JOINT LETTERS**

**NIL REPORTS**







**6. OFFICERS' REPORTS****6.1 PLANNING AND MAJOR PROJECTS****6.1.1 5 BULLER PARADE, LALOR - CONSTRUCTION OF THREE DWELLINGS****File No:** 715935**Attachments:**  
1 Locality Maps [↓](#)  
2 Development Plans [↓](#)**Responsible Officer:** Director Planning & Major Projects**Author:** Senior Planner**APPLICANT:** Planning and Design Pty Ltd**COUNCIL POLICY:** Nil**ZONING:** General Residential**OVERLAY:** Development Contributions Plan (Schedule 3)**REFERRAL:** Nil**OBJECTIONS:** One**RECOMMENDATION:** That Council refuse the application**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct three double storey dwellings. Two new vehicle crossovers will be constructed to Cooma Court.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to the site not being suitable for higher density development, neighbourhood character and car parking.

The proposal does not demonstrate a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme. In particular the proposal does not provide an appropriate response to the Key Design Principles of the Housing Diversity Strategy (HDS) and does not provide adequate solar accesses to the secluded private open spaces for Dwelling Nos. 2 and 3.

The HDS nominates this site as being within the Suburban Residential Change Area. The proposal is not consistent with the key design principles of this Change Area and is not considered to be an acceptable.

On the basis of the Clause 55 assessment and the proposal's response to the State and Local Planning Policy Frameworks including the HDS, it is recommended that Council refuse the application.

**SITE AND SURROUNDING AREA**

The subject site is a residential property located on the western side of Buller Parade, Lalor, approximately 225m west of Edgars Road (see *Attachment 1*). The subject site is flat and



irregular in shape with a frontage to Buller Street of 13.4m, a side boundary to Cooma Court of 21.2m and a 6.9m splay at the Buller Parade and Cooma Court corner. The site has a total area of 578m<sup>2</sup>. The site currently contains a detached single storey dwelling constructed out of brick with a concrete tiled hipped roof. There is no vegetation of significance on the site.

The surrounding area is generally characterised by a single storey dwellings with some examples of double storey dwellings present. The adjoining properties both contain single storey dwellings constructed in brick. Examples of medium density development within the immediate vicinity are limited to a small number of dual occupancies and duplexes (e.g. 7 Cooma Court and 24 Lascelles Drive).

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

- St Catherine's Primary School (90m east)
- Edgars Road (220m east).
- Lalor Gardens Primary School (300m north).
- Bus route 357 – Wollert West to Thomastown Station (330m east).
- Bus route 554 – Thomastown via West Lalor Loop (380m east).
- Bus route 557 – Thomastown via West Lalor Loop (380m east).

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 561 on Plan of Subdivision 091787. Covenant E872017 applies to the land which front fences. There are no restrictions on title that preclude Council from determining the application.

## PROPOSAL

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

The three double storey dwellings will each contain an open plan kitchen/lounge/meals area, amenities, bedrooms within the upper level, bathroom and attached garage. Dwelling Nos. 1 and 3 each have three bedrooms, while Dwelling No. 2 has two bedrooms. Each dwelling is provided with a separate vehicle crossover.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	3	7.8m front (east), 0m side (south), and 4.1m rear (west).	53m <sup>2</sup> (including 36m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m) and open car parking spaces in a tandem configuration.	7.1m (overall)
Dwelling No. 2	Double Storey	2	7.7m front (east) and 3.2m side (north)	141m <sup>2</sup> (including 27m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m).	6.9m (overall)
Dwelling No. 3	Double Storey	3	3.0m front (north) and 0m side (west).	41m <sup>2</sup> (including 25m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m) and open car parking spaces in a tandem configuration.	7.0m (overall)



## PUBLIC NOTIFICATION

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

1. Higher density development inappropriate at this location
2. Neighbourhood character impacts
3. Multi-dwelling development will set an undesirable precedence
4. Inadequate car parking

## HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (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 will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

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

## ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	<p>Developments within the area are generally from the 1960s and typically detached, single storey houses. Garages, where provided, are generally located at the rear of the property whereas the verandah style carports are located in front of the main building line or aligned with the building façade.</p> <p>The design of the proposed dwellings and material used including concrete roof tiles, brickwork, 22 degree roof pitch, gutters, fascia and eaves and front portico entrance are generally consistent with the existing character of the area.</p> <p>The development of the site with all double storey dwellings projecting significantly forward of dwellings along Cooma Court with little ability to soften the built form with meaningful landscaping from this streetscape is contrary to the character of the area.</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				Additional crossovers to this elevation will further exacerbate the dominance on the street, as will the minimal separation at upper levels
B2	Residential policy	X	X	<p>The HDS nominates the subject site within the Suburban Residential Change Area (Clause 21.09-4 of the Planning Scheme). This Change Area encourages standard density development with the preferred housing types comprising single dwellings and dual occupancies. Key design principles include low building heights that reflect the existing character, front setbacks to provide for significant landscaping and canopy trees, standard site coverage, increased side and rear setbacks to provide for building separation, increased private open space and the provision of a large canopy tree in the rear setback.</p> <p>The proposed development is not consistent with the preferred density and key design principles outlined in the HDS. Of particular concerns is the lack of separation between the proposed dwellings.</p>
B3	Dwelling diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings.
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Communal open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
B12	Safety			



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B13	Landscaping	✓	x	A landscape plan has not been provided with the application. It is considered that this could be required as a condition on any permit that is issued. The provision of generous canopy trees and generous secluded private open space would be difficult to achieve on any plans that may be prepared.
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	x	x	Dwelling Nos. 2 and 3 do not comply with the standard due to the upper levels of each dwelling overshadowing the secluded private open space of each dwelling. This is a result of the proposed layout of the dwellings on the lot. Consequently, the proposal does not



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				comply with this objective.
B30	Storage	✓	✓	
B31	Design detail	✓	✓	To ensure the proposal is acceptable in the neighbourhood setting a condition could be included on any permit issued requesting a colour and material schedule.
B32	Front fences	N/A	N/A	
B33	Common property	✓	✓	
B34	Site services	✓	✓	

### CAR PARKING

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

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

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

### 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. Higher density inappropriate at this location

The Whittlesea Planning Scheme and HDS nominates this site and surrounding areas as a 'Suburban Residential' change area and seeks to restrict densities to single dwellings, dual occupancies and duplexes. The site is considered suitable for a moderate increase in



density. However, the proposed development has been assessed as being deficient from a design perspective and that, in part, is attributable to the density proposed.

## **2. Neighbourhood Character**

The attributes of the surrounding area that define the character include generous front yards, tiled hipped roofs with eaves and upper levels being recessed from the ground floor to name a few. As noted above, although there are aspects of the development that are consistent with the established and emerging preferred character, there is concern with all double storey dwellings projecting significantly forward of dwellings along Cooma Court with little ability to soften the built form with meaningful landscaping from this streetscape. Additional crossovers to this elevation will further exacerbate the dominance on the street, as will the minimal separation at upper levels.

## **3. Multi-dwelling development will set an undesirable precedence**

Approval of a development proposal with design deficiencies as set out in this report does have the potential to lead to precedent when considering further applications. However, a modest increase in density is supported and, where well-designed, has the potential to provide a positive precedent. The current proposal would not lead to a good precedent for future development.

## **4. Inadequate car parking**

The application provides the required car parking as set out at Clause 52.06 of the Whittlesea Planning Scheme.

## **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

## **CONCLUSION**

The application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks including the Housing Diversity Strategy. The proposal fails to achieve appropriate levels of consistency with the relevant objectives of the State and Local Planning Policy Frameworks including Council's HDS. Although providing additional density of dwellings, this should not be at the expense of neighbourhood character or the amenity of the future occupiers of the dwellings. The development fails to meet key objectives of Clause 55 including Neighbourhood Character, the Residential Policy and Solar Access to Private Open Space and therefore refusal of the application is recommended.

## **RECOMMENDATION**

**THAT Council resolve to Refuse Planning Application No. 715935 and issue a Refusal to Grant a Planning Permit for the construction of three double storey dwellings at 5 Buller Parade, Lalor on the following grounds:**

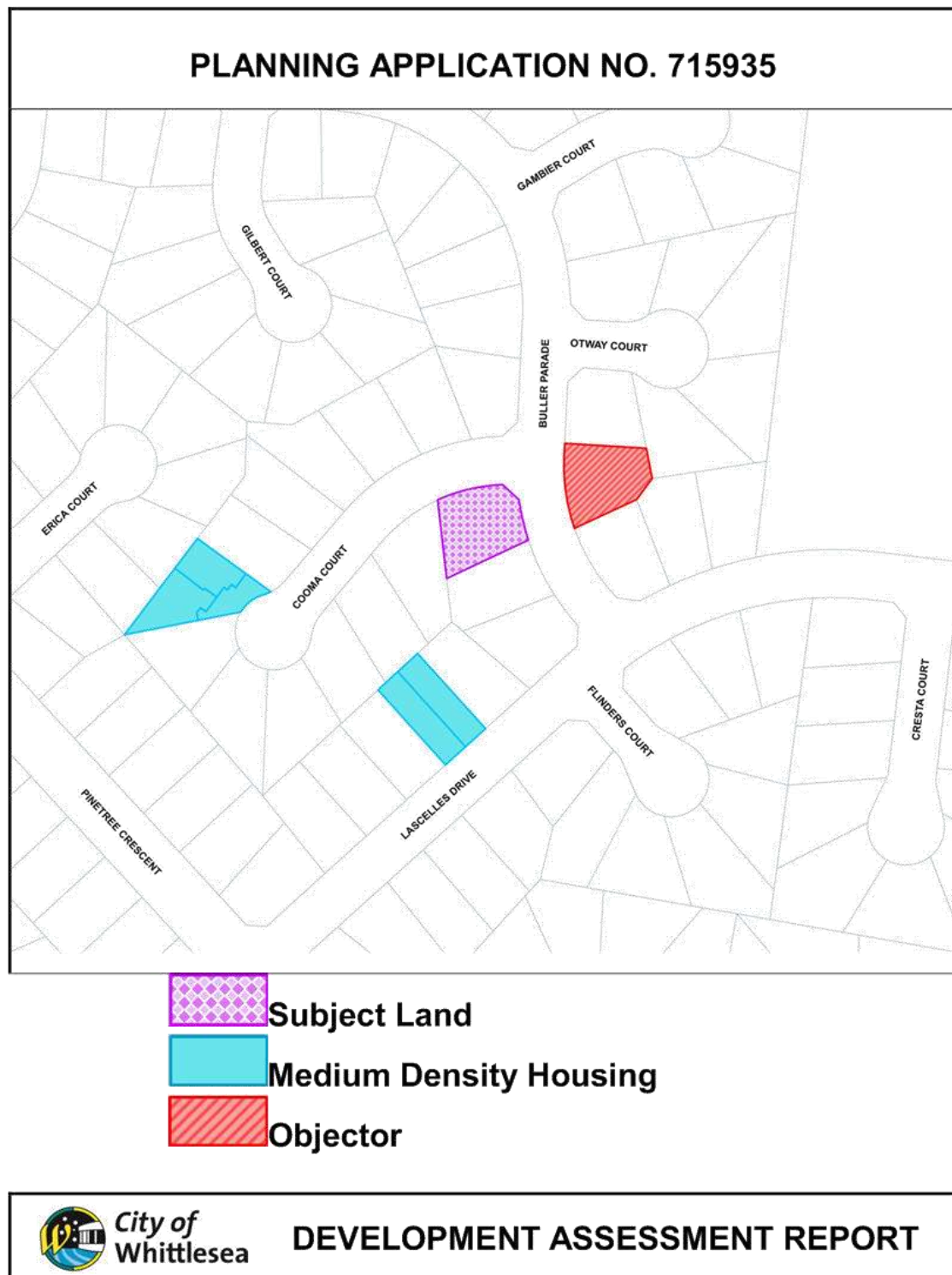
- 1. The proposal does not appropriately balance and achieve consistency with the relevant objectives of the State and Local Planning Policy Frameworks, in particular through the response to neighbourhood character.**
- 2. The proposal does not comply with Clause 55.02-1 (Standard B1) in relation to Neighbourhood Character, resulting in a poor response to the existing and**



preferred character of the area.

3. The proposal does not comply with Clause 55.02-2 (Standard B2) due to the poor response to the Key Design Principals set out in the Housing Diversity Strategy.
4. The proposal does not comply with Clause 55.05-5 (Standard B29) in relation to solar access to open space, resulting in a poor amenity outcome for future occupiers.







# PLANNING APPLICATION NO. 715935

Aerials, Apr 2016



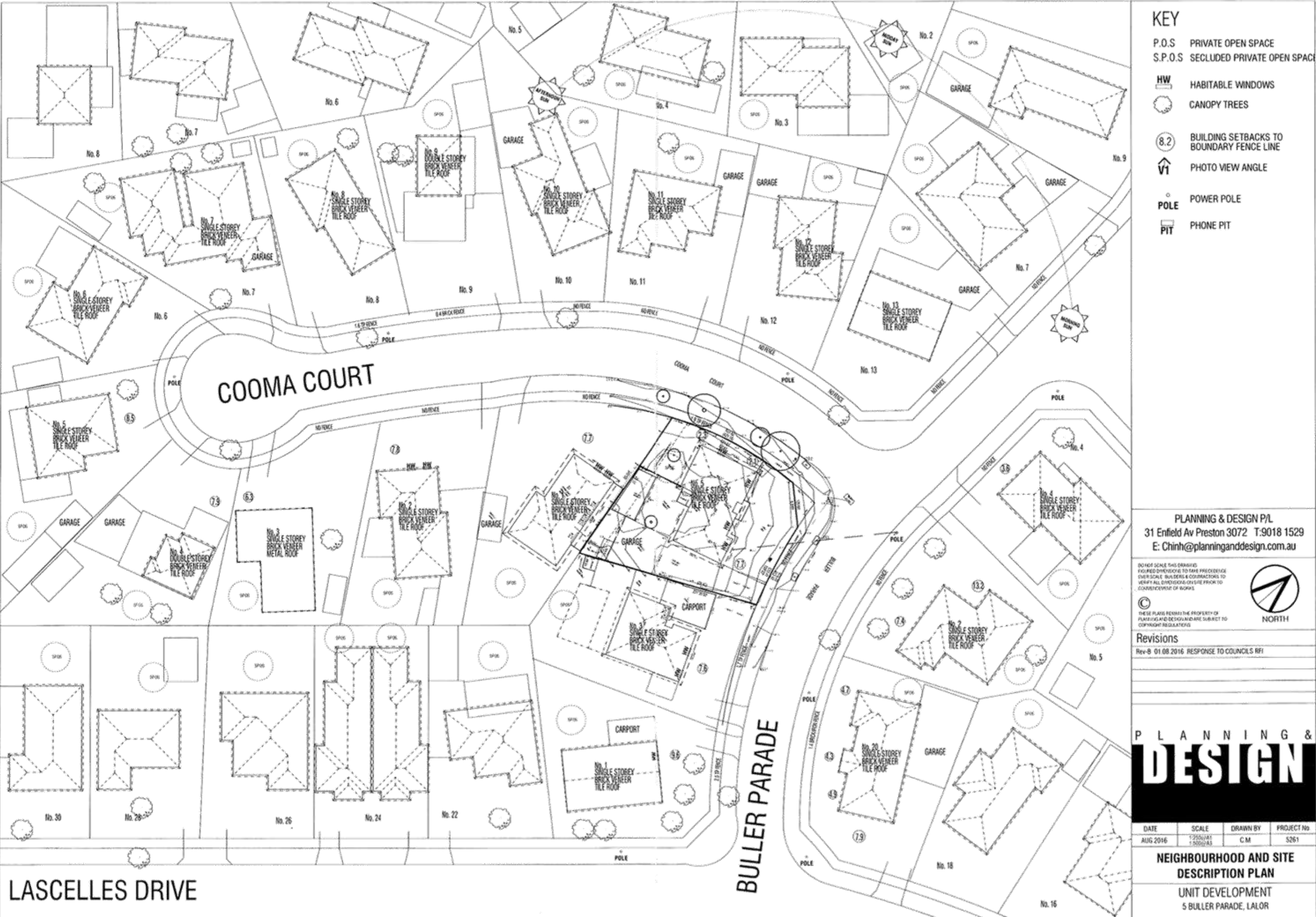
-  Subject Land
-  Medium Density Housing
-  Objector



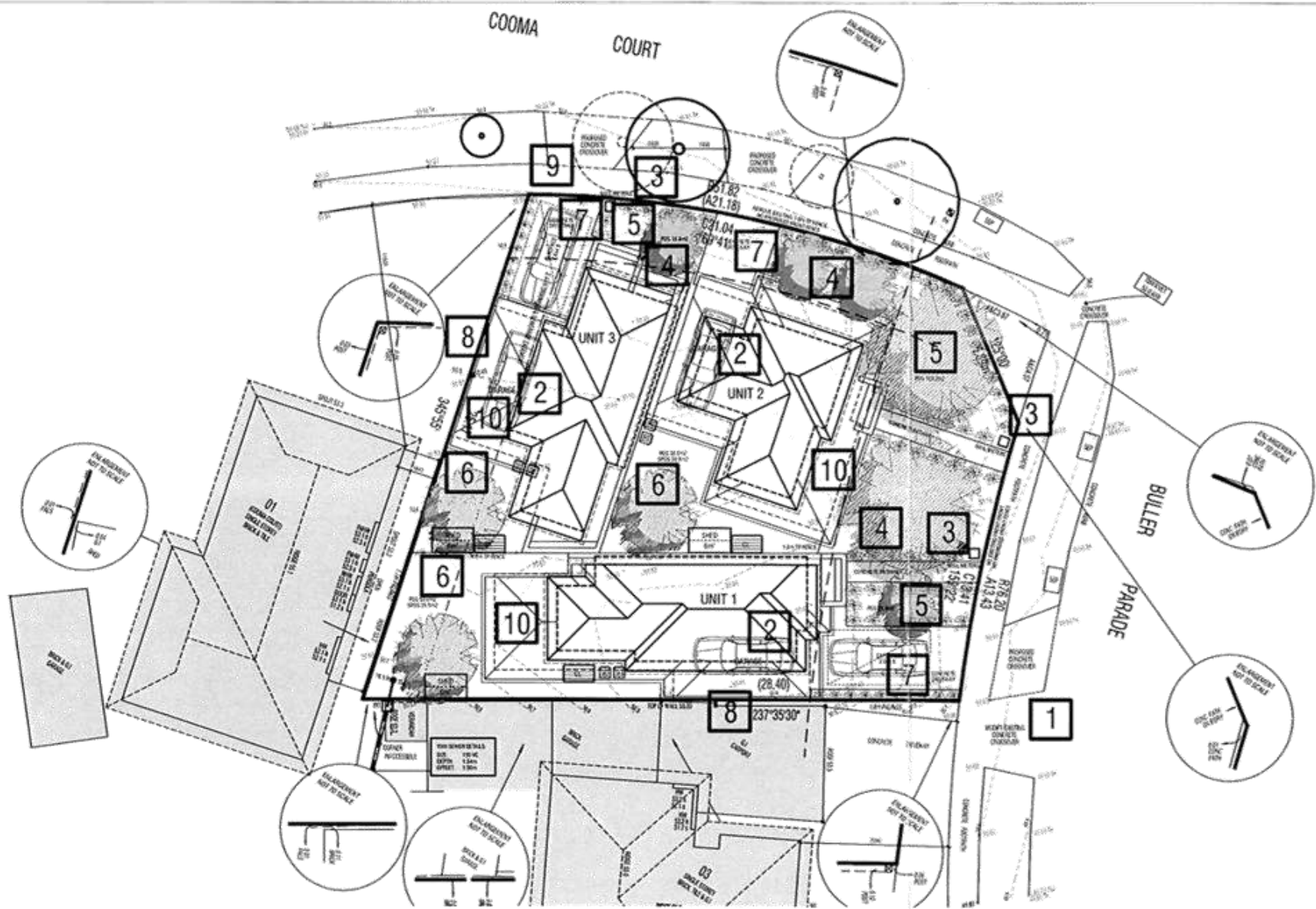
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT









DESIGN RESPONSE

- 1 EXISTING CROSSOVER TO BE MODIFIED TO SERVICE UNIT 1.
- 2 PROPOSED VEHICLE STORAGE FOR ALL UNITS ARE LOCATED BEHIND THE FRONT DWELLING TO HIDE THE DOMINANCE OF CAR PARKING STRUCTURES FROM THE STREET-SCAPE.
- 3 NEW MAILBOXES FOR ALL UNITS.
- 4 PROPOSED FRONT STREET SETBACK TO DEVELOPMENT IS SYMPATHETIC TO THE ADJOINING NEIGHBOURS.
- 5 LARGE LAWN AREA PROVIDES SPACE FOR LANDSCAPING.
- 6 OPEN SPACES TO UNITS ARE ORIENTED TOWARDS NORTH PROVIDING FUTURE RESIDENCES WITH EXCELLENT SOLAR ACCESS AND NORTH LIGHT. OPEN SPACE ON SITE FOR EACH DWELLING IS DISTRIBUTED TO THE REAR AND THROUGHOUT THE SITE. THE DEVELOPMENT WILL PROVIDE SUFFICIENT PRIVATE OPEN SPACE FOR THE REASONABLE RECREATION, SERVICE AND STORAGE NEEDS OF RESIDENTS. THE PRIVATE OPEN SPACES FOR ALL DWELLINGS ARE LOCATED OFF LIVING AREAS.
- 7 LANDSCAPING LOCATION TO PROVIDE SOFT BUFFER AND SCREENING BETWEEN THE ADJOINING PROPERTIES.
- 8 ANY PROPOSED WALLS TO BE BUILT TO THE BOUNDARY ARE LOCATED AWAY FROM EXISTING HABITABLE ROOM WINDOWS AND OPEN SPACES.
- 9 PROPOSED CROSSOVER ALONG COOMA COURT TO PROVIDE ACCESS TO UNIT 2 AND 3.
- 10 FIRST FLOOR LEVEL OF DWELLINGS SETBACK FROM SIDE BOUNDARIES TO REDUCE OVERSHADOWING AND VISUAL BULK TO ADJOINING PROPERTIES. UPPER LEVEL FOOTPRINT IS OFFSET WITHIN THE GROUND FLOOR ENVELOPE TO REDUCE VISUAL BULK AND CREATE A MORE GRADUAL TRANSITION BETWEEN THE SINGLE STOREY AND TWO-STOREY BUILDING FORM.



PLANNING & DESIGN P/L  
31 Enfield Av Preston 3072 T:9018 1529  
E: Chinh@planninganddesign.com.au

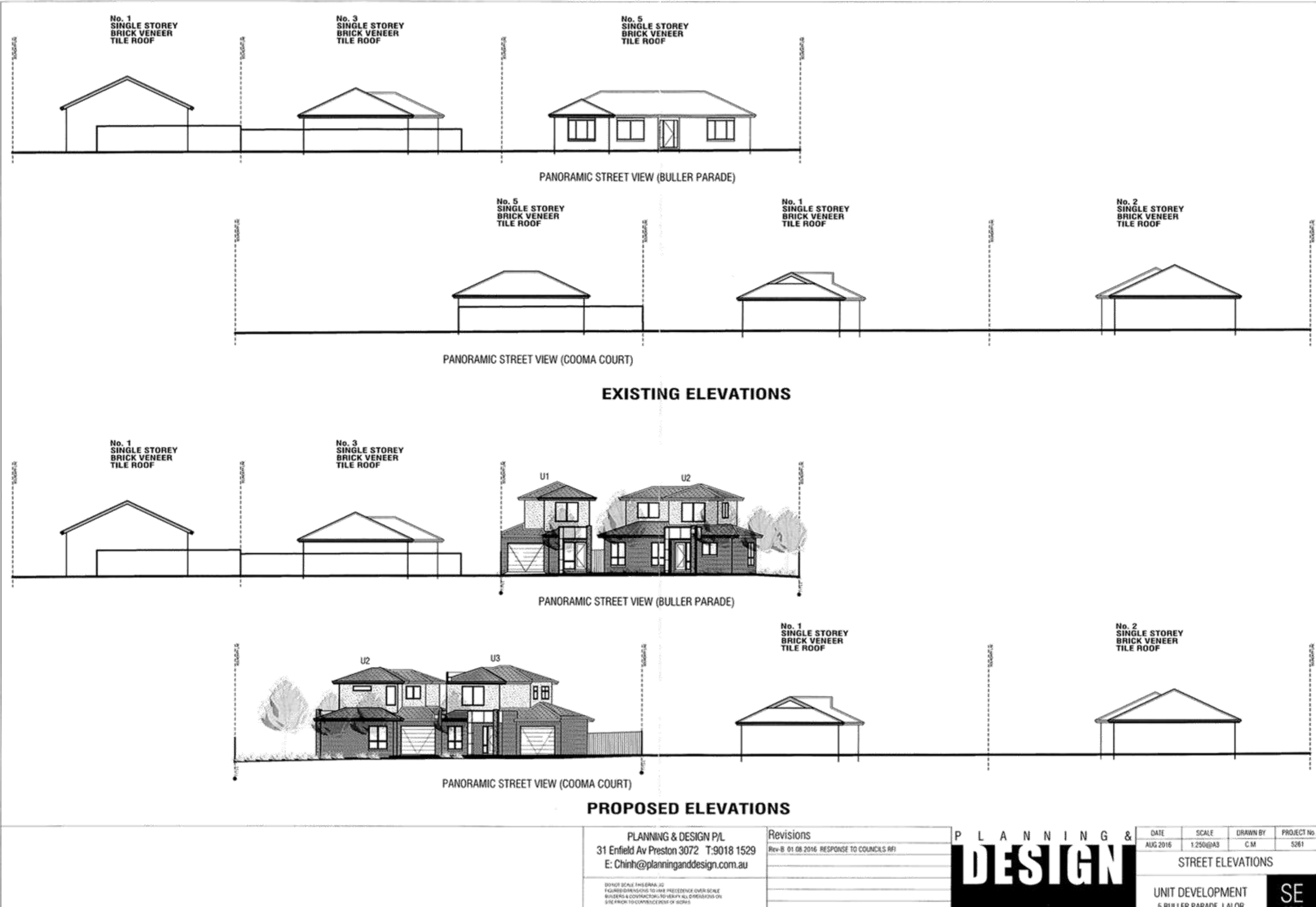
Revisions  
Rev-B: 01/08/2016 RESPONSE TO COUNCIL'S RFI

DO NOT SCALE THIS DRAWING  
MEASURE DIMENSIONS TO THE PRESENCE OF OUR SCALE  
BOLDERS & CONTRACTORS TO VERIFY ALL DIMENSIONS ON  
SITE PRIOR TO COMMENCEMENT OF WORKS

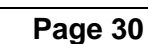


DATE	SCALE	DRAWN BY	PROJECT No.
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DESIGN RESPONSE			
UNIT DEVELOPMENT			DR

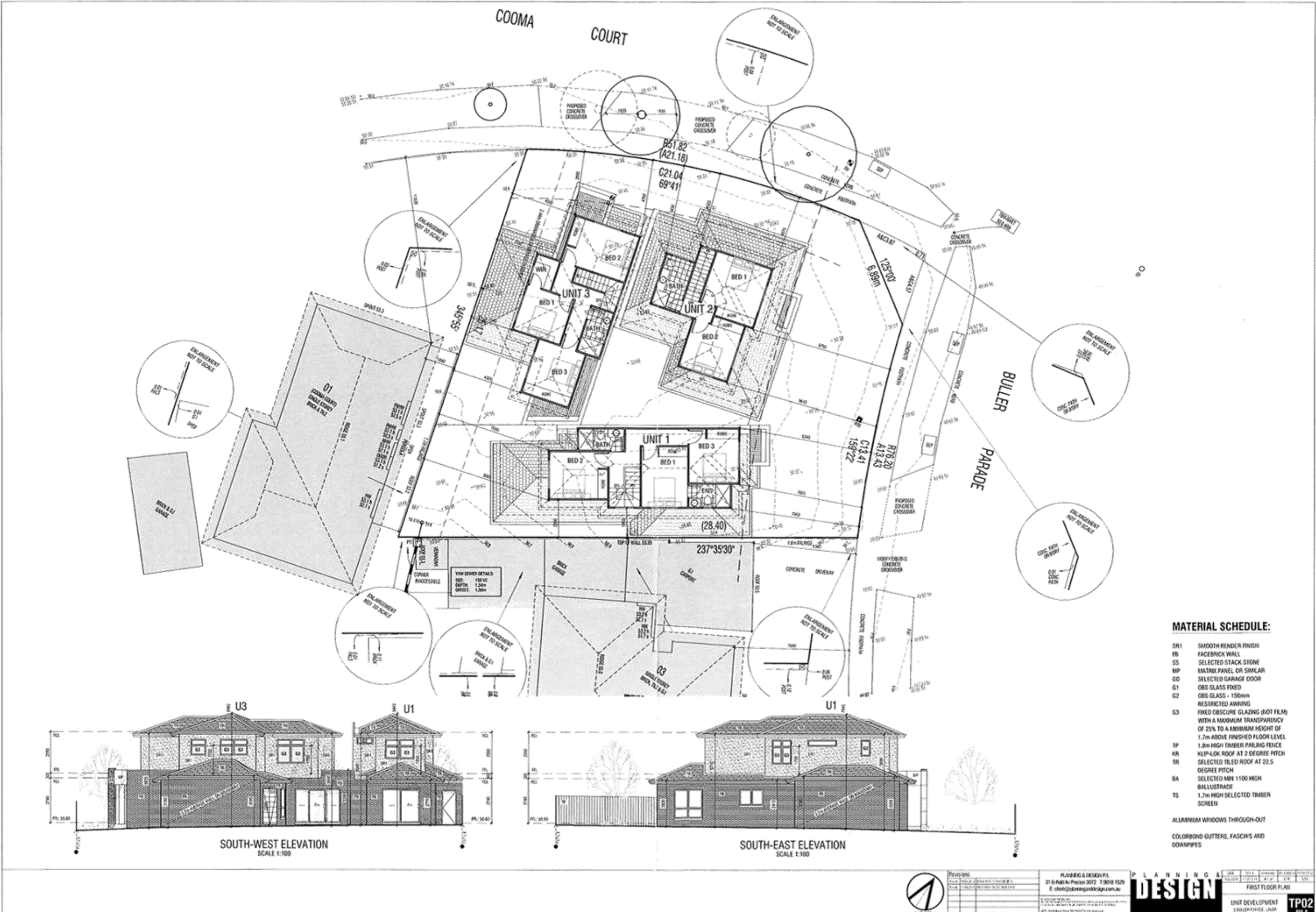




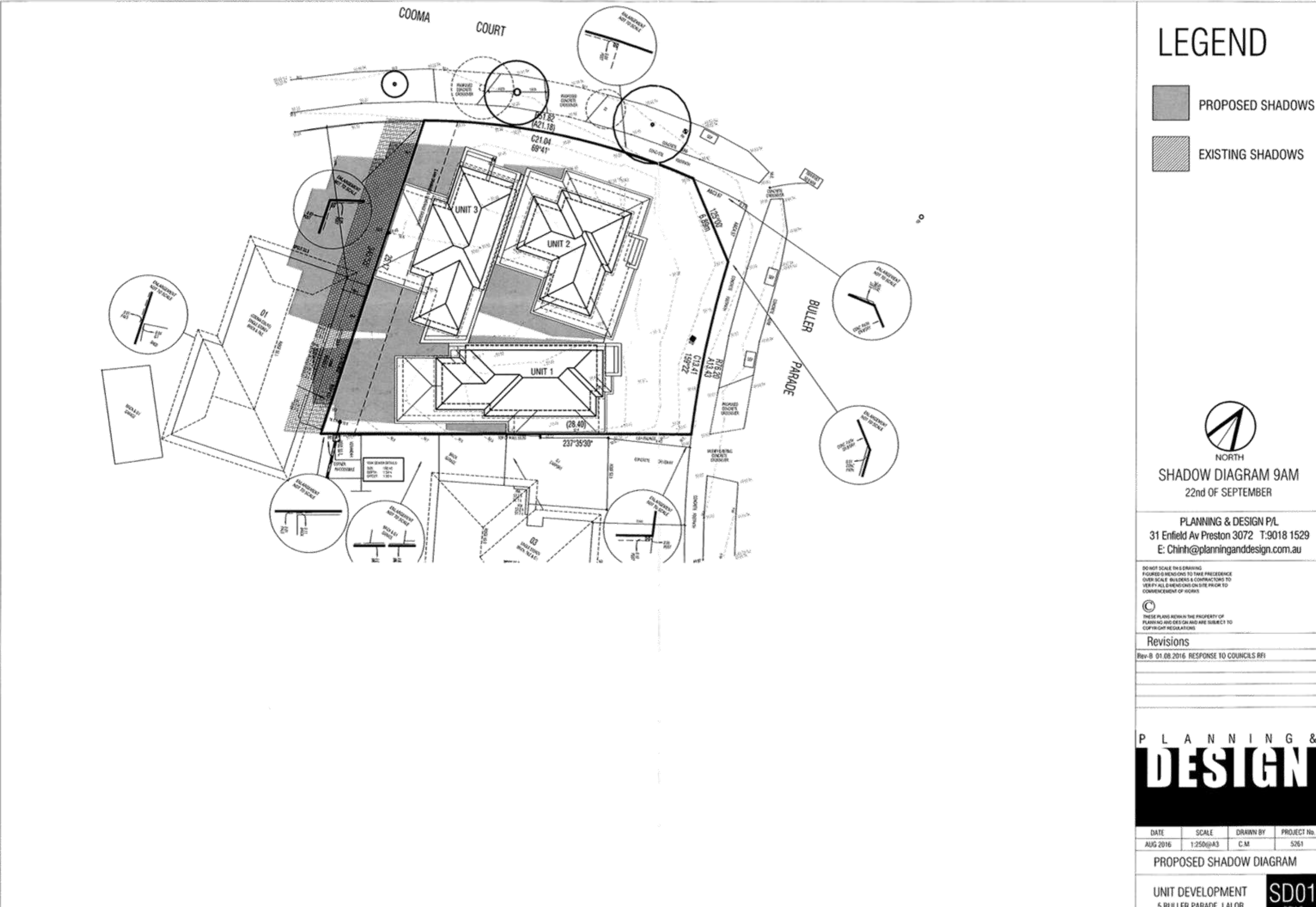




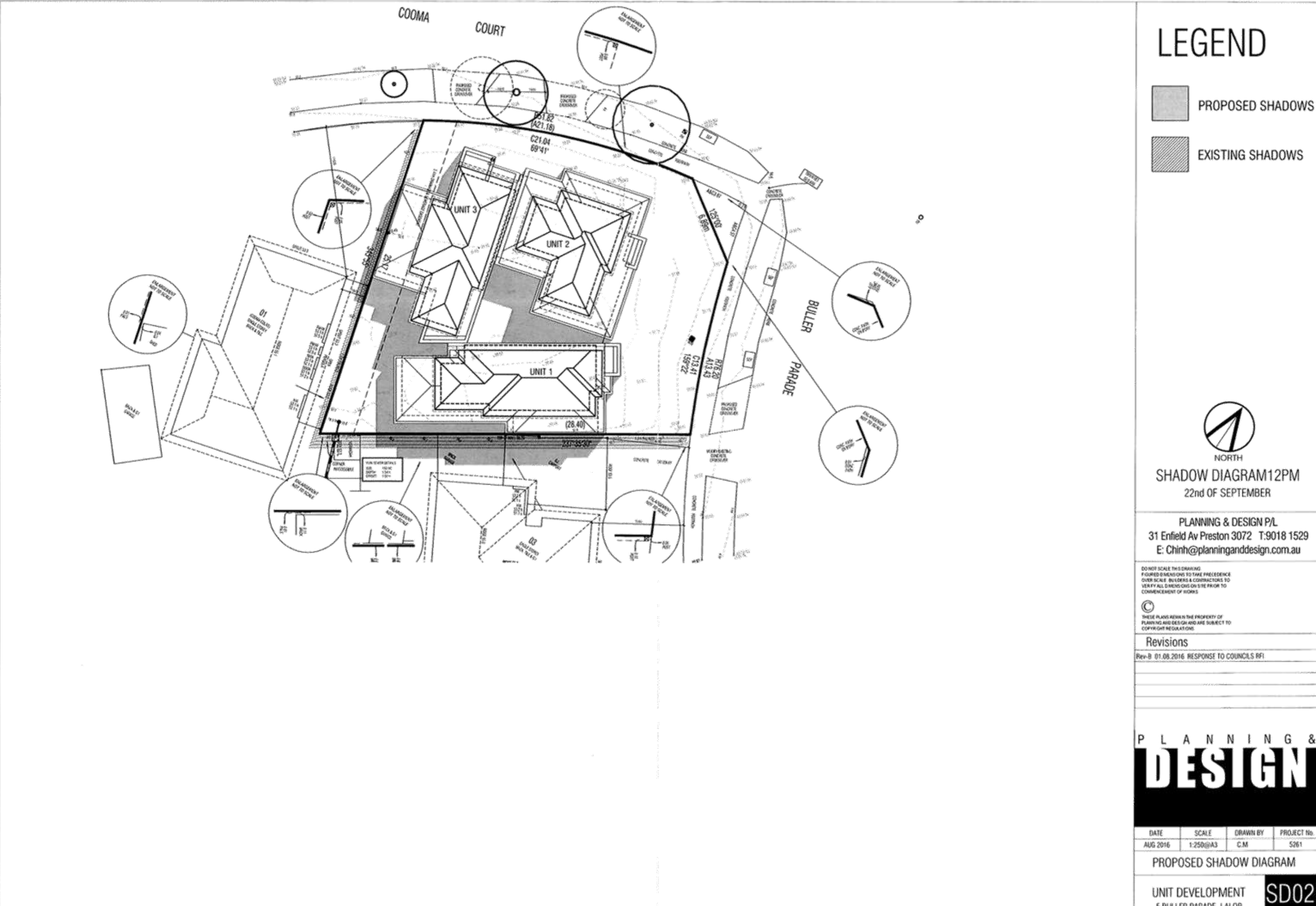




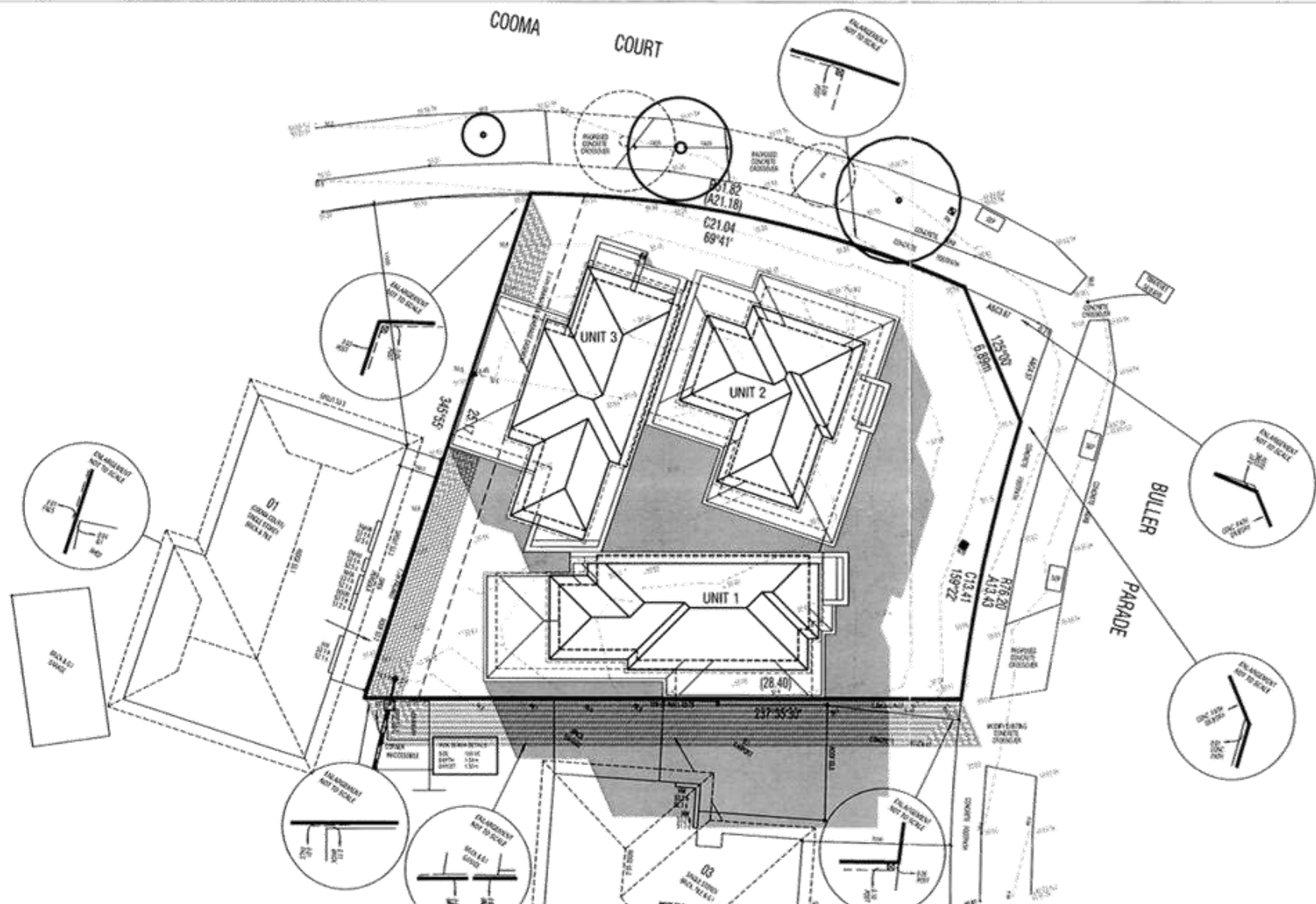












LEGEND

- PROPOSED SHADOWS
- EXISTING SHADOWS



SHADOW DIAGRAM 3PM  
22nd OF SEPTEMBER

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Revisions

Rev-B 01.08.2016 RESPONSE TO COUNCIL'S RF1

PLANNING &  
**DESIGN**

DATE	SCALE	DRAWN BY	PROJECT No.
AUG 2016	1:250@A3	C.M	5261

PROPOSED SHADOW DIAGRAM

UNIT DEVELOPMENT

**SD03**



**6.1.2 18 MONASH STREET, LALOR – CONSTRUCTION OF THREE DWELLINGS**

<b>File No:</b>	<b>716225</b>
<b>Attachments:</b>	<b>1    Locality Maps</b> <a href="#">↓</a> <b>2    Development Plans</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer</b>
<b>APPLICANT:</b>	<b>MS Designer Living</b>
<b>COUNCIL POLICY:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay (Schedule 3)</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>One</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application.</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct three double storey dwellings on the subject site.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to the proposed development potentially causing structural damage to their dwelling; and the stress caused by their proximity to a construction site.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme and meets all standards relating to site coverage, permeability and the provision of private open space. Conditions can be included to adequately address minor non-compliances in relation to overlooking.

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

On the basis of the Clause 55 assessment and the proposal's general compliance with both the State and Local Planning Policy Frameworks including the HDS, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The site is located on the north side of Monash Street, between Station and Gibson Streets, approximately 600m north-east to the Dalton Village Shopping Centre, and 800m south-west to Lalor train station. The land is a rhomboid shape with a street frontage width of 15.4m, a depth of 48.33m and an area of 730m<sup>2</sup>.



The site has been developed with a single storey, faux-brick dwelling setback approximately 8m from the street. Vehicle access to a garage at the rear is located adjacent to the eastern boundary. Private open space is located to the rear of the dwelling, and the front setback consists of lawn. There is no significant vegetation on the site.

The adjoining properties to the east and west contain single storey brick dwellings and are both located 1.2m from the common boundary. Features directly in front of the site include a street tree.

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

- Bus route along Childs Road (100m north).
- Bus route along High Street (400m west)
- Dalton Village Shopping Centre (600m north-east)
- Pacific Epping Shopping Centre (800m north)
- Lalor train station (800m south-west).
- Partridge Street Reserve (100m south-east).
- Lalor Reserve (700m south)

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 150 on Plan of Subdivision 072155. There are no restrictions on title that preclude Council from determining the application.

## PROPOSAL

It is proposed to demolish the existing dwelling on site and construct three double storey dwellings (see *Attachment 2*).

The dwellings are to feature open plan family and dining areas, with kitchen, laundry and powder rooms located at ground level. The three dwellings will each contain three bedrooms on the upper level (besides Dwelling 3, which features one bedroom at ground level). Dwellings 1 & 3 are to have a single car garage with a tandem parking space arrangement in the driveway, while a double car garage is proposed for Dwelling 2.

Dwelling 2 & 3 are to be accessed via the existing crossover by way of a shared driveway along the eastern boundary, while a new crossover and driveway along the western boundary is proposed to access Dwelling 1.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double storey	3	7.6m front (south), 0m side (west), 4.1m side (east)	40m <sup>2</sup>	One car parking space within a garage (6.0m x 3.5m) + tandem car space	7.8m (overall)
Dwelling No. 2	Double storey	3	2.3m side (west), 4.4m side (east)	40m <sup>2</sup>	Two car parking spaces within a garage (6.0m x 5.5m)	7.6m (overall)



	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 3	Double storey	3	0m side (west), 0m side (east), 2.6m rear (north)	59m <sup>2</sup>	One car parking space within a garage (6.0m x 3.5m) + tandem car space	7.3m (overall)

## PUBLIC NOTIFICATION

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

1. Structural damage to the neighbouring dwelling during construction
2. Adverse health impacts of construction

## HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (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 will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

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

## ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	<p>Developments within the area are generally from the 1960s &amp; 70s and typically detached, double fronted single &amp; double storey houses constructed of brick. Garages, where provided, are generally located at the rear of the property. Roofing is generally constructed of concrete tiles in varying colours.</p> <p>As the housing stock ages, the preferred emerging character will be one of newer dwellings that will incorporate medium density multi-unit developments. The proposed development will present as double</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>storey to the street with a well-articulated upper level and varying materials that respond to those found within the area.</p> <p>Overall, the design of the dwellings - which are to be constructed of brick at ground level and a mix of render and timber cladding for the first floor finishes – offer a contemporary take on the existing character of the neighbourhood.</p>
B2	Residential Policy	✓	✓	<p>The subject site is located within the Neighbourhood Interface Change Area within the HDS. This Change Area encourages a range of low to medium building heights that can be integrated with existing housing stock. Moderate front setbacks are encouraged to provide sufficient space for landscaping and a medium canopy tree. Medium site coverage is allowed to facilitate a balance between increased densities and landscape opportunities. Provision of attractive landscaping to complement medium density built form is encouraged.</p> <p>The proposed three dwelling development achieves the key design principles for the Neighbourhood Interface Change Area. The double storey nature of the dwellings is consistent with the existing single and double storey housing stock of the area, and sufficient separation has been provided between the dwellings at the upper floors. The proposed setbacks from title boundaries will allow for landscaping to be provided throughout the development, including a medium - large canopy tree within the front setback of the property and within the private open space areas of Dwelling Nos. 2 &amp; 3.</p>
B3	Dwelling Diversity	✓	✓	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	The proposed front setback distance is equal to the setback distance of the adjoining dwellings.
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	Cond 3(f) & 4	There is opportunity within the frontage and within private open space areas for meaningful landscaping. A condition of any approval granted will require a detailed landscape plan.
B14	Access	✓	✓	
B15	Parking location	✓	Cond 3(a)	Dwelling 2 living room windows facing the shared internal accessway currently do not comply with this standard. A condition of permit will require compliance which will be easily achieved.
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(b)	The upper floor east-facing windows of Dwellings No. 1 & 2 appear to have some overlooking opportunity. Therefore, provision of diagrams representing full compliance with Clause 55.04-6 must be provided, or appropriate obscuring provided, to the satisfaction of the Responsible Authority.
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	✓	Cond 3(g)	A full colour and materials schedule has not been submitted with the application. This will be included as a condition of any approval granted.
B32	Front fences	N/A	N/A	None proposed.
B33	Common property	✓	✓	
B34	Site services	✓	✓	

## CAR PARKING

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

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

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. Dwelling Nos. 1 and 2 comply with these requirements.

The proposed single car garage and tandem parking space for Dwelling No. 3 are 6m x 3.5m and 4.9m x 2.6m respectively. Turning templates have been applied and convenient and safe turning movements appear difficult to achieve, and are not supported. Therefore, a condition will be included on any permit issued which will require:

- Dwelling 2: Widening of the accessway to the double garage to allow vehicles adequate turning space to leave the site in a forward facing direction, to the satisfaction of the Responsible Authority;
- Dwelling 3: The deletion of bedroom 3 and the tandem car space, and the provision of adequate turning space for vehicles parked in the single car garage to leave the site in a forward facing direction, to the satisfaction of the Responsible Authority.



**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. Structural damage to the neighbouring dwelling during construction**

The objector has raised concerns that the demolition, earthworks and construction of the proposed development will cause damage to their dwelling. This is not a relevant planning consideration and is a matter dealt with under the Building Act through Protection Works notices.

**2. Adverse health impacts of construction**

The objector has raised concerns about the anticipated detrimental health effects that may be caused by the construction of the development, namely stress and anxiety. While the objector's concerns are understood, the type of works proposed are considered to be normal and appropriate for a residential area and are not a relevant planning consideration.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks including the Housing Diversity Strategy. The proposal demonstrates a satisfactory level of compliance subject to conditions. It is considered that the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application is recommended.

**RECOMMENDATION**

**THAT Council resolve to approve Planning Application No. 716225 and issue a Notice of Decision to Grant a Permit for construction of three dwellings at 18 Monash Street, Lalor in accordance with the endorsed plans and subject to the following conditions:**

- 1. Prior to the endorsement of the plans required under Condition No. 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 \$1000 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) Modifications to dwelling 2 to ensure that the east facing habitable room windows comply with standard B15 of Clause 55.03-10;
  - (b) Obscure glazing or screening in accordance with standard B22 of Clause 55.04-6 to the east facing windows of all habitable rooms on the first floor of Dwellings 1 & 2;
  - (c) Deletion of bedroom 3 to Dwelling 3;
  - (d) Deletion of the tandem car parking space to Dwelling 3;
  - (e) Turning circles to the garages associated with Dwellings 2 & 3 to allow vehicles adequate turning space to leave the site in a forward facing direction, to the satisfaction of the Responsible Authority;
  - (f) A landscape plan in accordance with Condition No. 4.
  - (g) A schedule (including samples) of all external materials and colours for all walls, roofs, and doors including hard surface areas to be used for the construction of the proposed dwellings/buildings, including access ways. Any proposed access way must be constructed from coloured concrete, bricks, pavers and not from plain concrete.
4. A Before the development and/or use commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
  - a) Details of landscaping for the front setback including a schedule of all proposed trees, shrubs and ground covers;
  - b) The provision of two (2) canopy trees with a mature height of 5-7 metres, planted at a semi-advanced state within the front setback, and the provision of a canopy tree to the private open space of each dwelling;
  - c) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - d) Consistency with the City of Whittlesea Landscape Guidelines for Residential Development.
5. Prior to commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must include details in relation to:
  - (a) Vehicle access to the site.
  - (b) Parking of construction vehicles.
  - (c) Storage of materials/goods.
6. Prior to commencement of any works, the permit holder must contact Council's Infrastructure Protection Unit on 9401 5532 to arrange a site inspection to ensure all requirements of the Construction Management Plan have been completed to



- the satisfaction of the Responsible Authority.
7. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
  8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  9. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
  10. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
  11. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
  12. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design, and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
  13. 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.
  14. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
  15. Before the use of the development commences, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
  16. Prior to occupation of any building hereby approved, the permit holder must 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 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 must 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 in writing 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. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
22. This permit will expire if:
  - (a) the approved development does not start within two years of the date of this permit; or
  - (b) the approved development is not completed within four years of the date of this permit.

Before the permit expires or within three months afterwards, the owner or the occupier of the land to which it applies may ask the Responsible Authority for an extension of time. The Responsible Authority may extend the time within which the development is to be started or completed.

**Notes:**

**Advanced Trees**

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

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

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



**Easements**

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

**Street Numbering Note**

Please note that property addresses and numbering is allocated by Council. This is usually formalised at the time of the subdivision, however it is Council's intention to number the proposed dwellings as follows:

- Dwelling 1 – 1/18 Monash Street, Lalor
- Dwelling 2 – 2/18 Monash Street, Lalor
- Dwelling 3 – 3/18 Monash Street, Lalor







# PLANNING APPLICATION NO. 716225



**Subject Land**



**Medium Density Housing**



**Objector**

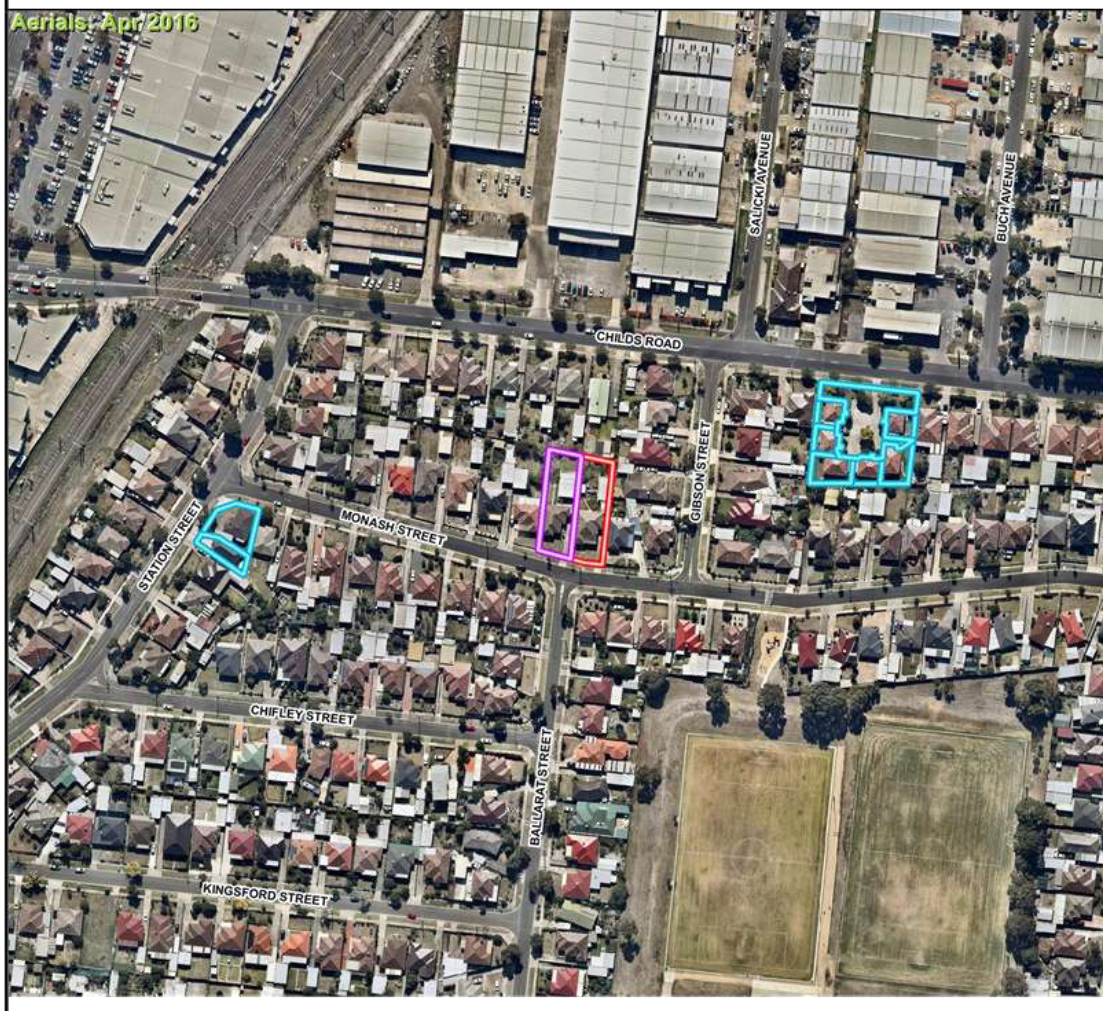


**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**



## PLANNING APPLICATION NO. 716225



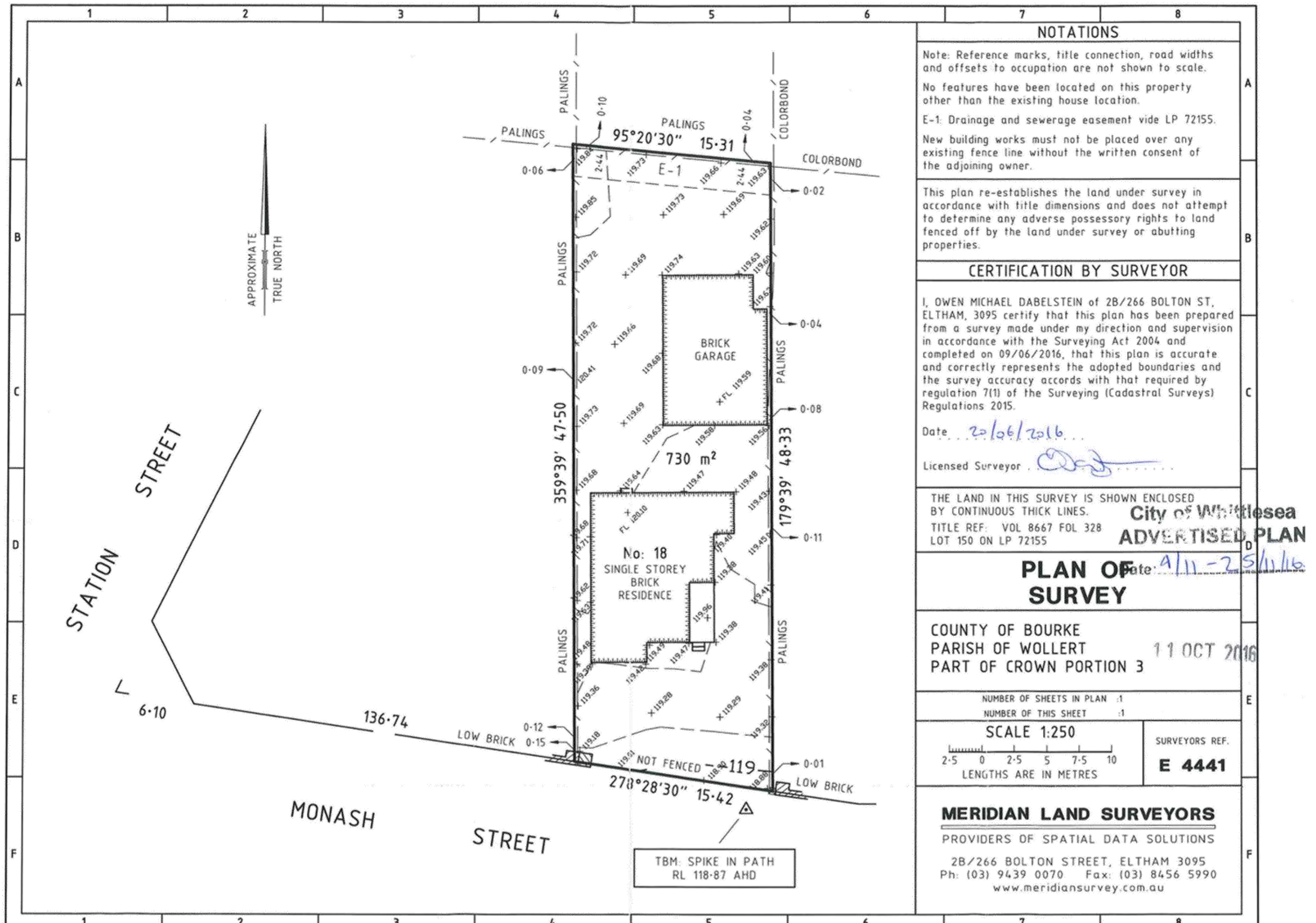
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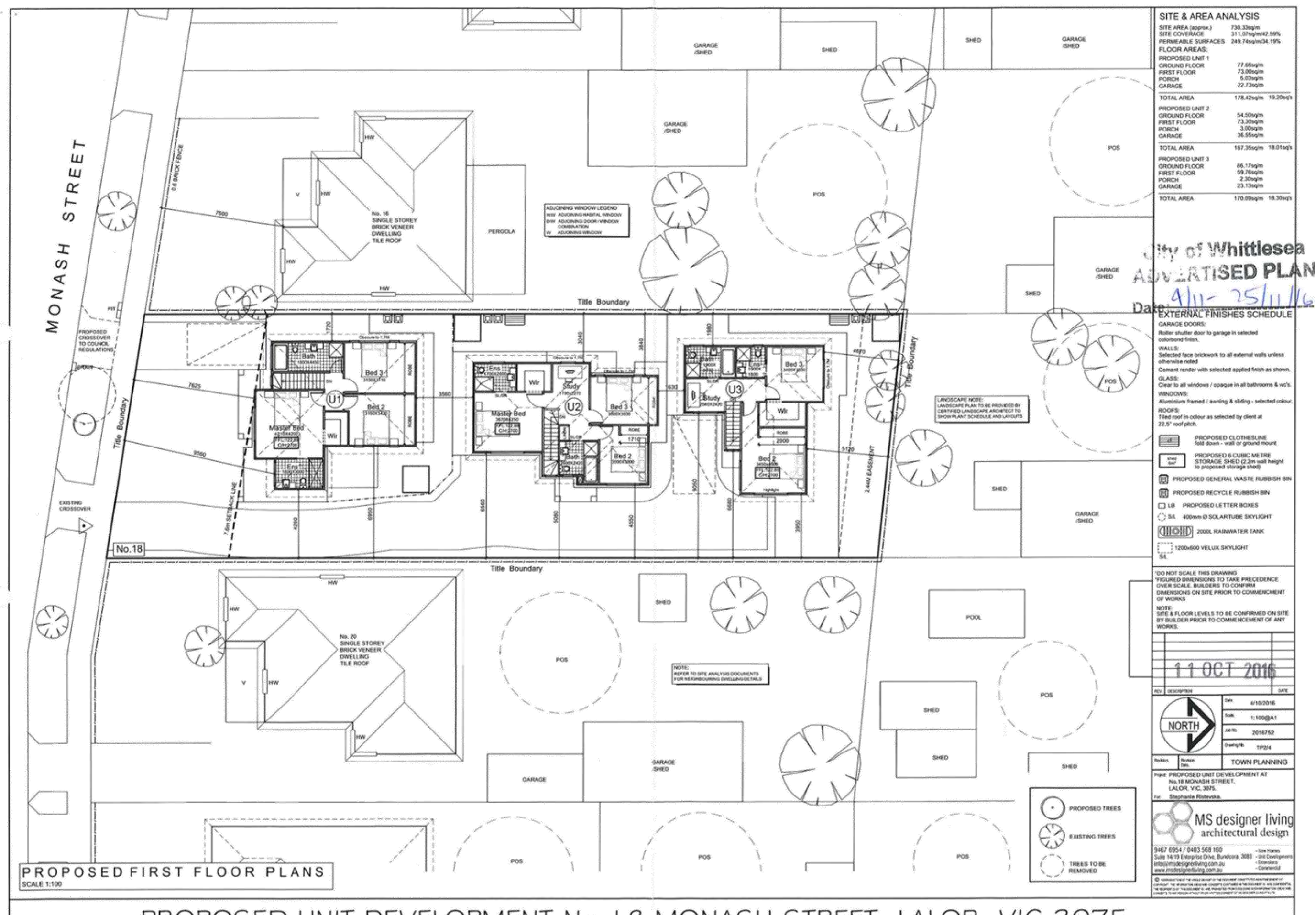
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

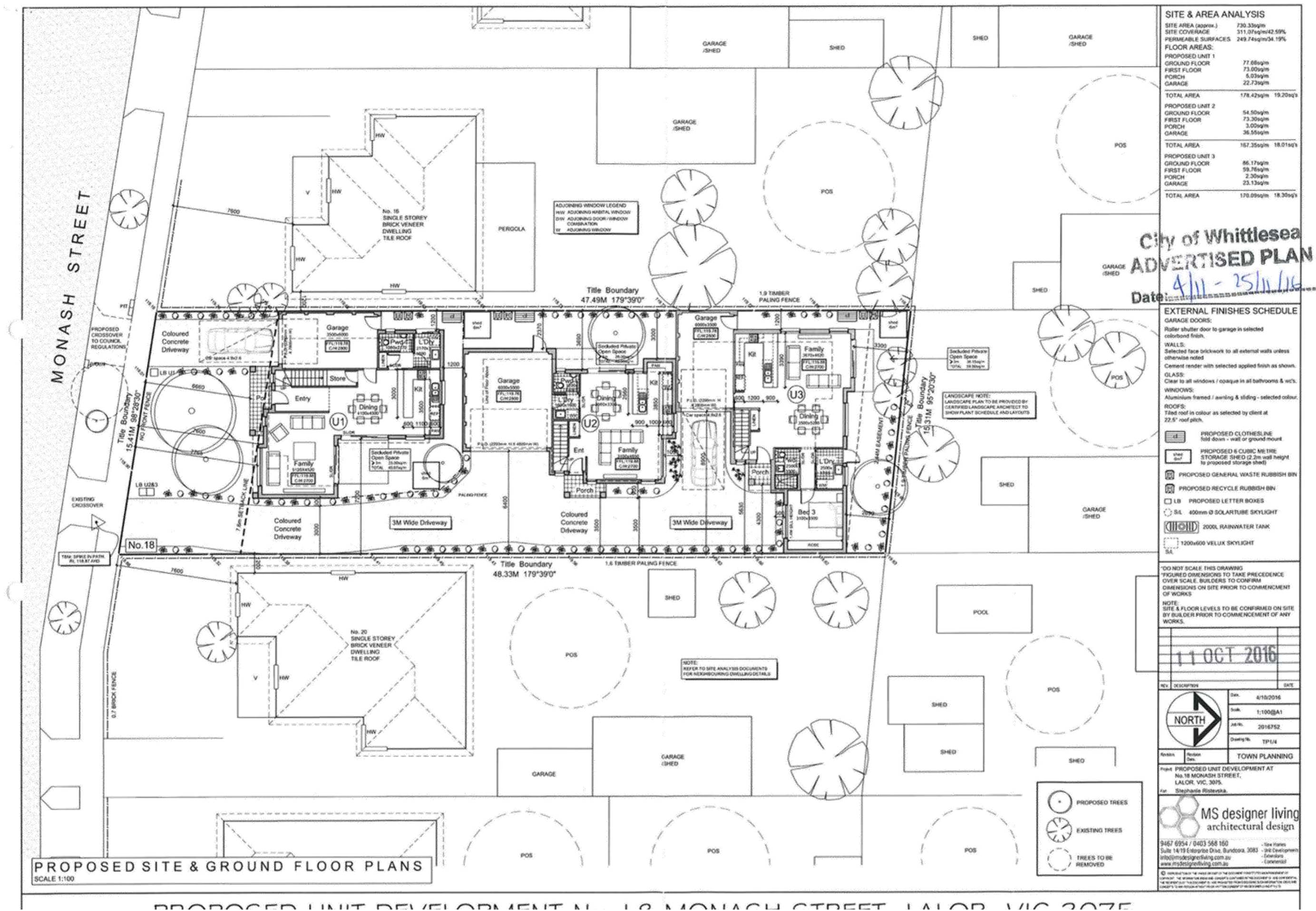






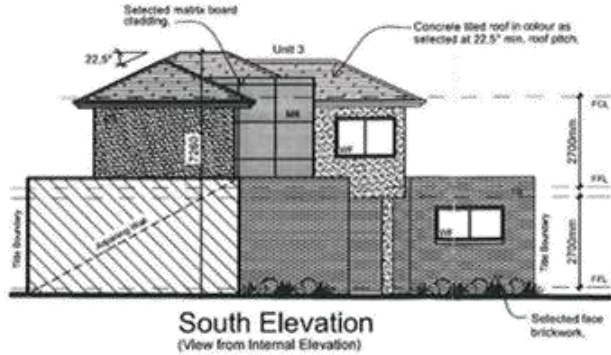
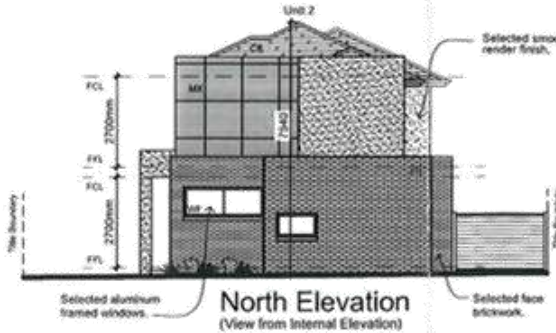
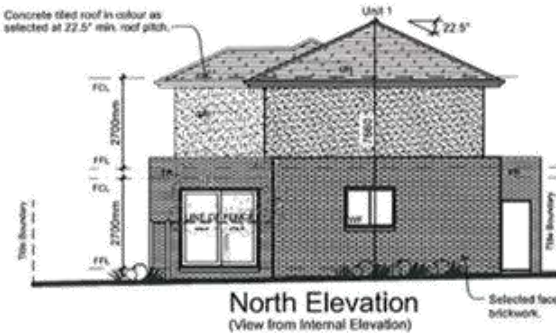
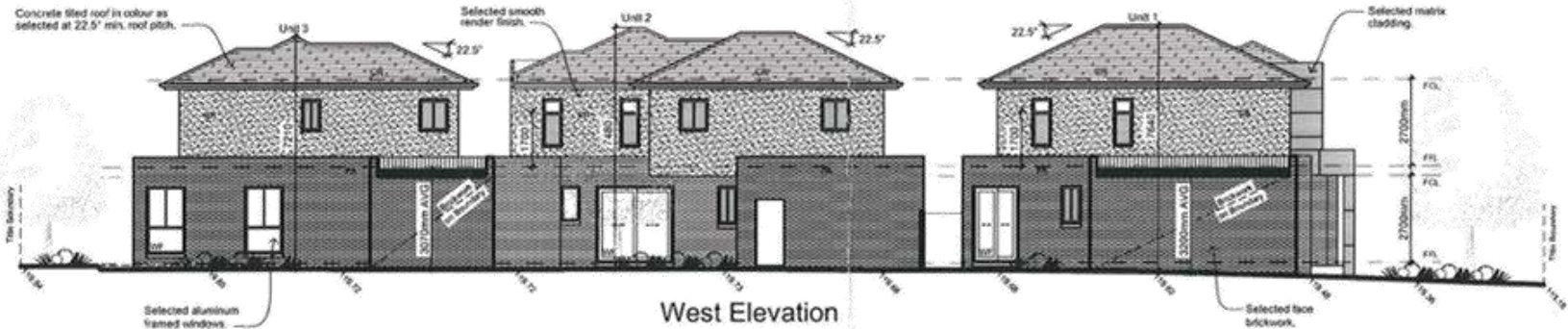








EXTERNAL COLOUR AND MATERIAL SCHEDULE	
SR	SMOOTH RENDER FINISH
WF	ALL ALUMINIUM FRAMED WINDOWS
CG	ALL COLORBOND GUTTERS
CF	ALL COLORBOND FASCIA
CR	ROOF TILES AT 22.5° PITCH
GD	ALL GARAGE DOORS
FB	FACE BRICKWORK
CONC	CONCRETE PAVED DRIVEWAY
MX	MATRIX CLADDING



City of Whittlesea  
ADVERTISED PLAN  
Date: 9/11-25/11/16

DO NOT SCALE THIS DRAWING  
FIGURED DIMENSIONS TO TAKE PRECEDENCE  
OVER SCALE. BUILDERS TO CONFIRM  
DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
OF WORKS  
NOTE:  
SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE  
BY BUILDER PRIOR TO COMMENCEMENT OF ANY  
WORKS.

11 OCT 2016

REV	DESCRIPTION	DATE
1	Issue for Tender	4/10/2016
2	Revised	1:100@A1
3	Revised	2016/752
4	Revised	TP3/4

Project: PROPOSED UNIT DEVELOPMENT AT  
No. 18 MONASH STREET,  
LALOR, VIC. 3075.  
For: Stephanie Ristevska.

MS designer living  
architectural design

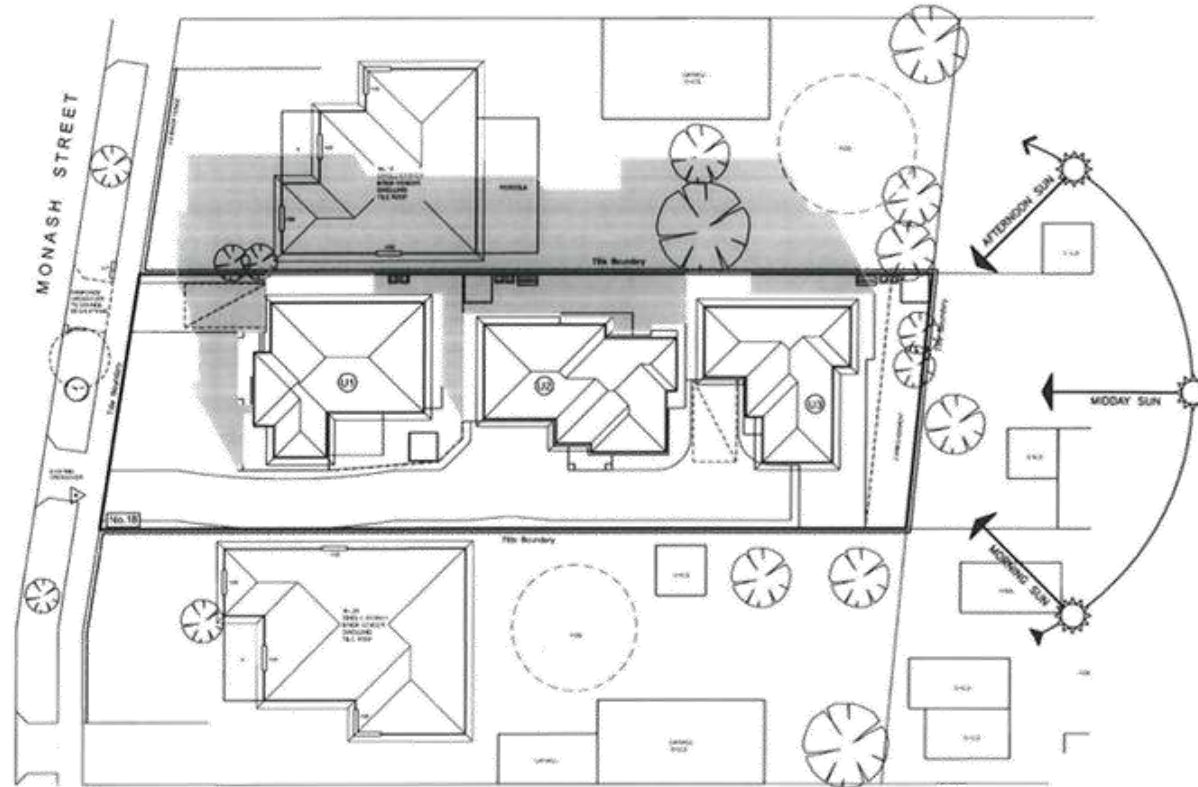
9467 6954 / 0403 568 160  
Suite 14/19 Enterprise Drive, Bundoora, 3083  
info@msdesignerliving.com.au  
www.msdesignerliving.com.au

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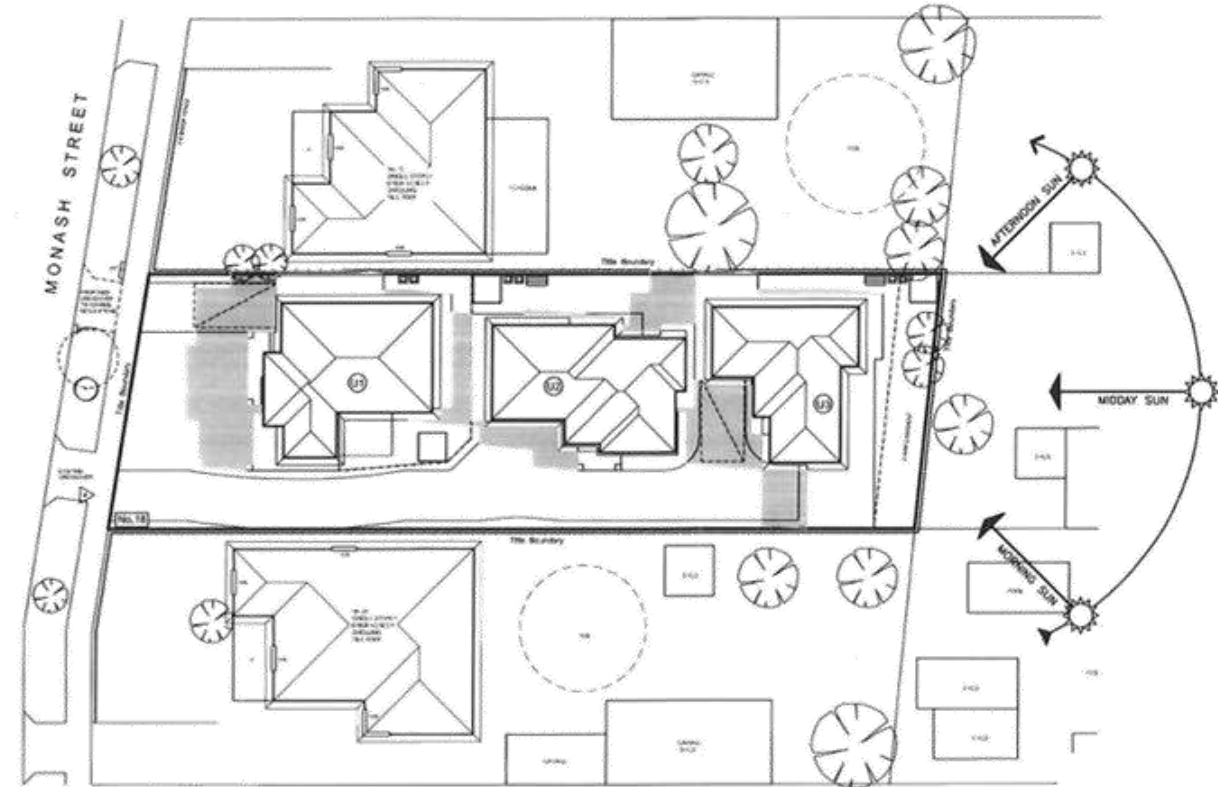
PROPOSED ELEVATIONS  
SCALE 1:100

PROPOSED UNIT DEVELOPMENT AT NO. 18 MONASH STREET, LALOR, VIC. 3075

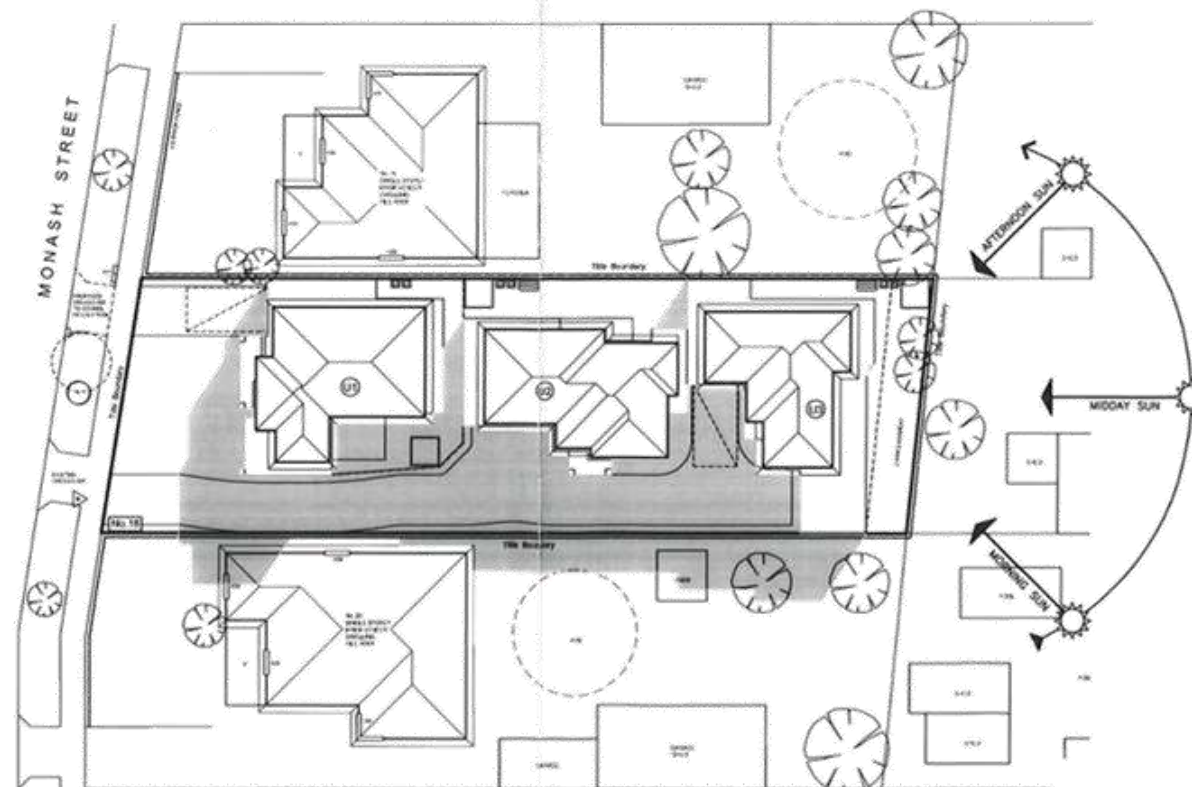




**SHADOW DIAGRAM 9:00 AM**  
MARCH 21 – SEPTEMBER 23 (EQUINOX)  
Melbourne Standard Time (Latitude 38.0° South)



**SHADOW DIAGRAM 12:00 PM**  
MARCH 21 – SEPTEMBER 23 (EQUINOX)  
Melbourne Standard Time (Latitude 38.0° South)



**SHADOW DIAGRAM 3:00 PM**  
MARCH 21 – SEPTEMBER 23 (EQUINOX)  
Melbourne Standard Time (Latitude 38.0° South)

**PROPOSED SHADOW DIAGRAMS**  
SCALE 1:200

PROPOSED SHADOWS

City of Whittlesea  
**ADVERTISED PLAN**  
Date: 4/11/25/11/16

11 OCT 2016

		Date:	4/10/2016
		Scale:	1:200@A1
		Job No:	2016752
		Drawing No:	TP4/6
Revision	Revision	TOWN PLANNING	
Project: PROPOSED UNIT DEVELOPMENT AT 18 MONASH STREET, LALOR, VIC, 3075. For: Stephanie Ristevska.			
MS designer living architectural design <a href="http://www.modesignliving.com.au">www.modesignliving.com.au</a> Unit Developments - Extensions - New Homes - Commercial			
<small>© All rights reserved. The design of the development is the property of MS designer living architectural design. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without prior written permission from MS designer living architectural design.</small>			

PROPOSED UNIT DEVELOPMENT AT 18 MONASH STREET LALOR VIC 3075







**6.1.3 52 MOUNT VIEW ROAD, THOMASTOWN - CONSTRUCTION OF FOUR DWELLINGS**

<b>File No:</b>	<b>716003</b>
<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">↓</a> <b>2</b> <b>Development Plans</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer Established Areas Planning</b>
<b>APPLICANT:</b>	<b>DC Building Design Studio</b>
<b>COUNCIL POLICY:</b>	<b>21.09 Housing</b>
<b>ZONING:</b>	<b>General Residential</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan (Schedule 3)</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>One</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 the existing dwelling and construct four new dwellings on the subject site (three double storey and one single storey).

Advertising of the application resulted in one objection being received. The grounds of objection relate to the application being an overdevelopment, as well as traffic congestion and lack of car parking, including subsequent safety concerns.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme and meets all standards relating to site coverage, permeability and the provision of private open space. Conditions can be included to adequately address minor non-compliances in relation to landscaping, overlooking and design detail.

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

On the basis of the Clause 55 assessment and the proposal's general compliance with both the State and Local Planning Policy Frameworks including the HDS, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The subject site is located on the east side of Mount View Road, Thomastown. The site is regular in shape and has an area of 715m<sup>2</sup>, with a 16.76m frontage to Mount View Road and a depth of 42.67m



The site currently contains a single storey weatherboard dwelling with a separate garage which is located in the south east corner of the site. The land is relatively flat and devoid of any significant vegetation. A large street tree is located in the nature strip immediately abutting the site. Access to the site is provided by a cross over located in the south west corner of the site accessible from Mount View Road.

The abutting property to the north is single storey brick dwelling, and to the south is a double storey brick dwelling.

Surrounding land is characterised by predominantly single storey dwellings on allotments ranging from 600-750m<sup>2</sup>. Dwellings are generally constructed from brick or weatherboard in 1950's and 1960's styles, with some more recent developments also present. Front fences are a common feature and are generally low in height and constructed from a range of materials including brick, metal, timber or steel. Multi-unit developments exist throughout the area, most notably on Mount View, Westall and Travers Roads, Thomastown.

The subject site is located within close proximity to the following services and community facilities:

- Thomastown Shopping Centre (450m south-east)
- Lalor Shopping Centre (430m east)
- St Lukes Primary School (700m north-east)
- Thomastown Railway Station (810m south-east)
- Bus Service along High Street (450m east)
- Main Street Recreation Reserve (300m south-west)

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 317 on Plan of Subdivision 013050. Covenant 2414384 applies to the land and relates to the removal of any earth, clay, stone, gravel or soil from the site for purposes other than building. There are no restrictions on title that preclude Council from determining the application.

## PROPOSAL

It is proposed to demolish the existing dwelling and construct four dwellings including three double storey and one single storey (*see Attachment 2*).

Dwelling Nos. 1, 2 and 3 are similar with the ground level comprising an open plan kitchen/meals/lounge area and powder room and the upper floor containing bedrooms and a bathroom. Dwelling No. 1 contains three bedrooms (one with ensuite) and Dwelling Nos. 2 and 3 each contain two bedrooms. The remaining Dwelling No. 4 is single storey and is proposed to contain an open plan kitchen/meals/lounge area, a laundry and bathroom. Dwellings Nos. 2 - 4 will utilise the existing crossover and driveway located along the southern boundary and Dwelling No. 1 will be accessed by a new crossover and driveway located along the northern property boundary.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double storey	3	6.4m front (west), 0m side (north), 3.5m side (south)	72m <sup>2</sup> (including 25m <sup>2</sup> secluded private open space)	Single garage (6.0m x 3.5m) + tandem car space	7.0m (overall)
Dwelling No. 2	Double storey	2	5.5m side (north), 3.5m side (south)	42m <sup>2</sup> (all secluded private open space)	Single carport (6.0m x 3.5m)	6.9m (overall)



	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 3	Double storey	2	5.6m side (north), 3.5m side (south)	42m <sup>2</sup> (all secluded private open space)	Single carport (6.0m x 3.5m)	6.9m (overall)
Dwelling No. 4	Single storey	2	1.2m side (north), 3.5m side (south), 1.8m rear (east)	46m <sup>2</sup> (including 25m <sup>2</sup> secluded private open space)	Single carport (6.0m x 3.5m)	4.9m (overall)

## PUBLIC NOTIFICATION

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

1. The application is an overdevelopment
2. Traffic congestion, lack of car parking and subsequent safety concerns

## HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (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 will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

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

## ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	Developments within the area are generally from the 1960s and typically detached, double fronted single storey houses in brick or weatherboard cladding. Garages, where provided, are generally located at the rear of the property.  As the housing stock ages, the preferred emerging character will be one of newer dwellings that will incorporate medium



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>density multi-unit developments. The proposed development will present as double storey to the street with recessed upper levels in part and varying materials that respond to those found within the area.</p> <p>Overall, the dwellings present a contemporary design in a neighbourhood which currently contains some examples of similar multi-dwelling developments and they have had appropriate regard to both the existing and emerging new character.</p>
B2	Residential Policy	✓	✓	<p>The proposal provides an appropriate response to both the State and Local Planning Policy Frameworks through proposing a development that offers diversity to the existing housing stock.</p> <p>The subject site is located within the Neighbourhood Interface Change Area within the HDS. This Change Area encourages a range of medium building heights that can be integrated with existing housing stock. Moderate front setbacks are encouraged to allow activation of the street while also allowing for sufficient landscaping. Medium site coverage is allowed to facilitate a balance between increased densities and landscape opportunities. Provision of attractive landscaping to complement medium density built form is encouraged.</p> <p>Generally, the proposed four dwelling development achieves the key design principles for the Neighbourhood Interface Change Area. The combination of double and single storey dwellings is consistent with the emerging medium density character of the area, and recession and separation has been provided at the upper floors to minimise the bulk and mass of the built form. The proposed setbacks from title boundaries will allow for reasonable landscaping to be provided throughout the development, including a large canopy tree within the front setback of the property and smaller trees within the private open space areas of each dwelling.</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	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B6	Street setback	✓	x	The proposed setback of 6.45m is less than the required setback of 7.55m; however, it is considered that within the context of the street and surrounding area there are examples of infill development with reduced front setbacks, whilst the Neighbourhood Interface Change Area as nominated in the HDS encourages further development which may necessitate more efficient use of sites including through reducing front setbacks. The planting of a large canopy tree can still be accommodated to provide an attractive streetscape appearance and the proposed setback is considered generally consistent with those found in the area.
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	✓ Condition 3 (b) & 4	A concept landscape plan was submitted with the application showing higher level locations for planting as well as paving or similar ground treatments. A condition of any approval granted will require a detailed landscape plan.
B14	Access	✓	✓	
B15	Parking location	✓	x	This standard recommends that shared accessways should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres high. In this instance, there are windows to habitable rooms along the length of the accessway that do not meet the setback requirements and are only 500mm from the accessway, however the applicant has proposed double glazing to these windows, some of which have raised sill heights to minimise any amenity impacts to future occupiers. This is considered to be an acceptable outcome.



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	Condition 3 (a)	A full colour and materials schedule has not been submitted with the application. This will be included as a condition of any approval granted.
B32	Front fences	N/A	N/A	None proposed.
B33	Common property	✓	✓	
B34	Site services	✓	✓	

### CAR PARKING

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



Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
1	3	2	2	Y
2	2	1	1	Y
3	2	1	1	Y
4	2	1	1	Y

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

### DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

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

### COMMENTS ON GROUNDS OF OBJECTION

#### 1. The application is an overdevelopment

Council's Housing Diversity Strategy nominates the subject site as located within the Neighbourhood Interface Change Area where medium density housing development is encouraged. The proposal achieves a satisfactory level of compliance with Clause 55, which contains the various considerations that indicate whether a site is being overdeveloped or not and in this case, it is considered that the proposal is not an overdevelopment of the site.

#### 2. Traffic congestion, lack of car parking and subsequent safety concerns

The proposal is not expected to generate a significant increase in the number of vehicles along Mount View Road and therefore will not cause an adverse impact on the volume of traffic within the surrounding road network. A development of this nature will typically generate between 17 and 26 vehicle movements per day which is only an increase of between 8 and 17 when taking into account the existing dwelling on site. The existing street can comfortably accommodate this increase in vehicle movements per day.

### DECLARATIONS OF CONFLICTS OF INTEREST

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

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

### CONCLUSION

The application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks including the Housing Diversity Strategy. The proposal demonstrates a satisfactory level of compliance subject to conditions. It is considered that



the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application is recommended.

**RECOMMENDATION**

**THAT Council resolve to approve Planning Application No. 716003 and issue a Notice of Decision to Grant a Permit for construction of four dwellings at 52 Mount View Road, Thomastown 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 \$800.00 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) A full colour and materials schedule;**
  - b) A landscape plan in accordance with Condition No. 4.**
- 4. Before the development commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in accordance with the landscape concept plan and must show:**
  - a) Details of landscaping for the front setback and other garden beds including a schedule of all proposed trees, shrubs and ground covers;**
  - b) The provision of (5) canopy trees within the front setback and open space areas of the dwellings planted at a semi-advanced state;**
  - c) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;**
  - d) Consistency with the City of Whittlesea Landscape Guidelines (Residential Development)**
- 5. Prior to commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must include details in relation to:**



- (a) Vehicle access to the site.
  - (b) Parking of construction vehicles.
  - (c) Storage of materials/goods.
6. Prior to commencement of any works, the permit holder must contact Council's Infrastructure Protection Unit on 9401 5532 to arrange a site inspection to ensure all requirements of the Construction Management Plan have been completed to the satisfaction of the Responsible Authority.
7. The development allowed by this Permit and shown on the plans and / or schedules endorsed to accompany this Permit must not be amended for any reason without the prior written consent of the Responsible Authority.
8. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
9. 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.
10. 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.
11. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
12. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
13. 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.
14. 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.
15. 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.



16. 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.
17. 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.
18. 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.
19. 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.
20. 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.
21. 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 overspills onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.
22. 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.
23. 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.

**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.



**Property Numbering**

Please note that property addresses and numbering is allocated by Council. This is usually formalised at the time of the subdivision, however it is Council's intention to number the proposed allotments/apartments/dwellings as follows:

Dwelling 1	1/52 Mount View Road, Thomastown
Dwelling 2	2/52 Mount View Road, Thomastown
Dwelling 3	3/52 Mount View Road, Thomastown
Dwelling 4	4/52 Mount View Road, Thomastown

Please check with Council's Subdivision Department to verify all street numberings.

**Easements**

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











# PLANNING APPLICATION NO. 716003



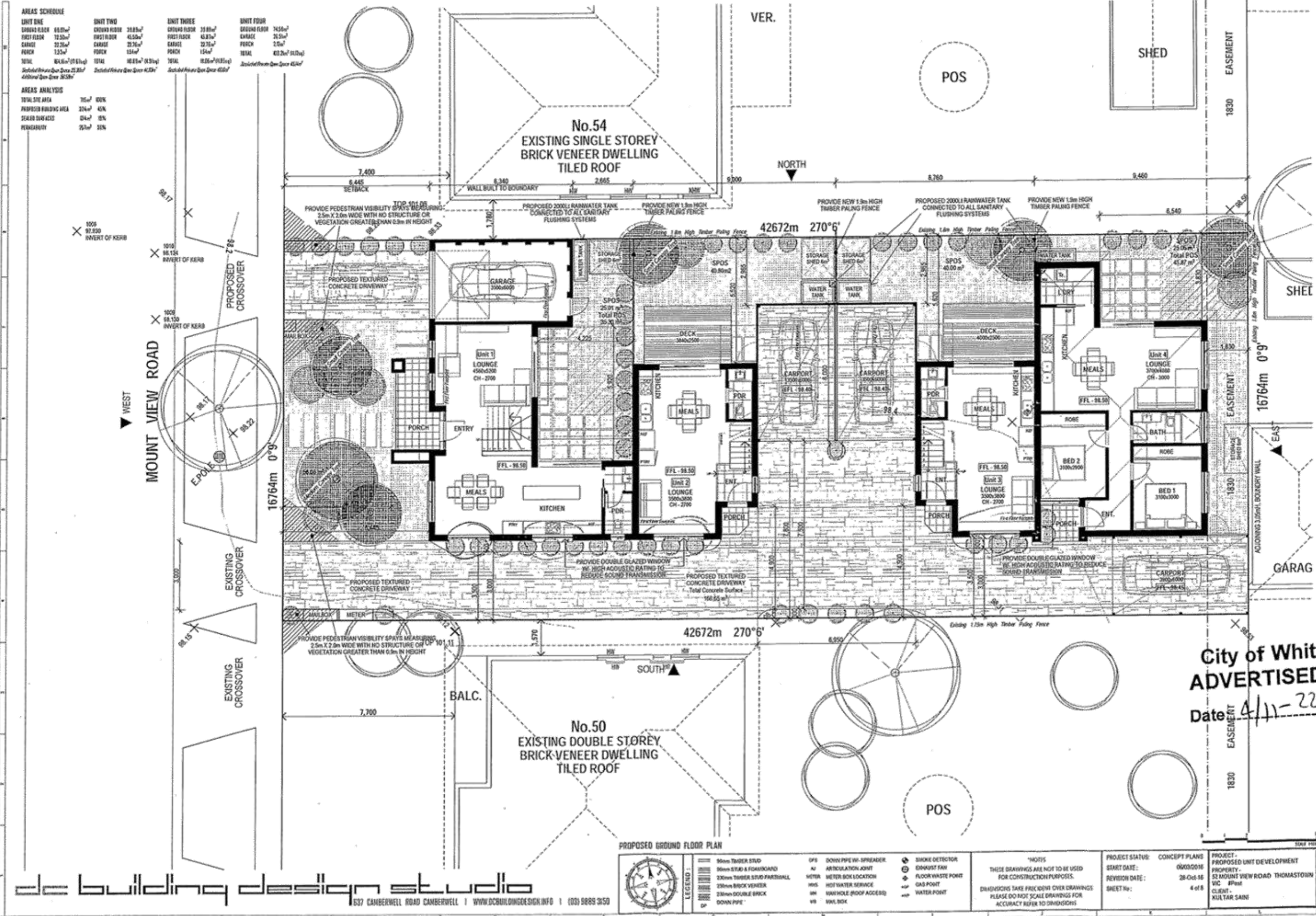
-  Subject Land
-  Medium Density Housing
-  Objector



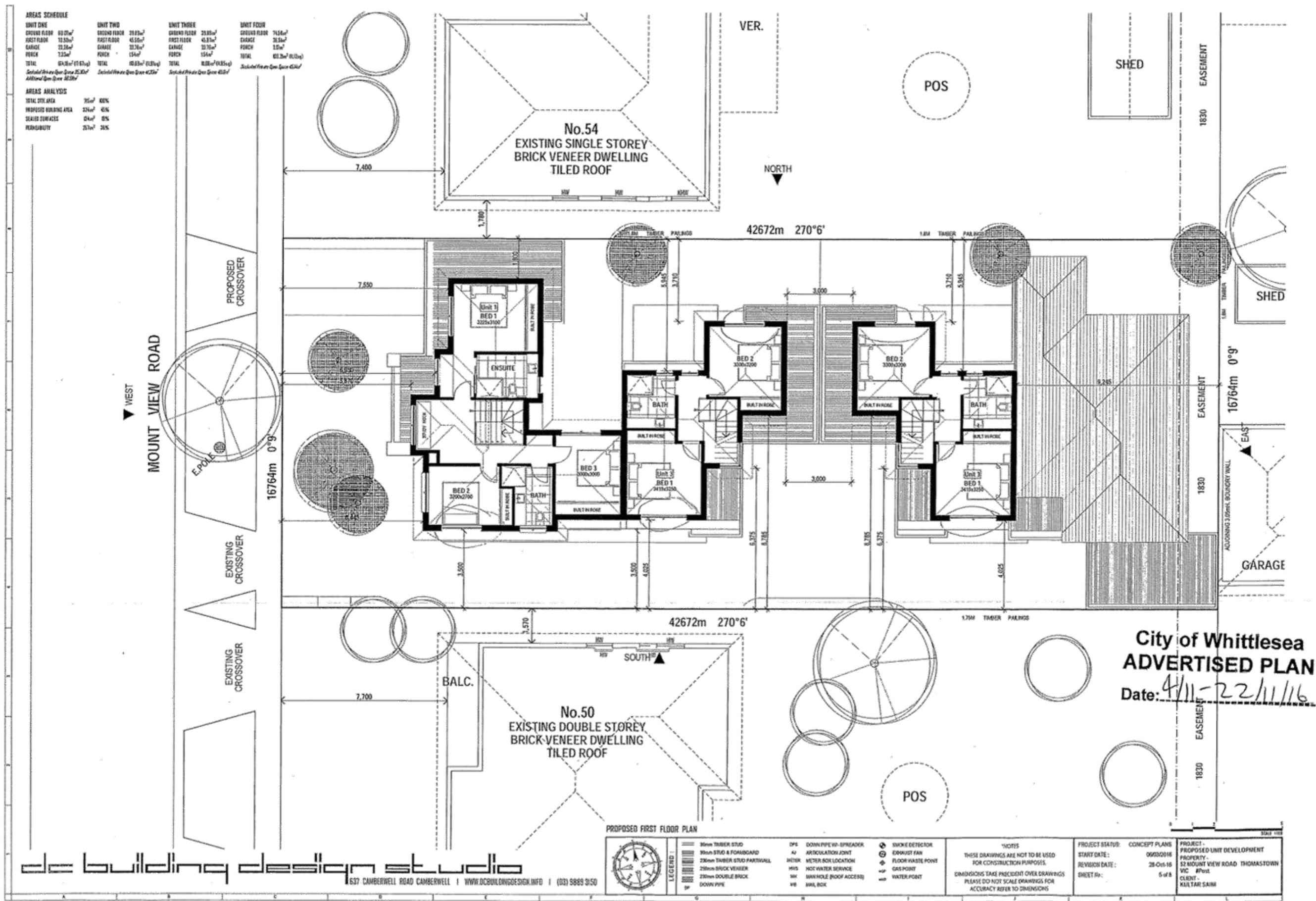
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

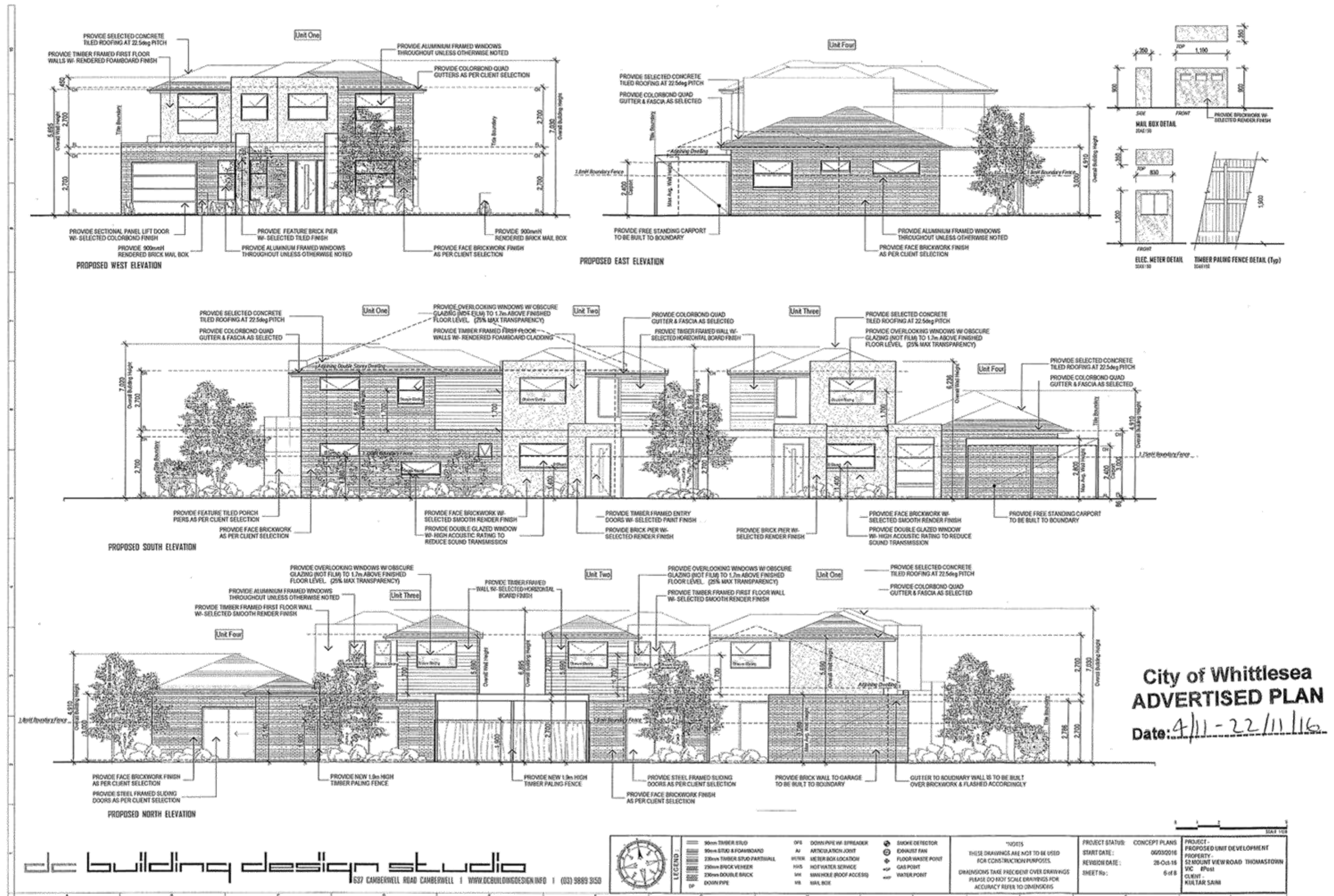


















**6.1.4 7 & 9 PINE STREET, THOMASTOWN - CONSTRUCTION OF SEVEN DWELLINGS****File No:** 715551**Attachments:**  
1 Locality Maps [↓](#)  
2 Development Plans [↓](#)**Responsible Officer:** Director Planning & Major Projects**Author:** Senior Planner**APPLICANT:** Planning & Design P/L**COUNCIL POLICY:** 21.09 Housing**ZONING:** General Residential**OVERLAY:** Development Contributions Plan (Schedule 3)**REFERRAL:** Nil**OBJECTIONS:** One**RECOMMENDATION:** That Council approve the application**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwellings across the two properties and construct seven double storey dwellings.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to the site not being suitable for high density development, overshadowing, loss of privacy and car parking.

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

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

On the basis of the Clause 55 assessment and the proposal's general compliance with both the State and Local Planning Policy Frameworks including the HDS, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The subject site is comprised of two residential properties located on the western side of Pine Street, Thomastown, approximately 95m north of The Boulevard (*see Attachment 1*). The subject site is flat and irregular in shape with a frontage to Pine Street of 30.5m, a side boundary of 42.7m providing the site with a total area of 1,300m<sup>2</sup>. The site currently contains a two detached single storey weatherboard dwellings each with a tin hipped roof and gable to the property frontage. There is no vegetation of significance contained within the site.



The surrounding area is generally characterised by a single storey dwellings with some examples of double storey dwellings present. The adjoining properties to the site both contain two single storey dwellings in a tandem configuration. Examples of medium density development within the immediate vicinity are located at 1, 3, 5, 11, 13, 14, 17 & 19 Pine Street and 126 & 128 The Boulevard.

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

- Bus route 570 –Thomastown to RMIT Bundoora (100m south).
- Poplar Park (200m south).
- Thomastown Shops (800m west).

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lots 101 and 102 on Plan of Subdivision 013480. Covenant 2448748 applies to the land and relates to the removal of gravel or sand from the site for purposes other than building. There are no restrictions on title that preclude Council from determining the application.

## PROPOSAL

It is proposed to demolish the existing dwellings on the respective properties and construct seven double storey dwellings (*see Attachment 2*) across the two sites.

All of the dwellings will be double storey in nature and contain an open plan kitchen/lounge/meals area, amenities, bedrooms within the upper level, bathroom and attached garage. Dwelling No. 1 will have three bedrooms, while the remaining dwellings each have two bedrooms. Dwelling No. 7 will be provided with a new vehicle crossover to a private driveway. All other dwellings will have access via a centrally located shared accessway and the existing crossover to the north of the property will be reinstated.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	3	9.1m front (east), and 3.5m side (north).	145m <sup>2</sup> (including 26m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m).	7.4m (overall)
Dwelling No. 2	Double Storey	2	1.2m side (north).	40m <sup>2</sup> (including 29m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m).	7.6m (overall)
Dwelling No. 3	Double Storey	2	1.0m side (north) and 3.4m rear (west).	45m <sup>2</sup> (including 36m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m).	7.2m (overall)
Dwelling No. 4	Double Storey	2	3.2m rear (west).	41m <sup>2</sup> (including 35m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m).	7.2m (overall)



	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 5	Double Storey	2	3.1m rear (west) and 1.0m side (south).	43m <sup>2</sup> (including 34m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m).	7.2m (overall)
Dwelling No. 6	Double Storey	2	1.2m side (south).	40m <sup>2</sup> (including 29m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m).	7.7m (overall)
Dwelling No. 7	Double Storey	2	8.9m front (east) and 0m side (south)	110m <sup>2</sup> (including 26m <sup>2</sup> of secluded private open space)	Single garage (6.0m x 3.5m) and open car parking spaces in a tandem configuration.	7.6m (overall)

## PUBLIC NOTIFICATION

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

1. Traffic and parking
2. High density inappropriate at this location
3. Additional noise
4. Overlooking/overshadowing into neighbouring properties
5. Lack of separation to adjoining land
6. Being developed only for profit

## HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (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 will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

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

## ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	<p>Developments within the area are generally from the 1960s and typically detached, single storey houses. Garages, where provided, are generally located at the rear of the property whereas the verandah style carports are located in front of the main building line or aligned with the building façade.</p> <p>As the housing stock ages, the preferred emerging character will be one of newer dwellings that will incorporate medium density multi-unit developments. The proposed development will present as double storey to the street with a dwelling on each respective lot and internal driveway. Upper levels have been articulated with some recession and varying materials that respond to those found within the area.</p> <p>Overall, the dwellings present a contemporary design in a neighbourhood which currently contains some examples of similar multi-dwelling developments and they have had appropriate regard to both the existing and emerging new character.</p>
B2	Residential Policy	✓	✓	<p>The proposal provides an appropriate response to both the State and Local Planning Policy Frameworks through proposing a development that offers diversity to the existing housing stock.</p> <p>The subject site is located within the Neighbourhood Interface Change Area within the HDS. This Change Area encourages a range of medium building heights that can be integrated with existing housing stock. Moderate front setbacks are encouraged to provide sufficient space for landscaping and a medium canopy tree. Medium site coverage is allowed to facilitate a balance between increased densities and landscape opportunities. Provision of attractive landscaping to complement medium density built form is encouraged.</p> <p>The proposed seven dwelling development achieves the key design principles for the Neighbourhood Interface Change Area. Through the consolidation of two adjoining sites, efficiencies are gained through condensed vehicle access points and greater open space and landscape areas. The double storey nature of dwellings is consistent with the emerging medium density character of the area, and sufficient side and rear setbacks have been provided to each</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				property boundary. These proposed setbacks from title boundaries will allow for generous landscaping to be provided throughout the development, including 2-4 medium to large canopy trees within the front setback of the development as well as additional landscaping within private open space areas.
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	The adjoining dwellings each have a front setback of 9m. The proposal is therefore required to also provide a front setback of 9m.  Dwelling No. 7 will be setback 8.93m. This encroachment is just 7cm within the setback standard and is considered to be an acceptable encroachment.
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	While not all dwellings are provided with ideal solar access, the layout of the development is considered to be consistent with this objective, have maximised northern exposure where possible and will be required to meet minimum energy requirements under the relevant building legislation.
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
B12	Safety	✓	✓	
B13	Landscaping	✓	Cond 3(e) & 4	A landscape plan has not been provided with the application. It is considered that this can be dealt with by a condition on any permit that is issued.



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	Cond 3(f)	<p>To ensure the proposal is acceptable in the neighbourhood setting a condition will be added on any permit issued requesting a colour and material schedule.</p> <p>It is noted that the driveway is an large area and is nominated as being plain concrete. It is recommended that this be amended to be</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				either coloured concrete or exposed aggregate. Permit conditions have been included in the recommendation to reflect this.
B32	Front fences	N/A	N/A	
B33	Common property	✓	✓	
B34	Site services	✓	Cond 9	Due to the number of dwellings and frontage, a private waste collection will be required unless it can be demonstrated that the site can accommodate a Council collection.

### 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	1	Cond 3 (a)
2	2	1	1	Yes
3	2	1	1	Yes
4	2	1	1	Yes
5	2	1	1	Yes
6	2	1	1	Yes
7	2	1	2	Yes

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

With regard to Dwelling No. 1, this dwelling has not been provided with the number of parking spaces required for a three bedroom dwelling. It is recommended that a permit condition be included requiring bedroom three to be deleted.

For developments of five or more dwellings, one visitor space must be provided for every five dwellings. This application requires one visitor space to be provided and this has been shown on the plans. The visitor space is well located (near the entrance to the site) however, appropriate signage will be required and this has been included as a condition of permit.

### 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. Traffic and parking**

The application provides the required car parking as set out at Clause 52.06 of the Whittlesea Planning Scheme subject to conditions on any permit granted. The proposal is not expected to generate a significant increase in the number of vehicles along Pine Street and therefore will not cause an adverse impact on the volume of traffic within the surrounding road network. It is noted that a visitor space is being provided on site, whilst the crossovers will be rationalised through new, reductions and reinstatement assisting with improvements for on-street parking.

### **2. High density inappropriate at this location**

Council's Housing Diversity Strategy nominates the subject site as located within the Neighbourhood Interface Change Area where medium density housing development is encouraged. The proposal achieves a satisfactory level of compliance with Clause 55, which contains the various considerations that indicate whether a site is being overdeveloped or not and in this case, it is considered that the proposal is not an overdevelopment of the site.

### **3. Additional noise**

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

### **4. Overlooking/overshadowing into neighbouring properties**

Through the use of highlight windows and obscure glazing, the applicant has ensured that there will be no overlooking into neighbouring properties. The shadow diagrams submitted with the application show that the level of overshadowing experienced by neighbouring properties will be minimal and in accordance with ResCode.

### **5. Lack of separation to adjoining land**

The proposed setback of the proposed dwellings from property boundaries is consistent with the various sections of Clause 55 of the Whittlesea Planning Scheme that ensure that development outcomes are appropriate.

### **6. Being developed only for profit**

This is not a planning matter that can be considered when determining a planning permit application.

## **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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



**CONCLUSION**

The application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks including the Housing Diversity Strategy. The proposal demonstrates a satisfactory level of compliance subject to conditions. It is considered that the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application is recommended.

**RECOMMENDATION**

**THAT Council resolve to Approve Planning Application No. 715551 and issue a Notice of Decision to Grant a Planning Permit for the construction of seven double storey dwellings at 7-9 Pine Street, Thomastown, subject to the following conditions:**

- 1. Prior to the endorsement of the plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**
- 2. Prior to the endorsement of the plans, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$1,400 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 payee of the bond.**
- 3. Before the development starts, three copies of a revised plan must be submitted to and approved by the Responsible Authority, showing:**
  - a) Deletion of a bedroom from Dwelling No. 1;**
  - b) A kitchen to be shown for Dwelling No. 1;**
  - c) Deletion of the northern most crossover with reinstatement, reduced width of the central crossover and new crossover to the south;**
  - d) Details of internal fences visible from the internal accessway and street. These fences must be feature fencing.**
  - e) A landscape plan in accordance with Condition No. 4.**
  - f) A schedule (including samples) of all external materials and colours for all walls, roofs, and doors including hard surface areas to be used for the construction of the proposed dwellings/buildings, including access ways. Any proposed access way must be constructed from coloured concrete or exposed aggregate concrete.**
- 4. Before the development commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:**
  - a) Details of landscaping for the front setback, common areas and throughout the site including a schedule of all proposed trees, shrubs and ground covers;**
  - b) The provision of canopy trees within the front setback and open space areas of the dwellings planted at a semi-advanced state;**



- c) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - d) Consistency with the City of Whittlesea Landscape Guidelines (Residential Development)
5. Prior to commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must include details in relation to:
  - a) Vehicle access to the site.
  - b) Parking of construction vehicles.
  - c) Storage of materials/goods.
6. Prior to commencement of any works, the permit holder must contact Council's Infrastructure Protection Unit on 9401 5532 to arrange a site inspection to ensure all requirements of the Construction Management Plan have been completed to the satisfaction of the Responsible Authority.
7. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
9. Unless otherwise agreed in writing by the Responsible Authority, prior to the occupation of the dwellings hereby approved and prior to any future subdivision of the site, the owner of the subject land must, at no cost to the Responsible Authority, enter into and execute an agreement (in a form satisfactory to the Responsible Authority) pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must provide for the preparation of a management plan in a form satisfactory to the Responsible Authority detailing how the management of refuse and recycling will be carried out within the site and acknowledging that it will be undertaken by a private contractor.

It is further required that this agreement must be registered at the land Registry Office pursuant to Section 181 of the *Planning and Environment Act 1987*.
10. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
11. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
12. 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.
13. 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.
14. 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.
15. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
  16. Before the use of the development commences, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
  17. 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.
  18. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority shall be provided for each dwelling.
  19. 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.
  20. 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.
  21. 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 overspills onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.
  22. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
  23. This permit will expire if:
    - a) the approved development does not start within two years of the date of this permit; or
    - b) the approved development is not completed within four years of the date of this permit.

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.

**Property Numbering**

Please note that property addresses and numbering is allocated by Council. This is usually formalised at the time of the subdivision, however it is Council's intention to number the proposed allotments/apartments/dwellings as follows:

Unit 1	7/7 Pine Street, Thomastown
Unit 2	6/7 Pine Street, Thomastown
Unit 3	5/7 Pine Street, Thomastown
Unit 4	4/7 Pine Street, Thomastown
Unit 5	3/7 Pine Street, Thomastown
Unit 6	2/7 Pine Street, Thomastown
Unit 7	1/7 Pine Street, Thomastown

Please check with Council's Subdivision Department to verify all street numberings.

**Easements**

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







## PLANNING APPLICATION NO. 715551



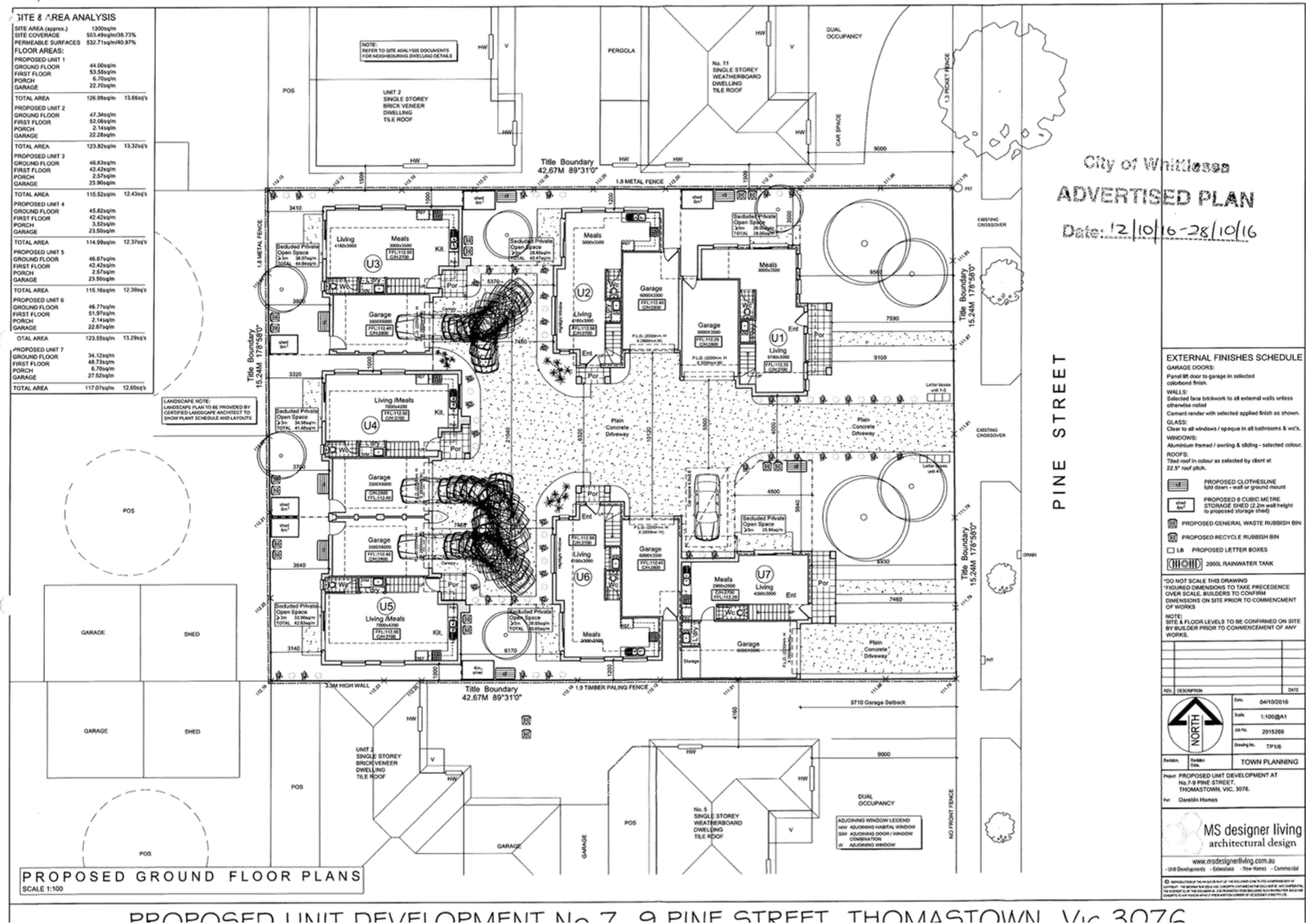
-  Subject Land
-  Medium Density Housing
-  Objector



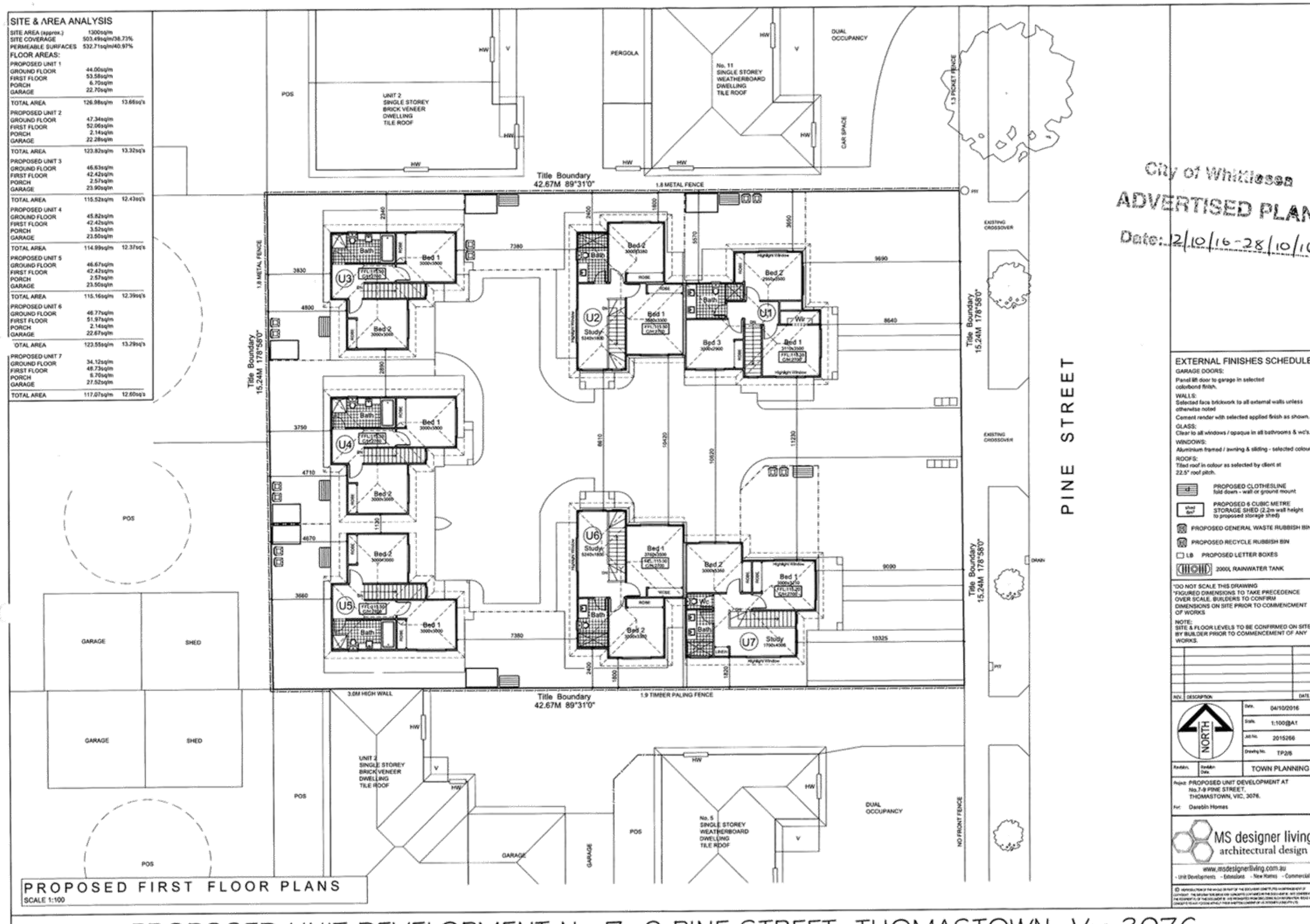
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT











# EXTERNAL COLOUR AND MATERIAL SCHEDULE

SR	SMOOTH RENDER FINISH
CS	CEMENT SHEET BOARDS
WF	ALL ALUMINIUM FRAMED WINDOWS
CG	ALL COLORBOND GUTTERS
CF	ALL COLORBOND FASCIA
CR	ROOF TILES AT 22.5° PITCH
GD	ALL GARAGE DOORS
FB	FACE BRICKWORK
CONC	CONCRETE PAVED DRIVEWAY
AL	ALUCOBOND CLADDING



City of Whittlesea  
**ADVERTISED PLAN**  
 Date: 12/10/16 - 28/10/16

**PROPOSED ELEVATIONS**  
 SCALE 1:100

DO NOT SCALE THIS DRAWING  
 FIGURED DIMENSIONS TO TAKE PRECEDENCE  
 OVER SCALE. BUILDERS TO CONFIRM  
 DIMENSIONS ON SITE PRIOR TO COMMENCEMENT  
 OF WORKS  
 NOTE:  
 SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE  
 BY BUILDER PRIOR TO COMMENCEMENT OF ANY  
 WORKS.

REV	DESCRIPTION	DATE

Rev	04/10/2016
Scale	1:100 @ A1
Job No.	2015286
Drawing No.	TP3/B

Project	PROPOSED UNIT DEVELOPMENT AT No. 7-9 PINE STREET, THOMASTOWN, VIC, 3076.
For	Darwin Homes

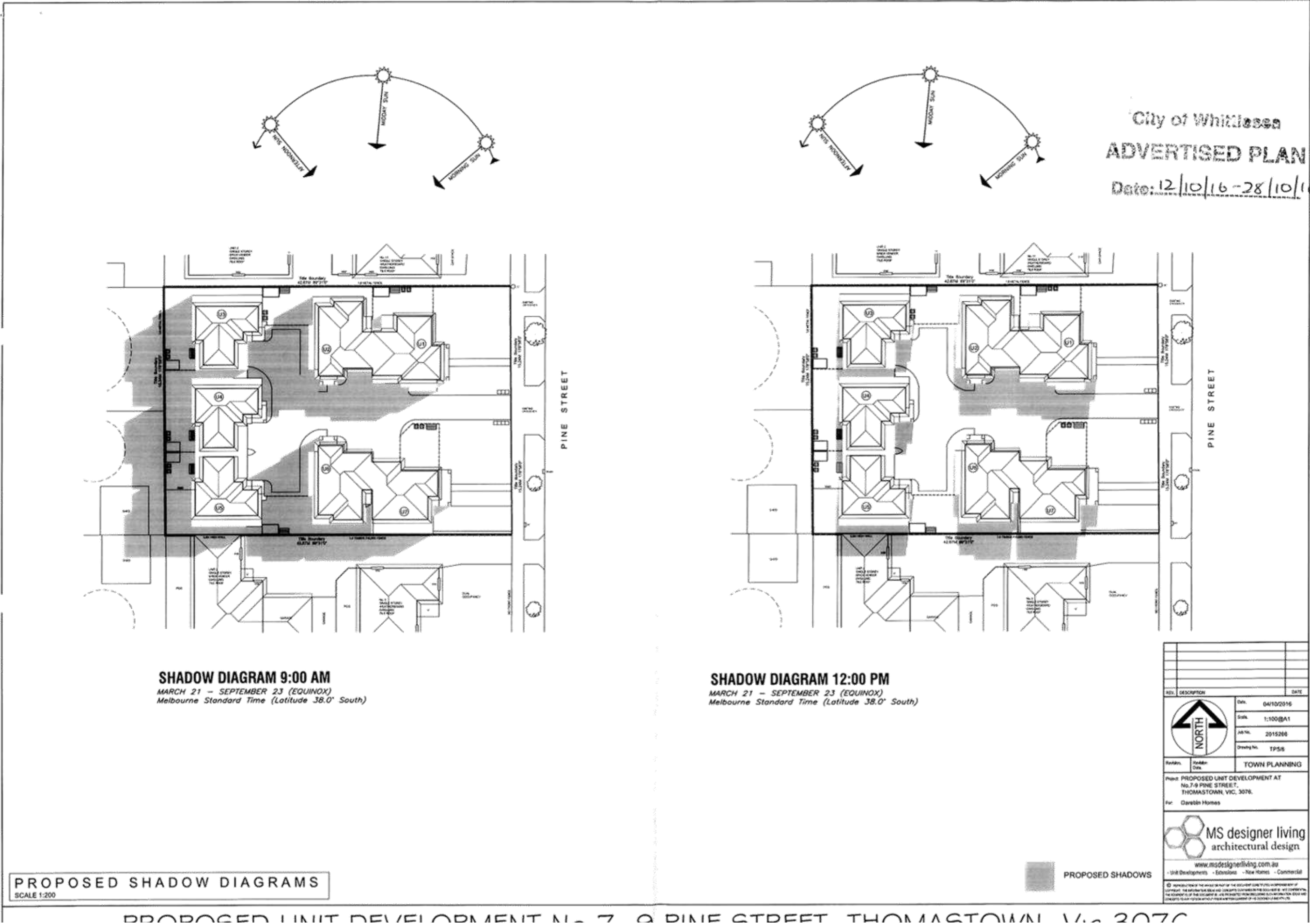
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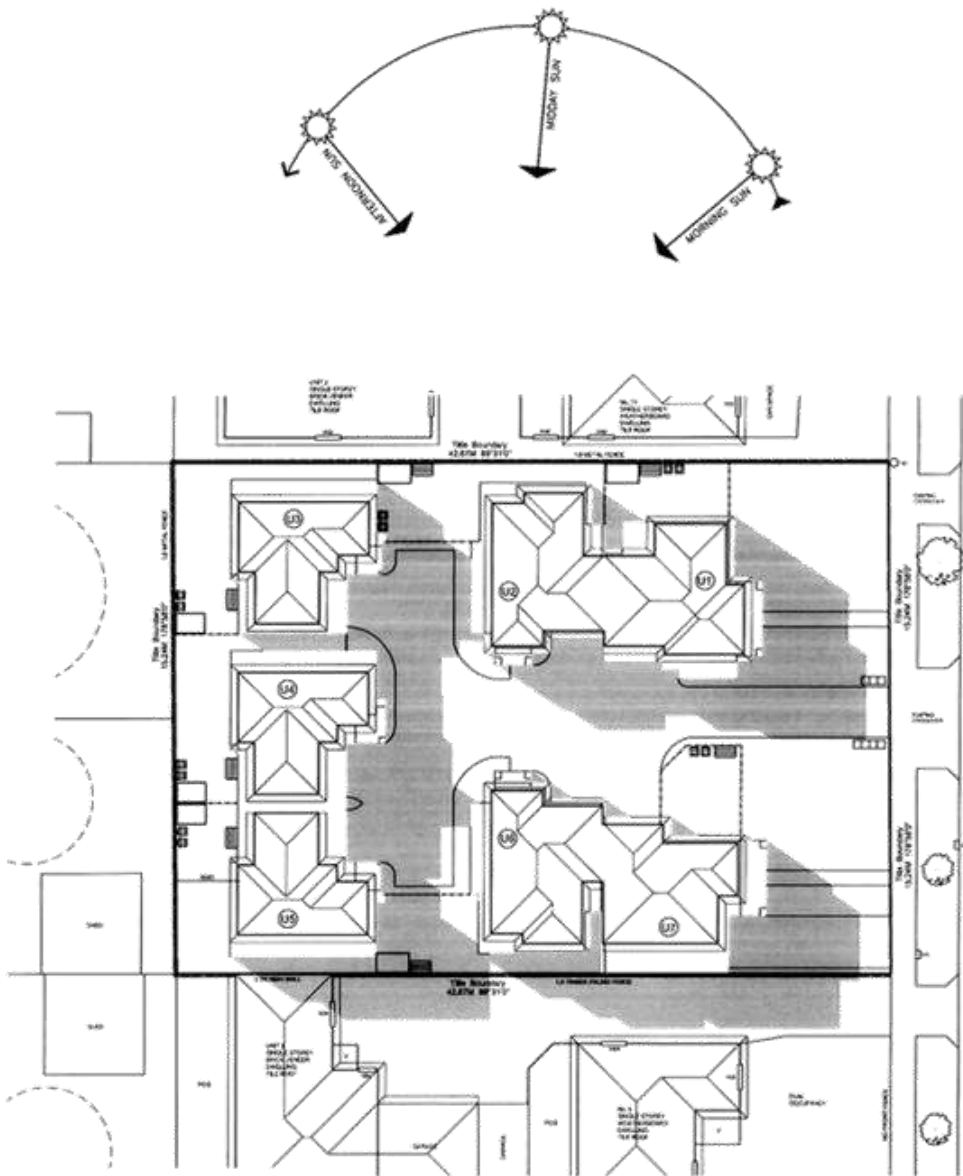








City of Whittlesea  
ADVERTISED PLAN  
Date: 12/10/16 - 28/10/16



SHADOW DIAGRAM 3:00 PM  
MARCH 21 - SEPTEMBER 23 (EQUINOX)  
Melbourne Standard Time (Latitude 38.0° South)

PROPOSED SHADOW DIAGRAMS  
SCALE 1:200

PROPOSED SHADOWS

REV		DESCRIPTION	DATE
1		04/10/2016	
2		1:100@A1	
3		2015286	
4		TP6/6	
Field	Field	TOWN PLANNING	
Project: PROPOSED UNIT DEVELOPMENT AT No. 7-9 PINE STREET, THOMASTOWN, VIC. 3076.			
For: Doreen Homes			
www.msdesignerliving.com.au			
- Unit Developments - Extensions - New Homes - Commercial			
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**6.1.5 70 & 72 MESSMATE STREET, LALOR - CONSTRUCTION OF EIGHT DWELLINGS****File No:** 715802**Attachments:**  
1 Locality Maps [↓](#)  
2 Development Plans [↓](#)**Responsible Officer:** Director Planning & Major Projects**Author:** Planning Officer Established Areas Planning**APPLICANT:** R K Kanojia**COUNCIL POLICY:** 21.09 Housing**ZONING:** General Residential**OVERLAY:** Development Contributions Plan (Schedule 3)**REFERRAL:** Nil**OBJECTIONS:** One**RECOMMENDATION:** That Council approve the application**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwellings on both properties and construct eight double storey dwellings across the two sites.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to the application being an overdevelopment; traffic congestion, lack of car parking and safety/accessibility concerns; and overlooking and overshadowing.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme and meets all standards relating to site coverage, permeability and the provision of private open space. Conditions can be included to adequately address minor areas such as landscaping and design detail.

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

On the basis of the Clause 55 assessment and the proposal's general compliance with both the State and Local Planning Policy Frameworks including the HDS, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The sites are located on the northern side of Messmate Street between Ash and Plane Streets, approximately 600m east of the Station Street Shopping Area and 1.7km from Lalor Station and 1.4km from Thomastown Station. In combination, the land is rectangular in shape with a street frontage width of 31.7m, a depth of 42.67m and a total area of 1357m<sup>2</sup>.



Each site contains a single storey dwelling (both timber and brick construction) and are setback 9.35m and 7.89m from the street. Vehicle access to each site is via existing crossovers on the south-western and south-eastern boundaries of the respective sites. Private open space areas are located to the rear of each dwelling, and the front setback consists of lawn with some shrubbery. There is no significant vegetation on the site.

The adjoining property to the east contains a single storey brick dwelling and is located 1.6m from the common boundary. The adjoining property to the west contains a dual occupancy with two single storey brick dwellings. The common accessway adjoins the site.

Messmate Street is a local residential street, with medium density development emerging. Features directly in front of the site include two establishing street trees.

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

- Lalor Library (310m northwest);
- St Luke's Church and Primary School (340m northwest);
- Lorne Park (350m northeast);
- Vasey Avenue Park and Pre-School (360m south);
- Lalor Primary School (470m north);
- Lalor Secondary College (470m northeast);
- Lalor Shopping Centre (515m west);
- Dalton Road Maternal/Child Health Care & Neighbourhood Park (630m east).

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lots 228 and 229 on Plan of Subdivision 040753. There are no restrictions on title that preclude Council from determining the application.

A 2.44m wide drainage and sewerage easement runs along the rear (north) boundary.

## PROPOSAL

It is proposed to demolish the existing dwellings and construct eight double storey dwellings (see Attachment 2).

Each Dwelling has a similar footprint including a open plan kitchen/meals/family area with European laundry and powder on the ground level and two bedrooms, two bathrooms (one an ensuite) and a family room on the upper level. Vehicle access to the dwellings will be via a single proposed new crossover centrally located to the site with the existing crossovers to be removed.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double storey	2	7.9m front (south), 5.0m side (west), 1.5m side (east to internal accessway)	144m <sup>2</sup> (including 40m <sup>2</sup> of secluded private open space)	One car parking space within a garage (6.0m x 3.5m)	6.9m (overall)
Dwelling No. 2	Double storey	2	5.0m side (west), 1.1m side (east to internal accessway)	40m <sup>2</sup> (all secluded)	One car parking space within a garage (6.0m x 3.5m)	6.9m (overall)
Dwelling	Double	2	5.0m side (west),	40m <sup>2</sup> (all	One car	6.9m



	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
No. 3	storey		1.1m side (east to internal accessway)	secluded)	parking space within a garage (6.0m x 3.5m)	(overall)
Dwelling No. 4	Double storey	2	5.0m side (west), 800mm side (east to visitor car space), 2.5m rear (north)	74m <sup>2</sup> (all secluded)	One car parking space within a garage (6.0m x 3.5m)	6.9m (overall)
Dwelling No. 5	Double storey	2	4.9m side (east), 800mm side (west to visitor car space), 2.5m rear (north)	74m <sup>2</sup> (all secluded)	One car parking space within a garage (6.0m x 3.5m)	6.9m (overall)
Dwelling No. 6	Double storey	2	4.9m side (east), 1.1m side (west to internal accessway)	40m <sup>2</sup> (all secluded)	One car parking space within a garage (6.0m x 3.5m)	6.9m (overall)
Dwelling No. 7	Double storey	2	4.9m side (east), 1.1m side (west to internal accessway)	40m <sup>2</sup> (all secluded)	One car parking space within a garage (6.0m x 3.5m)	6.9m (overall)
Dwelling No. 8	Double storey	2	7.9m front (south), 4.9m side (east)	144m <sup>2</sup> (including 40m <sup>2</sup> of secluded private open space)	One car parking space within a garage (6.0m x 3.5m)	6.9m (overall)

## PUBLIC NOTIFICATION

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

1. The application being an overdevelopment
2. Traffic congestion, lack of car parking and safety/accessibility concerns
3. Overlooking/overshadowing

## HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (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 will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

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

## ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

- Must meet all of the objectives



- Should meet all of the standards

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	<p>Developments within the area are generally from the 1960s and typically detached, double fronted single storey houses in brick or weatherboard cladding. Garages, where provided, are generally located at the rear of the property.</p> <p>As the housing stock ages, the preferred emerging character will be one of newer dwellings that will incorporate medium density multi-unit developments. The proposed development will present as double storey to the street with recessed upper levels in part and varying materials that respond to those found within the area.</p> <p>Overall, the dwellings present a contemporary design in a neighbourhood which currently contains some examples of similar multi-dwelling developments and they have had appropriate regard to both the existing and emerging new character.</p>
B2	Residential Policy	✓	✓	<p>The proposal provides an appropriate response to both the State and Local Planning Policy Frameworks through proposing a development that offers diversity to the existing housing stock.</p> <p>The subject site is located within the Neighbourhood Interface Change Area within the HDS. This Change Area encourages a range of medium building heights that can be integrated with existing housing stock. Moderate front setbacks are encouraged to provide sufficient space for landscaping and a medium canopy tree. Medium site coverage is allowed to facilitate a balance between increased densities and landscape opportunities. Provision of attractive landscaping to complement medium density built form is encouraged.</p> <p>Generally, the proposed eight dwelling development achieves the key design principles for the Neighbourhood Interface Change Area. Through the consolidation of two adjoining sites, efficiencies are gained through reduced vehicle access points and greater open space and landscape areas. The double storey nature of dwellings is consistent with the emerging medium density</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				character of the area, and sufficient side and rear setbacks have been provided to each property boundary. These proposed setbacks from title boundaries will allow for generous landscaping to be provided throughout the development, including 2-4 medium to large canopy trees within the front setback of the development as well as additional landscaping within private open space areas.
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	The proposed setback of 7.9m is slightly less than the required setback of 8.5m; however, it is considered that within the context of the street and surrounding area there are examples of infill development with reduced front setbacks, whilst the Neighbourhood Interface Change Area as nominated in the HDS encourages further development which may necessitate more efficient use of sites including through reducing front setbacks. The planting of multiple large canopy trees can still be accommodated to provide an attractive streetscape appearance and the proposed setback is considered generally consistent with those found in the area..
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	Cond 3 (g) & 4	A landscape plan has not been submitted as part of the application. This can form a condition of any approval.
B14	Access	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	N/A	N/A	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	Cond 3 (d)	Although looking over a driveway and appearing to be outside the 9m area, the upper floor east-facing 'bed 1' window of Dwelling No. 8 appears to have some overlooking opportunity into adjoining windows due to a sill height of 1.5m. Therefore, provision of diagrams representing full compliance with Clause 55.04-6 should be required as a condition of permit.
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	Cond 3 (f)	A colour and material schedule has not been submitted with the application. This will be included as a condition of any approval granted.
B32	Front fences	N/A	N/A	None proposed.
B33	Common property	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B34	Site services	✓	<p>Cond 3 (e)</p> <p>Cond 9</p>	<p>To assist with street numbering, property identification and mail delivery, provision of letterboxes will be required within common property for dwellings 2 to 4 on the western side of the accessway and dwellings 5 to 7 on the eastern side, with dwellings 1 and 8 having their own letter boxes.</p> <p>Due to the number of dwellings and frontage, a private waste collection will be required unless it can be demonstrated that the site can accommodate a Council collection.</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	2	1	1	Y
2	2*	1	1	Y
3	2*	1	1	Y
4	2*	1	1	Y
5	2*	1	1	Y
6	2*	1	1	Y
7	2*	1	1	Y
8	2	1	1	Y

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. \*However, Dwelling Nos. 2, 3, 4, 5, 6 and 7 have both a family room at the ground level and a large, second family room at the upper level. It is considered that these upper floor family rooms can be easily transformed into makeshift bedrooms which would result in additional car parking requirements. Therefore, it is considered that the family rooms be deleted altogether or reduced in size to form a 'landing' or 'study nook' and reconfigured to the first floor layouts of Dwelling Nos. 1 and 8 (where the internal staircase is only accessible from walking through the room). This requirement will be included as a condition of any approval granted.

Pursuant to Clause 52.06 (Car Parking), a visitor car space must be provided with the minimum requirements of Clause 52.06-8 (Design Standard 2). This will be included as a condition of any approval granted.



### **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. The application is an overdevelopment**

Council's Housing Diversity Strategy nominates the subject site as located within the Neighbourhood Interface Change Area where medium density housing development is encouraged. The proposal achieves a satisfactory level of compliance with Clause 55, which contains the various considerations that indicate whether a site is being overdeveloped or not and in this case, it is considered that the proposal is not an overdevelopment of the site.

#### **2. Traffic congestion, lack of car parking and safety/accessibility concerns**

The proposal is not expected to generate a significant increase in the number of vehicles along Messmate Street and therefore will not cause an adverse impact on the volume of traffic within the surrounding road network. Subject to the inclusion of conditions of permit in relation to the upper floor family room reconfiguration for Dwelling Nos. 2-7, the proposal complies with the relevant on-site car parking provisions within Clause 52.06 of the Scheme. It is noted that a visitor space is being provided on site, whilst the removal of a crossover will allow for additional on-street parking.

#### **3. Overlooking/loss of privacy/overshadowing**

The proposed habitable room windows at first floor level for each dwelling have generally incorporated appropriate designs to prevent overlooking, either through the provision of fixed obscure glazing in accordance with the standard requirements of Clause 55.04-6 or obscured to 1.7m by way of a highlight window. Confirmation of this compliance will be sought by way of condition on any permit issued.

The shadow diagrams submitted with the application show that the level of overshadowing experienced by neighbouring properties will be in accordance with Clause 55 of the Whittlesea Planning Scheme which aims to ensure buildings do not significantly overshadow existing secluded private open space of an existing dwelling. The shadow diagrams show a minor shadow cast over existing dwellings and outbuildings of the abutting properties to the east and west; however the extent of shadow cast complies with Clause 55.04-5 of the Whittlesea Planning Scheme.

### **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

### **CONCLUSION**

The application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks including the Housing Diversity Strategy. The proposal



demonstrates a satisfactory level of compliance subject to conditions. It is considered that the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application is recommended.

**RECOMMENDATION**

**THAT Council resolve to approve Planning Application No. 715802 and issue a Notice of Decision to Grant a Permit for Construction of eight dwellings at 70-72 Messmate Street, Lalor in accordance with the endorsed plans and subject to the following conditions:**

- 1. Prior to the endorsement of the plans required under Condition 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 \$1600.00 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) Deletion of the upper level family rooms of Dwelling Nos. 2, 3, 4, 5, 6 and 7 (or alternative reconfiguration where the internal staircase is only accessible from walking through the room, or reduced in size to a landing or study nook to the satisfaction of the Responsible Authority);**
  - b) Provision of minimum dimensions of visitor car space in accordance with Clause 52.06-8 (Design Standard 2) of the Whittlesea Planning Scheme, and to the satisfaction of the Responsible Authority;**
  - c) Provision of visibility splays or areas at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of the accessway and all driveways and 2.5m along the accessway from the frontage to provide a clear view of pedestrians on the footpath. Landscaping or structures within this area must be less than 900mm in height;**
  - d) Diagrams representing full compliance with Clause 55.04-6 for the upper floor east-facing window of Dwelling No. 8, or appropriate obscuring provided;**
  - e) Provision of letterboxes within common property for dwellings 2 to 4 on the western side of the accessway and dwellings 5 to 7 on the eastern side, with dwellings 1 and 8 having their own letter boxes;**



- f) Submission of a full colour and material schedule;
  - g) A landscape plan in accordance with Condition No. 4.
4. Before the development commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
  - a) Details of landscaping for the front setback, common areas and throughout the site including a schedule of all proposed trees, shrubs and ground covers;
  - b) The provision of canopy trees within the front setback and open space areas of the dwellings planted at a semi-advanced state;
  - c) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - d) Consistency with the City of Whittlesea Landscape Guidelines (Residential Development)
5. Prior to commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must include details in relation to:
  - a) Vehicle access to the site.
  - b) Parking of construction vehicles.
  - c) Storage of materials/goods.
6. Prior to commencement of any works, the permit holder must contact Council's Infrastructure Protection Unit on 9401 5532 to arrange a site inspection to ensure all requirements of the Construction Management Plan have been completed to the satisfaction of the Responsible Authority.
7. The development allowed by this Permit and shown on the plans and / or schedules endorsed to accompany this Permit must not be amended for any reason without the prior written consent of the Responsible Authority.
8. Once the development has started, it must be continued and completed to the satisfaction of the Responsible Authority.
9. Unless otherwise agreed in writing by the Responsible Authority, prior to the occupation of the dwellings hereby approved and prior to any future subdivision of the site, the owner of the subject land must, at no cost to the Responsible Authority, enter into and execute an agreement (in a form satisfactory to the Responsible Authority) pursuant to Section 173 of the *Planning and Environment Act 1987*. This agreement must provide for the preparation of a management plan in a form satisfactory to the Responsible Authority detailing how the management of refuse and recycling will be carried out within the site and acknowledging that it will be undertaken by a private contractor.

It is further required that this agreement must be registered at the land Registry Office pursuant to Section 181 of the *Planning and Environment Act 1987*.
10. 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.**

- 11. 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.**
- 12. 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.**
- 13. 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.**
- 14. 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.**
- 15. 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.**
- 16. 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.**
- 17. 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.**
- 18. 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.**
- 19. 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.**
- 20. 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.**



21. 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.
22. 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.
23. 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.
24. In accordance with the Planning and Environment Act 1987, a Permit for the development expires:-
  - The approved development does not start within two years of the date of this permit; or
  - 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.

**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.

**Property Numbering**

Please note that property addresses and numbering is allocated by Council. This is usually formalised at the time of the subdivision, however it is Council's intention to number the proposed allotments/apartments/dwellings as follows:

Dwelling 1	1/70 Messmate Street, Lalor
Dwelling 2	2/70 Messmate Street, Lalor
Dwelling 3	3/70 Messmate Street, Lalor
Dwelling 4	4/70 Messmate Street, Lalor
Dwelling 5	4/72 Messmate Street, Lalor
Dwelling 6	3/72 Messmate Street, Lalor
Dwelling 7	2/72 Messmate Street, Lalor
Dwelling 8	1/72 Messmate Street, Lalor

Please check with Council's Subdivision Department to verify all street numberings.



**Easements**

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









-  **Subject Land**
-  **Medium Density Housing**
-  **Objector**

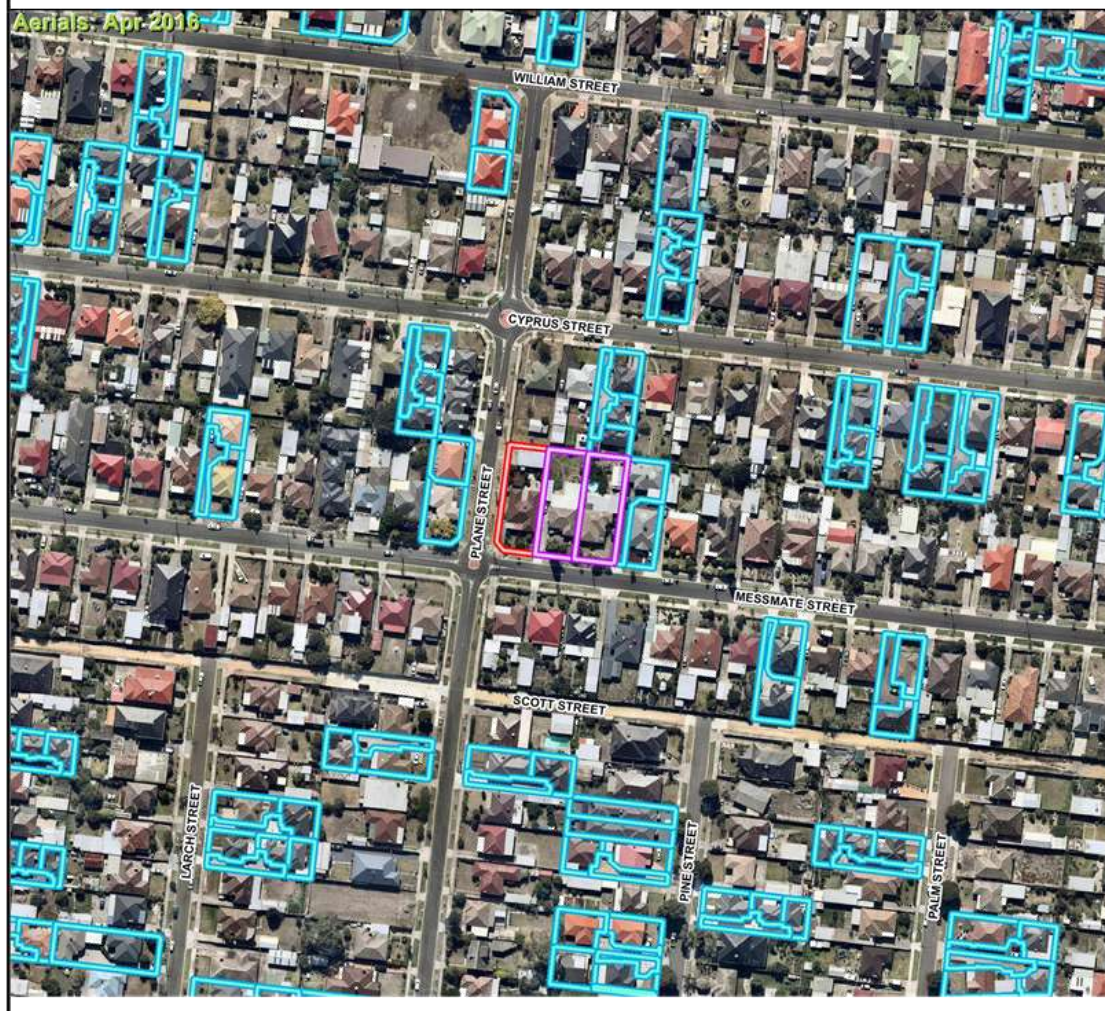


**City of  
Whittlesea**

## DEVELOPMENT ASSESSMENT REPORT



**aPLANNING APPLICATION NO. 715802**



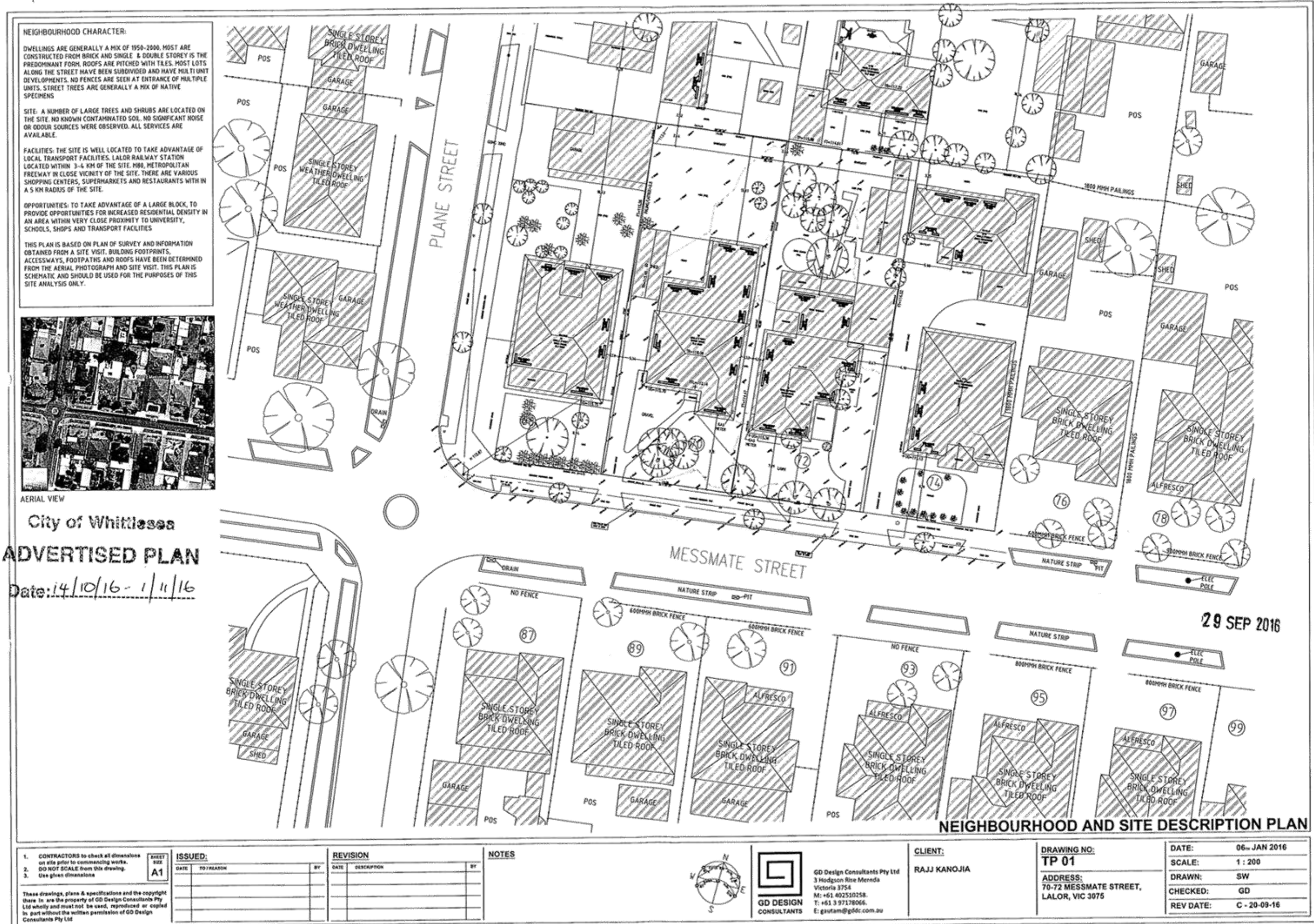
-  Subject Land
-  Medium Density Housing
-  Objector



City of  
Whittlesea

**DEVELOPMENT ASSESSMENT REPORT**





1. CONTRACTORS to check all dimensions on site prior to commencing work.	SHEET SIZE A1	ISSUED:	REVISION:	NOTES			
2. DO NOT SCALE from this drawing.		DATE	TO/REASON		DATE	DESCRIPTION	BY
3. Use given dimensions							

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CLIENT: RAJJ KANOJIA

DRAWING NO: TP 01

ADDRESS: 70-72 MESSMATE STREET, LALOR, VIC 3075

DATE:	06 JAN 2016
SCALE:	1 : 200
DRAWN:	SW
CHECKED:	GD
REV DATE:	C - 20-09-16



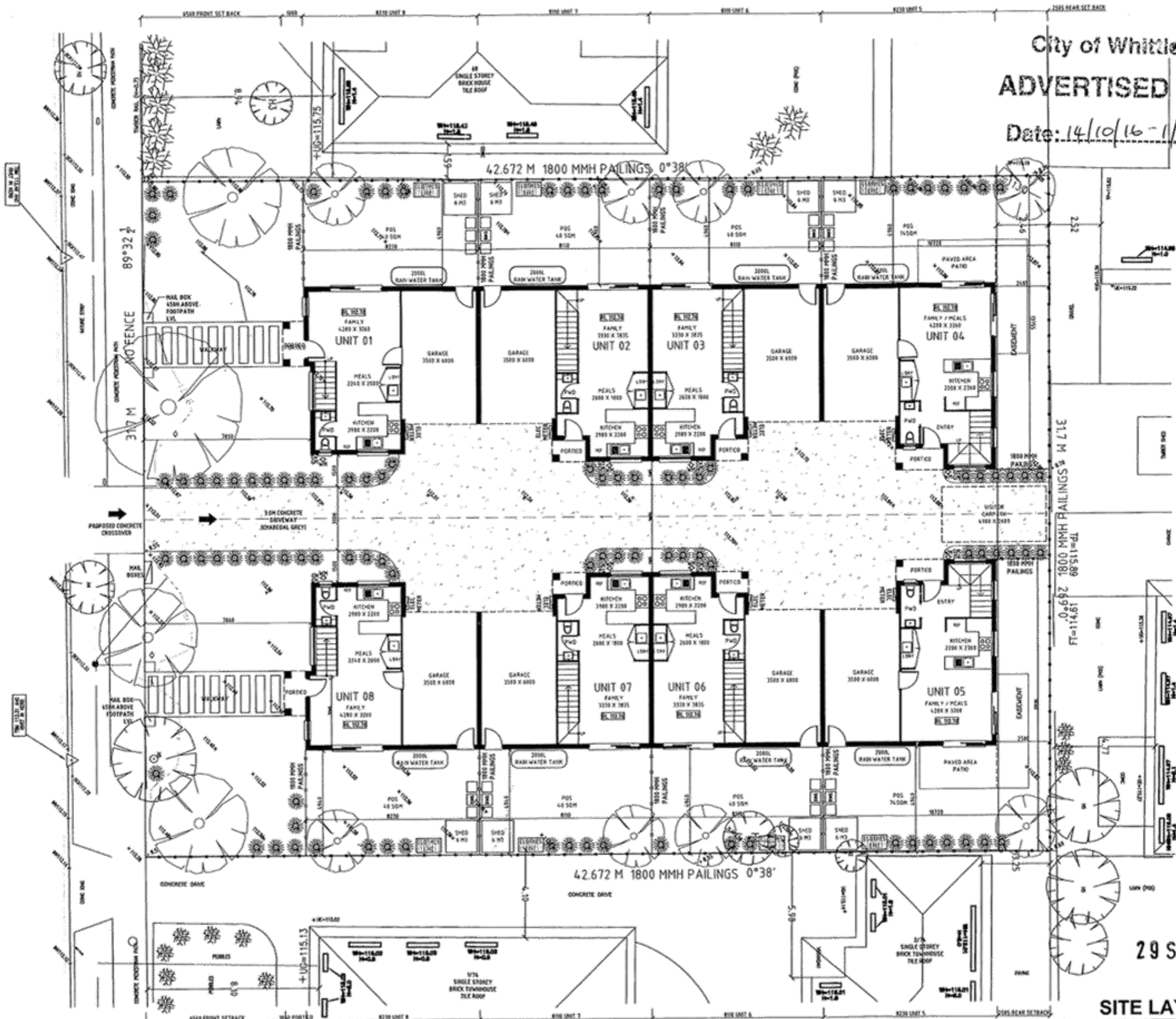
SITE ANALYSIS

SITE AREA	1357.26SQM
BUILDING AREA	514.84 SQM
SITE COVERAGE	37.93%
PERMEABILITY AREA	62.07%
UNIT 01	
GROUND FLOOR	37.30 SQM 4.01 SQ
FIRST FLOOR	43.71 SQM 4.70 SQ
GARAGE	24.38 SQM 2.63 SQ
PORCH	2.27 SQM 0.24 SQ
GRAND TOTAL	107.66 SQM 11.59 SQ
UNIT 02	
GROUND FLOOR	37.84 SQM 4.07 SQ
FIRST FLOOR	46.20 SQM 4.97 SQ
GARAGE	24.38 SQM 2.62 SQ
PORCH	1.55 SQM 0.16 SQ
GRAND TOTAL	109.97SQM 11.84SQ
UNIT 03	
GROUND FLOOR	39.10 SQM 4.20 SQ
FIRST FLOOR	50.21 SQM 5.40 SQ
GARAGE	24.38 SQM 2.62 SQ
PORCH	2.27 SQM 0.24 SQ
GRAND TOTAL	115.96 SQM 12.48 SQ
UNIT 04	
GROUND FLOOR	37.30 SQM 4.01 SQ
FIRST FLOOR	43.71 SQM 4.70 SQ
GARAGE	24.38 SQM 2.63 SQ
PORCH	2.27 SQM 0.24 SQ
GRAND TOTAL	107.66 SQM 11.59 SQ
UNIT 05	
GROUND FLOOR	37.30 SQM 4.01 SQ
FIRST FLOOR	43.71 SQM 4.70 SQ
GARAGE	24.38 SQM 2.63 SQ
PORCH	2.27 SQM 0.24 SQ
GRAND TOTAL	107.66 SQM 11.59 SQ
UNIT 06	
GROUND FLOOR	37.84 SQM 4.07 SQ
FIRST FLOOR	46.20 SQM 4.97 SQ
GARAGE	24.38 SQM 2.62 SQ
PORCH	1.55 SQM 0.16 SQ
GRAND TOTAL	109.97SQM 11.84SQ
UNIT 07	
GROUND FLOOR	39.10 SQM 4.20 SQ
FIRST FLOOR	50.21 SQM 5.40 SQ
GARAGE	24.38 SQM 2.62 SQ
PORCH	2.27 SQM 0.24 SQ
GRAND TOTAL	115.96 SQM 12.48 SQ
UNIT 08	
GROUND FLOOR	37.30 SQM 4.01 SQ
FIRST FLOOR	43.71 SQM 4.70 SQ
GARAGE	24.38 SQM 2.63 SQ
PORCH	2.27 SQM 0.24 SQ
GRAND TOTAL	107.66 SQM 11.59 SQ

MESSMATE STREET

City of Whittlesea  
ADVERTISED PLAN

Date: 14/10/16 - 1/11/16



29 SEP 2016

SITE LAYOUT PLAN

1. CONTRACTORS to check all dimensions on site prior to commencing works.  
2. DO NOT SCALE from this drawing.  
3. Use given dimensions

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ISSUED:		REVISION 1	
DATE	TO/REASON	DATE	DESCRIPTION

NOTES

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GD DESIGN CONSULTANTS

CLIENT: RAJJ KANOGIA

DRAWING NO: TP 02

ADDRESS: 70-72 MESSMATE STREET, LALOR, VIC 3075

DATE: 11- JAN 2016

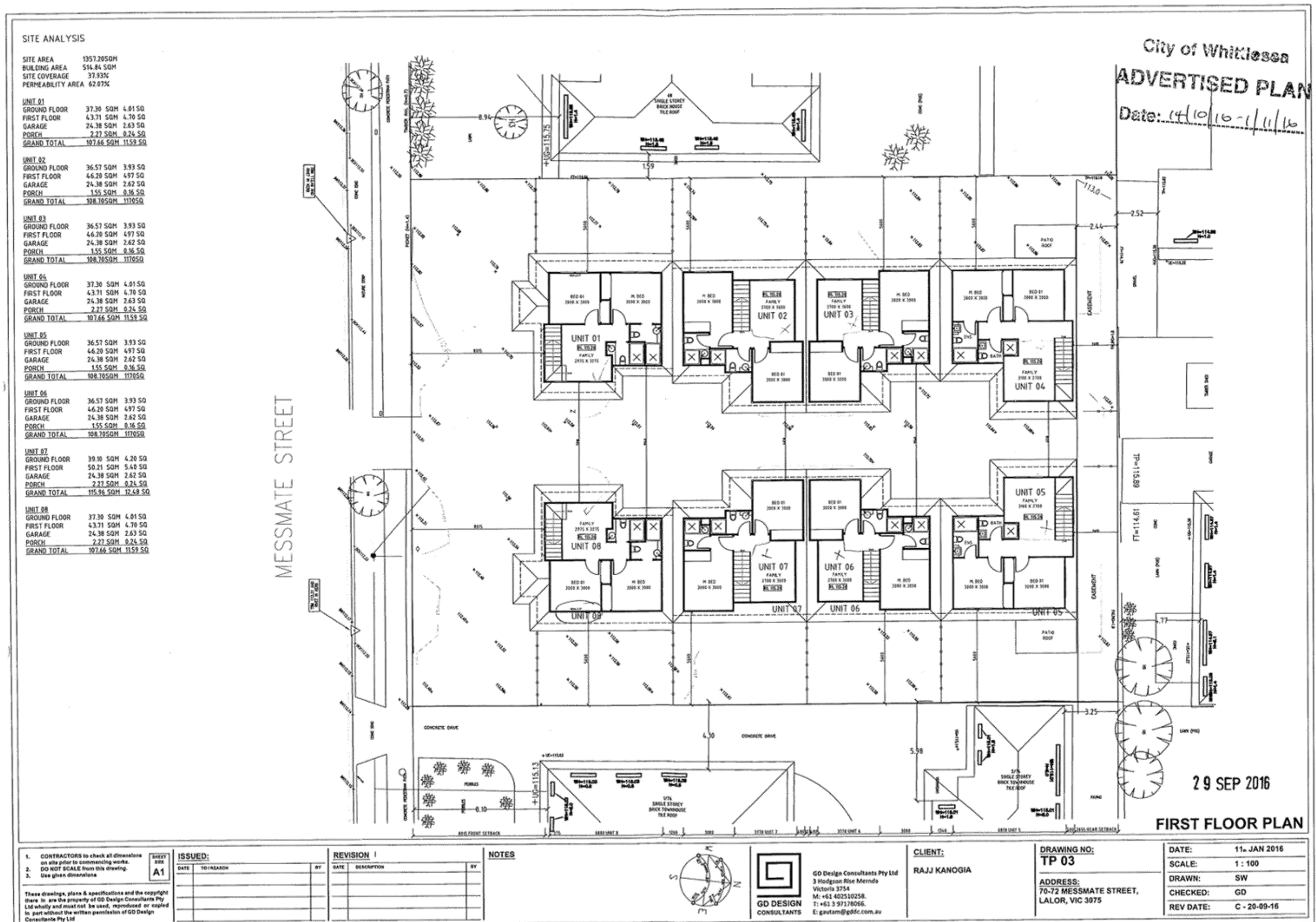
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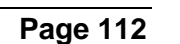
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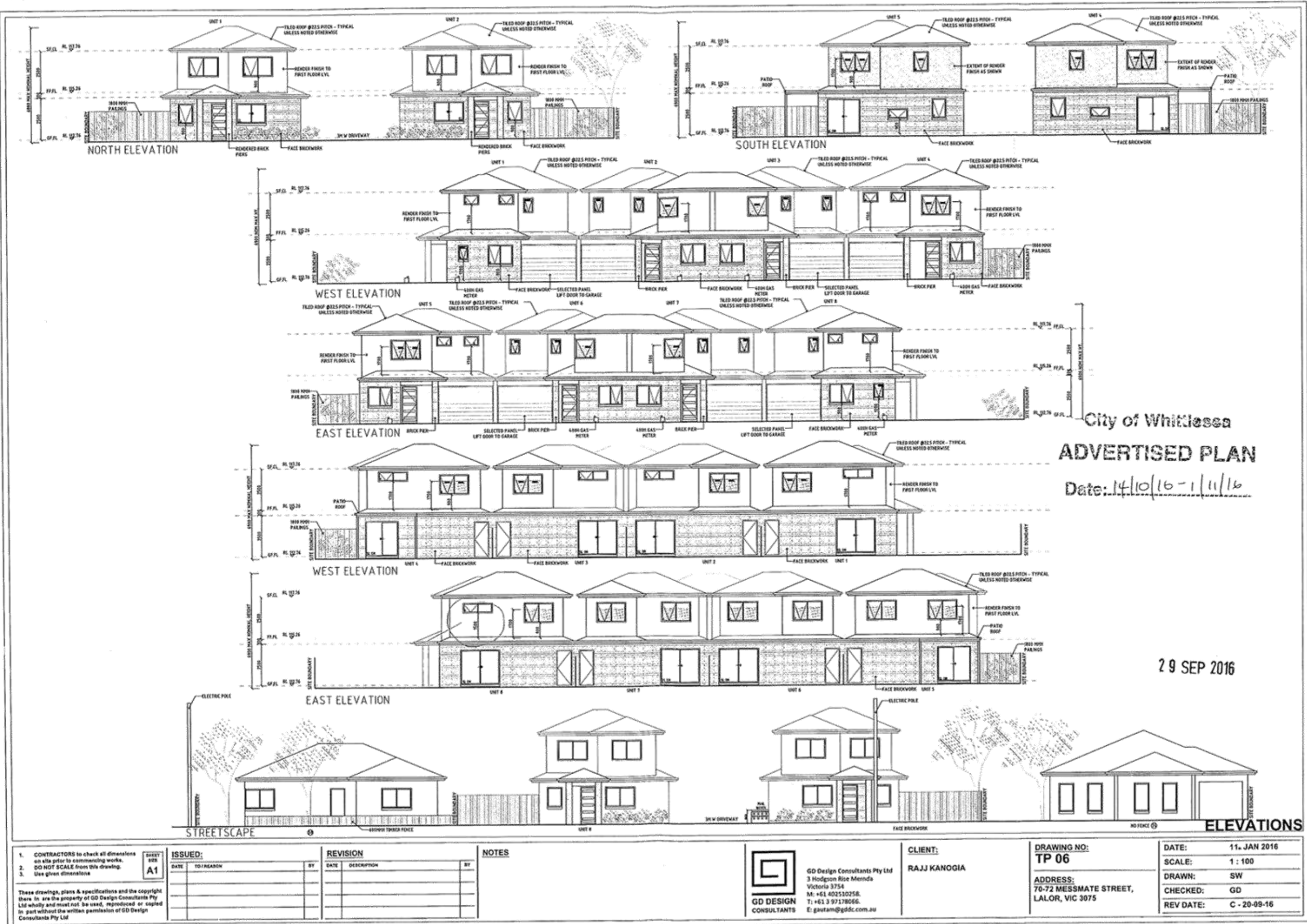




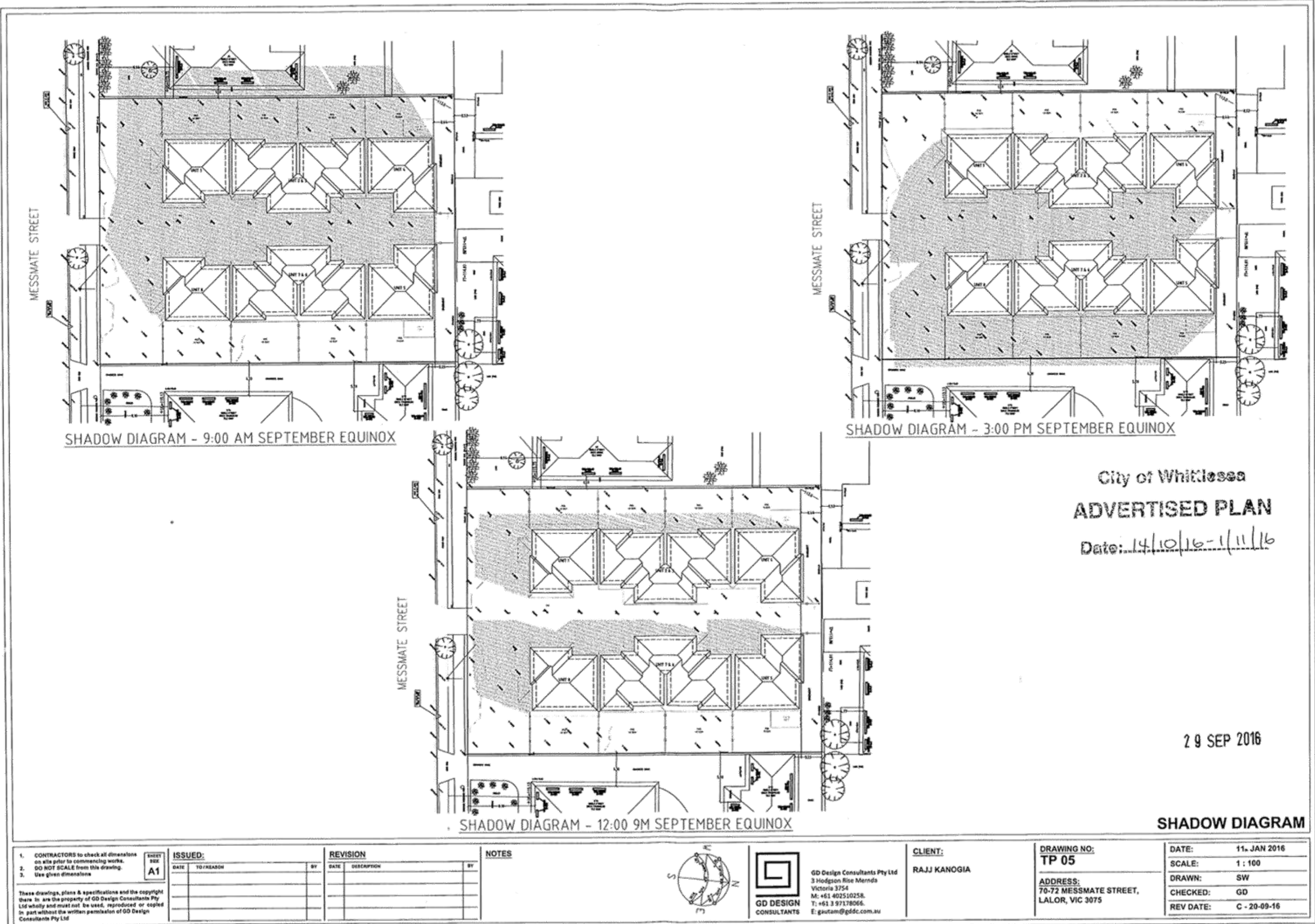














**6.1.6 44 APLEGUM DRIVE, SOUTH MORANG - VARIATION OF RESTRICTIVE COVENANT AND CONSTRUCTION OF TWO DOUBLE STOREY DWELLINGS**

**File No:** 716041

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer

**APPLICANT:** Meraq Building Designers

**COUNCIL POLICY:** Nil

**ZONING:** General Residential

**OVERLAY:** Development Plan (Schedule 6)  
Vegetation Protection (Schedule 1)

**REFERRAL:** Parks & Open Space

**OBJECTIONS:** One

**RECOMMENDATION:** That Council refuse the application

**REPORT****EXECUTIVE SUMMARY**

The application proposes to vary an existing single dwelling restrictive covenant to facilitate the construction of two new dwellings.

That part of the application which seeks to vary the restriction has been advertised to those benefiting from the restriction and other adjoining and surrounding landowners/ occupiers. There are no objections to the variation from beneficiaries. However, an objection has been received from an adjoining landowner stating that the variation will diminish living standards in the area and lead to other adverse amenity outcomes for his land. Although this objector abuts the subject land, he is not a direct 'beneficiary' of the restriction because the objector's land was approved as part of a separate stage of the same estate. Notwithstanding, this report finds that the objector is an affected person and the concerns raised should be appropriately considered. This report recommends that variation not be approved.

The proposed development of the two dwellings, which also forms part of the application, has not been subject to public notification because it is exempt from the notification provisions of the Whittlesea Planning Scheme. The proposed development is conditional upon the variation of the restrictive covenant. Because it is not the recommendation of this report that variation be approved, the proposed development is also not recommended for approval. Even in the absence of the single dwelling restriction, it is unlikely that approval of the proposed development would be supported because the site contains a significant native tree which is protected under title within a tree protection envelope. This report concludes that the development of two dwelling on the land is likely to prejudice the long term security of the protected tree. Further amenity issues are also identified in relation to the proposed development.



## SITE AND SURROUNDING AREA

The subject land is vacant site of 659m<sup>2</sup> located on the southeast corner of Applegum Drive and Cloud Street, South Morang (see *Attachment 1*). The lot is within Stage 5 of the Camalda Estate for which subdivision approval was granted in 2011. The site has a 19.1m frontage to Applegum Drive, a 27.1m boundary to Cloud Street and a corner splay at the intersection of these two streets of 8.6m.

A significant tree comprising a maturing Long Leafed Box (*Eucalyptus goniocalyx*) is located on the northern portion of the land and is secured on title via a tree protection envelope (see *Attachment 2*). Approximately one quarter of the site is constrained by this envelope. The tree is a planted native specimen established when the land was previously used for rural purpose. As part of the approval of the Development Plan and subdivision, agreement was reached between Council and the developer to retain the tree (along with other native and indigenous trees) to enhance the character and amenity of the new estate and to provide for habitat. The lot created to contain the tree was deemed to be of sufficient size to contain a single dwelling on the balance of the lot within a building envelope.

The estate is now largely developed for predominately single dwellings (both double and single storey). Some examples of dual occupancies and medium density housing development exist in the area and these comprise nominated sites not subject single dwelling covenants (which were agreed to between the developer and Council at the time of subdivision so as to provide certainty for the future community and new purchasers of land). Typically these small number of medium density housing sites comprise corner allotment and other larger allotments not encumbered by retained trees. A nominated dual occupancy site is currently under construction opposite the site.

The subject land is located within proximity to the following services and community facilities:

- The Lakes South Morang P-9 school and Merriang Special Development School (500m west)
- Mill Park Lakes Community Activity Centre (600m northwest)
- The Lakes Boulevard shopping centre (700m northwest)
- Bus Service along Gordons Road (400m to the south and west)
- Mill Park Lakes Recreation Reserve (800m west)

## BACKGROUND

An application (715820) to remove the existing tree on the land and the associated tree protection envelope was included in Council's meeting agenda on 26 April 2016 but withdrawn immediately prior to consideration by Council. The application was made to facilitate a particular house design proposed by a potential purchaser (not the current applicant). The officer report, recommending refusal of the application, stated that the tree had a useful life expectancy, good structure and health; and that a preferred dwelling design was not a sufficient basis on which to remove a healthy tree. Beneficiaries to the restrictive covenant had also objected to the application proposal.

## RESTRICTIONS AND EASEMENTS

The subject site is legally described as Lot 538 on Plan of Subdivision 701101M. The lot is encumbered by the following restrictions registered on title:

### Restriction A

This restriction allows only one dwelling to be constructed on the land and further requires that the dwelling area (exclusive of garages, balconies and verandahs) comprise a specified minimum area (not less than 150m<sup>2</sup> with respect to the subject land). Approximately 35 lots are benefited in Stage 5 of the estate by this restriction while a further five lots (assessed at the time of subdivision as potentially being suitable for dual occupancies/ medium density housing development) are excluded from the restriction ('excluded lots'). The current application seeks to vary this restriction by including the subject land within an 'excluded lot



(i.e. a lot that is not required to meet the single dwelling requirements). This variation will enable the construction of two (or more) dwellings and associated subdivision at a future date.

#### Restriction B

This restriction requires that all buildings and structures be in accordance with designated building envelopes. The applicant has amended the development proposal to fit the two dwellings within the existing building envelope anticipated for one dwelling by designing an attached double storey built form which utilises a significant portion of the available building envelope. The northern extent of Dwelling No. 2 is shown on the plans directly abutting the tree protection envelope. Part of the eaves of the proposed dwelling are shown extending into the tree protection envelope. The application does not seek to vary this particular restriction.

#### Restriction C

This restriction requires the significant tree on the land to be retained to the extent shown in the nominated tree protection envelope unless consent in writing is granted by Council to allow incursions (including paving). The submitted plans show the dwellings to be predominately clear of the protection envelope (other than for eaves as noted previously). However, the ground storey rear laundry doorway associated with Dwelling No. 1 also opens directly under the tree and paving extending from this doorway is shown within the tree protection envelope. No formal request has been made by the owner or applicant seeking consent for these incursions.

The applicant has submitted an arborist report which confirms that the Tree Protection Zone (TPZ) (which largely corresponds to the tree protection envelope) will be impacted by approximately three percent. This is an estimate as the arborist has not measured the canopy height. This report has been assessed by Council's arborists and it has been confirmed that the impact is likely to be greater than three percent because incorrect standards and calculations have been used in the consulting arborist's assessment.

The arborist report confirms that part of the tree will require pruning to accommodate the proposed development.

As the subject tree is a maturing specimen, it is likely that its canopy will further extend, over time, outside the boundaries of the current protection envelope. In this context the tree is further protected by the Vegetation Protection Overlay that also affects the land.

All three restrictions are the direct outcome of a planning permit (No. 712466) issued by Council for the subdivision of the land. Conditions of permit required that agreements or restrictions be entered into prior to a Statement of Compliance proving for building envelopes and tree protection zones including 'design guidelines to ensure consistent building form and design outcomes.' The single dwelling restriction in the context of the subject land is considered to be a proper planning outcome of this planning permit condition.

### **PROPOSAL**

The first part of the proposal seeks to vary the restrictive covenant to allow two dwellings to be constructed on the land. The second part of the application seeks approval for two attached double storey dwellings.

Dwelling No. 1 is to comprise a four bedroom dwelling comprising kitchen/ meals/ family area and study room at ground level and four bedrooms and a retreat at first floor level. This dwelling would also contain the protected tree.

Dwelling No. 2 comprises a kitchen/ meals/ family area and study room at ground level and three bedrooms at first floor level.

Further details of the proposed dwellings are set out in the following table



	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	4	3.0m front setback; 10.7m side (north) setback; 2.0m rear setback	40m <sup>2</sup> (exclusive of tree protection envelope)	Single garage with tandem driveway space	8.4m
Dwelling No. 2	Double Storey	3	3.0m front setback; 3.0m side (south) setback; 2.0m rear setback	58m <sup>2</sup>	Single garage with tandem driveway space	7.8m

## PUBLIC NOTIFICATION

Advertising of the application in relation to the restrictive covenant variation resulted in two objections being received. One objection from a beneficiary has been withdrawn. The remaining single objection (from a non beneficiary but abutting landowner) can be summarised as follows:

1. Diminished living standards as a result of the proposed restrictive covenant variation
2. Decreased solar access to living areas and private open space
3. Insufficient front street setback

These objections relate to the restriction variation proposal (and the consequences arising from this). The development proposal itself is exempt from notification under the Development Plan Overlay provisions of the Whittlesea Planning Scheme. The objections relating to decreased solar access are considered in this report in the context of both the variation request and the development proposal.

## PLANNING ASSESSMENT

The following planning provisions and zoning requirements of the Whittlesea Planning Scheme are considered relevant to the application.

The subject land is included in a General Residential Zone and is affected by a Development Plan Overlay (Schedule 6). A development plan has previously been approved in relation to the broader area (*Gordons Road Development Plan, 2004*). This plan has informed the subdivision design but does not provide a detailed level of guidance in relation to individual lots. Under the plan the subject land is nominated for residential purposes. The proposed development, in a general sense, accords with this purpose.

### Clause 52.02 (Easement, Restrictions and Reserves)

The purpose of this provision is to 'enable the removal and variation of an easement or restriction to enable a use or development that complies with a planning scheme after the interests of affected people are considered.'

Restrictive covenants created after 25 June 1991 (which includes the restriction considered in this application) are governed by Section 60(2) of the *Planning and Environment Act 1987*. Under these provisions a responsible authority must not grant a permit which allows the variation or removal of a restriction unless it is satisfied that the owner of any land benefited by the restriction will be unlikely to suffer: '(a) financial loss; or (b) loss of amenity; or (c) loss arising from change to the character of the neighbourhood; or (d) any other material detriment as a consequence of the removal of the restriction.'

As noted previously, the single objector is not a beneficiary of the restriction even though the objector's land shares a common boundary with the subject land (southern boundary). If the



objector were a beneficiary it is likely that the application would need to be refused because of the nature of the objection. Although the objector is not an owner of land benefited by the restriction, he remains an 'affected person'. Such persons are entitled to make an objection, have the objection considered and, if necessary, have any decision reviewed by VCAT. Council is also required to consider the planning merits of the variation and whether, on balance, the proposed outcome is acceptable.

Clause 52.02 of the Planning Scheme requires that a responsible authority consider the relevant decision guidelines of Clause 65 before deciding on an application to vary or remove a restriction. These guidelines include:

- The matters set out in section 60 of the Act (which includes the fair and orderly use and development of land).
- The orderly planning of the area.
- The affect on the amenity of the area.
- The extent and character of native vegetation and likelihood of its destruction.
- Whether native vegetation is or can be protected, planted or allowed to regenerate.

The proposed variation will also, if approved, remove a restriction preventing the land from further subdivision. Relevant decision guidelines under Clause 65 require the following matters to be considered in relation to subdivision:

- The suitability of the land for subdivision.
- The availability of subdivided land in the locality, and the need for the creation of further lots.
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.

#### Vegetation Protection Overlay (Schedule 1)

The subject land is affected by a Vegetation Protection Overlay which recognises and provides protection for both indigenous and native trees. A purpose of the Overlay seeks to 'ensure that development minimises the loss of vegetation'. Relevant decision guidelines require that the responsible authority consider the effect that use, building and works or subdivision may have on the nature and type of vegetation to be protected. A specific objective seeks 'to preserve and maintain significant vegetation and the character of the area.'

The principal instrument for the protection of the tree on the subject land (which encumbers nearly 25 percent of the lot) is the restriction containing the tree protection envelope. The tree is largely contained within this envelope but its maturity over time is likely to extend to some extent beyond this envelope. The proposed development will require that a small part of the tree be pruned (although that has not been applied for in the current application).

#### Assessment of Variation Proposal Against Decision Guidelines

Unlike other restrictions which set out developer interests only, the subject restriction is one that is largely derived from the original planning permit for subdivision required by Council. Its intent is underpinned by proper planning considerations. The applicant has not



demonstrated that the variation of the restriction will result in any planning benefits or that there is a compelling need for further development at this location.

The single dwelling restriction is related to the significant tree on the land and associated tree protection envelope. The tree has strong potential to enhance the character and identity of the area well into the future. Based on previous experience, these natural assets are highly vulnerable over time to a variety threats which are often exacerbated by more intense form of development and lot fragmentation. The proposed development would provide little contingency for the natural growth and regeneration of the tree over time and the very limited private open space that is to be made available for proposed dwellings would lead to future pressures to use, inappropriately, land within the TPZ and areas under the canopy of the tree. It has been the experience of Council that overdevelopment adjacent to retained trees in a private property context often leads to pressure to have such trees removed.

The relevant decision guidelines set out previously in this report require a precautionary approach to the treatment and retention of native vegetation. Because the tree has been assessed as a significant tree it is not considered appropriate, on planning grounds, that the restriction be removed.

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

To the extent the variation of the restriction is not supported on planning grounds, the assessment below is not necessary. However, it is provided for information purposes.

The following table provides details of 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	✓	✓	
B2	Residential Policy	✓	✓	Council's Housing Diversity Strategy does not apply to this area.
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	✓	✓	The front walls of each dwelling are set back 3.0m which accords with the approved building envelopes. The garages have also been set back at a minimum distance of 5.5m as required.
B7	Building height	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	X	This standard requires that buildings be orientated to make appropriate use of solar energy and sited and designed to ensure that energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. Living areas and private open space should be located on the north side of the dwelling if practical. The proposed development will not unreasonably affect solar access on adjoining lots. However, the proposed development provides for secluded private open space to the west and south. Areas to the north are fully encumbered by the tree protection.
B11	Open space	n/a	n/a	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	x	A landscape plan has not been submitted. An objective under this provision is 'to encourage the retention of mature native vegetation.' Relevant standards seek to 'allow for intended vegetation growth' and 'provide a safe, attractive and functional environment for residents.' The proposed development will require a reduction in the tree canopy and no provision for the future the growth needs of the maturing tree. A canopy tree can be accommodated within the front setback and rear private open space associated with each dwelling.
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	The side and rear setbacks of both dwellings comply with the setback distances prescribed by Building Envelope Plan Instrument PS 701101M.
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	✓	✓	While overshadowing of adjoining properties (including private open space) will result from the proposed development, the extent of this impact is acceptable under the standard. Shadow diagrams have been submitted demonstrating this compliance.
B22	Overlooking	✓	✓	Windows on the north, east and south elevations are to be screened to 1.7m so as to comply with the standard.
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	Private open space associated with each dwelling is located to the south and west of the dwelling which is not ideal. The area within the tree protection envelope is not capable of providing for the 'reasonable recreation and service needs of the residents' and is therefore not usable. These areas have been excluded from the open space calculation. Notwithstanding both dwellings are able to accommodate the minimum area requirements set out under this standard.
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	✓	To ensure the proposal is consistent with and complements the surrounding built form, a condition would need to be included on any permit issued requesting a colour and material schedule for all external finishes.
B32	Front fences	NA	NA	
B33	Common property	NA	NA	
B34	Site services	✓	✓	Bin areas associated with Dwelling No. 1 would need to be removed from under the canopy of the mature tree.



**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	4	2	2	Yes
2	3	2	2	Yes

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

**COMMENTS ON GROUNDS OF OBJECTION****1. Diminished living standards as a result of the proposed restrictive covenant variation**

The objector has stated that he purchased the land with the fair and reasonable expectation that the single dwelling restrictive covenant applied to the subject land would remain in place (similar to a restrictive covenant affecting the objector's land). The objector has stated that his dwelling was constructed and designed having regard to this restriction. The private open space and living areas are located to the north of the dwelling (abutting the southern boundary of the subject land). The objector has stated that the variation will result in diminished living standards.

The objector is also concerned that should the variation be approved, there would be nothing compelling the landowner to proceed with the current proposal and another proposal (possibly with more adverse amenity outcomes) could occur.

This existing covenant allows a single dwelling to be constructed within a defined building envelope. It is anomalous that there are approximately 30 beneficiaries to this restriction within Stage 5 of the estate but the objector, who is an abutting owner, is not one of them. This outcome is the consequence of developer staging and not a matter that Council had any control over. If the objector were a beneficiary, it is likely that Council would be required to refuse the application because of likely loss of amenity, loss arising from change of character of the neighbourhood and other material detriment. However, these specific and stringent tests cannot be applied in this instance.

In terms of the amenity impacts from the proposed development, the applicant has demonstrated that, in relation to the interface with the objector's land, siting and design requirements under both the existing building envelope restriction and ResCode could be reasonably met if single dwelling restriction were to be varied and two dwellings constructed in the building envelope. If an alternative development were to be proposed following any variation, this would also need to comply (although it should be noted that the current landowner/ objector would not be notified of any future medium density development because of notification exemptions).

While technical requirements set out in the building envelopes and under ResCode can be met in relation to the interface with the objector's land, the objector remains concerned that development for the purpose of two dwellings on the land will result in



a more intense form of development than one dwelling. Officer agree with this observation. The amenity impacts of two dwellings on the land would be greater than one dwelling.

As stated previously in this report, the objector is an 'affected person' and as such is entitled to have the merits of the variation considered under Clause 52.02. Council must also consider relevant decision guidelines (as set out previously in this report). Relevant decisions guidelines refer to the need to provide for the 'fair and orderly planning of an area'. It is considered the process of nominating sites for medium density and other sites suitable for single dwellings at the time of subdivision provided for this outcome.

## **2 Decreased solar access to living areas and private open space**

While some overshadowing of the private open space of the objector's land will occur, its extent has been assessed as acceptable under the Clause 55 and will not extend to the north facing windows of the living areas. Some of the overshadowing will be caused by the fence that currently exists on the boundary. The proposed development shows a 2.0m high Colourbond fence which would contravene the restrictive covenant which limited fencing to 1.8m.

The proposed development is also compliant with the existing building envelope requirements although the retention of a single dwelling restriction is more likely to result in a less intense form of development on the site compared with the current proposal.

## **3. Inadequate front street setback**

The objector has expressed concerns about the front setback distance of the proposed dwellings. As previously set out in this report, the setbacks comply with the relevant Clause 55 standards and the building envelopes under the current restriction.

## **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

## **CONCLUSION**

The proposed variation of an existing single dwelling restrictive covenant to allow further dwellings on the land is not supported having regard to the relevant decision guidelines of the Whittlesea Planning Scheme. The restriction was put in place at the time of subdivision to allow for the fair and orderly planning of the area and to reflect site constraints imposed by a significant tree which is to be retained. The views of the objector, an affected person, have been considered in forming this view. The retention of the existing provisions will maintain the amenity of the area and provide a more secure setting for the retained significant tree on the land.



**RECOMMENDATION**

**THAT Council resolve to refuse Planning Application No. 716041 and issue a Refusal to Grant a Planning Permit to allow a variation to Restrictive Covenant PS701101M and construction of two double storey dwellings at 44 Applegum Drive, South Morang on the following grounds:**

- 1. The proposal variation will not accord with the decision guidelines of Clause 65 of the Whittlesea Planning Scheme and in particular will:**
  - a) not provide for the fair and orderly planning of the area.**
  - b) have an adverse impact on the character and amenity of the area including impacts on nearby affected persons.**
  - c) prejudice the protection of native vegetation on the land and constitute an overdevelopment of the site in this context.**
- 2. The development and works that may result from the proposed variation (two or more dwellings) will:**
  - a) have an adverse impact on the amenity and character of the area and constitute an overdevelopment of the site.**
  - b) encroach within a tree protection envelope and not provide for the future needs of the significant tree.**
  - c) Be inconsistent with the purpose of the Vegetation Protection Overlay (Schedule 1) and associated decision guidelines.**
  - d) Provide inadequate usable private open space (outside of the tree protection envelope) for the needs of future residents.**











# PLANNING APPLICATION NO. 716041

Aerials: Apr 2016



-  Subject Land
-  Objector
-  Medium Density Housing



City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

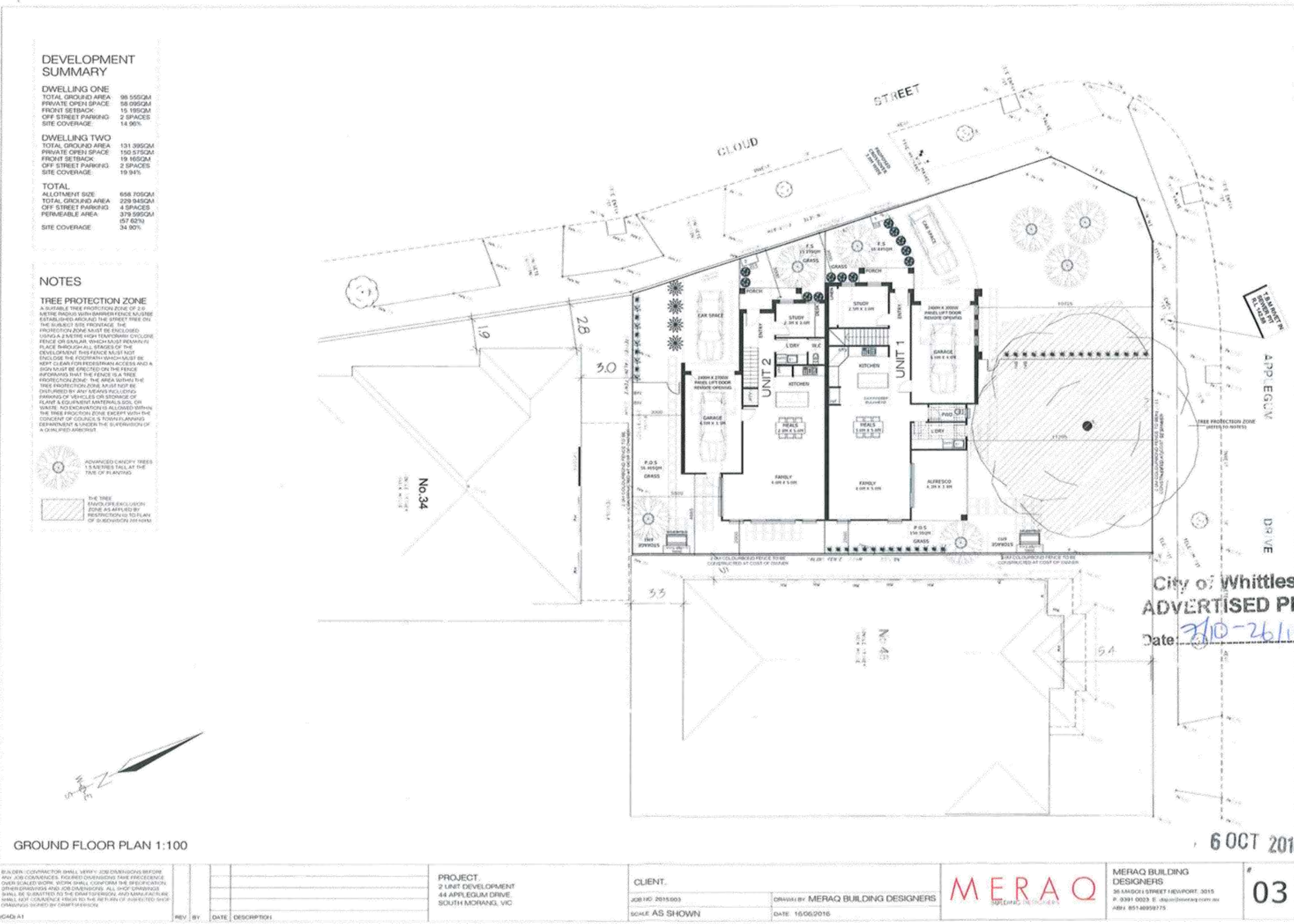




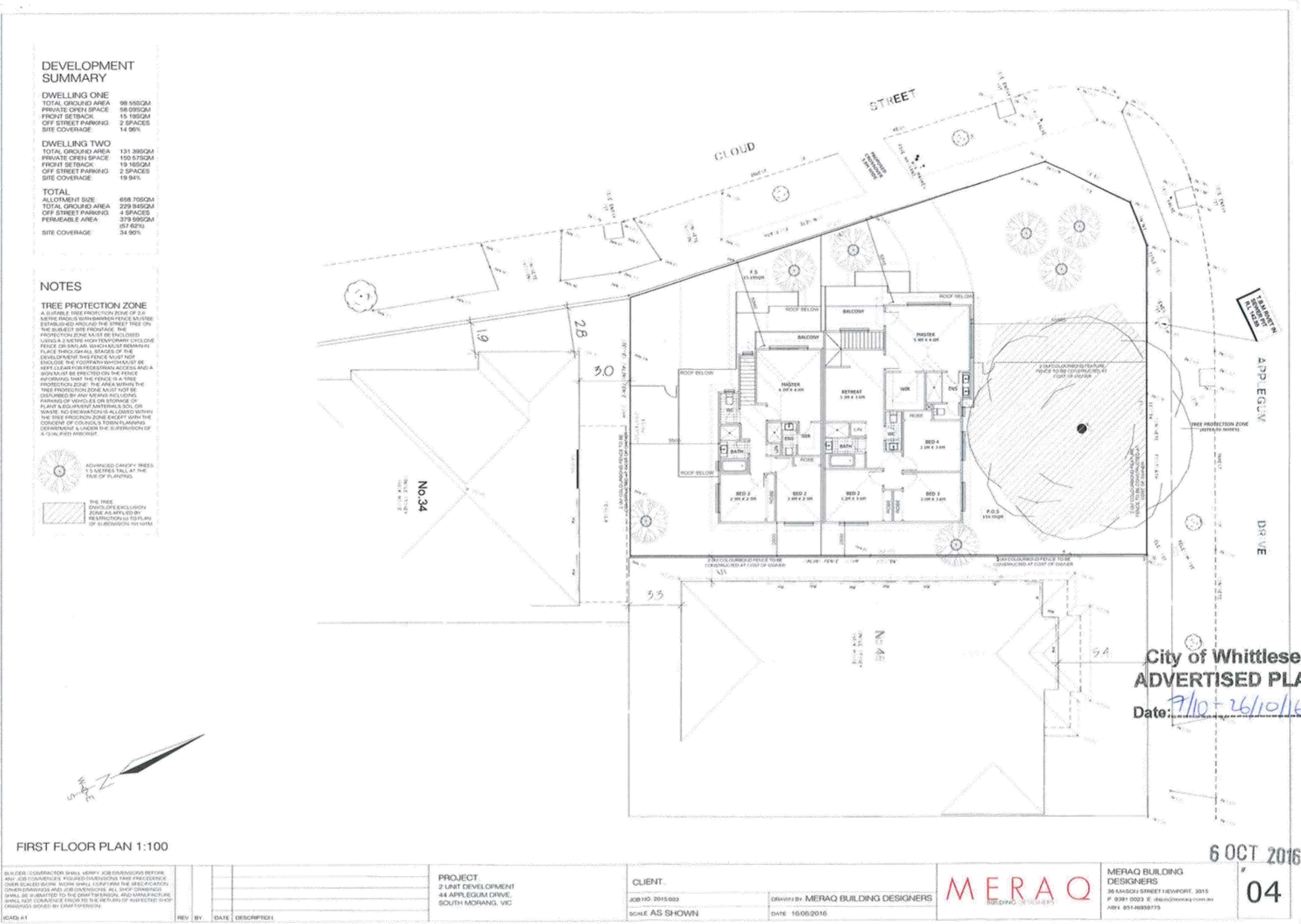












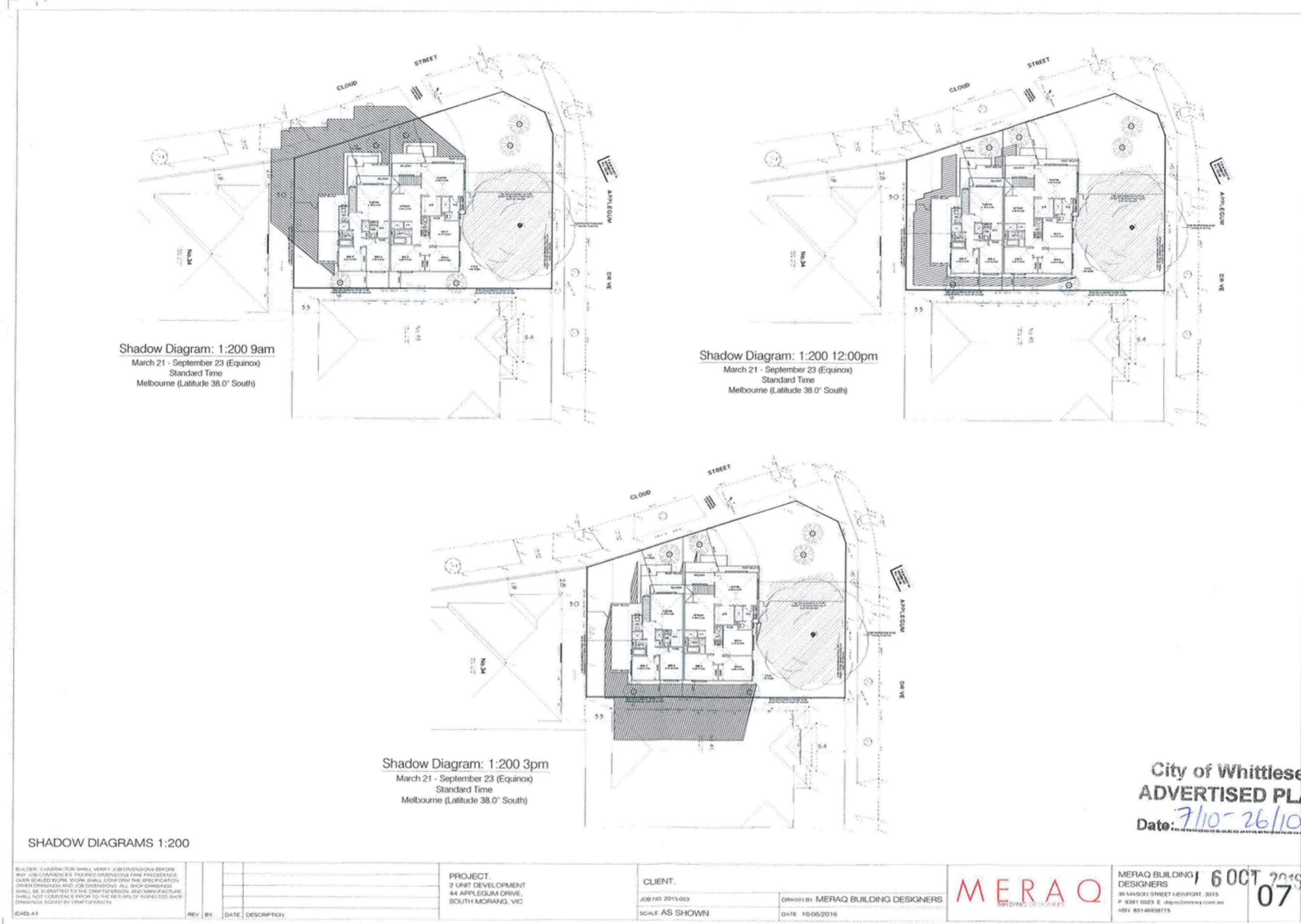


















**6.1.7 4 OXLEY AVENUE, BUNDOORA- USE OF LAND FOR THE PURPOSE OF A HOME OCCUPATION AND DISPLAY OF A HOME OCCUPATION SIGN**

<b>File No:</b>	<b>715885</b>
<b>Attachments:</b>	<b>1    Locality Maps</b> <a href="#">↓</a> <b>2    Development Plans</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer</b>
<b>APPLICANT:</b>	<b>Mrs Y Jian Hua</b>
<b>COUNCIL POLICY:</b>	<b>Nil.</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay (Schedule 3)</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>One</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application.</b>

**REPORT****EXECUTIVE SUMMARY**

An application has been received to legitimise a home occupation (Chinese medicine) conducted by a single practitioner. The home occupation is currently operating within a converted garage associated with a single dwelling in contravention of the Whittlesea Planning Scheme. The home occupation requires a planning permit because the floor area used for the occupation is 72m<sup>2</sup>. Where the floor area of a home occupation exceeds 50m<sup>2</sup> or one third of the floor area of the dwelling (which ever is the lesser) a planning permit is required.

The application was advertised to surrounding property owners and occupiers and single objection was received. The issues raised relate to inadequate parking and traffic congestion in Oxley Avenue. The objector also submits that the proposed sign to identify the home occupation which is to be placed on the land (1.9m<sup>2</sup>) is not appropriate for a residential area.

This report recommends that the application be approved because the home occupation is a modest proposal and will not have an unreasonable impact on traffic, parking or the amenity of the area. However, it is recommended that the area of the proposed sign be reduced in size.

**SITE AND SURROUNDING AREA**

The subject land (see *Attachment 1*) is located to the north of Oxley Avenue, Bundoora, 50m west of the intersection with Plenty Road. The land is within close proximity to Northpark Hospital and public transport (in the form of bus and trams stops on Plenty Road). The subject land comprises an established single storey four-bedroom brick veneer dwelling on a 690m<sup>2</sup> lot. Established dwellings are located to the east and west of the subject land. The rear of the site abuts a Melbourne Water pipe track reservation.



The rear of the site contains a 78m<sup>2</sup> garage approved under Building Permit No 4171 in 2004. It has since been modified and converted for home occupation use (without building approval). Prior to its current use it was used as a home-based hair salon. Access to the garage is via single crossover from Oxley Avenue and a 30m driveway along the western boundary. Because the garage has been converted to the home occupation there are no formal covered spaces for car parking now available. However, the termination of the driveway provides sufficient space for the informal parking of up to two vehicles.

### RESTRICTIONS AND EASEMENTS

There are no restrictions on the title which prevent the land being using for the purpose of a home occupation and associated signage.

### PROPOSAL

The application seeks permission to use the former garage for the purpose of a home occupation for treatment and the dispensing of Chinese medicines. The application is also for a display of a 1.6m x 1.2m (1.9m<sup>2</sup>) home occupation (business identification) sign at the front of the premises. A single registered practitioner will operate from the site. Hours of operation are to be 10.00am to 5.00pm each day.

Because the practitioner is a registered health practitioner, separate health approval is not required by Council.

### PUBLIC NOTIFICATION

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

1. Inadequate parking provision and traffic congestion.
2. Inappropriate use for a residential area.
3. Signage not appropriate for a residential area.

### PLANNING ASSESSMENT

#### Home Occupation

Council's Municipal Strategic Statement which forms part of the Whittlesea Planning Scheme seeks to create additional jobs and job diversity in a variety of employment sectors. This includes strategies to 'optimise the potential of appropriate home-based employment' (Clause 21-10-1).

The land is included in a General Residential Zone. One of the stated purposes of the zone is to 'allow ...a limited range of other non-residential uses to serve local community needs in appropriate locations.' A home occupation is typically an 'as-of-right' (permit not required) use within the zone where a proposal is able to meet the particular provisions or requirements relating to home occupations set out in Clause 52.11 of the Planning Scheme. The 'as-of-right' requirements are listed below:

- *The person conducting the home occupation must use the dwelling as their principal place of residence.*
- *No more than one person who does not live in the dwelling may work in the occupation.*
- *The gross floor area used in conducting the occupation including the storage of any materials or goods must not exceed 50 square metres or one-third of the gross floor area of the dwelling, whichever is the lesser.*



- *The occupation must not impose a load on any utility greater than normally required for domestic use.*
- *The occupation must not adversely affect the amenity of the neighbourhood in any way including:*
  - *The appearance of any building, works or materials used.*
  - *The parking of motor vehicles.*
  - *The transporting of materials or goods to or from the dwelling.*
  - *The hours of operation.*
  - *Electrical interference.*
  - *The storage of chemicals, gasses or other hazardous materials.*
  - *Emissions from the site.*
  - *No motor vehicle may be serviced or repaired for gain.*
- *Only one commercial vehicle (a commercial goods vehicle, commercial passenger vehicle or tow truck within the meaning of the Transport Act 1983), not exceeding 2 tonnes capacity and with or without a trailer registered to a resident of the dwelling may be present at any time. The vehicle must not be fuelled or repaired on the site.*
- *No goods other than goods manufactured or serviced in the home occupation may be offered for sale.*
- *Materials used or goods manufactured, serviced or repaired in the home occupation must be stored within a building.*
- *No goods manufactured, serviced or repaired may be displayed so that they are visible from outside the site.*

A planning permit may be granted to allow a floor area not exceeding 100m<sup>2</sup> or one-third of the gross floor area of the dwelling, whichever is lesser. (For the purpose of the provisions a dwelling includes an outbuilding normal to a dwelling). The combined dwelling and outbuilding relating to the subject land comprises an area of approximately 250m<sup>2</sup>. The proposed 72m<sup>2</sup> home occupation accords with this provision and therefore may be considered under an application for a planning permit.

Before deciding on the application for a home occupation that requires a planning permit, the responsible authority must consider:

- *Whether there is a need for additional parking or loading facilities.*
- *The effect of any vehicle parking, storage or washing facilities on the amenity and character of the street.*
- *Whether the site is suitable for the particular home occupation and is compatible with the surrounding use and development.*
- *Whether there is a need for landscaping to screen any outbuildings or car parking or loading areas or any other area relating to the home occupation.*



The key questions that arise in the consideration of the application relating to the home occupation are set out below:

*Whether there is a need for additional car parking*

A single practitioner operating under the home occupation provisions is unlikely to generate significant parking demand. Parking provision for the occupier of the dwelling is available at the termination of the existing driveway within the extended paved area in front of the converted garage. This space could also be made available for the small number of visiting clients that may wish to utilise the driveway for access and parking.

However, it is considered that for the single vehicle (or possibly two vehicles allowing for an overlap of visits), that may be associated with a visit to the site at any one time, sufficient short term on street parking is available opposite the subject land. Council's traffic engineers support this finding. The north side of Oxley Avenue is a 'no standing' zone between the hours of 9.00am to 5.00pm. However the southern side contains designated two (2) hour parking during business hours. Four spaces are available directly opposite the subject land.

It will be reasonable to include the following condition on any permit that may be issued:

*The permit holder must at all times during the operation of the home occupation make available not less than one car parking space in front of the home occupation building to the satisfaction of the Responsible Authority for the exclusive use of visiting clients.*

*Whether the use will adversely affect the amenity of the neighbourhood – particularly in relation to the parking of motor vehicles.*

It is not considered the parking associated with the home occupation will have a detrimental impact on the amenity of the area – particularly given the parking controls in place on Oxley Avenue.

*Whether the home occupation (and the additional 22m<sup>2</sup>) is compatible with the surrounding use and development.*

The occupation is to be contained within a building and the use is considered to be compatible with the surrounding residential use and development. A number of other medical facilities and practices are located within the surrounding area. A permit is only required in this instance for the additional 22m<sup>2</sup>.

Display of Signage

Pursuant to Clause 52.05 of the Whittlesea Planning Scheme, the subject land is located within a 'Category 3 – High Amenity' area which has limitations of the extent of signage that may be displayed. The purpose for signage in such areas is to ensure that they are 'orderly, of good design and do not detract from the appearance of the building on which the sign is displayed or the surrounding area.'

The type of sign that has been applied for is a 'home occupation sign' which is defined as a 'sign at a dwelling that advertises a home occupation carried on in the dwelling, or on the land around the dwelling.' A permit is not required to display this form of signage if the area of the sign does not exceed 0.2m<sup>2</sup>. Where this size is exceeded, a planning permit is required. The application proposes a sign of 1.6m x 1.2m (1.92m<sup>2</sup>).

In the context of the residential and neighbourhood setting, the proposed sign is considered excessive in area. The sign is to be located at the front of the property and in this location it does not need to be of the size proposed to identify the premises and the services offered. The purpose of the sign should not be to promote the business to passing motorists. It is



therefore considered that a significantly reduced area of 0.3m<sup>2</sup> is sufficient for the site and business. A condition of any permit issued can require that amended plans be submitted. Further conditions will ensure that the sign is not illuminated or floodlit.

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

The objector has raised concerns that with the expansion of Northpark Hospital and other medical facilities in the area, Oxley Avenue is increasingly being used for visitor parking. This volume of traffic is leading to safety concerns, noise and a lack of provision for resident parking.

While it is acknowledged that parking demand in Oxley Avenue has been the subject of community concern for some time, the proposed home occupation has been assessed as acceptable because of its small scale. Visitors are likely to utilise the short term parking on Oxley Avenue or on the subject land. On this basis it is considered the concerns of the objector can be adequately addressed.

In relation to signage, the concern of the objector is justified and it will be appropriate that the proposed sign be significantly modified to provide for a reduced area that will better accord with the existing residential character of the area.

### **OTHER MATTERS**

In the event that a planning permit is issued, the Building Services Department have advised that a Building Permit will be required for a change of use to allow the former garage to be used as a home occupation. It is considered appropriate to require that the building in question be reconverted back into a garage in the event that the land is no longer used for the particular purposes of the home occupation sought (Chinese medicine) unless a planning permit is granted for any other home occupation. This will ensure that the site is not used for other uses which may not be compatible with the scheme and home occupation requirements.

The subject land is affected by a Development Contributions Plan Overlay (Schedule 3) relating to drainage infrastructure. This planning provision is not relevant to the current application which only relates to the use of the land (rather than use and development).

Because the submitted plans are not scaled and dimensioned, further plans can be required as a condition of any permit issued.

### **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

### **CONCLUSION**

The proposed home occupation to provide for a single person is considered appropriate having regard to the home occupation provisions of the Whittlesea Planning Scheme. The location and area proposed for the occupation will not result in an adverse amenity outcome for the neighbourhood. The modest parking required for the occupation can be adequately accommodated on the site or on street within designated time limited parking areas. The site can be adequately identified with the reduced signage as recommended in this report.



**RECOMMENDATION**

**THAT Council resolve to approve Planning Application No. 715885 and issue a Notice of Decision to Grant a Permit for a home occupation and a home occupation sign at 4 Oxley Avenue, Bundoora, in accordance with the endorsed plans and subject to the following conditions:**

- 1. Within 28 days of the date of this Permit, three copies of revised plans and elevations of the building to contain the home occupation must be submitted to and approved by the responsible authority. The plans and elevations must be modified to show:**
  - a) The location of the building to contain the home occupation, the associated dwelling on the land and all landscaping.**
  - b) The building to contain the home occupation shown at an appropriate scale with dimensions.**
  - c) The internal layout of the home occupation building and elevations.**
  - d) The location of a visitor car parking space provided in accordance with Condition No. 3.**
  - e) The location of the proposed sign.**
  - f) The proposed area of the home occupation sign reduced to an area of not more than 0.3m<sup>2</sup>.**
- 2. The home occupation use allowed by this permit and shown on the plans endorsed under this permit must not be amended for any reason without the consent of the responsible authority**
- 3. The permit holder must at all times during the operation of the home occupation make available not less than one car parking space in front of the home occupation building to the satisfaction of the responsible authority for the exclusive use of visiting clients.**
- 4. The use permitted by this permit must comply with the definition of 'Home Occupation ' as defined in the Whittlesea Planning Scheme.**
- 5. The home occupation must comply with the home occupation requirements of the Whittlesea Planning Scheme (Clause 52.11-1) other than for the floor area requirements which must not exceed the area of the building permitted under this permit.**
- 6. The use hereby approved must only operate while conducted by a person who has the premises as their principal place of residence to the satisfaction of the responsible authority and no persons who do not live in the dwelling must be involved in the home occupation.**
- 7. This permit allows the use of the land for a home occupation associated with Chinese medicine. If the home occupation associated with this business activity ceases, this permit will expire.**
- 8. Upon the cessation of the home occupation the home occupation building must be converted back to a garage ancillary to the dwelling unless a further home occupation is conducted within the building in accordance with the provisions of the Whittlesea Planning Scheme or under a separate planning permit.**
- 9. The home occupation must only operate between the hours of 10.00am to 5.00pm daily.**
- 10. The use permitted by this permit must not, in the opinion of the Responsible**



Authority, adversely affect the amenity of the locality by reason of the processes carried on; the transportation of material, goods, or commodities to or from the subject land, the appearance of any buildings, works or materials; the emission of noise, artificial light, vibration, smell, fumes, smoke, vapor, steam, soot, dust, waste water, waste products, grit, or oil; the presence of vermin, or otherwise.

11. Outdoor lighting must not be used on the subject land other than that which is normal to a private dwelling.
12. No part of the use shall be undertaken outside of the home occupation building under this permit.
13. The sign approved under this permit must not be illuminated by external or internal light and must be maintained to the satisfaction of the responsible authority.
14. The permit for the sign expires 10 years from the date of the permit unless the home occupation ceases before this date in which case the sign must be removed at that time.









**Subject Land**



**Objector**

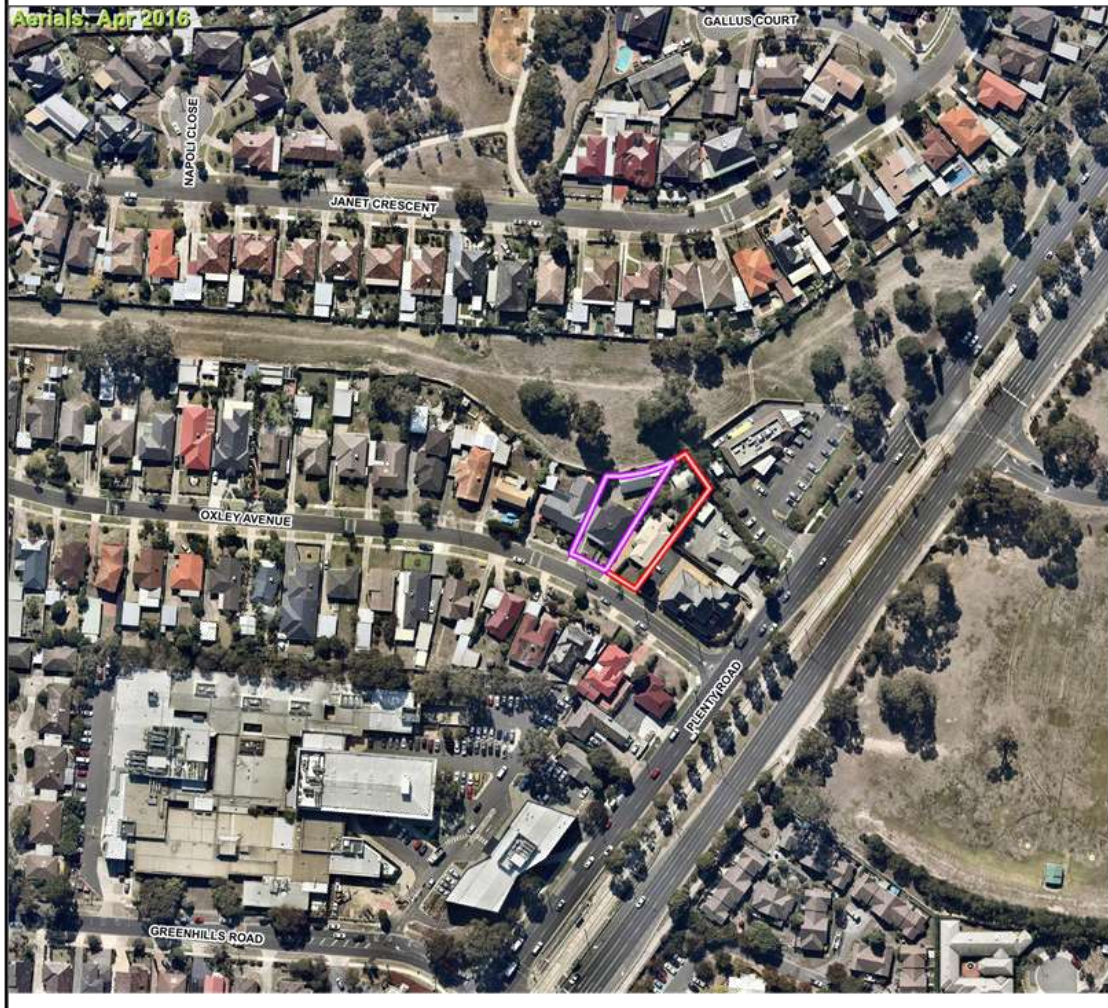




**City of  
Whittlesea**

**ESTABLISHED AREAS PLANNING REPORT**



## PLANNING APPLICATION NO. 715885



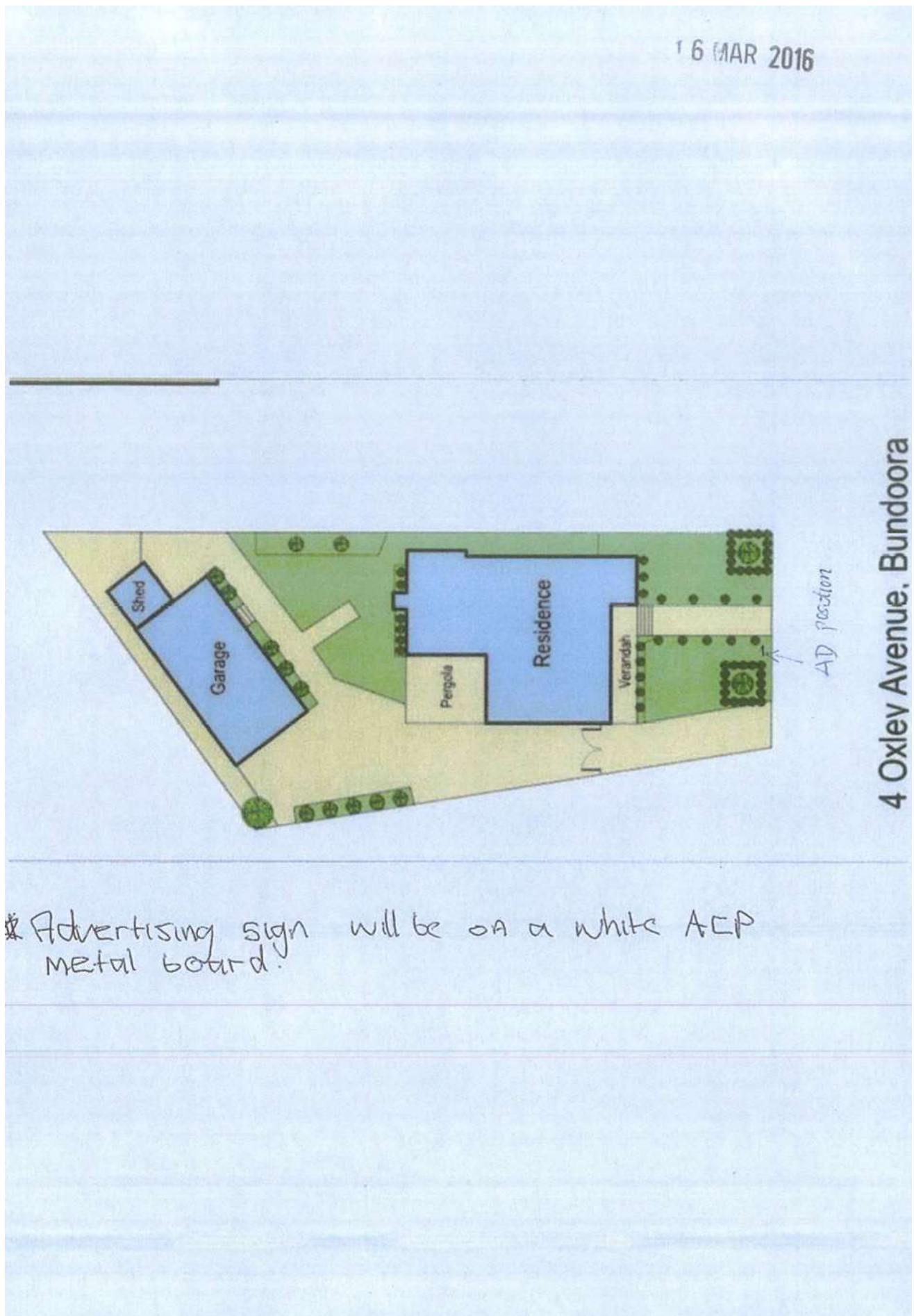
-  Subject Land
-  Objector



City of  
Whittlesea

ESTABLISHED AREAS PLANNING REPORT







16 MAR 2016

专家坐诊 | 疑难杂症 | 中草成药 | 针灸推拿 | 刮痧拔罐

Expert Diagnosis | Incurable Diseases  
Herbal Medicines | Acupuncture | Cupping

Grace<sup>+</sup>  
CHINESE MEDICINE  
恩奇中医馆

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**6.1.8 3/4 BRAND DRIVE, THOMASTOWN - USE OF EXISTING INDUSTRIAL PREMISES AS A PLACE OF WORSHIP**

**File No:** 716103

**Attachments:** 1 [Locality Maps](#) [↓](#)  
2 [Development Plans](#) [↓](#)

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

**Author:** Planning Officer

**APPLICANT:** Faith and Victory Church Inc.

**COUNCIL POLICY:** Nil

**ZONING:** Industrial 1

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

**REFERRAL:** Nil

**OBJECTIONS:** Three

**RECOMMENDATION:** That Council refuse the application

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to use an existing industrial building at Unit 3/4 Brand Drive, Thomastown for the purposes of a place of worship. A maximum congregation size of 40 persons is proposed on the main day of worship (Sundays 9.00am to 6.00pm). Services will also be held on Saturdays (2.00pm to 5.00pm) and during the evening on a defined number of weekdays (7.00pm to 10.00pm). A reduced congregation size is proposed for these services. The place of worship is proposed to be staffed by up to two people during weekdays between 9.00am and 5.00pm.

Advertising of the proposal resulted in three objections being received from surrounding business owners and occupiers. The grounds of objection relate to the proposal being an inappropriate use for the Thomastown industrial area, hours of operation, noise from the place of worship affecting other businesses, traffic impacts, inadequate provision for car parking and access and inconsistency with Council's draft *Thomastown Industrial Area Strategy*.

This report finds that although the use of land for a place of worship is a discretionary use within an Industrial 1 Zone, the proposed location in this instance is not considered appropriate because of the potential for conflict with other industrial uses and employment activity. Accordingly, it is recommended that the application be refused.

**SITE AND SURROUNDING AREA**

The subject site comprises one of three industrial buildings located east of Brand Drive, Thomastown approximately 110m north of Settlement Road (see *Attachment 1*). The buildings were constructed in the late 1980s. Established industry, manufacturing and warehousing characterise the surrounding area. Abutting and opposite land uses include



sheet metal fabrication, industrial fabrics, pollution abatement equipment manufacturing and warehousing.

The industrial building proposed to accommodate the place of worship is located at the rear of the site and comprises an area of 745m<sup>2</sup>. Access is provided via a single crossover from Brand Drive and a 64m long shared accessway (6.7m wide) which also serves the remaining two industrial buildings (Unit Nos. 1 and 2). This accessway is designated on the title as body corporate land.

A total of 12 of the total 35 car parking spaces available on the land are allocated on title for the building to contain the proposed place of worship (Unit No. 3). These spaces are located directly opposite Unit No. 2.

Unit No. 1 is current vacant (formally an automotive restoration workshop). Eleven spaces are designated for these premises. Unit No. 2 is used for the importation and distribution of bicycle parts and components. The business has been operating for three years and employs nine staff. The owner and occupier is an objector to the application. Twelve car parking spaces are designated for these premises. Loading bay access for Unit No. 2 is provided via the common accessway opposite the car parking area associated with the proposed place of worship.

The rear of the site (to the rear of Unit No. 3) abuts large manufacturing site (Kestral Manufacturing Pty Ltd) who are also an objector to the application. A warehouse complex is located to the south containing 13 buildings.

The nearest activity centre area (Bundoora/ Plenty Road) is more than 2km to the east. Public bus services are available along Settlement Road.

## RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 3 on Plan of Subdivision 725676W. A 2.5m wide drainage and sewerage easement affects the rear portion of the land. However, there are no restrictions on title that preclude Council from determining the application.

## PROPOSAL

The application seeks approval to use Unit No. 3 for the purpose of a place of worship (see *Attachment 2*) to accommodate a congregation of 40 people. The building will be used for church services, church gatherings, leadership/ team meetings and a base for pastoral outreach. The application includes the following hours:

Day	No. of people	Times
Monday - Friday	1-2 (Church staff)	9.00am - 5.00pm
<b>Evening Services</b>		
Tuesday	15	7.00pm – 10.00pm
Thursday	25	7.00pm – 10.00pm
Friday	10	7.00pm – 10.00pm
<b>Weekend Services</b>		
Saturday (occasional)	25	2.00pm – 5.00pm
Sunday	40	9.00am – 5.00pm



No external buildings and works are proposed. Internal building works will comprise the addition of two small offices and toilet facilities. Access is proposed via a single doorway and roller door. It is likely that if a permit were to be granted a Building Permit would also be required to ensure the change of use met relevant building requirements.

## **PUBLIC NOTIFICATION**

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

1. Inappropriate use for an industrial area;
2. Hours of operation;
3. Noise (from the place of worship affecting other premises);
4. Traffic impacts and inadequate provision for car parking and access; and.
5. Inconsistency with Council's draft *Thomastown Industrial Area Strategy (2015 to 2035)*.

## **PLANNING ASSESSMENT**

The following provides an assessment of the proposal against the provisions of the Whittlesea Planning Scheme.

### **State and Local Planning Policy Frameworks**

Clause 17.02-3 of the State Planning Policy Framework (SPPF) specifically designates the Thomastown employment area as one of 'State significance'. Relevant strategies under this provision seek to 'maintain buffer distances from sensitive or incompatible uses.' Clause 17.01-2 (Industrial land development) sets out an objective 'to ensure the availability of land for industry'. Relevant strategies seek to 'avoid approving non-industrial land uses, which will prejudice the availability of land for future industrial requirements, in identified industrial areas.' Under the Framework recreational, commercial and community uses are encouraged to establish in and around activity centres.

Clause 21.10 of the Local Planning Policy Framework (LPPF) relates to economic development and sets out objectives which seek to 'provide sustainable economic development opportunities and support economic activity which is responsive to the investment and employment needs of the community.'

### **Zone and Overlay Controls**

The subject land is located within an Industrial 1 Zone. A purpose of the zone seeks to 'provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.' A place of worship is a discretionary use (subject to a planning permit) within the zone.

Clause 33.01-2 of the zone provisions sets out decision guidelines that a responsible authority must consider when determining an application. Relevant guidelines include 'the affect that nearby industries may have on the proposed use' and 'the effect of traffic to be generated on roads.' Impacts of existing and proposed industries on new sensitive uses may include noise, traffic, emissions, hours of operation, vibrations etc.

The subject land is affected by the Development Contributions Plan Overlay (Schedule 3) relating to the provision of drainage infrastructure contributions. This provision is not relevant to the current application proposal as no external buildings and works are proposed.



## Particular Provisions

Pursuant to Clause 52.06 of the Scheme, a new use must not commence until the required car spaces have been provided on the land. The car parking table at Clause 52.06-5 of the Scheme sets out the number of car spaces required. (A 'place of worship' falls under the broader category of a 'place of assembly'):

Proposed Use	Clause 52.06 Car Parking Rate	Size/No.	No. of Spaces required	No. of Spaces provided	Total Planning Scheme Shortfall
Place of assembly (which includes a place of worship)	0.3 to each person attending	40 attendees at any given time	12	<b>12 (registered on title)</b>	<b>0</b>

Based on the above, the proposal satisfies the requirements of Clause 52.06.

There are no designated disabled car parking spaces on the site.

## COMMENTS ON GROUNDS OF OBJECTION

### 1. Inappropriate use for an industrial area.

Objectors have stated that the proposed use is not appropriate for the Thomastown Industrial area which is one of Melbourne's leading precincts for advanced manufacturing and an area now embracing new technologies and markets. One objection (from an abutting business employing 44 manufacturing and support staff) states: 'The Council has a duty to make responsible and informed planning decisions which supports growth of local industry and protects against incompatible development' and that '...planning policy should be supportive of job creation rather than displacing existing industry from appropriately zoned areas.' The objector submits that some businesses will relocate if the proposal is approved due in part to a lack of future investment certainty. Concerns have been expressed that the proposed use may see complaints and objections raised by the new use from existing and proposed industrial activities. It has been further stated that investment growth is likely to be compromised if non-employment uses are permitted in the area.

Places of worship have on occasion been approved within industrial areas. These areas have been attractive because of their affordability. The Industrial 1 Zone allows consideration of places of worship within employment areas. However, planning policy also emphasise the need for these types of uses to be better integrated within and around activity centres so they can be more accessible to the community.

### 2. Hours of Operation

All objectors have raised issues about the hours of operation which extend to 10.00pm on a number of weekdays. Due to incidents of theft and damage, an entrance gate providing access to the three tenancies forming part of the subject land is in place and is locked outside of regular business hours. Concern has been expressed that evening services extending to 10.00pm will reduce security and attract others to congregate in the estate and the surrounding area.

The applicant contends that the increased number of people outside of business hours will lead to increased surveillance thus deterring potential theft and other inappropriate behaviour.

The proposal to conduct the place of worship within a group of industrial tenancies with shared access outside of regular business hours has been assessed as problematic by



officers. These issues would be less of a concern if the use were proposed on an individually-owned and controlled property. Although security could be addressed as conditions of a permit, enforcement over the longer term may be an issue.

### **3. Noise (proposed place of worship affecting other premises)**

Objectors have noted that the proposal will have amplified music and that the building (comprising tilt slab concrete, roller doors and windows) has not been designed for noise attenuation. The proposed building also abuts, and is in close proximity to, other businesses and tenancies. The adjoining business (Unit No. 2) operates seven days a week and submits that the operator and staff should not be unreasonably exposed to noise and music emanating from the building. A further objector has expressed concern that their business, and in particular, their business and sales teams operating from a nearby building, will be affected by noise.

The applicant has confirmed that amplified music will form part of the worship activities but denies that this will impact on nearby businesses because of requirements to comply with relevant EPA standards (*State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*). It is proposed that a standard speaker system be used during the music segment of the Sunday worship services and during pastoral and encouragement sermons (lasting approximately one hour). No external PA system is to be installed.

A condition of any permit issued could require that noise levels meet relevant standards. While more elevated noise levels are to be expected within industrial areas, the subject land and surrounds does not currently experience significant noise levels based on officer observations.

### **4. Inadequate provision of car parking and access**

In relation to access, an objector has stated that there is no formal, marked or designated pedestrian path to the site other than on the shared driveway which also serves other tenancies. It is claimed that this condition presents a dangerous environment for those not accustomed to heavy vehicle movements (particularly children) within an industrial context. The business operating from Unit No. 2 has stated that over a typical fortnight an average of nine heavy vehicle movements occur each day (ranging from standard three tonne delivery vehicles, tilt slide trucks and articulated vehicles/ semi trailers delivering and picking up 20 and 40 foot shipping containers. (Companies that operate container vehicles are reluctant to unload in circumstances where people are in close proximity). In addition, forklift vehicles operate from the site. Photographic evidence of this activity has been provided to Council. The future occupancy of Unit No. 1 is likely to further intensify vehicular movements on the site. Any attendees or visitors choosing to park on Brand Drive would also need to walk along the access drive past two industrial tenancies to access the proposed building.

The concerns relating to the internal movement of large vehicles raise issues of safety for the proposed use and issues of liability for existing businesses. These concerns should be given significant weight. These issues would typically not arise in relation to a site fully owned and controlled by the proponent. A recommendation was made on a without prejudice basis for the applicant to investigate opportunities within the vacant Unit No. 1. (close to Brand Drive). However, this has not been taken up.

Within the context of the broader surrounding road network, Council's City Design and Transport Department have provided advice that the existing network on Brand Drive has the capacity to accommodate traffic generated by the proposed use.

Objectors have noted that the building to contain the place of worship (745m<sup>2</sup>) is clearly capable of accommodating a greater number of people and that the proposed numbers are likely to be exceeded with the natural growth of the congregation. Further concerns have been expressed about attendee numbers, parking and access on special religious



days and funerals. If a permit were to be issued, these matter could be addressed as conditions.

**5. Inconsistency with Council's draft Thomastown Industrial Area Strategy (2015 to 2035).**

This strategy establishes a long term vision and framework to provide certainty and investor confidence for the Thomastown industrial area. The strategic strengths of the area are documented and future needs, particularly relating to planning and development, are identified. A key objective of the draft strategy is to 'maintain and protect the industrial area's existing and future function as an employment precinct and avoid the encroachment of sensitive uses.' As the draft strategy is not yet formally adopted under a planning scheme amendment, it is not yet a 'seriously entertained' planning document and therefore cannot form a basis for deciding the current application.

**6. Security and Liability Concerns**

Specific objections from the adjoining Kestral manufacturing site (abutting the eastern boundary) relate to breaches of the shared boundary fence (particularly by children attending the premises). Any such breaches would, according to the objector, raise issues of security and liability. Between the rear wall of the subject premises and the shared boundary fence to the Kestral property is a narrow outdoor area (containing the easement) which can be accessed from the subject building via doorway. The applicant has stated that use of this area will be supervised. If a permit were issued, conditions could ensure that additional security fencing, if required, be provided.

While a number of issues raised by objectors could be dealt with via condition of any permit that may be issued, other issues, particularly relating to access, are not capable of being addressed in this manner. Objector concerns from those operating existing businesses need to be given significant 'weight' because planning policy is strongly aligned to supporting these employment uses over other non-employment activity.

**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**

Although a place of worship is a discretionary use within the Industrial 1 Zone, the land proposed for the place of worship is constrained and has potential to prejudice the proper functioning of abutting and nearby employment activity. State and local planning provisions as set out in the Whittlesea Planning Scheme place significant weight on maintaining and enhancing industry viability and investment. Having regard to these provisions and the views of objectors, it is considered the proposal should be refused. Council officers can work with the applicant to identify other more appropriate locations - preferably within or adjacent to an established activity centre.



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

**THAT Council resolve to refuse Planning Application No. 716103 and issue a Notice of Refusal for the use of the existing industrial premises at 3/4 Brand Drive, Thomastown as a place of worship on the following grounds:**

- 1. The proposed use will prejudice the availability of land for future industrial requirements and is inconsistent with State and local planning provisions relating to industry and economic development (Clauses 17.01-2, 17.02-3 and 21.10).**
- 2. The proposed use does not support the purpose of the Industrial 1 Zone (Clause 33.01).**
- 3. Nearby industries will have an adverse impact on the proposed use (Clause 33.01-2).**
- 4. Access to the proposed place of worship is inadequate and unsafe having regard to existing and proposed employment uses operating on the site.**







# PLANNING APPLICATION NO. 716103



Subject Land



Objector





City of  
Whittlesea

ESTABLISHED AREAS PLANNING REPORT



# PLANNING APPLICATION NO. 716103



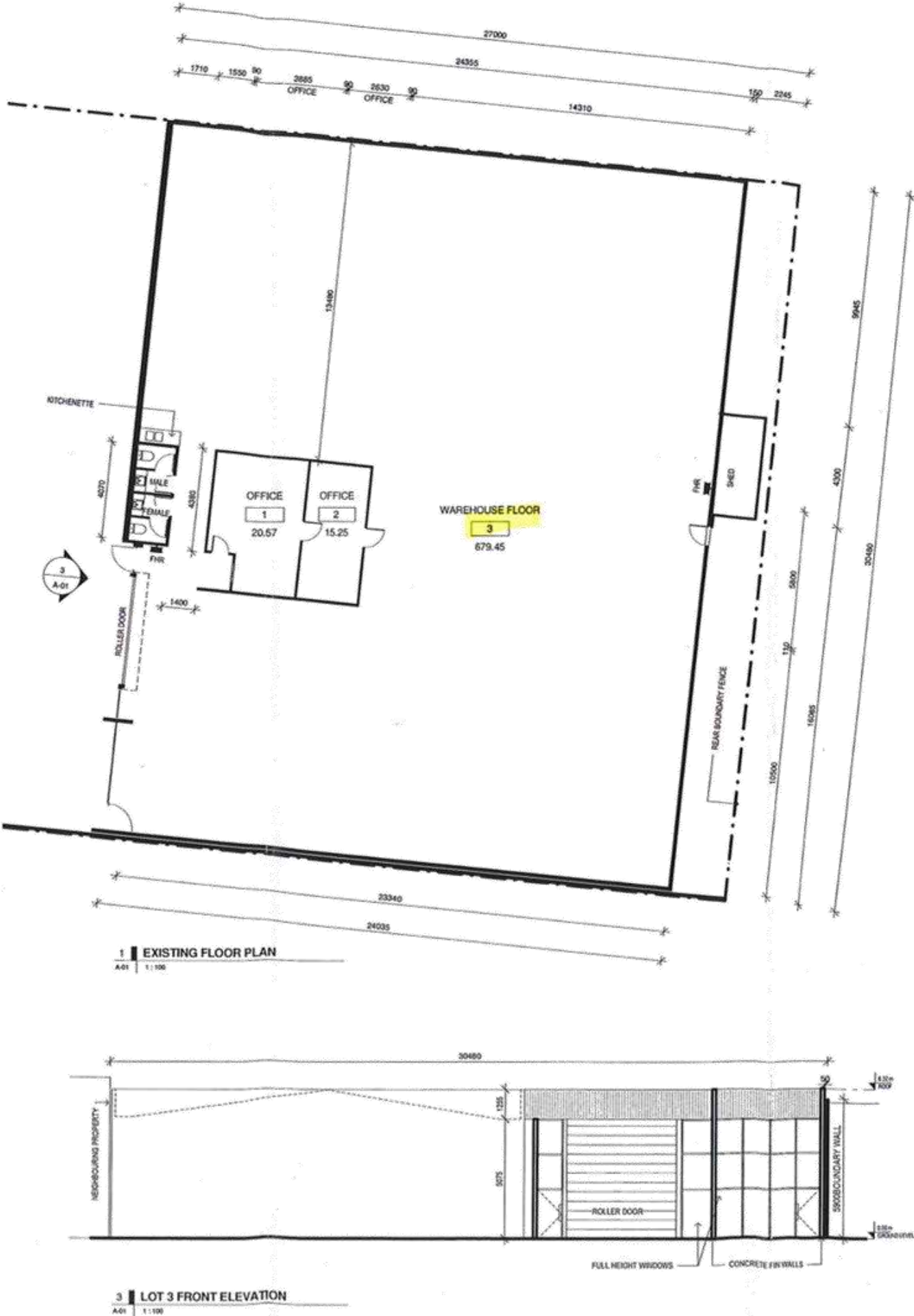
-  Subject Land
-  Objector



City of  
Whittlesea

ESTABLISHED AREAS PLANNING REPORT





Notes:

1. All dimensions are in millimetres.
2. All dimensions are to be checked on site.
3. Any discrepancy between the architectural drawing and other drawings relevant for construction should be notified before commencement.
4. Information provided in this plan is to assist in designing proposed construction on this site only.

No title boundary survey has been made. Boundary dimensions as shown have been taken from the title diagram or deed unless noted otherwise. Services have been located by field survey where obvious, however, prior to any demolishing, excavation or construction on the site, services providers should be contacted to ascertain all possible locations of underground services. Features or improvements shown hereon may have been exaggerated for clarity - DO NOT SCALE.

City of Whittlesea  
ADVERTISED PLAN  
Date: 8/9-23/9/16

1 AUG 2016

RELEASED FOR TOWNPLANNING

**Jerdar** House of Jerdar Designs  
11 Jasper grove  
Greenvale, Vic 3009  
Mob: 0434513768  
e: medojenae@hotmail.com  
www.houseofjerdar.vic

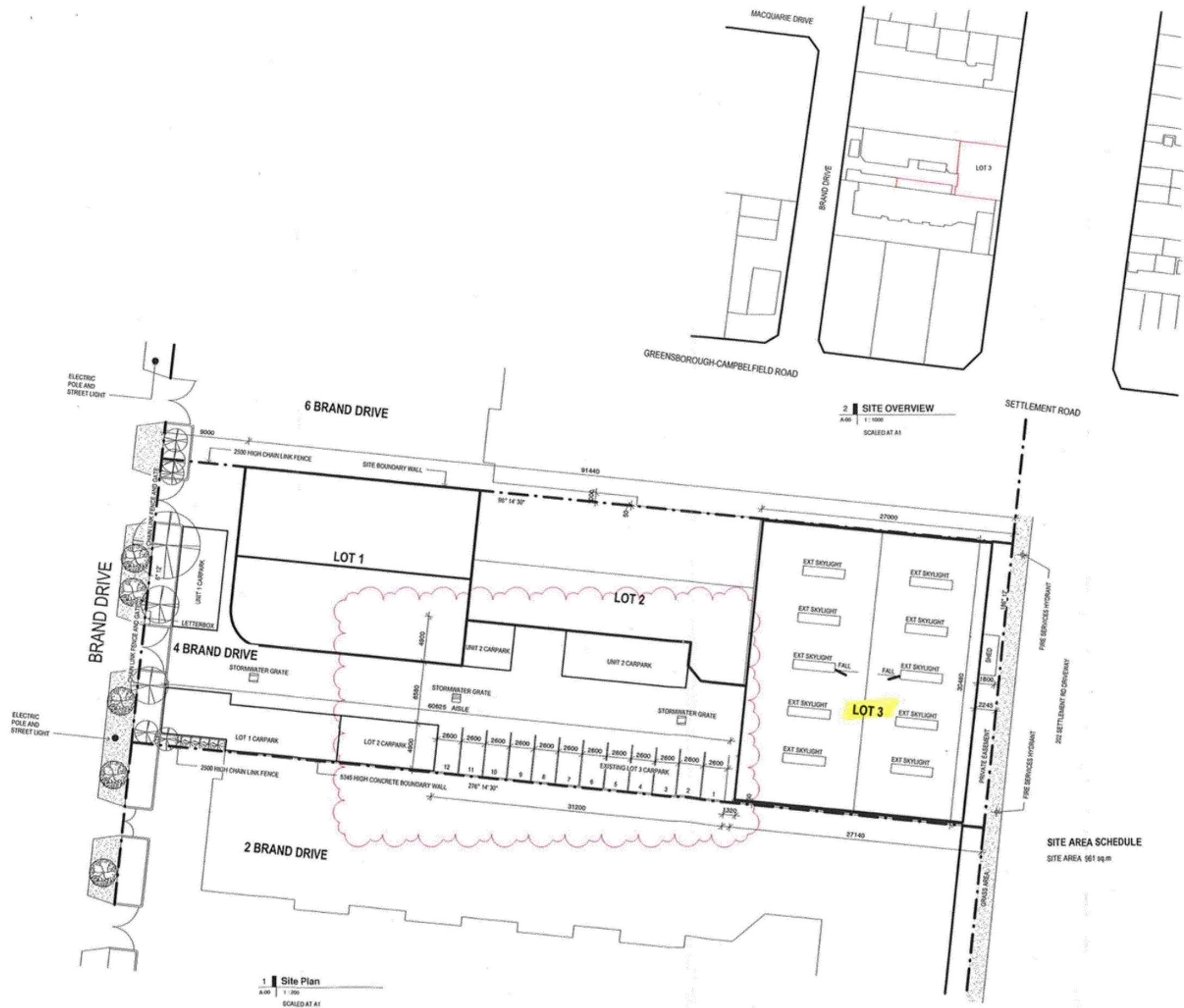
FAITH AND VICTORY CHURCH INC

3/4 BRAND DRIVE THOMASTOWN

Existing Floor Plan & Elevation			
SCALE: 1:100	DATE: 22/7/16	DRAWN: JS	CREATED: JS
PROJECT NO: 021A	DRAWING NO: A.01	REVISION	

Room Schedule		
Number	Name	Area
1	OFFICE	20.57
2	OFFICE	15.25
3	WAREHOUSE FLOOR	679.45
		715.28





1. All dimensions are in millimetres.  
2. All dimensions are to be checked on site.  
3. Any discrepancy between the architectural drawing and other drawings relevant for construction should be notified before commencement.  
4. Information provided in this plan is to assist in designing proposed construction on this site only.

No title boundary survey has been made.  
Boundary dimensions as shown have been taken from the title diagram or deed unless noted otherwise.  
Services have been located by field survey where obvious, however, prior to any demolishing, excavation or construction on the site, services providers should be contacted to ascertain all possible locations of underground services.  
Features or improvements shown hereon may have been exaggerated for clarity - DO NOT SCALE.

City of Whittlesea  
ADVERTISED PLAN  
Date: 8/9-23/9/16

1	PROJECT APPROPRIATION INFORMATION	DATE
REV	DESCRIPTION	DATE

RELEASED FOR TOWNPLANNING

**Jerdar** House of Jendar Designs  
11 Jasper Grove  
Greenvale, Vic 3059  
Mob: 0434513788  
e: medojesse@hotmail.com  
www.houseofjendar.vic

CLIENT  
FAITH AND VICTORY CHURCH INC

SITE	3/4 BRAND DRIVE THOMASTOWN
FILE	SITE PLAN
SCALE	As indicated
DATE	09/2016
DRAWN	JS
CHECKED	JS



**6.1.9 266 MAHONEYS ROAD, THOMASTOWN - USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A CONCRETE BATCHING PLANT AND LANDSCAPE GARDEN SUPPLIES**

<b>File No:</b>	<b>715368</b>
<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">↓</a> <b>2</b> <b>Development Plans</b> <a href="#">↓</a> <b>3</b> <b>Default buffer and adjusted directional buffer</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Senior Planner</b>
<b>APPLICANT:</b>	<b>Zaken Holdings Pty Ltd</b>
<b>COUNCIL POLICY:</b>	<b>Industrial Development Policy</b>
<b>ZONING:</b>	<b>Industrial 1</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan (Schedule 3)</b>
<b>REFERRAL:</b>	<b>VicRoads</b>  <b>Melbourne Water</b>  <b>SPI PowerNet</b>  <b>EPA Victoria</b>
<b>OBJECTIONS:</b>	<b>Six objections (including a petition with 83 signatures)</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to use and develop the land for the purpose of a concrete batching plant and landscape garden supplies. The application also includes works within a Land Subject to Inundation Overlay and alteration of access to a road within a Road Zone Category 1 (Mahoneys Road).

Advertising of the proposal resulted in six objections being received, including an 83-signature petition. The grounds of objection relate to adverse environmental and health impacts (dust emissions, air pollution and noise); amenity and visual impacts; hours of operation; traffic impacts; and property devaluation. Objectors are concerned about the proximity of the proposal to a residential area. The objections and petition have been received from residents within the City of Darebin, south of Mahoneys Road (the municipal boundary).

The officer report sets out the relevant planning provisions that must be considered under the Whittlesea Planning Scheme when determining whether a planning permit should be granted including State and local planning policies and the Industrial 1 Zone, planning overlays and particular provisions. The application has been assessed as capable of meeting these provisions.



The application was required to be referred to the Environment Protection Authority Victoria (EPA). The authority has advised that it does not object to the application proposal and that it is satisfied that the proposal can be compliant and in accordance with EPA guidelines subject to a range of specified conditions.

The concerns of objectors are considered and addressed in this report and it is the view of officers that the proposal will not have adverse amenity or health impacts on residents and it is recommended that the application be approved subject to conditions, including those required by relevant authorities.

## **SITE AND SURROUNDING AREA**

The subject site (see *Attachment 1*) is located to the north of Mahoneys Road, Thomastown. The site is irregular in shape, has a frontage of 47.4m, an average depth of 86.6m and a total site area of 4,256m<sup>2</sup>. The site is currently vacant and contains no vegetation.

The subject land was historically used for the purpose of a stone and monument masonry factory which established in the 1960s and ceased in 2014. The buildings associated with this industry were subsequently demolished. A planning permit (714638) has recently granted to use and develop the western portion of the former factory site (now described as 280 Mahoneys Road) for the purpose of a panel beater and car wash. Works have recently commenced in relation to this development. The current proposal is for the balance of the site.

The western boundary of the subject land is defined by Central Creek – a modified and degraded waterway which runs in a southerly direction under both the Metropolitan Ring Road and Mahoneys Road into a lineal open space reserve (connecting with the Merri Creek further to the south). Land to the east of the Central Creek and the subject land comprises a recently constructed warehouse facility associated with the storage and distribution of large construction cranes.

Land to the north abuts the Metropolitan Ring Road and the Hume Freeway interchange.

The broader industrial area north of Mahoneys Road in proximity to the subject land is undergoing transformation from older industries typically having poor amenity and environmental controls to a range of newer industries and warehousing with higher levels of landscaping and amenity. The draft *Thomastown Industrial Area Strategy* has been prepared to assist in the transformation of this area.

The City of Whittlesea southern municipal boundary is Mahoney's Road (centreline) and land to the south is located within the City of Darebin (within the suburb of Reservoir). Under the Darebin Planning Scheme this land is designated within a General Residential Zone.

Mahoneys Road comprises a six lane divided arterial road. To the west of Central Creek established dwellings front Mahoney's Road via a service road. The Mahoney's Road reservation (inclusive of the service road) is approximately 50m in width opposite the subject land. To the southwest of the subject land (east of Central Creek), newer dwellings have been constructed which have internal access roads and side and rear boundaries abutting Mahoney's Road.

## **RESTRICTIONS AND EASEMENTS**

The site is legally described as Lot 2 on Plan of Subdivision 731082T. Covenant AM387986K applies to the land and prohibits the land being used as an automotive or body repairs shop. The site is also subject to a number of easements for drainage, sewerage and electricity. (located along the eastern and northern boundaries and within a small section of the southern boundary). None of the title encumbrances prevent the current application proposal from consideration although, as further detailed in this report, the plans have required



amendment to ensure no buildings and works are located on the approximately 10m wide drainage and sewerage easement adjacent to Central Creek.

## PROPOSAL

The applicant proposes to use and develop the land for the purpose of a concrete batching plant and landscape garden supplies (see *Attachment 2*). The application also proposes to alter access to a road in a Road Zone Category 1 (Mahoneys Road).

The concrete batching plant and landscape garden supplies will be located on the northern portion of the subject land. This area will contain concrete panel garden supply storage bins, the concrete batching structure (16m in height), loader working areas and ramps and truck parking.

The front portion will contain a landscaped setback, customer and staff parking, a two storey precast concrete office and staff amenities building and display areas. A 5.0m high acoustic sound wall will extend from the eastern boundary of the drainage easement to the two storey building. Fencing on other boundaries and the edge of the easement will comprise a 2.0m high mesh fence with a further dust control mesh wrap. Hardstand concrete is proposed for the entire balance of the site. The easement area adjacent to Central Creek is to be landscaped.

The applicant proposes that the concrete batching plant operate between the hours of 7.00am to 6.00pm Monday to Friday and 7.00am to 1.00pm Saturday. The proposed use will not operate on Sundays.

The proposed concrete batching plant is expected to produce approximately 22,500m<sup>3</sup> of product per annum (at an average of 75m<sup>3</sup> per day). The plant will contain silos, storage bins, a conveyor system with a fabric filter connected to a hopper, concrete truck parking areas and raw feed bunkers. The operations are further described as follows:

*Typical operations for a concrete batching plant will not vary substantially, with cement delivered by road tanker and pneumatically transferred to silos. Sand and aggregate are transferred by front end loader from the on-site bunkers in a damp condition to above ground weigh hoppers. Transfer from the hoppers is metered into a bin conveyor and transferred to the loading tower via a covered conveyor and then into an agitator. Cement and water are mixed with the aggregate in the agitator and batches are checked before loading into delivery trucks through a rubber loading sock.*

The gardens supplies component of the proposed use will involve the distribution of a variety of sands, soils and crushed rock from on site storage pods located at the rear of the site.

In support of the application proposal, the following background reports have been completed:

- *Cultural Heritage Due Diligence Assessment (ACHM, 2014)* which confirms that the site is not an area of Aboriginal cultural heritage sensitivity.
- *Buffer Constraint Assessment (GHD, 2016)* completed by consulting environmental engineers to assess and determine the separation buffers required between the concrete batching plant and residential land to the south. This assessment has been prepared in accordance with EPA requirements and guidelines and concludes that the use can occur within a buffer that will not affect nearby residential areas. The details of this investigation are set out further in this report.
- *Environmental Noise Assessment (Marshall Day Acoustics, 2016)* completed by acoustic engineers. The Assessment concludes, following three dimensional noise modelling exercises undertaken on the site and surrounding area, that the proposed use is capable of meeting EPA requirements (*SEPP N-1*). The details of this investigation are also further set out in this report.



## PUBLIC NOTIFICATION

Advertising of the application has resulted in six objections being received, including a petition with 83 signatures. The grounds of objection can be summarised as follows:

1. Dust, noise and odour emissions (and health impacts arising from these emissions).
2. Hours of operation.
3. Increased traffic on Mahoneys Road.
4. Poor visual presentation to Mahoneys Road.
5. Adverse impact on waterway environment.
6. Devaluation of property.

Following the advertising period, minor amendments were made to the plans to move the proposed concrete batching plant and proposed garden supplies bins further into the central portion of the site and off the drainage and sewerage easement (to accord with a Melbourne Water requirement). The application was not required to be re-advertised following this amendment as the amendment, in the view of officers, would not result in any discernible changed impacts on residents opposite Mahoneys Road (when compared with the advertised proposal).

## REFERRALS

The application was referred to Melbourne Water, SPI PowerNet, VicRoads and EPA pursuant to Section 55 of the *Planning and Environment Act 1987*. All authorities have provided consent for a planning permit to be issued subject to the inclusion of specific permit conditions. The requirements of relevant authorities are discussed further in this report.

## ASSESSMENT AGAINST THE WHITTLESEA PLANNING SCHEME

### State Planning Policy Framework

The following sections of the State Planning Policy Framework (SPPF) are considered to be relevant to the application:

Clause 13.04-1 of the SPPF sets out an objective 'to assist the control of noise effects on sensitive land uses'. The stated strategy to achieve this objective seeks to:

*Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

Planning decisions are required to consider the *State Environment Protection Policy (Control of noise from Commerce, Industry and Trade) No. N-1*.

Clause 13.04-2 sets out an objective 'to assist the protection and improvement in air quality'. Strategies to achieve this objective seek to 'ensure, wherever possible, that there is suitable separation between land uses that reduce amenity and sensitive land use.' Planning decisions are required to consider State Environment Protection Policies relevant to air quality management and EPA buffer distance requirements.

Clause 14.02-1 sets out objectives and strategies relevant to the protection of waterways. Drainage corridors with vegetated buffer zones are to be retained to maintain natural drainage functions, stream habitat, wildlife corridors and landscape values. Works at or near waterways are to provide for the protection and enhancement of environmental qualities of the waterway.



Clause 17.02-2 of the SPPF relates to the design of industrial development. Strategies seek to:

*Ensure that industrial activities requiring substantial threshold distances are located in the core of industrial areas.*

*Encourage activities with minimal threshold requirements to locate towards the perimeter of the industrial area*

*Provide adequate separation and buffer areas between sensitive uses and offensive or dangerous industries...to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards.*

Clause 18.01-2 (transport system) sets out strategies which seek to"

*Plan or regulate new uses or development of land near an existing or proposed transport route to avoid detriment to, and where possible enhance the service, safety and amenity desirable for that transport route in the short and long term.*

### **Local Planning Policy Framework**

Clause 21.08-1 sets out urban design objectives which seek to upgrade the image and appearance of the City of Whittlesea particularly in relation to the enhancement of urban waterways (Strategy 1.1) and improving amenity and appearance at major gateways such as Mahoneys Road

Clause 21.10 (economic development) set out objectives relating to the provision of diverse employment opportunities. Relevant strategies seek to provide adequate separation and buffer areas between industrial and sensitive uses (Strategy 1.8) and applying the *Industrial Development Guidelines* (Strategy 1.11).

Clause 22.09 (Industrial Development Policy) has the objective 'to achieve well-designed, quality industrial developments that are suitably located.' It is policy to:

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

*Encourages appropriate landscaping and building setbacks that enhance and/ or improve the appearance of industrial areas.*

*Ensure that all external storage of goods and materials is fully screened from view.*

Council's *Planning Guidelines for Industrial Development* provides further reference to guide this policy.

### **Industrial 1 Zone**

The subject site is located within the Industrial 1 Zone. The use of the land for a concrete batching plant (a form of industry) requires a planning permit because it is identified in the Scheme (Clause 52.10) as type of industry which if not appropriately designed and located may cause offence or unacceptable risk to the neighbourhood. In this instance a planning permit is required because a residential zone (south of Mahoneys Road) is within a 300m threshold. Landscape garden supplies are also a section 2 (permit required) use under the zone provisions.



The purpose of the Industrial 1 Zone is to implement the SPPF and LPPF and to 'provide for manufacturing industry, the storage and distribution of goods and associated uses which does not affect the safety and amenity of local communities.'

Clause 33.01-2 of the zone provisions requires, in relation to land use proposals, that the responsible authority consider 'the effects that the use may have on nearby or existing or proposed residential areas...having regard to any comments or directions of the referral authorities.'

Clause 33.01-4 of the zone provisions requires, in relation the development of land, that the responsible authority consider built form, landscape treatment, the interface with non-industrial areas, parking and site access, loading and service areas, outdoor storage, lighting and stormwater discharge.

### Land Subject to Inundation Overlay

The eastern portion of the land is affected by a Land Subject to Inundation Overlay (LSIO). The application was referred to Melbourne Water and the authority have requested that the submitted plans be amended to remove all development from land within the drainage easement (which generally corresponds to the Overlay area). Planning permit conditions have been stipulated including a requirement for landscaping of the Central Creek interface.

### 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 \$4.02 per square metre of new impervious surfaces. This requirement must be included as a condition on any planning permit that is issued.

### 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:

Use	Rate	Car spaces required	Car spaces provided	Complies
Industry	2.9 car parking spaces per 100m <sup>2</sup> of net floor area.	6 spaces	12 spaces	Yes
Garden Supplies*	10% of the site	10% of the site	Approximately 10% of the site	Yes

The provision of 12 car parking spaces has been assessed as appropriate. However, having regard to the layout of the proposed development, it is considered that a trailer/ truck parking area be provided near the entrance of the site to enable customers of the garden supplies to park while paying for goods/ materials. The trailer/ trucks temporary parking area can be required as a condition of permit.

The plans do not show visibility splays (at the entrance of Mahoney's Road) as required by Clause 52.06. It is proposed that this matter also form a condition requirement.



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**COMMENTS ON GROUNDS OF OBJECTION****1. Dust, Noise and odour emissions (and health impacts arising from these emissions)***Dust Emissions*

Objectors have raised concerns about environmental health impacts as a consequence of dust emissions from the proposed use (which would be exacerbated by strong northerly winds). Residents are concerned that air quality will be compromised due to hazardous wind borne particles leading to respiratory disease and asthma – particularly in children. Dust also raises amenity concerns for affected residents.

As previously discussed the Whittlesea Planning Scheme sets out particular provisions (Clause 52.10) for uses that may have adverse amenity potential for nearby sensitive uses. A planning permit is required where prescribed industries are within defined threshold distances. In the case of a concrete batching plant this threshold is 300m and residential area is within this threshold. It should be noted, however, that this 'threshold' distance is not to be taken as a 'separation distance' of buffer. This is to be determined through detailed investigations in accordance with EPA guidelines and policies.

EPA Guidelines (*Recommended Separation Distances for Industrial Residual Air Emissions*) recommend a separation distance of 100m for a 'concrete plant' which is measured from the 'activity' boundary' (not the property boundary). *Attachment 3* shows this boundary. This buffer is to protect against an amenity impact or 'upset' occurring on site when there may be a malfunction such as the rupture of a fabric filter. This 100m buffer extends to partially cover two residential properties but does not completely extend over these properties.

The EPA allows for site specific variations to the 100m default buffer to have regard to the size of the proposed plant (which in this case is a relatively small operation), topography, meteorological conditions and atmospheric dispersion modelling, the likelihood of emissions and the standard of plant equipment and operations. The *Buffer Constraint Assessment* completed by consultants for the applicant has taken these detail factors into account and has concluded that a reduced (or 'derated') buffer can be applied which is confined to the subject land and other industrial land. This revised buffer (see *Attachment 3*) would not extend into the sensitive residential areas to the south. The report concludes that:

*In summary, when local meteorology and the size of the proposed plant are taken into account, there is no constraint placed on the proposed layout of the plant by virtue of residential land uses. There is also no constraint posed to any existing sensitive receptor dwellings with the application of the 100m default buffer.*

The EPA is determining referral authority for the application and have reviewed the *Buffer Constraint Assessment*. In its referral response the authority has stated that 'the proposal can comply with the emission standards subject to the proposed measures and conditions.' These conditions include:

- Limiting the hours of operation generally in accordance to that proposed by the applicant (daytime periods only).
- Design and operation to accord with EPA publication 628 (*Environmental Guidelines for the Concrete Batching Industry, June 1998*).
- Nuisance dust must not be discharged beyond the boundaries of the site.
- No dust to be emitted from stockpiles.
- Requirements for the operator to limit activity or cease the use if there is insufficient dust suppression measures available (such as water) or during days of high risk or where dust conditions are unacceptable.



A draft Site Management plan prepared as part of the application also sets out the following dust mitigation and suppression measures:

- Provision of concrete, asphalt or similar surfacing to all internal accessways and outdoor storage areas.
- Sprinklers to be submitted throughout the site to suppress dust.
- Weight hoppers to be shrouded on three sides.
- Conveyor belts to be enclosed to prevent the exposure of loose materials to wind
- Cement products to be stored and sealed in dust tight storage silos
- Bins associated with garden supplies to extend a minimum of 1.0m above material.

#### Noise Impacts

Objectors have raised concerns that noise levels from the proposed use will have an adverse impact on residential amenity.

The *Environmental Noise Assessment* prepared by acoustic engineers for the applicant has assessed the proposal under the *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 (SEPP N-1)* using noise modelling techniques. Measurements have been taken from the residential areas opposite Mahoneys Road that may be impacted and a three dimensional noise model created which has taken into account various local conditions and the elements of the operation (including a proposed internal concrete noise attenuation wall). The assessment has concluded that relevant daytime noise limits will not be exceeded.

The EPA are reviewed the assessment and are also satisfied that noise levels can achieve best practice State Environment Protection Policy (SEPP) requirements during daylight hours. Proposed conditions will require that the noise attenuation wall be provided and that the relevant standards be met at all times.

#### Odour Emissions

Objectors have stated that odours from the plant will have an adverse impact on residential amenity. The EPA are satisfied in relation to this matter and have required a condition that 'offensive odours must not be discharged beyond the boundaries of the premises.'

### **2. Hours of operation**

Objectors have raised concerns that the proposed hours of operation will have an impact on residential amenity. As discussed previously in this report, business hours are to be confined to daylight hours only and weekends restricted to Saturdays 7.00am to 1.00pm. These business hours are considered acceptable and as previously noted, noise emissions during these hours are considered capable of complying with relevant EPA standards.

### **3. Increased Traffic on Mahoneys Road**

Objectors have raised concerns that traffic movements (particularly involving trucks) will cause traffic congestion and impact on road safety. Other objectors are concerned that mud and dust will be deposited on road from vehicles leaving the site.

The application was referred to both VicRoads and Council's Traffic Engineering Department, who have reviewed the application and advised that the proposed use can operate without impacting the arterial road function of Mahoneys Road. Vehicle entry and exist will be designed and constructed to the satisfaction of VicRoads. Residential areas are separated by a 50m road reservation containing a divided central median containing a designated U-turn lane.



Proposed conditions of permit (Including those required by the EPA) include requirements for the installation of infrastructure to minimise the tracking of sediments and dust off site and that all vehicles must have fully secured and contained loads.

#### **4. Poor visual presentation to Mahoneys Road**

Objectors submit that the design of the proposed development will be visually unattractive and an eyesore. As previously stated in this report, planning objectivise for this area seek to improve the appearance and amenity of the area.

The proposed development will provide a generous landscape buffer, a two storey administration building and a 5m high noise attenuation wall. The proposed concrete silo will have a maximum height of 16m and will be setback approximately 45m from the property frontage, providing a separation of approximately 100m from the nearest dwellings located on the southern side of Mahoneys Road. On balance, the proposed development provides an appropriate design response that is an acceptable built form for an industrial area. The requirement to landscape the Central Creek environs will also assist in mitigating visual impacts of the plant over time when viewed from Mahoneys Road.

#### **5. Adverse impact on waterway environment**

Objectors have raised concerns that the proposal will have an adverse impact on Central Creek - particularly through uncontrolled sediments entering the waterway. To address these issues, Melbourne Water required that the part of the development originally proposed on the easement close to the creek be removed. The plans were subsequently amended to exclude all development from this 10m wide drainage easement. This will allow what is currently a degraded section of waterway to be rehabilitated and revegetated over time by both the permit holder and Melbourne Water. The authority have specified a number of conditions to ensure that no polluted or sediment laden runoff is discharged either directly or indirectly into the watercourse during both construction and when the use is in operation.

#### **6. Devaluation of property**

No evidence has been submitted justifying this claim and in any case it is not a matter that is able to be considered in the context of the current application proposal. The land north of Mahoneys Road has been designated for industrial and employment purposes for a number of decades.

Objectors have raised relevant issues and concerns relating to a range of amenity, safety and environmental impacts. However, the application proposal has adequately addressed these concerns through the various specialist investigations and involvement of the relevant Government agencies (EPA, Melbourne Water and VicRoads).

Council's draft *Thomastown Industrial Area Strategy* (2015-2035) has been the subject of stakeholder consultation but a planning scheme amendment has not yet commenced to give effect to the findings within the provisions of the Whittlesea Planning Scheme. Under the draft Strategy, the subject land is within the 'Mahoneys Road Precinct' and all land (including the subject land) directly abutting Mahoneys Road is identified as a 'opportunity area' for approved amenity outcomes because of its proximity to the residential areas to the south. Large sites (such as those typical of the subject land) are identified as suitable for office/ warehouse uses, industrial showrooms and, in appropriate locations, large format retail uses. An emphasis is to be placed on facilitating contemporary industrial and commercial development and improving visual appearance and increased employment densities.

While the proposed development will utilise current technology in its operations and will provide a landscaped setback, it is a use that is likely to be inconsistent with the Strategy. While that is regrettable, what is proposed has been assessed as an acceptable planning outcome under the current planning provisions.



**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 relevant provisions of the Whittlesea Planning Scheme. The proposal demonstrates a satisfactory level of compliance, subject to the inclusion permit conditions detailed in the recommendation section of this report (including those recommended by referral authorities). The concerns of objectors have been considered and it is considered that the proposal will not have a detrimental impact on residential areas to the south. Accordingly approval of the application is recommended.

**RECOMMENDATION**

**THAT Council resolve to approve Planning Application No. 715368 and issue a Notice of Decision to Grant a Permit for the use and development of the land for the purpose of industry (concrete batching plant), landscape garden supplies, works on land affected by a Land Subject to Inundation Overlay and alteration of access to a road in a Road in a Road Zone Category 1, at 266 Mahoneys Road, Thomastown, in accordance with the endorsed plans and subject to the following conditions:**

- 1. Prior to the endorsement of the plans required under Condition No. 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. Within two months from the date of issue of this permit, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$4,200.00 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted.**
  - a) Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund up to 50% of the security deposit to the payee;**
  - b) Subject to satisfactory maintenance of the landscaping works for a period of two years after the completion of such works, the Responsible Authority will refund to the payee the balance of the security deposit; and**
  - c) In the event that the landscaping works are not completed or maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete and/or maintain the landscaping work and deduct the cost thereof (including supervision) from any security deposit lodged pursuant to this permit.**
- 3. Before the development starts, three copies of revised plans and elevations to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans and elevations must be generally in accordance with the plans submitted to Council but modified to show:**
  - a) Visibility splays.**



- b) Short term parking spaces suitable for cars with trailer to park near the entrance to the site.
  - c) A landscape buffer along the eastern boundary in accordance with Melbourne Water's Condition No. 45.
  - d) The location of waste storage.
  - e) The removal of all signage details.
  - f) A detailed schedule of colours and materials for all buildings, structures and hardstand areas.
  - g) 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 the location of all new planting, a schedule of plant species and height at maturity, and a maintenance schedule. Species selection is to be to the satisfaction of the Responsible Authority (and Melbourne Water with respect to the easement land). Any proposed trees must be at an advanced stage of growth when planted.
4. Before the development starts, three copies of a revised Site Management Plan must be submitted to and approved by the Responsible Authority. The plan are to be generally in accordance with the plan submitted but modified to show the amended layout and to incorporate the specific requirements of referral authorities, including the Environment Protection Authority.
5. The development and use allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
6. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
7. Before the use allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
8. Collection of waste must be undertaken by a private contractor, must occur within the site and must not cause unreasonable disturbance to nearby properties to the satisfaction of the Responsible Authority.
9. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
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. The use hereby permitted, including the delivery of materials to the site, is restricted to the following hours:



Monday – Friday: 7:00am to 6:00pm (daylight hours only)  
 Saturday: 7:00am to 1:00pm (daylight hours only)  
 Sunday: Closed  
 Public Holidays: Closed

13. The amenity of the area must not be detrimentally affected by the use or development through the:
  - a) Transport of materials, goods or commodities to and from the land;
  - b) Appearance of any building, works or materials;
  - c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) Presence of vermin.
14. The use of the land for ‘Industry’ is restricted to the activities associated with the use of the land as a concrete batching plant, to the satisfaction of the Responsible Authority.
15. Any mud, dust, stone or debris of any kind from the site that is deposited on Mahoneys Road, or any other adjoining road, must be cleaned up to the satisfaction of the Responsible Authority within two hours.
16. Vehicles entering and exiting the site must not exceed a length of 8.8m to the satisfaction of the Responsible Authority.
17. 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 to the legal point of discharge 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. Stormwater flows in excess of the approved capacity of the pipe drainage system must not be trapped by any construction but must be permitted to flow over the finished surface of the site to the street or drainage easement.
18. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas including the use of an on-site detention system, must be submitted to Council for approval. These internal drainage works must be completed to Council’s satisfaction prior to using or occupying any building on the site.
19. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
20. Before the use commences and/or occupation of the development, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) Constructed;
  - b) Properly formed to such levels that they can be used in accordance with the plans;



- c) Surfaced with an all-weather sealcoat or treated to the satisfaction of the Responsible Authority to prevent dust and gravel being emitted from the site;
- d) Drained and maintained;
- e) Line marked to indicate each car space and all access lanes;
- f) Clearly marked to show the direction of traffic along access lanes and driveways;

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

- 21. All car parking spaces must be designed to allow all vehicles to drive forwards both when entering and leaving the property, to the satisfaction of the Responsible Authority.
- 22. A minimum of 12 car spaces must be provided on the land for the use and/or development hereby permitted, to the satisfaction of the Responsible Authority.
- 23. A minimum of one car space must be provided for the exclusive use of disabled persons. The car space must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the space must only be utilised by disabled persons.
- 24. A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in area.
- 25. Vehicles under the control of the operator of the use or the operator's staff must not be parked on nearby roads.
- 26. Prior to the commencement of development, a signage and line-marking plan showing all road markings and signs is to be submitted to Council for approval. The use and installation of signs and line marking must be in accordance with all relevant standards, including Council standard drawings, VicRoads, Australian Standards and AustRoads.
- 27. All disused or redundant vehicle crossings must be removed and the area reinstated (including any footpath, kerb or channel), to the satisfaction of the Responsible Authority.
- 28. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading areas) and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.

**EPA Victoria (Conditions 29 – 43)**

- 29. The hours of operation must be limited to the daytime periods only and in accordance with the State Environment Protection Policy (*Control of Noise from Commerce Industry and Trade*) No. N-1.
- 30. The noise barrier proposed by Marshal Day Acoustic Engineers must be implemented.
- 31. The design and operation of the premises must be in accordance with EPA Publication 628: *Environmental Guidelines for the Concrete Batch Industry (June 1998)*
- 32. Nuisance dust must not be discharged beyond the boundary of the premises.
- 33. The stockpile of material must be maintained to a maximum height of no more



than 1m from the bunker wall top so that no dust is emitted from the stockpiles beyond the boundary of the premises.

34. Cement dust emissions from the silo during filling operations must be minimised through using a fabric filter dust collector (FFDC), or equivalent, or better performance using alternative dust control technology.
35. The operator must ensure that dust generation from the operations on the site (e.g. stockpiles, vehicle movements, loading and unloading operations and process works) does not cause a nuisance off-site.
36. The operation must limit the scale of, or cease, operation if there is insufficient dust suppression measures available (e.g. water) or during days of high risk or where dust conditions are unacceptable.
37. There must be no discharge of wastewater, water used for dust suppression or contaminated stormwater to the stormwater drainage system or nearby surface waters. Suitable drains, interceptor pits, water treatment facilities, pumps and sumps must be installed to ensure that any wastewater or contaminated stormwater generation at the premises is:
  - a) Connected to reticulated sewer, in accordance with a Trade Waste Agreement with the relevant Water Authority; or
  - b) Collected by an EPA permitted contractor, as appropriate.
38. Sediment and litter generation from the on-site activities must not enter the stormwater drainage system.
39. The operator must install a rumble grid / or similar infrastructure on the premises to minimise the tracking of sediment and dust off-site.
40. Construction and post-construction activities must be in accordance with EPA Publication No. 275: *Construction Techniques for Sediment Pollution Control* (May 1991).
41. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled and no dust or odour is emitted.
42. All fuels and chemicals, held on site must be stored undercover in a bunded area in accordance with EPA Publication No. 347.1: *Bunding Guidelines* (October 2015).
43. Offensive odours must not be discharged beyond the boundaries of the premises.

#### **VicRoads (Condition 44)**

44. The crossover and driveway are to be constructed at no cost to VicRoads and to the satisfaction of the Responsible Authority and within six months of hereby approved.

#### **Melbourne Water (Conditions 45 – 52)**

45. Prior to the commencement of works, a landscape plan for the Melbourne Water easement must be submitted to Melbourne Water for approval. The landscape plan should include the number and species of proposed trees and shrubs which should be of local provenance. The aim of the landscape plan is to provide a visual and physical buffer between the proposed development and waterway riparian zone.
46. Prior to the commencement of works, a Site Environmental Management Plan detailing the sediment and pollution controls that will be implemented during the development of the site must be submitted to Melbourne Water for approval.



47. Prior to the commencement of works, a long term plan for managing water and sediment generated on site during the operation of the business, including details on how water is to be treated/recycled, must be developed and submitted to Melbourne Water for approval.
48. Prior to the commencement of works, further detail on the structure and functions of the Drying Box and Wash Out Box must be submitted to Melbourne Water.
49. The buildings must be constructed with finished floor levels set no lower than 87.2 metres to Australian Height Datum.
50. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Melbourne Water to demonstrate that the floor levels have been constructed in accordance with Melbourne Water's requirements.
51. Prior to the commencement of works, a separate application direct to Melbourne Water must be made for approval of any new or modified storm water connection to Melbourne Water's drains or watercourses.
52. No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.

**AusNet Services (Conditions 53 – 58)**

53. Appropriate measure must be taken to protect AusNet Transmission Group's towers, insulators and conductors from the build-up of dirt dust resulting from the operation of the proposed concrete batching plant.
54. Vehicles and equipment exceeding 3 metres operation height are not permitted on AusNet Transmission Group's easement without prior written approval from AusNet Transmission Group.
55. Parking, loading, unloading and load adjustment of large commercial vehicles is not permitted on the easement.
56. The storage of flammable materials is not permitted on the easement.
57. Storage of non-flammable materials in the proposed bunds on the easement must not exceed 3 meters in height.
58. All future works within the easement must be submitted to AusNet Transmission Group and approved in writing prior to the commencement of works on site.

**Expiry**

59. This permit will expire if:
  - a) The approved development does not start within two years of the date of this permit; or
  - b) The approved development is not completed within four years of the date of this permit; or
  - c) The use hereby permitted does not start within four years of the date of this permit; or
  - d) The use hereby permitted ceases for a period of two or more years.

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



has lawfully started before the permit expires.

**NOTES:**

**VicRoads**

The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads. Please contact VicRoads prior to commencing any works.

**Melbourne Water**

The applicable flood level for the property is 86.6 metres to Australian Height Datum.

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference 254809.

**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**

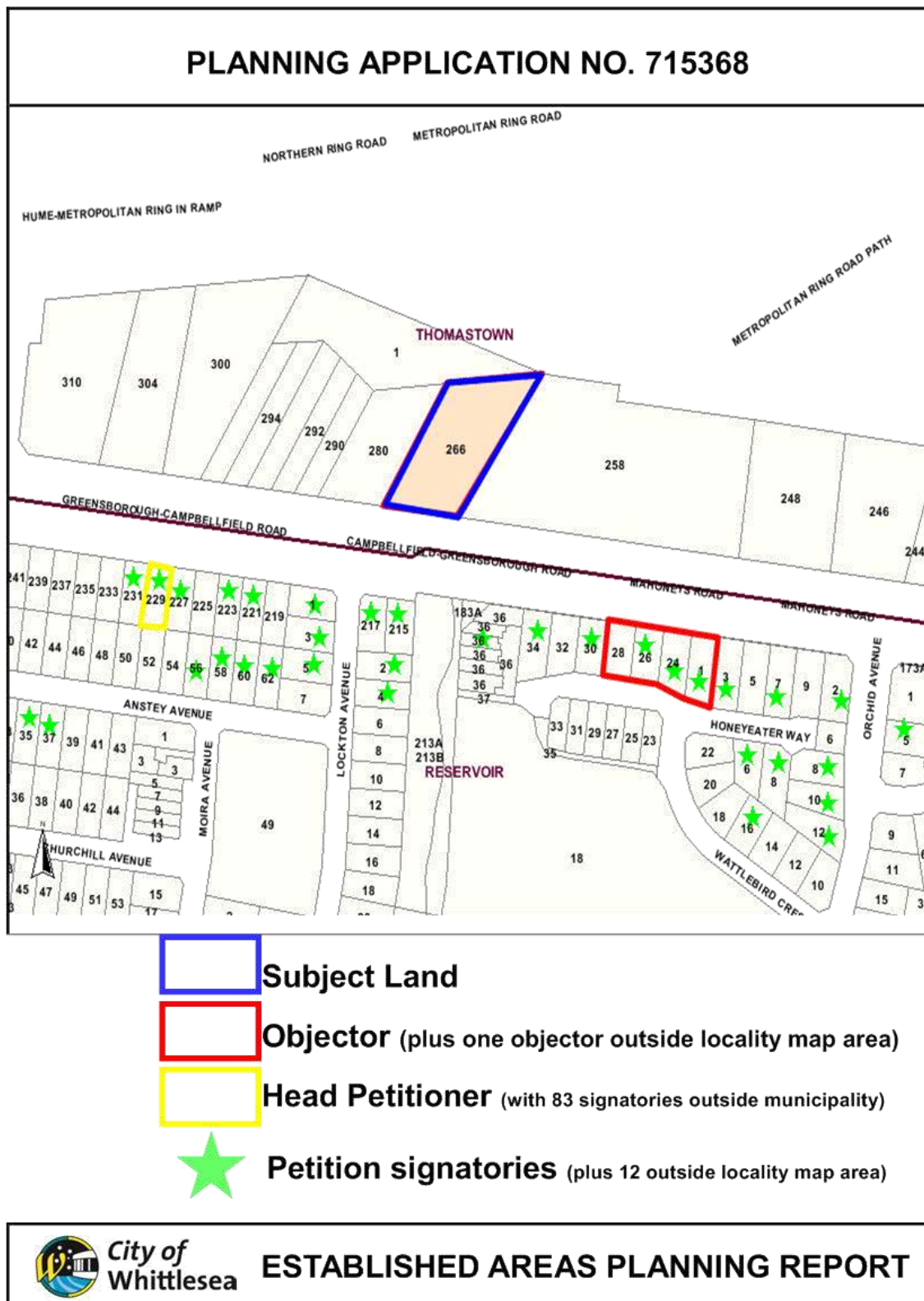
Any building or works to occur within an easement must be carried out to the satisfaction of the Responsible Authority. In addition, the following will apply:

- (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.

**Signs**

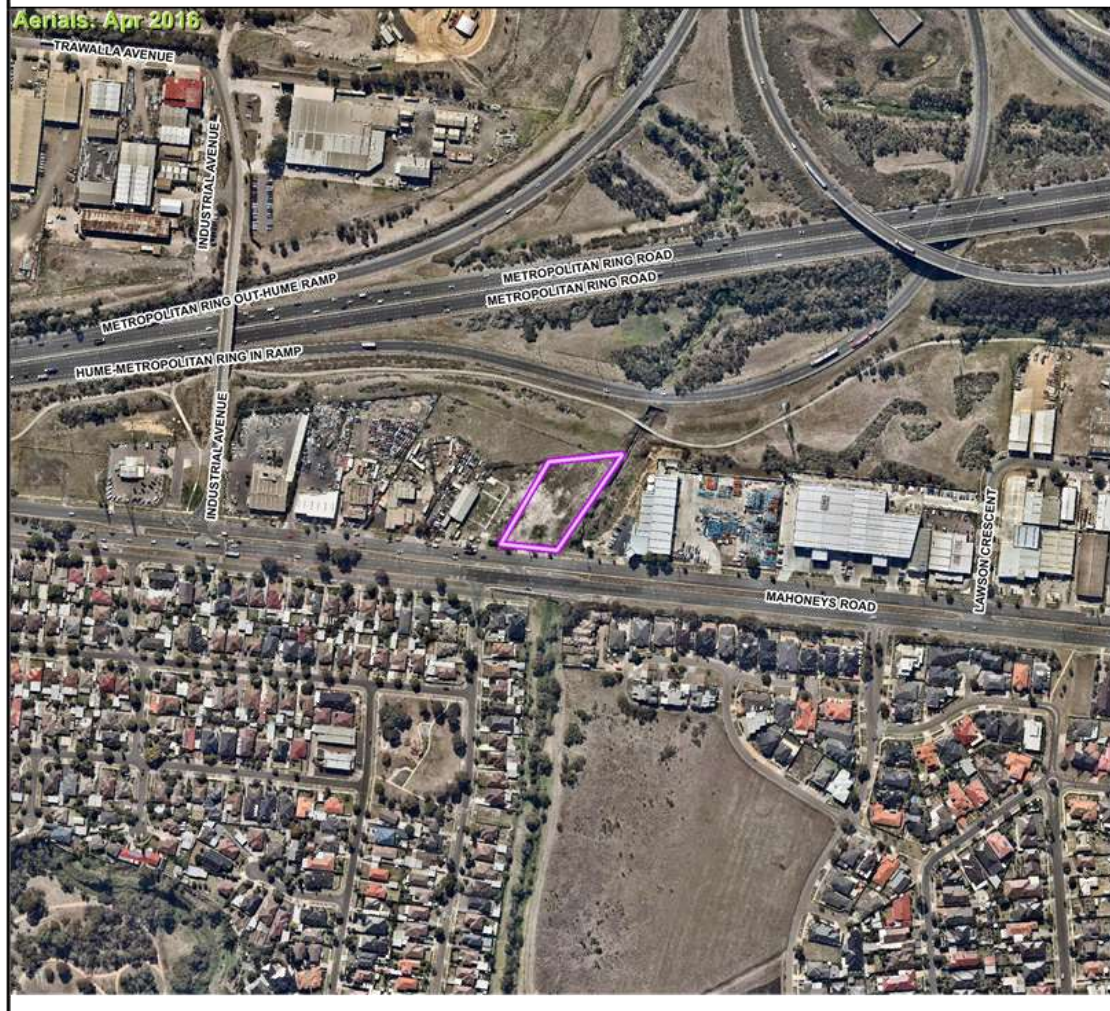
Please note that the display of signage will be subject to provisions of Clause 52.05 and may require further planning approval.







## PLANNING APPLICATION NO. 715368



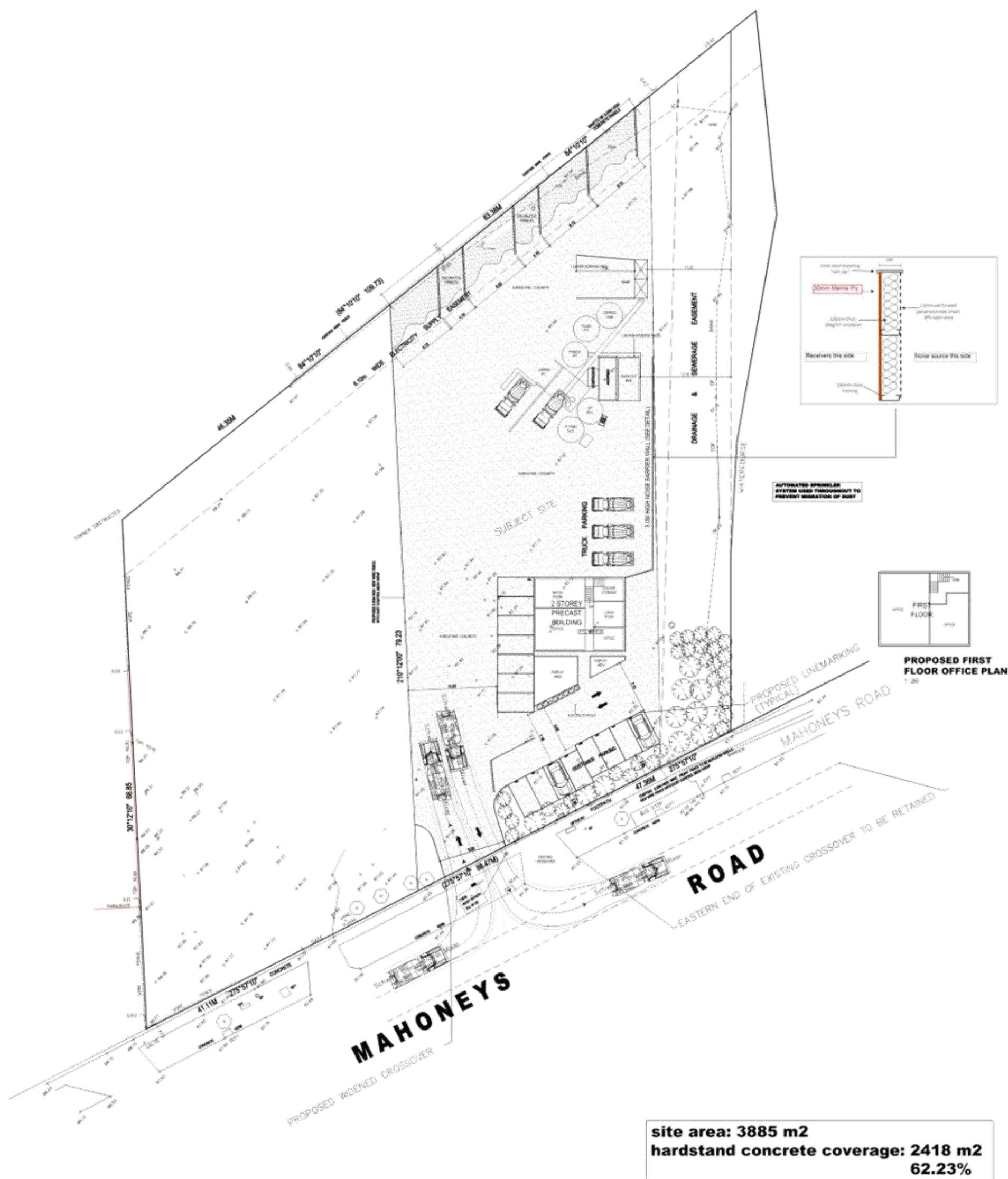
Subject Land



City of  
Whittlesea

ESTABLISHED AREAS PLANNING REPORT





# TOWN PLANNING SUBMISSION

**MIDWAY MAHONEYS ROAD PROPOSAL**  
**265 MAHONEYS ROAD**  
**THOMASTOWN**

REVISIONS			
No.	Date	By	Comments
01	20.01.2016	J	CROSSOVER ASSESS: VEHICLE SWIFT PATHS ADDED
02	16.08.2016	J	FIRST FLOOR OFFICE ADDED
03	15.11.2016	J	REVISED

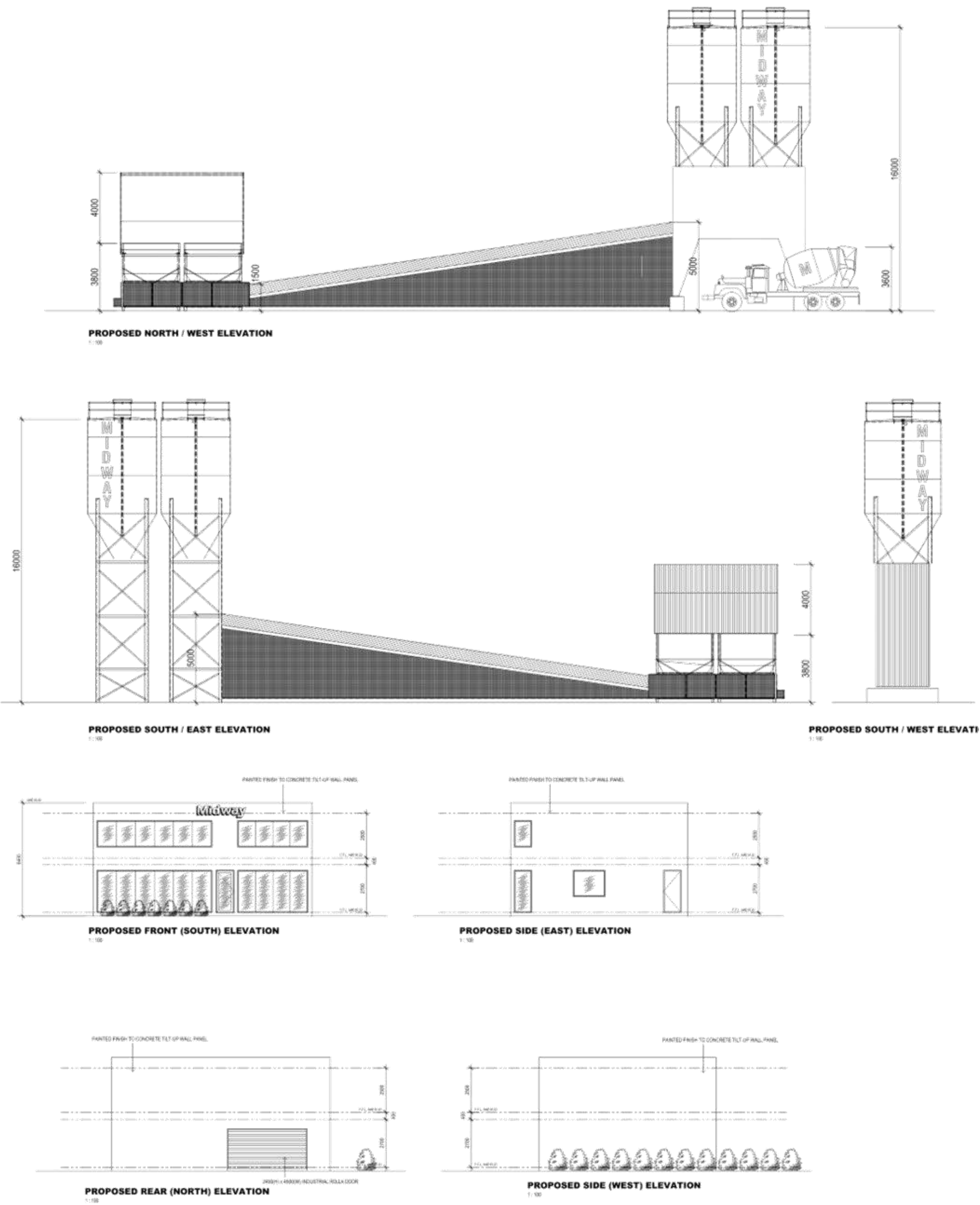
**JONTIAN GROUP**  
 Building design + town planning  
 Level 2/10-128 Burke Street, Edenburg, Victoria 3042  
 P 9374 2611 F 9374 2602

Date: OCTOBER 2015  
 Scale: 1:250 @ A1  
 Drawing No: 01  
 Sheet: 01 of 02  
 Copyright ©

Drawn: D.V.

**NORTH**





TOWN PLANNING SUBMISSION

MIDWAY MAHONEYS ROAD PROPOSAL  
265 MAHONEYS ROAD  
THOMASTOWN

REVISIONS			
By	Date	Check	Comments
DA	20.01.2016	2	CONCRETE FINISHES - VEHICLE SMOOTHPATHS ADDED
DA	11.08.2016	3	FIRST FLOOR OFFICE ADDED
DA	15.11.2016	4	REVISION



**JONTIAN GROUP**  
Building design + town planning  
New Zealand - 215 Buckle Street, Epsom - Auckland 1060  
09 499 4999 - 09 499 4999

Date: OCTOBER 2015  
Scale: 1:100 @ A1  
Drawing No: 01  
Sheet: 02 of 02  
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Drawn: D.V.





Job Number | 31-33521  
Revision | A  
Date | 19/02/2016

Midway Concrete & Garden Supplies  
Buffer constraint assessment



CLIENTS PEOPLE PERFORMANCE

100 m Default buffer  
100 m Directional buffer

LEGEND  
Site Boundary  
Nearest residences  
Envelope of Potential Sources



1:2,000  
0 20 40 60  
Metres (at A4)

Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geocentric Datum of Australia 1994  
Grid: Map Grid Of Australia, Zone 55

Figure 9  
100 m Directional buffer

8180 Lonsdale St Melbourne VIC 3000 Australia P 61 3 8637 8000 F 61 3 8637 8111 E melb@ghd.com.au W www.ghd.com.au  
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Source: Google Earth Pro, Created by: B. McKay





Job Number | 31-33521  
Revision | A  
Date | 19/02/2016

Midway Concrete & Garden Supplies  
Buffer constraint assessment



CLIENTS PEOPLE PERFORMANCE

36 m Default buffer  
36 m Directional buffer

LEGEND  
Site Boundary  
Nearest residences  
Envelope of Potential Sources



1:2,000  
0 20 40 60  
Metres (at A4)

Map Projection: Universal Transverse Mercator  
Horizontal Datum: Geocentric Datum of Australia 1994  
GHD Map GHD of Australia, Zone 55

36 m Directional de-rated buffer Figure 10

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Source: Google Earth Pro; Created by: B. McKay



**6.1.10 2 HUON COURT, BUNDOORA - AMEND THE PLANNING PERMIT TO ALLOW THE CONSTRUCTION OF AN EXTENSION (FIRST FLOOR LEVEL) TO THE EXISTING DWELLING**

<b>File No:</b>	<b>714104</b>
<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">↓</a> <b>2</b> <b>Development Plans</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer</b>
<b>APPLICANT:</b>	<b>D J Casey</b>
<b>COUNCIL POLICY:</b>	<b>N/A</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>One</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to amend the permit to allow an extension to the existing single storey dwelling which forms part of an approved multi-unit development on the subject land that has not yet commenced. The proposed buildings and works comprise a first floor extension to the existing dwelling including three additional bedrooms and a bathroom.

Advertising of the proposal resulted in one objection being received. The grounds of objection relate to overlooking, over development of the site, increased noise, neighbourhood character, devaluation of property and insufficient public notification. Consideration of this application including notification is based only on the changes proposed.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme.

The Housing Diversity Strategy (HDS) nominates this site as being within the Suburban Residential Change Area. The proposal for a second level addition to the existing dwelling complies with the principles of this Change Area and is considered to be an acceptable outcome in context of the HDS.

On the basis of the proposal's general compliance with the relevant sections of the Planning Scheme, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The subject site is located on the north side of Huon Court, approximately 40m northwest of Glenn Crescent and 90m north of Holt Parade, Bundoora (*see Attachment 1*). The site is irregular in shape and provides a frontage to Huon Court of 12.7m and a depth of approximately 56.3m, giving a total site area of 1178m<sup>2</sup>. The site has a gradual slope of



1.0m in a northwest-southeast direction and currently contains a detached single storey brick dwelling with a tiled hipped roof and a detached garage/carport located along the southwest property boundaries. Vehicular access to the site is provided via an existing double concrete crossover common to the subject site and the adjoining property to the west. There is no vegetation of significance contained within the site.

The surrounding area is generally characterised by residential land uses with the existing single storey dwelling being typical of the prevailing built form consisting of 1970's Mission Brown style with some limited 1960's Cream Brick style in the Norris Crescent and Glenn Crescent area. There are a number of multi-dwelling developments within the immediate vicinity located at Nos. 17 Glenn Crescent, 11 Neilsen Crescent, 20 Norris Crescent, 22 Norris Crescent and 127 Arthur Street.

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

- Holt Park (100m south).
- Glenn Park Reserve (105m northeast).
- Arthur Park (152m east).
- Norris Bank Parklands (240m northeast).
- Norris Bank Primary School (250m northwest).
- McLeans Road Kindergarden (290m northeast).
- Thomastown Industrial Precinct (350m northwest).
- Bundoora Shopping Precinct (1km northeast).

## BACKGROUND

Planning Permit No. 714104 was issued under delegation by planning officers on 18 December 2013 to allow the construction of two double storey dwellings to the rear of the existing dwelling on the land. An extension of time to the planning permit was granted in 2015 for a further two years whereby the development must be commenced by 18 December 2017 and completed by 18 December 2019.

It should be noted that advertising of the original proposal was carried out via way of written notice to adjoining and adjacent owners/occupiers and a sign placed on site. No objections were received at the completion of the advertising period and as a result, a planning permit was issued.

## RESTRICTIONS AND EASEMENTS

The Certificate of Title for the property shows that the site is not affected by any encumbrances or restrictions. The land is however encumbered by a 2.4m wide service easement along the north and west property boundaries.

## DETAILS OF REQUEST FOR AMENDMENT TO PERMIT

It is proposed to amend Planning Permit No. 714104 to allow the construction of a first floor extension to the existing single storey dwelling which forms part of an approved multi-unit development on the subject land.

The additional first floor level will comprise a total floor area of 73m<sup>2</sup> and consist of three bedrooms each provided with a wardrobe, a separate bathroom and a linen closet. The stairwell has been designed with an internal void to allow for light filtration from an existing glass sliding door at ground level.

In terms of design, external colours and materials, the extension will be constructed in light weight rendered cladding to the external walls, a tiled hipped roof to complement the existing



dwelling's roof form and that of the proposed two dwellings to the rear of the existing dwelling.

A printed colour schedule has not been provided for the extension however the development plans nominate select colours to match the existing dwelling.

The proposed modifications do not affect setbacks at ground level, areas of open space, parking provision or landscaping opportunities, they simply seek to construct a first floor extension.

## **PUBLIC NOTIFICATION**

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

1. Over development of the site.
2. Overlooking/overshadowing.
3. Increased noise.
4. Neighbourhood Character.
5. Devaluation of property.
6. Insufficient public notification.

## **HOUSING DIVERSITY STRATEGY**

The Housing Diversity Strategy (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 will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

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

## **PLANNING ASSESSMENT**

In accordance with Section 72 of the Planning and Environment Act 1987, a person who is entitled to use or develop land in accordance with a permit may apply to the Responsible Authority for an amendment to the permit. Subsequently the Responsible Authority may approve an amendment to any endorsed plan or planning permit.

An assessment of the proposal has been undertaken as follows:

## **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>The subject site is located within an area generally characterised by detached single storey average size dwellings in Mission Brown style constructed in the 1970's and some Cream Brick houses circa 1960's. Garages and carports where present, are either detached to dwellings or located within their rear yards along property boundaries. Street setbacks along Huon Court vary from 6.0m to 8.0m and front fences are absent.</p> <p>There is also a number of multi-dwelling developments within proximity to the subject site located along Glenn Crescent, Neilsen Crescent, Norris Crescent and Arthur Street. These developments comprise both double storey and single storey built form.</p> <p>The additional first floor level to Dwelling No. 1 is confined to the rear of the dwelling and the existing street setback along Huon Court will be maintained to minimise adverse amenity impact on the existing streetscape. There is also ample opportunity for landscaping throughout the subject site which will enhance the existing streetscape.</p>
B2	Residential Policy	✓	✓	<p>The subject site is located within the Suburban Residential Change Area within the <i>Housing Diversity Strategy</i>. This Change Area encourages standard density with the preferred housing types comprising detached dwellings, duplexes and dual occupancies. Key design principles include low building heights, to reflect the existing suburban scale and character; a front setback to allow for significant landscaping and large canopy trees to create a sense of openness to the street; increased side and rear setbacks to provide for building separation and landscaping and increased areas of private open space to allow for significant landscaping, large canopy trees in the front setback and extra-large canopy trees in the rear setback.</p> <p>The proposed buildings and works will not increase the density on site from that already approved which can be constructed.</p> <p>In terms of the current application to amend the planning permit, the proposal is consistent with the key design principles for development within the Suburban Residential Change Area. The double storey nature of the proposed buildings and works to Dwelling No. 1 is of a suburban scale and consistent with the surrounding built form. Sufficient separation has been provided between the</p>



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				two dwellings and the proposed setbacks from title boundaries will allow for generous landscaping to be provided throughout the development, including a large canopy tree within the front setback of the property.
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
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	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B22	Overlooking	✓	Cond 1A	The proposed north and northeast facing bedroom windows at first floor level of Dwelling No. 1 have the potential to cause overlooking into the private open space areas of surrounding properties and should be provided with appropriate screening in accordance with the standard requirements of Clause 55.04-6 of the Scheme. This can be addressed via a condition on any permit that is issued.
B23	Internal views	✓	Cond 1A	As mentioned above, the proposed north facing bedroom window at first floor level of Dwelling No. 1 should be provided with appropriate screening to prevent overlooking into the secluded private open space of Dwelling No. 2 within the same development in accordance with the standard requirements of Clause 55.04-7 of the Scheme. This can be addressed via a condition on any permit that is issued.
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	✓	
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 2 spaces must be provided for every 3 or more bedroom dwelling and although the number of bedrooms is being increased, it was already greater than 3 and therefore already had 2 car parking spaces onsite which will continue to be provided, thereby meeting the requirements.



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

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area. This requirement has been paid by the applicant at the time the original permit was issued. There are no additional contributions as the rate of \$2.19 per square metre of the total site area still applies.

**COMMENTS ON GROUNDS OF OBJECTION****1. Over development of the site.**

The density of development on site including site coverage, setbacks, permeable service and open space areas to name a few will all remain unchanged from that in which they were approved. The only change being sought is that of a first floor extension to the existing dwelling that would not constitute an overdevelopment of the site.

**2. Overlooking/overshadowing.**

The southwest facing bedroom window at first floor level for Dwelling No. 1 has been appropriately located at a horizontal distance greater than 9.0m and therefore complies with the standard requirements of Clause 55.04-6 of the Scheme. Notwithstanding, the proposed north and northeast bedroom windows at first floor level for Dwelling No. 1 have the potential to cause overlooking into the private open space areas of the adjoining property to the east and to Dwelling No. 2 within the development. These windows should be provided with appropriate screening in accordance with the standard requirements of Clause 55.04-6 and Clause 55.04-7 of the Scheme.

The design response shows that a minor shadow will be cast over an existing shed and the secluded private open space within the adjoining property to the east. No shadow will be cast by the proposed development over the secluded private open space of the abutting properties to the west and northwest.

**3. Increased noise.**

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

**4. Neighbourhood Character.**

The proposal will be consistent with the existing and emerging preferred neighbourhood character. The additional first floor level to Dwelling No. 1 is confined to the rear of the dwelling and the existing street setback along Huon Court will be maintained. There is also ample opportunity for landscaping throughout the subject site which will enhance the existing streetscape.

**5. Devaluation of property.**

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



**6. Insufficient public notification.**

The objector has stated insufficient time was given for residents to submit objections. Notice of the application was given pursuant to Section 52 of the *Planning and Environment Act 1987*. The application was advertised by mail to the owners and occupiers of adjoining properties and a sign was displayed on the land for a period of 14 days. This time frame is consistent with the requirements of Planning and Environment Regulations 2015. The original application for the construction of two additional dwellings to the rear of the existing dwelling on site was also advertised in accordance with these requirements and no objections were received. Council records indicate that ownership details of the abutting properties remain unchanged.

**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 relevant sections of the Whittlesea Planning Scheme. The proposal demonstrates a satisfactory level of compliance subject to minor modifications as outlined. It is considered that the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application for an amendment is recommended.

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

**THAT Council resolve to approve the request to Amend Planning Permit No. 714104 to allow the construction of an extension (first floor level) to the existing dwelling and for:**

- 1. The following new condition to be included in the permit:**
  - 1A. Before the development starts, three (3) copies of a revised plan must be submitted to and approved by the Responsible Authority showing; appropriate screening to the north and northeast bedroom windows at first floor level for Dwelling No. 1 in accordance with Clause 55.04-6 and Clause 55.04-7 of the Scheme.**
- 2. The following notation and table be included in the permit:**

**This Permit has been amended as follows:**

Date of Amendment	Description of Amendment
7 February 2017	<p>The following condition was included in the permit:</p> <ul style="list-style-type: none"> <li>Before the development starts, three (3) copies of a revised plan must be submitted to and approved by the Responsible Authority showing; appropriate screening to the north and northeast bedroom windows at first floor level for Dwelling No. 1 in accordance with Clause 55.04-6 and Clause 55.04-7 of the Scheme</li> </ul>







## PLANNING APPLICATION NO. 714104



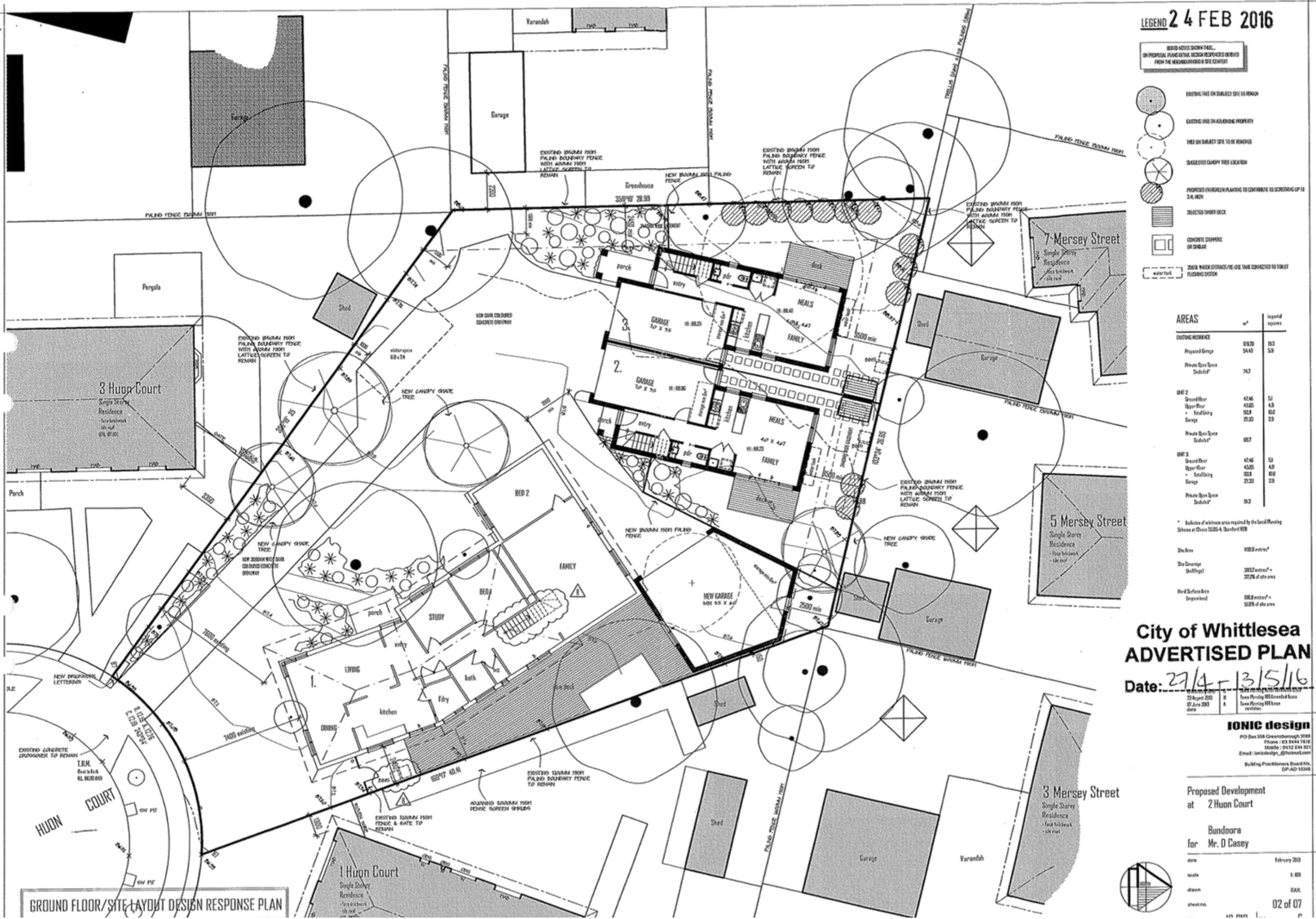
-  Subject Land
-  Objector
-  Medium Density Housing



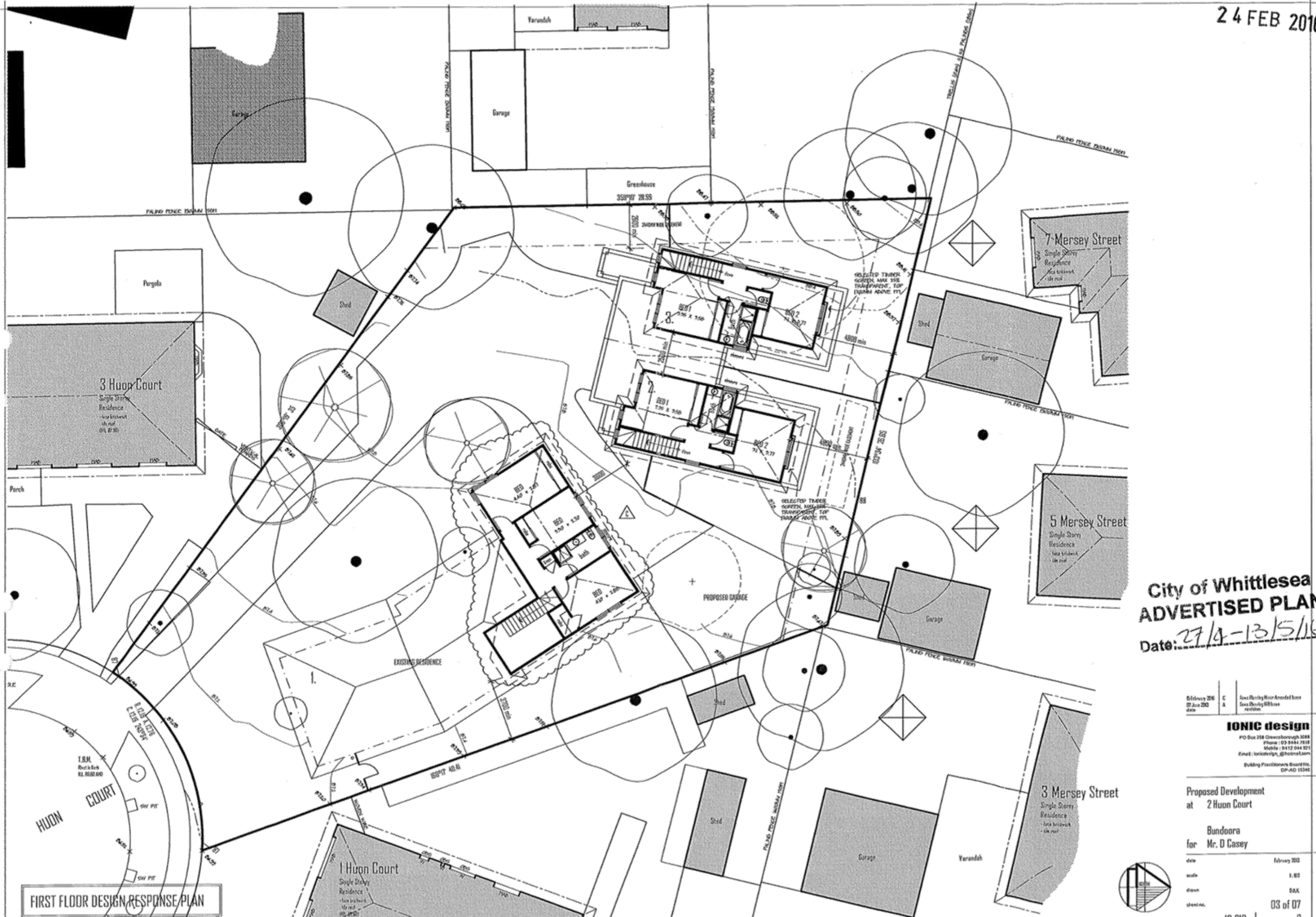
City of  
Whittlesea

ESTABLISHED AREAS PLANNING REPORT







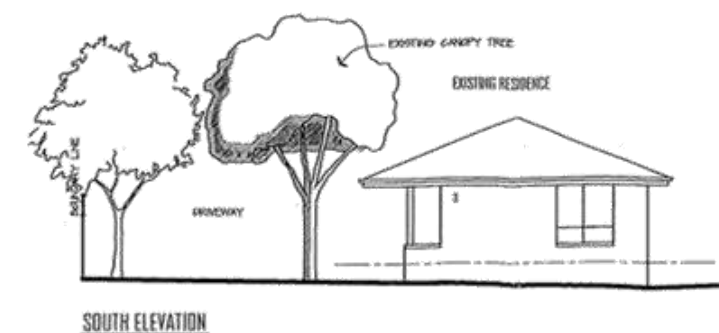
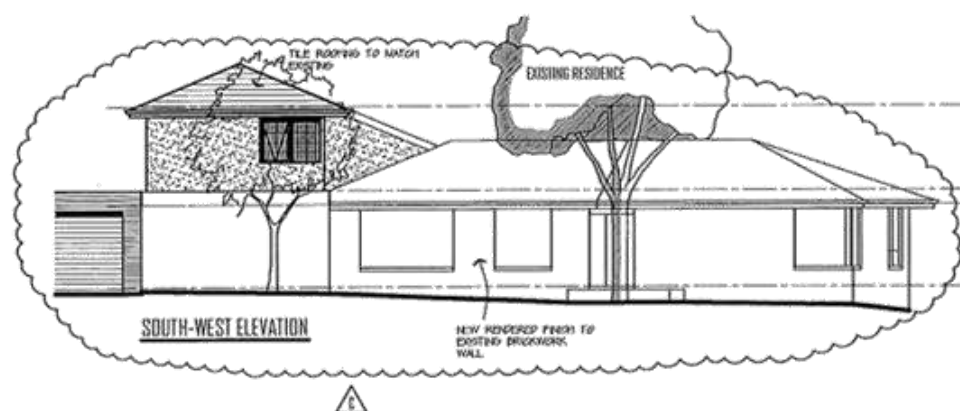
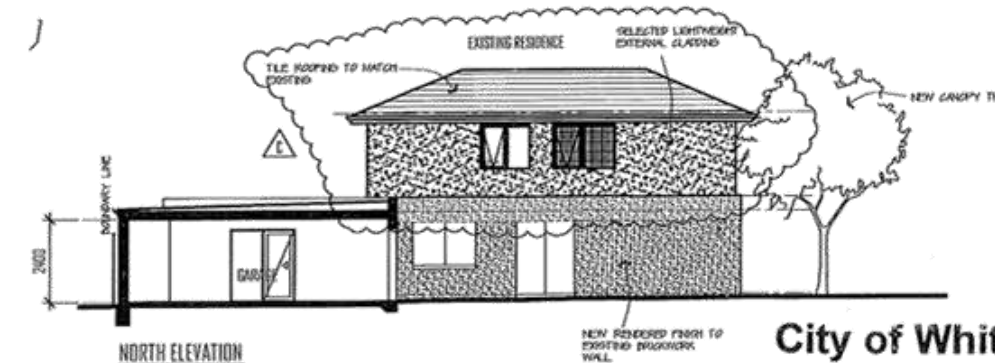
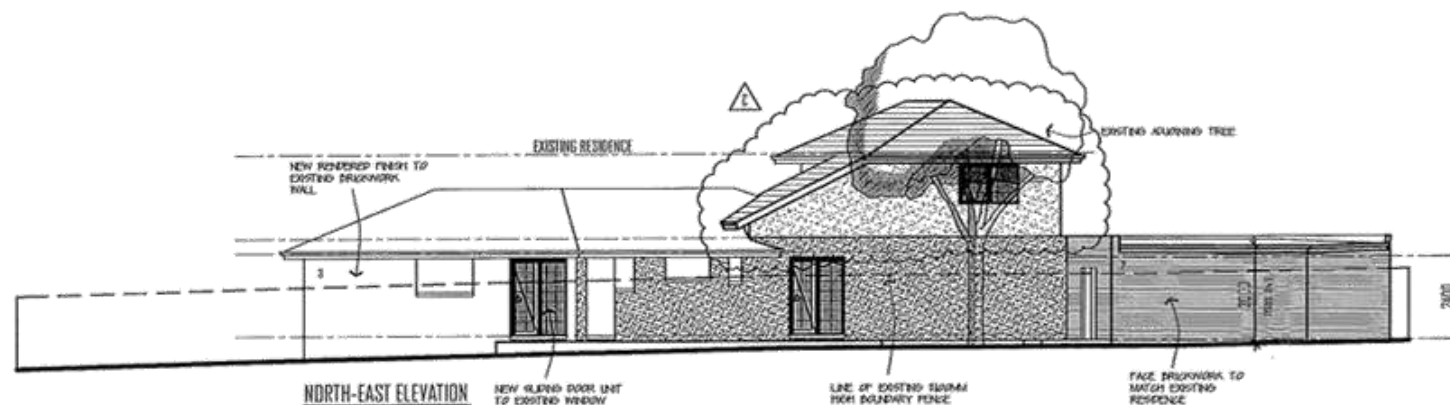
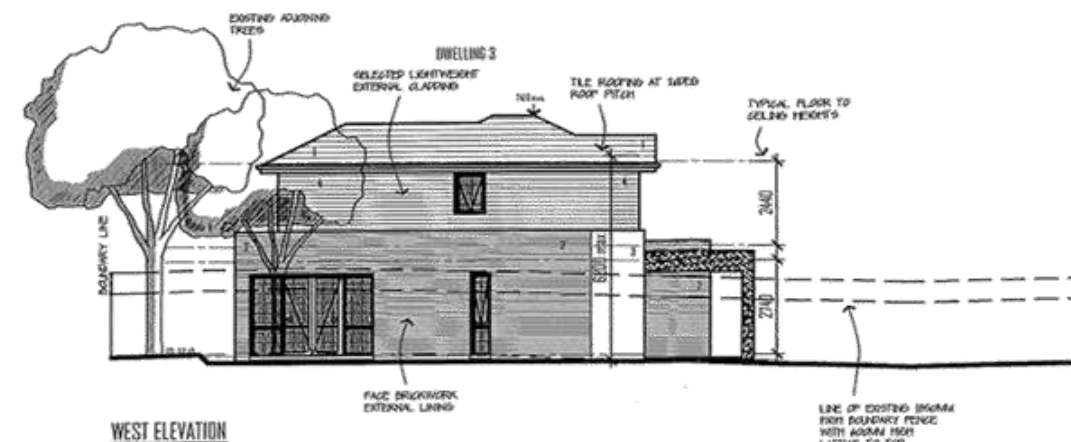
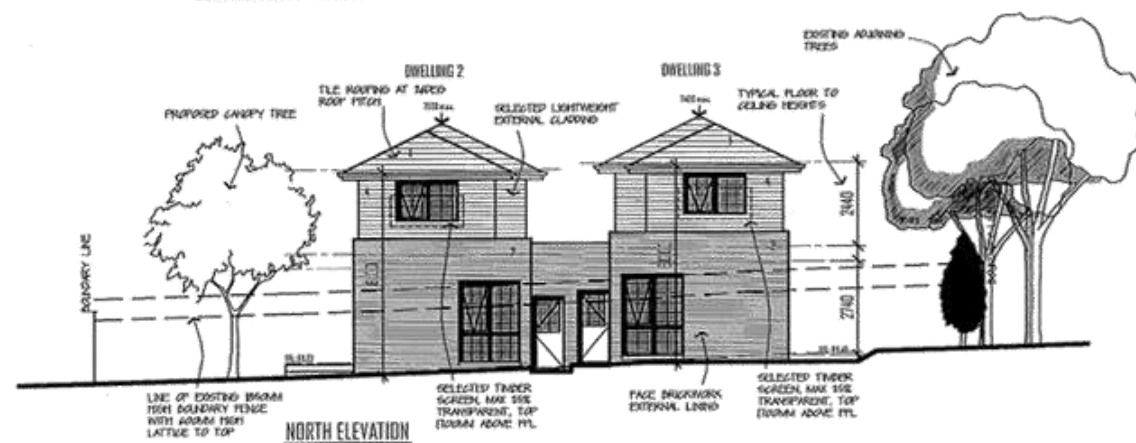
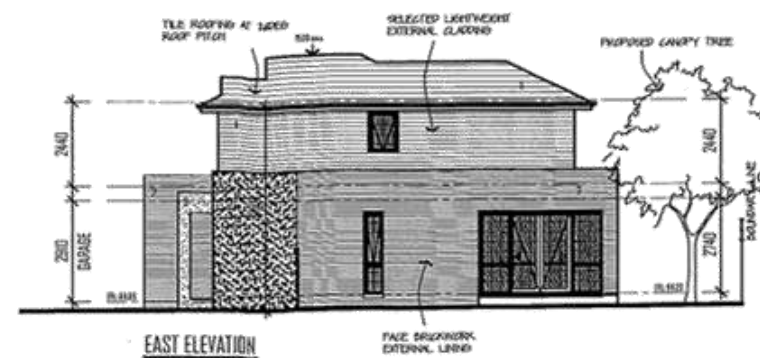
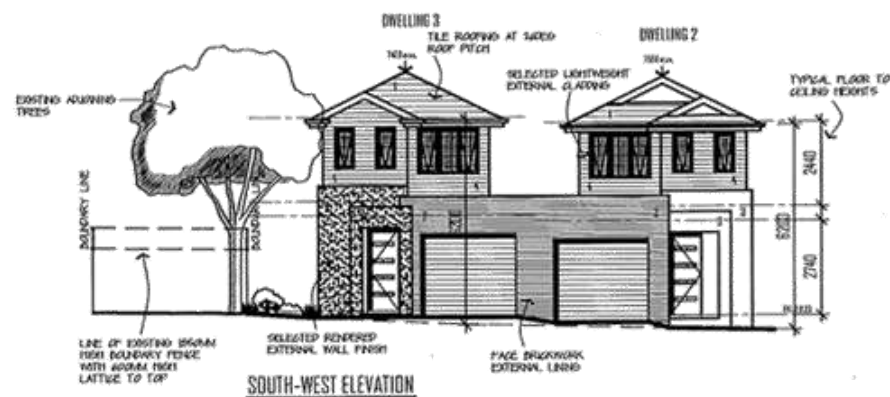




24 FEB 2016

SCHEDULE OF FINISHES

	TILE ROOF COVERING "Desiree" or similar
	FACE BRICKWORK Austral Bricks "Yellowstone" or similar
	SELECTED RENDER "Blue Rock Blend" or similar
	SELECTED TIMBER CLADDING "Blue Gum Cedar" or similar



City of Whittlesea  
ADVERTISED PLAN

Date: 27/4 - 13/5/16

23 April 2016  
27 April 2016

IONIC design

PO Box 258 Greensborough 3088  
Phone: 03 9444 7816  
Mobile: 0412 044 901  
Email: ionicdesign@hotmail.com  
Building Practitioners Board No. DP-AD 15316

Proposed Development  
at 2 Huan Court

Bundoora  
for Mr. D Casey

date: February 2016  
scale: 1:100 & 1:200  
drawn: BAIL  
sheet no.: 04 of 07

ELEVATIONS - DESIGN RESPONSE PLAN







**6.1.11 17 LLOYD AVENUE, EPPING - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF ONE SINGLE STOREY DWELLING TO THE REAR OF AN EXISTING DWELLING**

**File No:** 712059

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer

**APPLICANT:** Mr J Savkoski

**COUNCIL POLICY:** Nil

**ZONING:** Activity Centre Zone

**OVERLAY:** Development Contributions Plan (Schedule 3 and 14)

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 712059) allowing the construction of one single storey dwelling to the rear of an existing dwelling at 17 Lloyd Avenue, Epping. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 16 June 2010 under delegation by officers (as no objections were received). One previous request for an extension of time has been granted. The second extension period expired on 16 June 2016 as development has not yet commenced.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time 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 with the same conditions.

The changed circumstances set out in this report relate to Amendment C130 (gazetted March 2015) which included the rezoning of land to the Activity Centre Zone (ACZ) in accordance with the Epping Central Structural Plan. Other associated changes to the Scheme also occurred at this time including a requirement for the payment of development contributions to assist in the funding of infrastructure associated with the future growth of the area.

**SITE AND SURROUNDING AREA**

The subject land is located on the west side of Lloyd Avenue, Epping (*see Attachment 1*). The site is a regular shaped allotment that is relatively flat and has a total site area of approximately 593m<sup>2</sup>. The site contains a single storey brick dwelling and vehicular access is provided via an existing concrete crossing located within the southeast corner of the land.

The surrounding area is generally characterised by single storey brick veneer dwellings constructed circa 1950's. There are also a number of recently constructed medium density developments within the immediate surrounds. West of the site is High Street which features a commercial hub, Epping Primary School, and Epping Police Station.



**BACKGROUND**

Planning Permit No. 712059 was granted on 16 June 2010 authorising construction of one single storey dwelling to the rear of an existing dwelling. The application was determined under delegation. The endorsed plans are shown in *Attachment 2*.

A previous request to extend the permit was granted on 30 September 2014 and extended the permit for a further 2 years to lapse on 16 June 2016.

**CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of two (2) years to commence and complete the development due to not being able to acquire the necessary information regarding the permit from the previous owner.

**ASSESSMENT**

When the permit was issued on 14 August 2012, the land was located in a Residential 1 Zone. In March 2015 Amendment C130 was approved which introduced the new ACZ within the Whittlesea Planning Scheme. The subject land was included within a development precinct which seeks to provide a transition from higher density housing to the south to the standard density areas to the north beyond the activity centre. The preferred character for the precinct includes medium density residential development in the form of villa units and townhouses, with modern and attractive architectural styles with landscaped front setbacks that provide space for canopy trees.

The proposed development (*see Attachment 2*) is for a single dwelling behind the existing dwelling, and is therefore consistent with the preferred character of the precinct. The indicative landscape areas shown on the plans submitted allow sufficient private open space and for the accommodation of canopy trees within the front and rear setbacks which will soften the impact of the proposed built form.

However, the permit will not be compliant with the newly introduced Development Contribution Plan Overlay (Schedule 14 (DCPO14) which requires that contributions be paid to ensure that necessary infrastructure is available in support of the increased densities proposed for the area. In relation to the current development this is currently estimated to be approximately \$5,000. The current permit does not provide any provision for this payment and it not possible to amend the permit to provide for this outcome.

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 provision 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 C130 and the introduction of the ACZ including associated overlays has been discussed previously in this report. The changed planning context, in particular the introduction of DCPO14, means that the current permit has become redundant.

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



The permit has only been extended once previously and there is no substantial evidence that the 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 has been unable to proceed with the development due to a lack of information from the previous owner. These personal circumstances are not sufficient to justify the extension when weighed against the need for critical infrastructure funding. It would not be appropriate that Council incur infrastructure costs associated with the proposed development when these charges can be reasonably required and included in any new planning permit.

*The total elapse of time*

The total period that has elapsed since the granting of the permit is now six years.

*Whether the time limit originally imposed was adequate*

The time limit imposed under the original permit (four years) and the further extension (two years) was reasonable.

*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 ACZ the site is located within 'Precinct 2 – High Street North'. This precinct nominates the preferred housing type as villa units and townhouses such as that proposed. While a development proposal consistent with the previously approved plans is likely to be supported under a new application it would be subject to different conditions including a requirement for the payment of development contributions.

## **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 additional planning controls implemented as part of Amendment C130 were introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that the permit and its conditions have become redundant. It is therefore recommended that the extension of time be refused.



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

**THAT Council resolve to refuse the application to extend Planning Permit 712059 for the construction of one single storey dwelling to the rear of an existing dwelling at 17 Lloyd Avenue, Epping and advise the applicant accordingly.**





**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**



# PLANNING APPLICATION NO. 712059



-  Subject Land
-  Medium Density Housing



City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

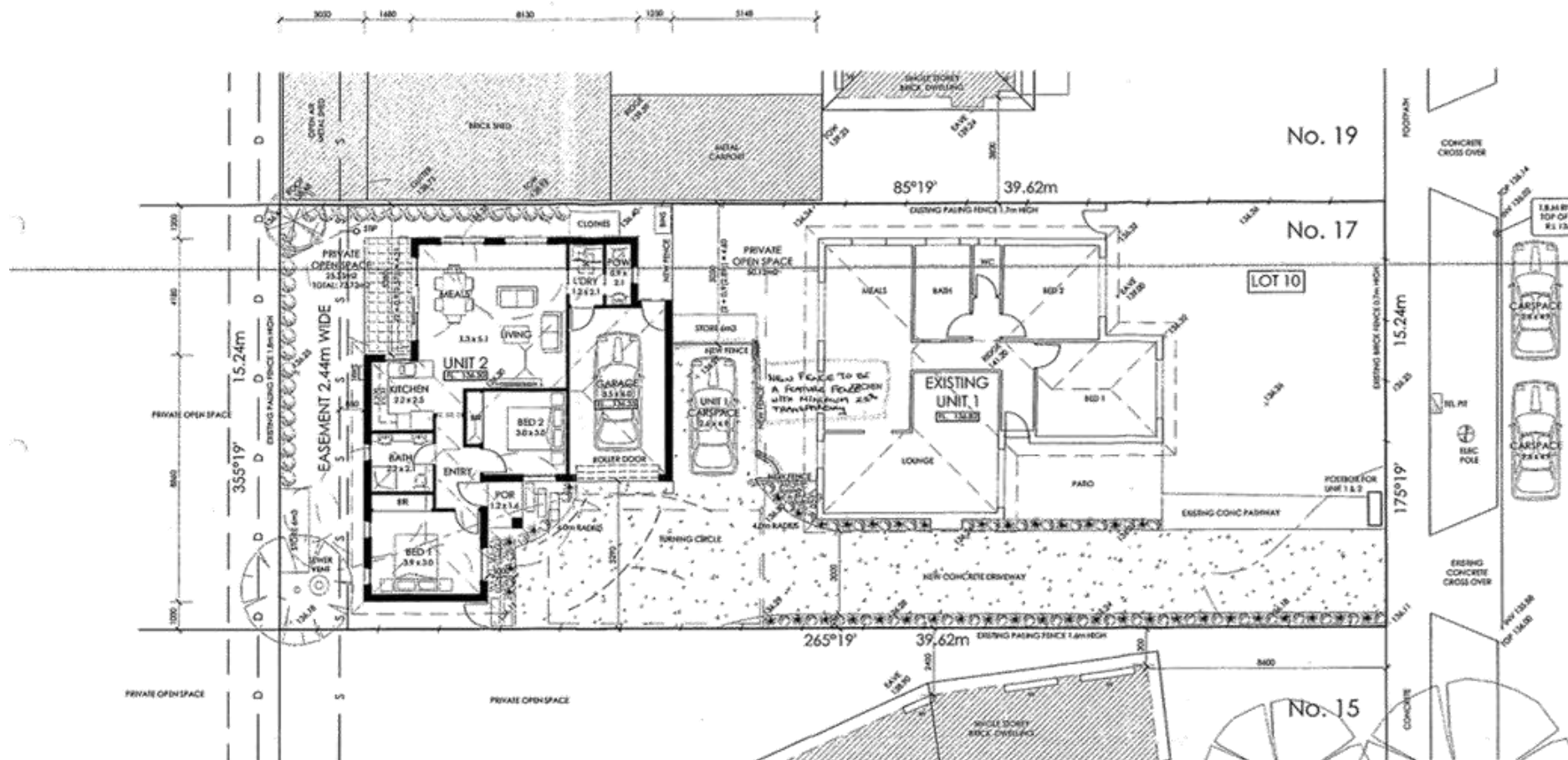


City of Whittlesea  
ADVERTISED PLAN

Date: 2/14/16 - 3/15/16



This plan or design may not be copied, loaned or borrowed without the written consent of ikonomidis reid Pty Ltd.



#### DEVELOPMENT SUMMARY

SITE AREA: 403.89m<sup>2</sup>  
 DENSITY: 1:301  
 NO. OF DWELLINGS: 2  
 CAR PARKING: 4  
 UNIT 1: 2  
 UNIT 2: 2  
 BUILDING SITE COVERAGE: 125.83m<sup>2</sup> (31.40%)  
 SITE PERMEABILITY: 243.17m<sup>2</sup> (60.20%)  
 PRIVATE OPEN SPACE  
 UNIT 1: 50.15m<sup>2</sup> + 4 FRONT YARD  
 UNIT 2: 73.72m<sup>2</sup>

#### GROSS BUILDING AREA/UNIT:

	UNIT 1	UNIT 2
FLOOR	15.80m <sup>2</sup> (1.45%)	2.09m <sup>2</sup> (0.52%)
GROUND	102.24m <sup>2</sup> (25.31%)	82.11m <sup>2</sup> (20.33%)
GARAGE	118.04m <sup>2</sup> (29.45%)	107.79m <sup>2</sup> (26.70%)

#### CONSTRUCTION:

INTERNAL WALLS:  
 100mm BRICK VENEER STUD CONSTRUCTION  
 EXTERNAL WALLS:  
 GROUND FLOOR - 240mm THICK BRICK VENEER CONSTRUCTION

#### STORMWATER

ALL STORMWATER, INCLUDING ROOF AND PAVEMENT  
 (STORMWATER TO BE COLLECTED VIA ON SITE SYSTEM AND  
 CONNECTED TO LEGAL POINT OF DISCHARGE DETAILS TO BE  
 SUBMITTED AS PART OF BUILDING PERMIT. NO STORMWATER TO  
 BE DISCHARGED TO ADJACENT SITES OR STREETS.

#### LANDSCAPING

FOR DETAILS OF LANDSCAPING, REFER TO SEPARATE  
 LANDSCAPE PLAN - TO BE SUBMITTED LATER.

#### EXTERNAL FINISHES SCHEDULE

ROOFING	CONCRETE ROOF TILES
GUTTERS & DOWNPIPES	COLORBOND
FASCIAS	COLORBOND
WALLS	BRICKWORK
WINDOWS & DOORS	FEATURE CLADDING POWDERCOAT ALUMINIUM

#### LEGEND

150mm Ø VC SEWER PIPE - DEPTH TO INVERT LEVEL 1.455m APPROX  
 150mm Ø VC SEWER PIPE - DEPTH TO INVERT LEVEL 1.455m APPROX  
 EXACT POSITION ON SITE PRIOR TO CONSTRUCTION

CONCRETE STORMWATER DRAIN - TYPE UNKNOWN, DEPTH & OFFSET  
 UNKNOWN - CONFIRM EXACT POSITION ON SITE PRIOR TO  
 CONSTRUCTION

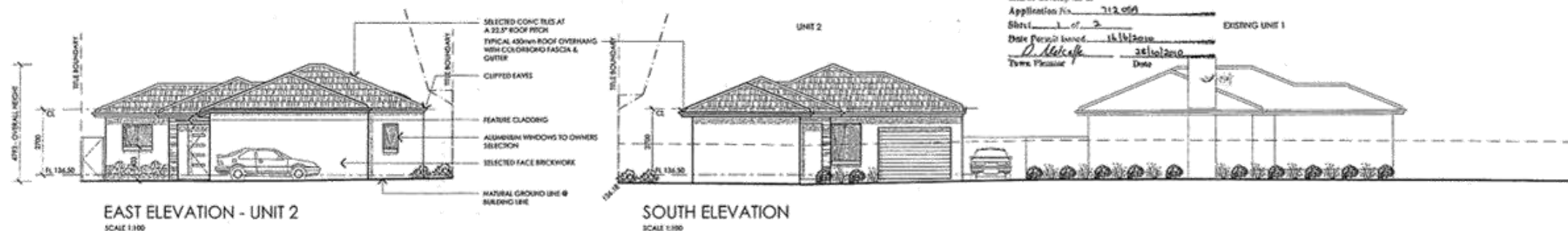
OUTBUILDINGS & VEGETATION TO BE DEMOLISHED/REMOVED  
 SHOWN DASHED



W - WINDOW  
 S/P - SEWER IN POINT  
 HWS - HOT WATER SYSTEM  
 SL - SLAB/SLAB

NOTE:  
 ALL NEW VEHICLES TO BE UNDER PARKING STRUCTURE AS A MINIMUM  
 HEIGHT OF 1.8m ABOVE GROUND  
 ALL LEVELS TO A.M.D.

GROUND FLOOR PLAN  
 SCALE 1:100



EAST ELEVATION - UNIT 2  
 SCALE 1:100

SOUTH ELEVATION  
 SCALE 1:100

NORTH ELEVATION  
 SCALE 1:100

WEST ELEVATION - UNIT 2  
 SCALE 1:100

ikonomidis reid

building design consultants

643 Plenty Road, Reservoir, VIC 3073  
 Ph: 9478 2836  
 Fax: 9478 2034  
 Email: admin@ikonomidisreid.com.au

DUAL OCCUPANCY DEVELOPMENT  
 FOR JIM BELEVSKI  
 17 LLOYD AVENUE, EPPING

TP-03 B

Job No. Scale. Drawn. Date.

FLOOR PLANS, ELEVATIONS & AREA ANALYSIS



8 APR 10 FURTHER INFORMATION

A NOV 09 TOWNPLANNING APPLICATION  
 P1 NOV 09 PRELIMINARY ISSUE



[illegible][illegible][illegible][illegible]

1. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

2. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

3. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

4. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

5. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

6. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

7. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

8. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

9. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.

10. **Identify the subject and the predicate.** The subject is the person or thing being described, and the predicate is the action or state of being.



In-ground drip irrigation system to be installed through all planted areas. Digital controller with battery back-up to be programmed to activate lines with current working regulations.

Area	Material	Volume (m³)	Weight (kg)	Cost (€)
Garden Beds	Topsoil (0-10cm)	100	1000	100
	Compost (10-20cm)	50	500	50
	Gravel (20-30cm)	200	2000	200
Topping areas	Grass seed	10	100	10
	Gravel (10-20cm)	100	1000	100
Lawn areas	Grass seed	20	200	20
	Gravel (10-20cm)	200	2000	200

[illegible]

Diagram illustrating the root zone and soil layers in a container. The diagram shows a cross-section of a plant in a container. The root zone is indicated by a dashed line. The soil layers are labeled as follows:

- TOP OF ROOTING PLANT WITH SUPERABUNDANT GROWTH
- SOIL WITH BACTERIAL GROWTH WATER IN SETTLE SOIL ABOVE ROOTS
- SOIL IS TO GROWTH OF NEW BACTERIAL GROWTH AND SUPPORT SOIL

	CODE	PLANTING NAME	COMMON NAME	QTY	PLANT SIZE / PLANTED HEIGHT	MAINTENANCE
TREES	EL	EucalyptusAllocasiaTully Dwarf	Dwarf Yellow Gum	1	45lt / min 1.8m high	8m x 5m
	LN	LeprosyrosmaIndicaNobles	White Grape Myrtle	1	45lt / min 2m high	8m x 5m
	AL	ArtemisiaUniflora'Minor'	Compact Lily Pilly	11	20cm pot	3m x 1.5m
EVERGREEN PLANTS	OS	OenotheraGlossa	Rose Gerani	2	14cm pot	2m x 2m
	OK	CallistemonVergaPak Special	Bottlebrush	6	20cm pot	4m x 5m
	OR	OreocleaCorymbiflora	Rosemary Gerardia	3	20cm pot	2m x 2m
CLIMBER AND BAMBOO CREEPER	YR	YuccaFiliferaAurea	Long Leaved Yucca	19	20cm pot	3m x 2m
	CL	CallistemonTulleJiffy	Little Yucca Bottlebrush	9	14cm pot	1m x 1.2m
	OR	OreocleaCorymbiflora	Rosemary Lily	66	14cm pot	1.6m x 1.2m
BLOSSOM PLANTS	YR	YuccaFiliferaAurea	Adiantum	8	25cm pot	1m x 1m

PLANNING AND ENVIRONMENT ACT  
CITY OF WASHINGTON  
PLANNING SCHEME  
Plan referred to in Permit to use  
and/or develop land.  
Application No. 712054  
Sheet 2 of 3  
Date Permit issued 16/11/2010  
A. Haff 25/02/2010  
Town Planner Date

15 JUL 2010



**6.1.12 3 SPRING STREET, THOMASTOWN - REQUEST FOR AN EXTENSION OF TIME TO PLANNING PERMIT – CONSTRUCTION OF A TWO STOREY DWELLING TO THE REAR OF AN EXISTING DWELLING**

**File No:** 714892

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer Established Areas Planning

**APPLICANT:** F Akkari

**COUNCIL POLICY:** Nil

**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. 714892) allowing the construction of a two storey dwelling to the rear of the existing dwelling at 3 Spring Street, Thomastown. The application seeks to extend the time for the commencement and completion of the development. The permit was originally granted on 21 January 2015 under delegation by officers (as no objections were received). This is the first extension of time request. The permit expired on 21 January 2017 as development had not commenced. An extension request was made prior to this date.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time be approved as it is 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 and the introduction of new residential zones. 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 multi-units, detached dwellings and duplexes. The development approved under the Permit has been assessed as being consistent with this preferred housing and character.

**SITE AND SURROUNDING AREA**

The subject land is rectangular in shape and is located on the southern side of Spring Street, Thomastown (see *Attachment 1*). The site contains an existing single storey brick dwelling. Surrounding land is developed with a combination of standard and medium density residential development. Land to the northeast comprises both residential and business zoning. The High Street Thomastown shopping strip is also located to the northeast (in close proximity to the Thomastown Railway Station).



**BACKGROUND**

Planning Permit No. 714892 was granted on 21 January 2015 authorising the construction of a two storey dwelling to the rear of the existing dwelling (see *Attachment 2*). The application was determined under delegation by officers as no objections were received. Condition No. 20 of the permit allows for extension of time to be granted if development does not commence within the two year period.

**CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension period of two (2) years from the current permit lapse date (21 January 2017) to commence and complete the development. The applicant has advised that the property is in the process of being sold to a new owner.

**ASSESSMENT**

When the permit was issued on 21 January 2015 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 and multi-units, dual occupancies/ duplexes. These areas are typically in reasonable proximity to public transport and activity centres.

The HDS sets out 'Key Design Principles' that encourages separation of dwellings at ground level, usable areas of private open space and provision for attractive landscaping including some canopy trees. Building heights are to reflect existing suburban scale and character while supporting some housing diversity.

The proposed development (see *Attachment 2*) is for the construction of a second, two storey dwelling to the rear of the existing dwelling. The proposed development reasonably meets all requirements of the Key Design Principles for this 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 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 remains supportive of the current proposal.

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

This is the first request for an extension and 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 is in the process of selling the land.

*The total elapse of time*

A period of two years has elapsed since the permit was initially granted in 2015.

*Whether the time limit original 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, however plans have been endorsed and required development contribution has been paid.

*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 multi-units, single dwellings and dual occupancies. It is likely that the permit for the same development would be granted should a fresh application 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 would be 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. 714892 for a further two years (until 21 January 2019) for the construction of a two storey dwelling to the rear of the existing dwelling at 3 Spring Street, Thomastown and advise the applicant accordingly.**







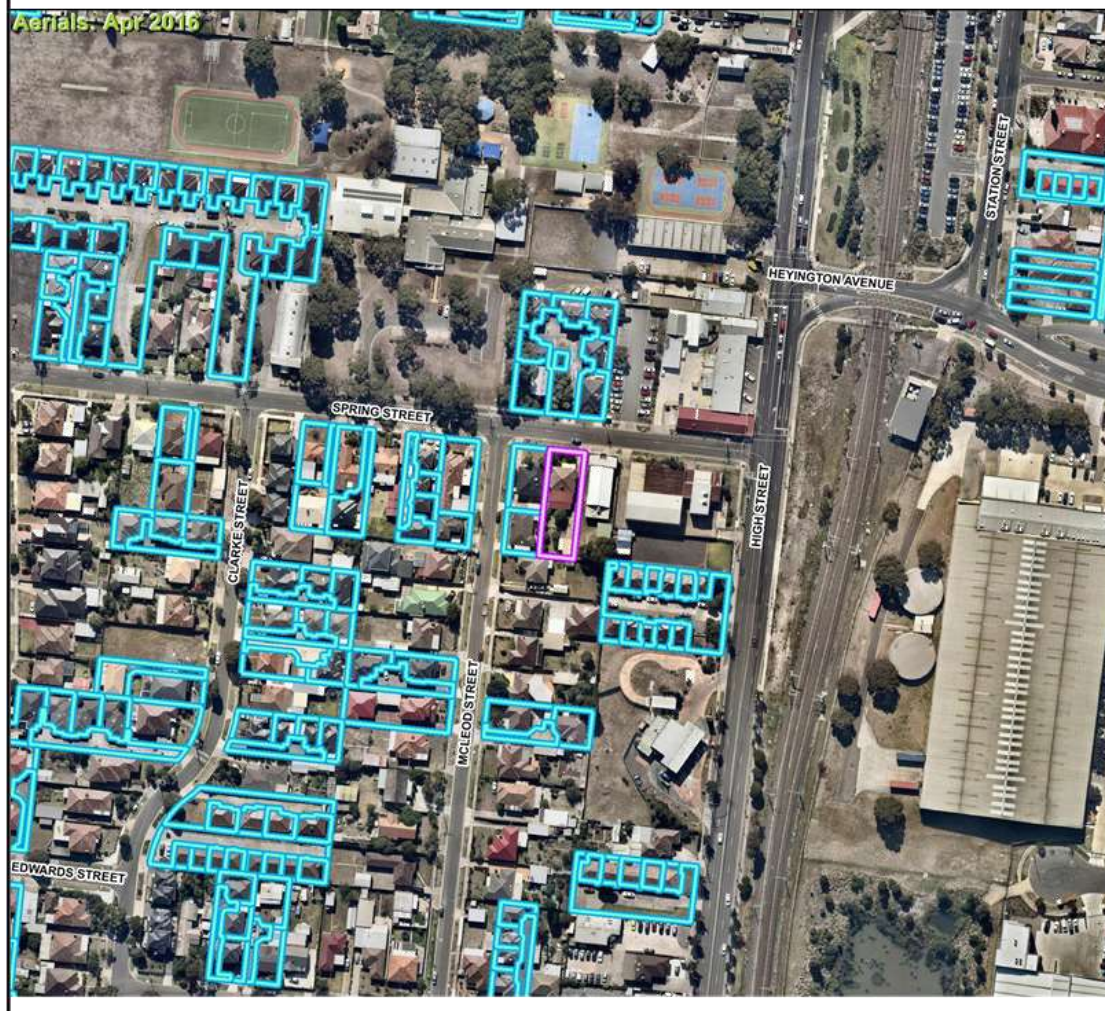


**City of  
Whittlesea**

## DEVELOPMENT ASSESSMENT REPORT



# PLANNING APPLICATION NO. 714892



Subject Land



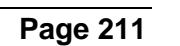
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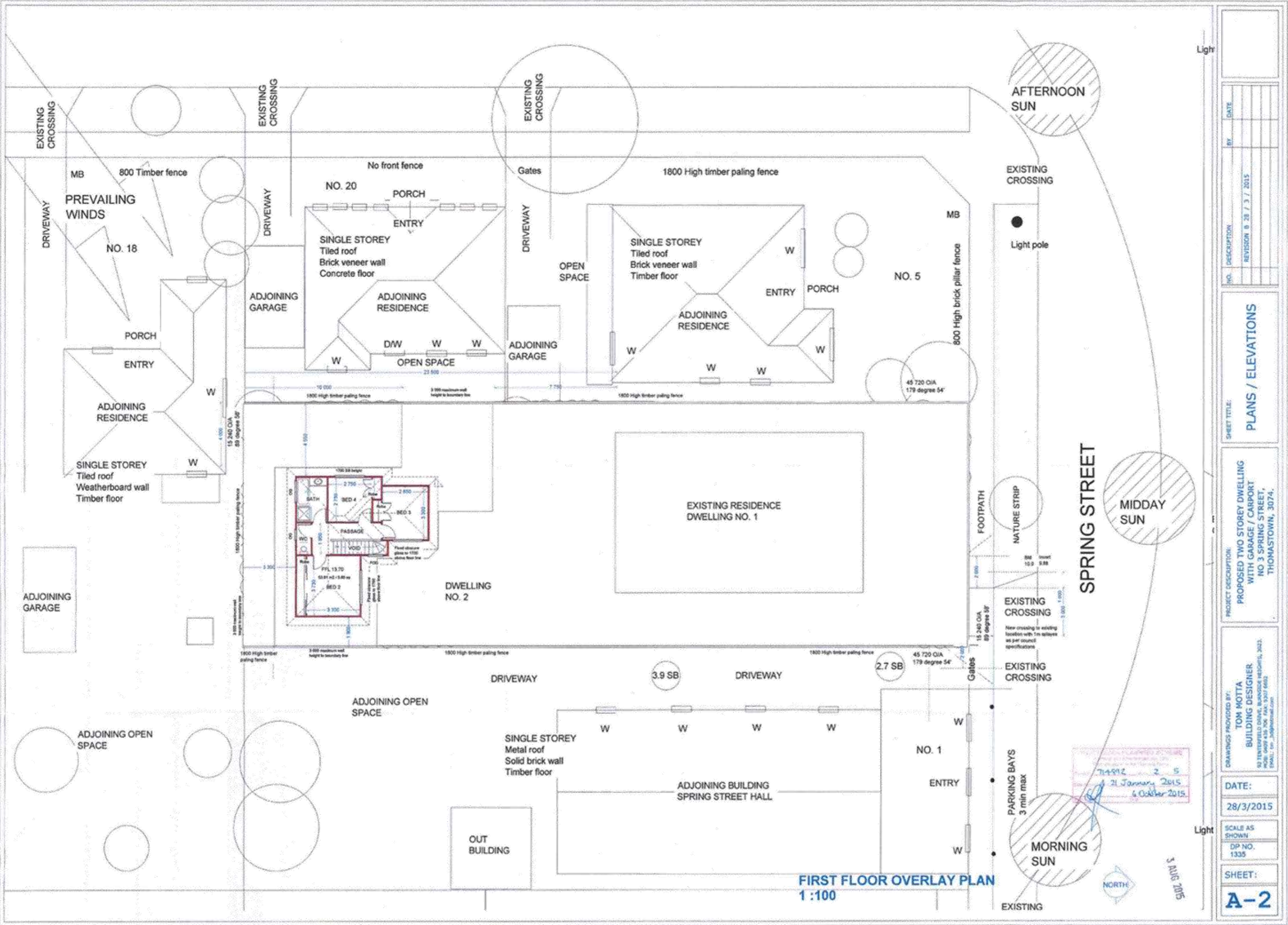
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

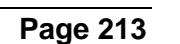




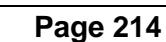














**6.1.13 130 OAKBANK BOULEVARD, WHITTLESEA - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF TWO DWELLINGS**

**File No:** 714774

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Senior Planner

**APPLICANT:** RTA Developments

**COUNCIL POLICY:**

**ZONING:** General Residential Zone

**OVERLAY:** Development Plan (Schedule 1)

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714774) allowing the construction of two single storey dwellings at 130 Oakbank Boulevard, Whittlesea. The application seeks to extend the time for the commencement and completion of the development. The permit was originally granted on 24 September 2014 under delegation by officers (as application was generally in accordance with an approved development plan). This is the first extension of time request. The permit expired on 24 September 2016 as development had not yet commenced. An extension request was received within the allowable six month period following the lapse date.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time be approved as it is 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 'Township 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 being generally consistent with this preferred housing and character.

**SITE AND SURROUNDING AREA**

The subject land is located on the northeast corner of Oakbank Boulevard and Fitzroy Way, Whittlesea, approximately 150m east of Wallan Road (see *Attachment 1*). The site is relatively flat and has a total site area of 602m<sup>2</sup>. 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.



**BACKGROUND**

Planning Permit No. 714774 was granted on 24 September 2014 authorising the construction of two single storey dwellings (see *Attachment 2*). The application was issued under delegation by officers as the proposal was generally in accordance with an approved development plan for this area. Consequently, the application was exempt from advertising requirements. Condition No. 18 of the permit allows for extensions of time to be granted if development does not commence within the two year period.

**CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of two (2) years from the current Permit lapse date (24 September 2016) to commence and complete the development due to delays experienced with other jobs.

**ASSESSMENT**

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 'Township 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 township scale and character.

The proposed development (see *Attachment 2*) is for two single storey dwellings each with their own separate vehicle access. The proposed development is considered to be generally consistent with the Key Design Principles for the Township Residential change area. It is noted that 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 remains supportive of the current proposal.

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

This is the first request for an extension and 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 delays claimed to have been experienced by the permit holder with other jobs.

*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. However, plans have been submitted and endorsed.

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

Under the HDS the site is located within the Township Residential change area. This change area nominates the preferred housing type as single dwellings and dual occupancies. It is likely that a permit for the same development would be granted should a fresh application 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 would be remain 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. 714774 for a further two years (until 24 September 2018) for the construction of two dwellings at 130 Oakbank Boulevard, Whittlesea and advise the applicant accordingly.**









**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**



# PLANNING APPLICATION NO. 714774



Subject Land



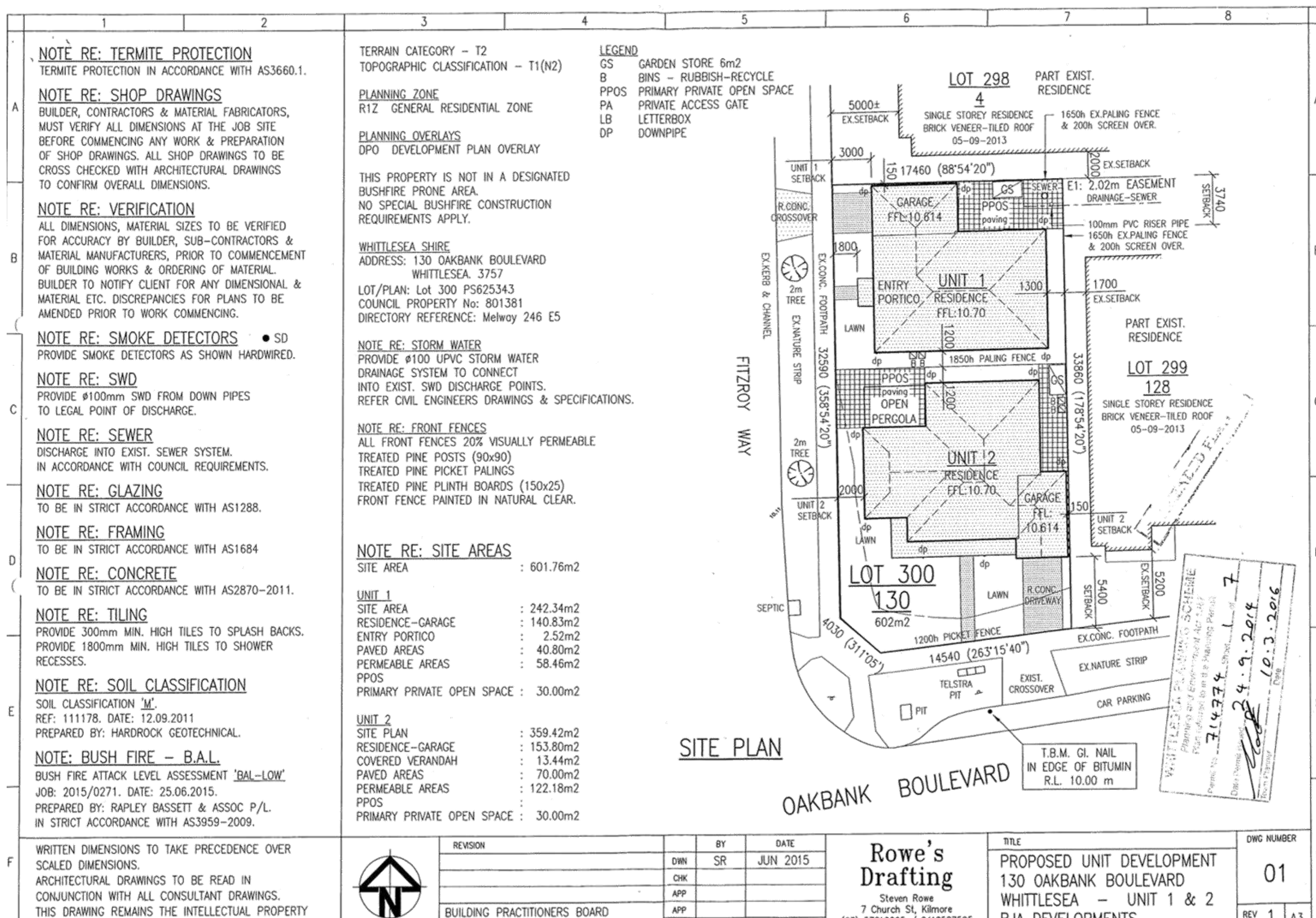
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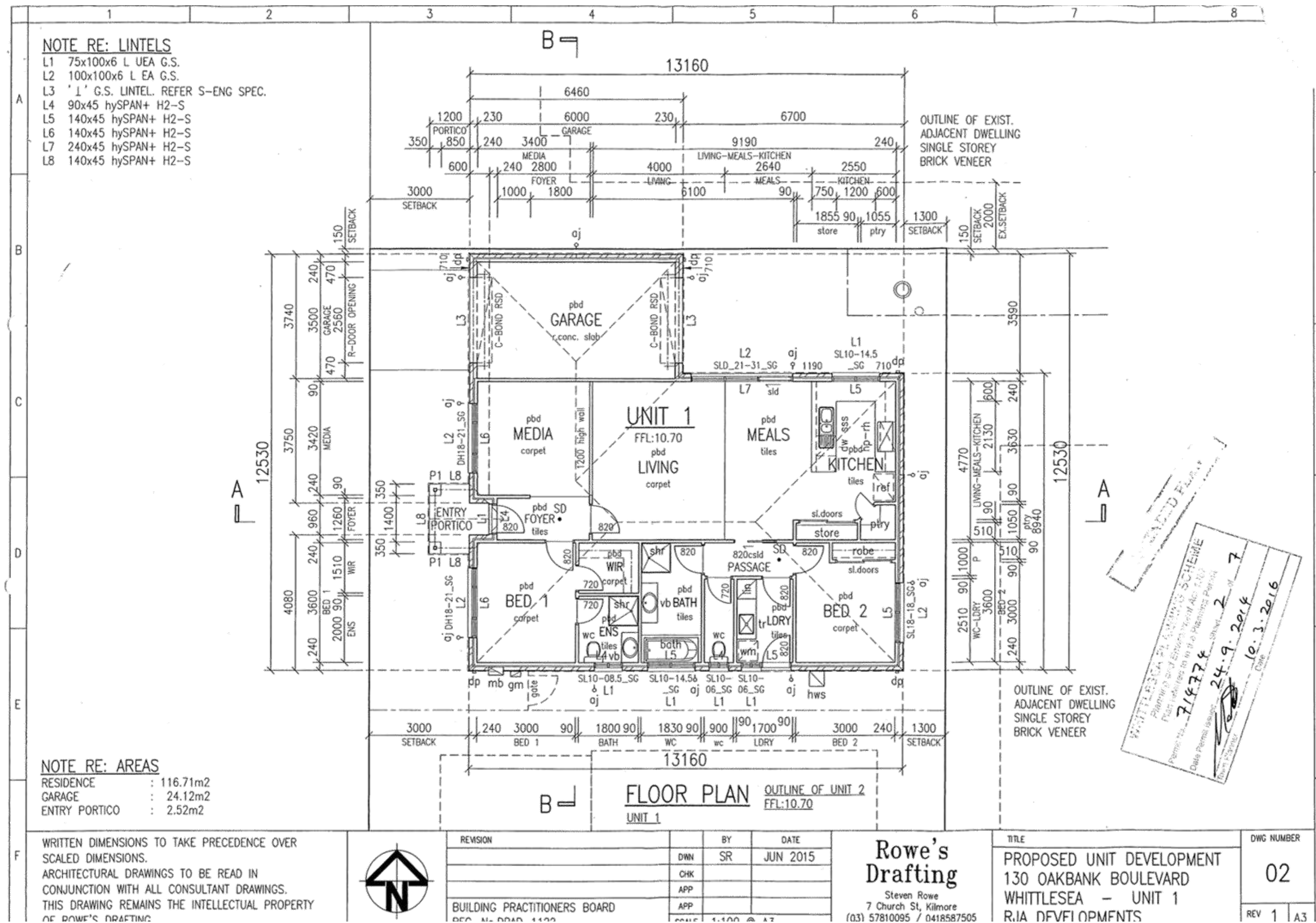
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

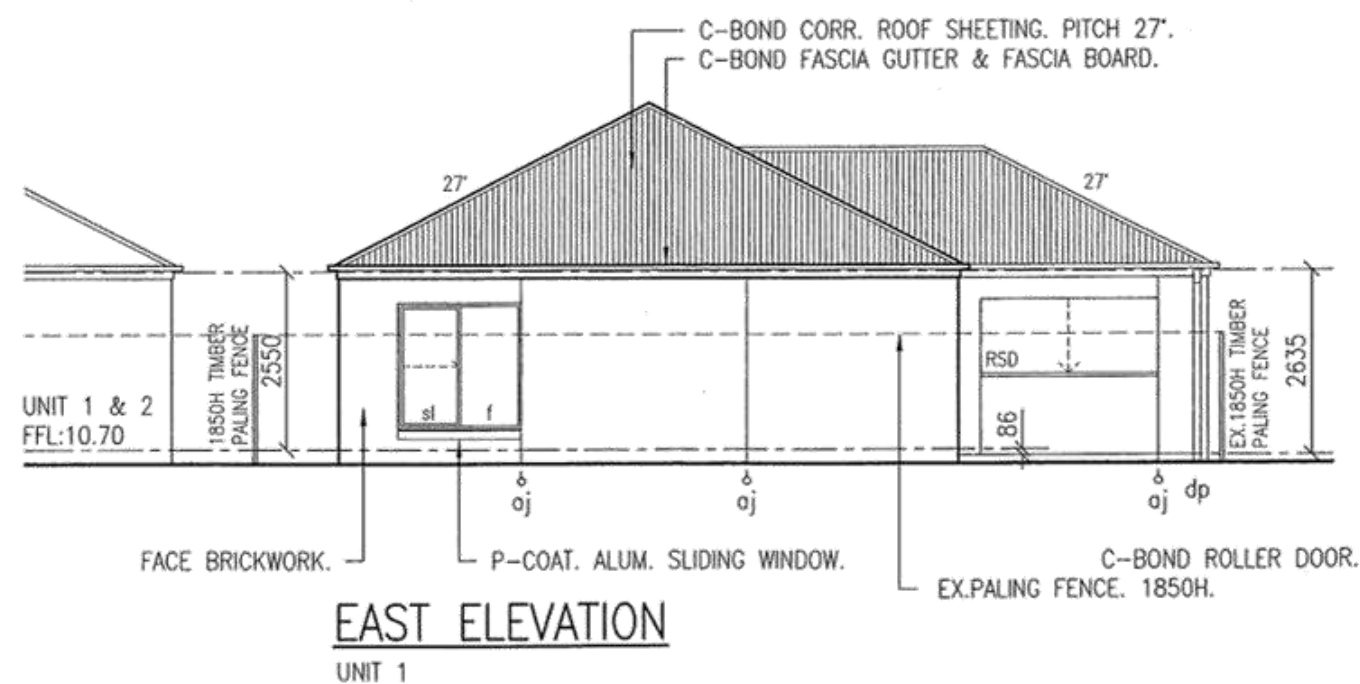








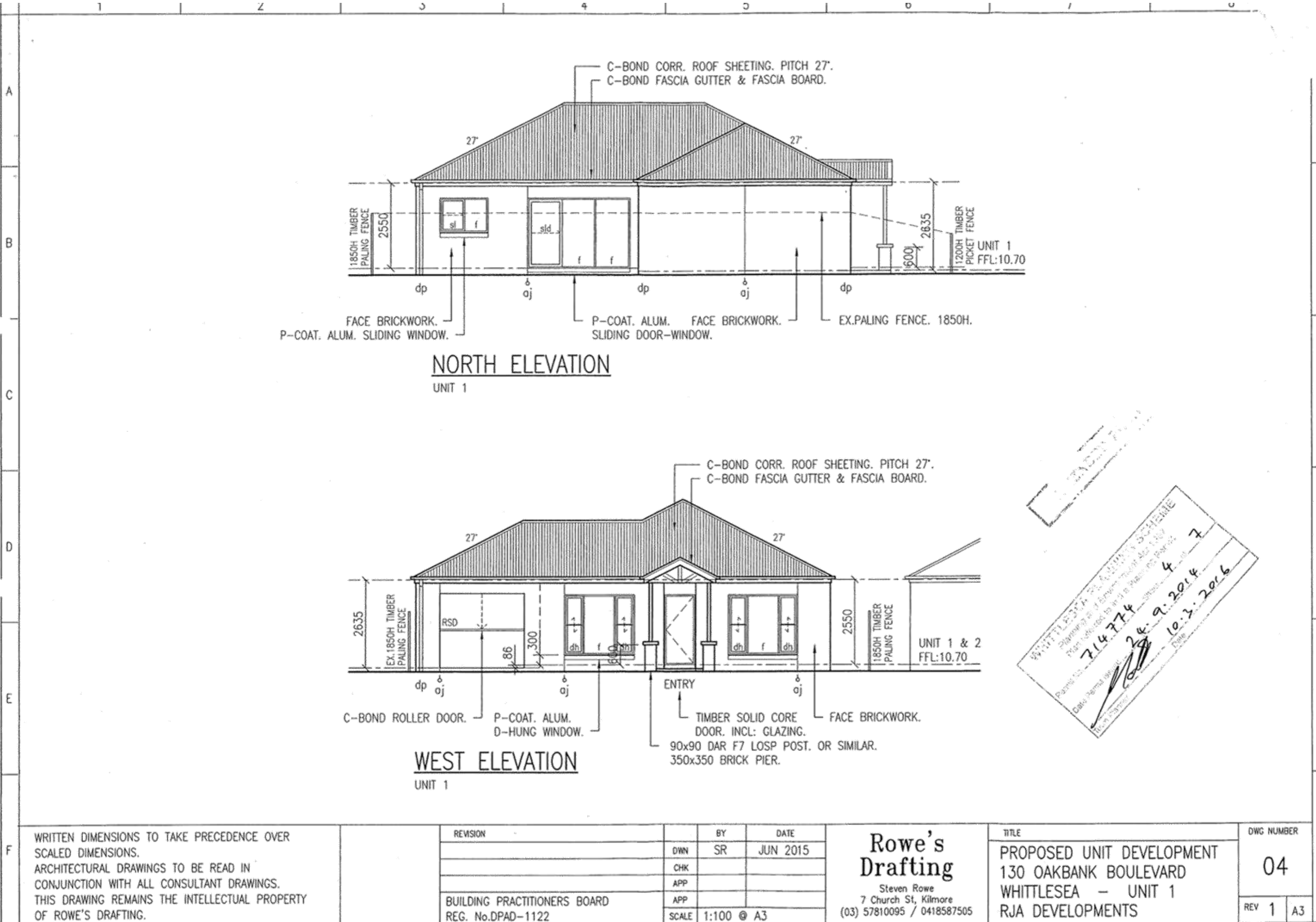




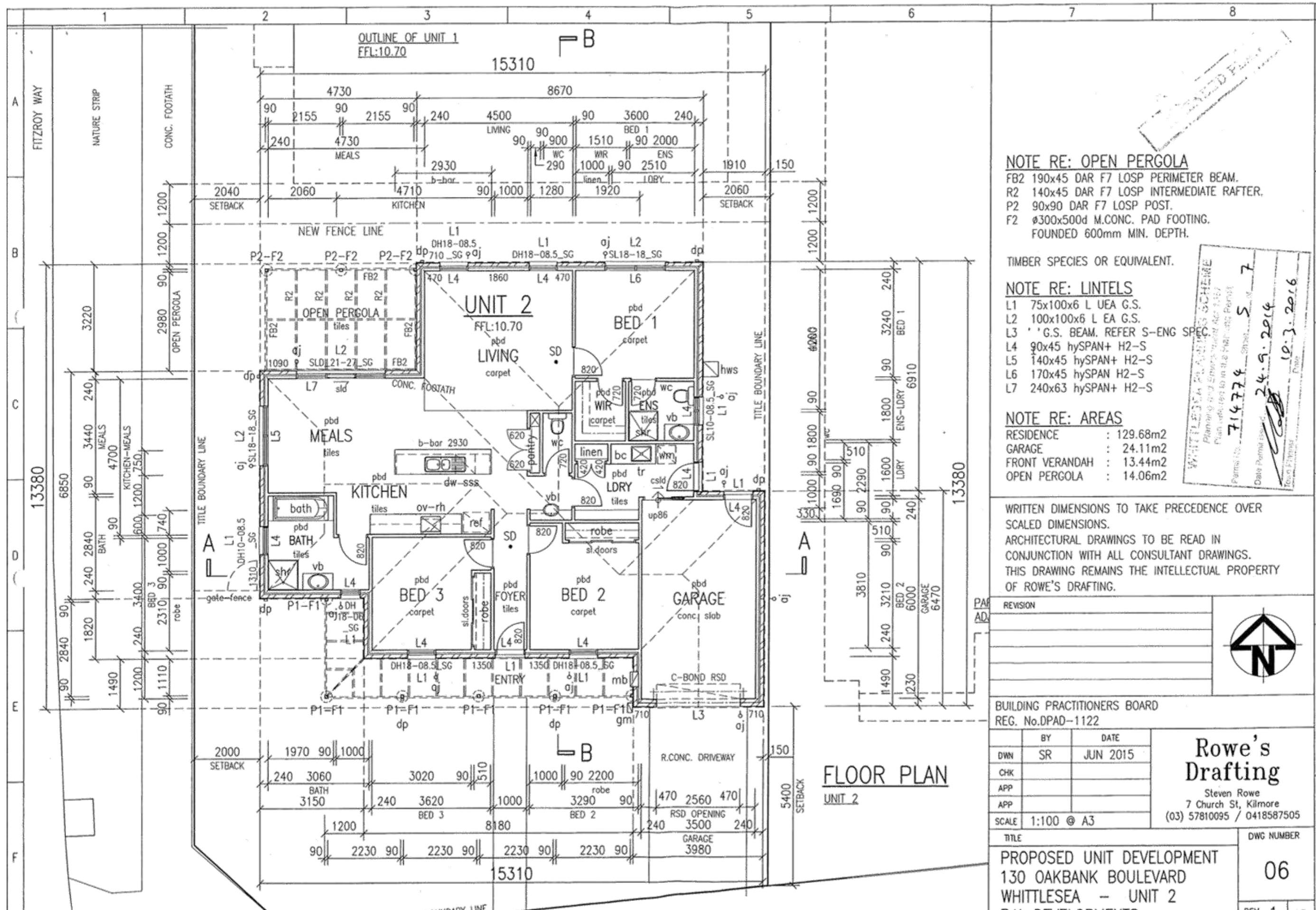
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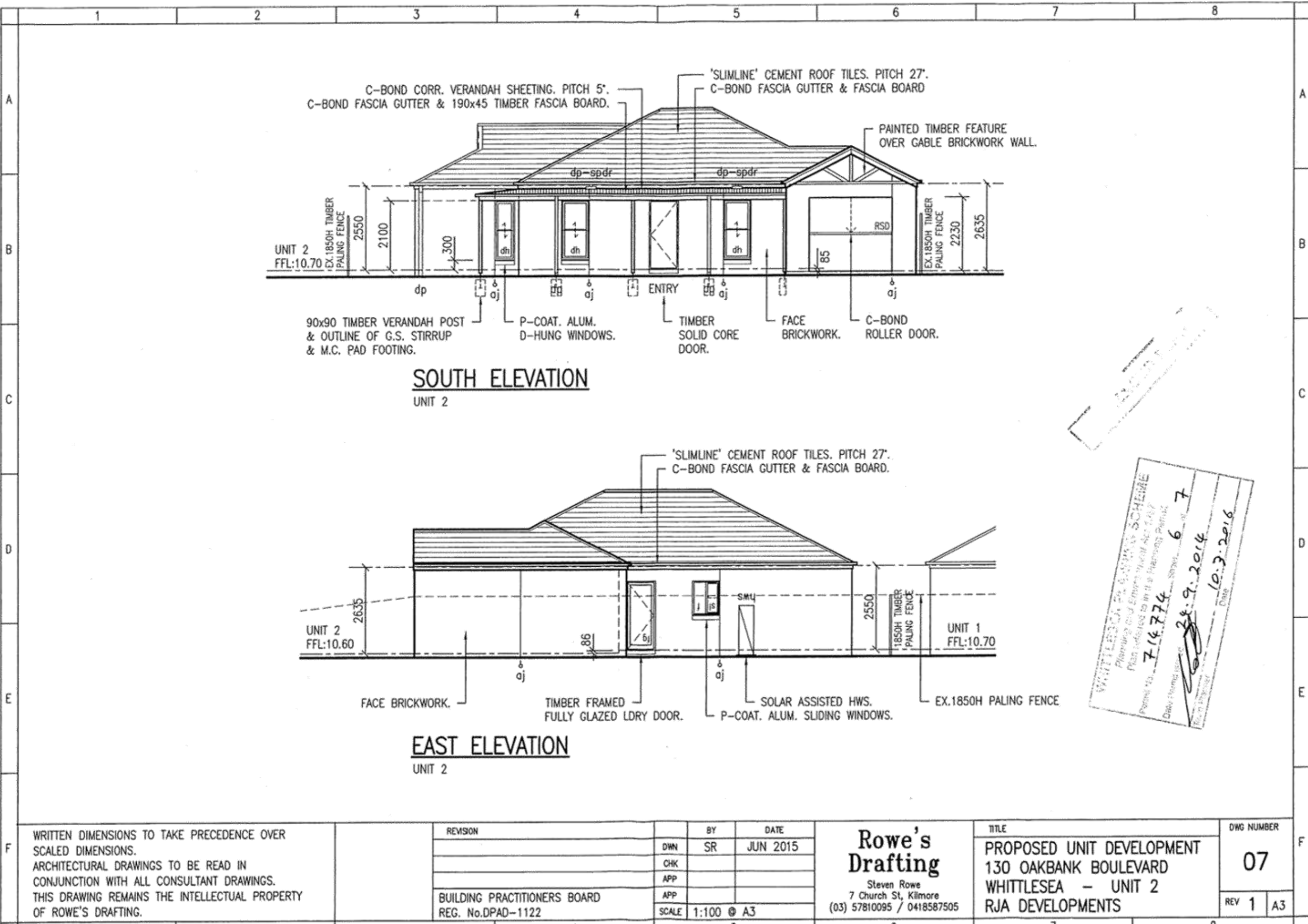




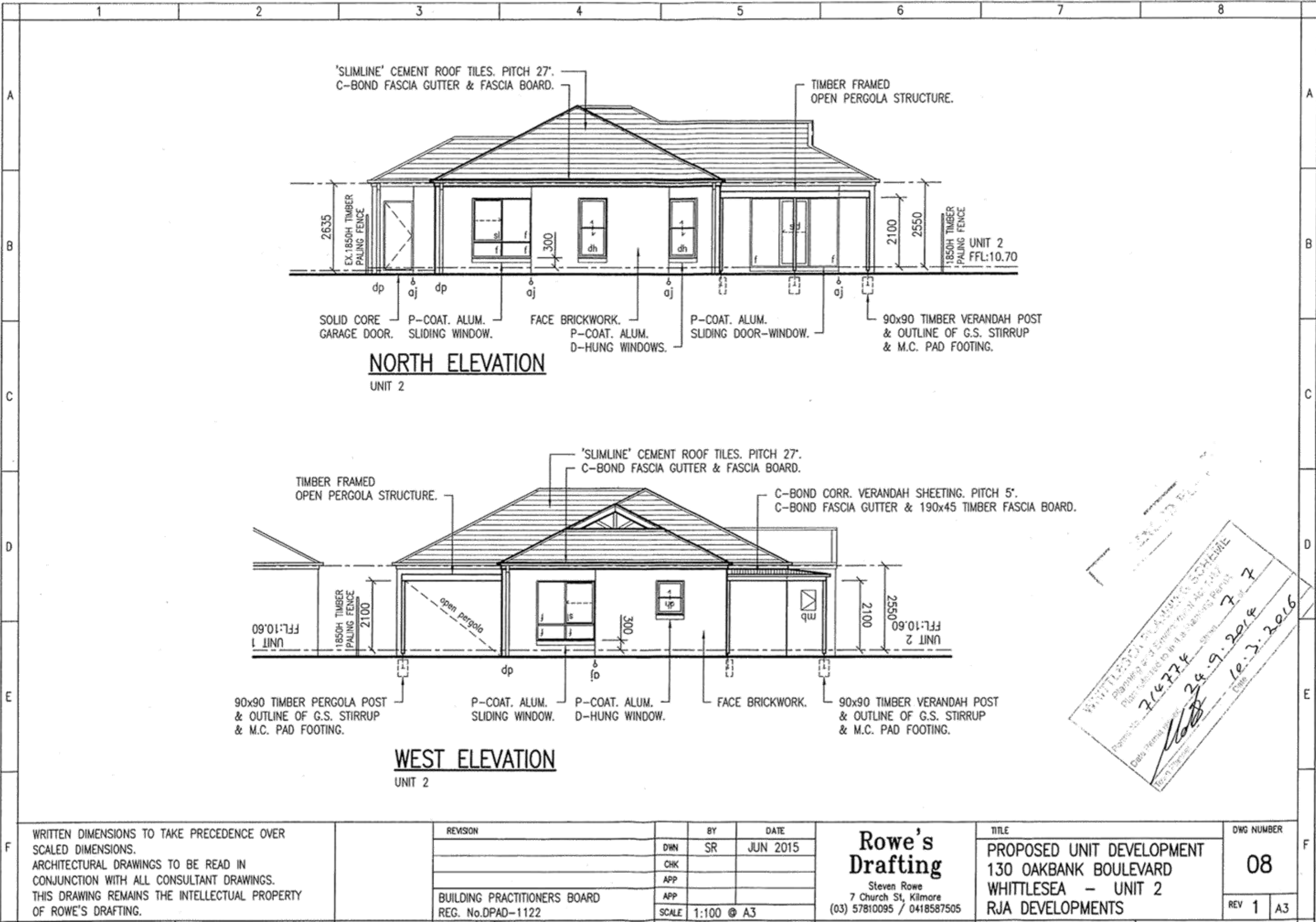


















**6.1.14 124 OAKBANK BOULEVARD, WHITTLESEA - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF TWO DWELLINGS**

**File No:** 714773

**Attachments:** 1 [Locality Maps](#) [↓](#)  
2 [Development Plans](#) [↓](#)

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

**Author:** Senior Planner

**APPLICANT:** RTA Developments

**COUNCIL POLICY:** Nil

**ZONING:** General Residential Zone

**OVERLAY:** Development Plan Overlay (Schedule 1)

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714773) allowing the construction of two single storey dwellings at 124 Oakbank Boulevard, Whittlesea. The application seeks to extend the time for the commencement and completion of the development. The permit was originally granted on 24 September 2014 under delegation by officers (as the application was generally in accordance with an approved development plan). This is the first extension of time request. The permit expired on 24 September 2016 as development had not commenced. An extension request was received within the allowable six month period following the lapse date.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time be approved as it is 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 'Township 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 being generally consistent with this preferred housing and character.

**SITE AND SURROUNDING AREA**

The subject land is located on the northwest corner of Oakbank Boulevard and O'Shannassy Way, Whittlesea, approximately 200m east of Wallan Road (see *Attachment 1*). The site is relatively flat and has a total site area of 560m<sup>2</sup>. 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.



**BACKGROUND**

Planning Permit No. 714773 was granted on 24 September 2014 authorising the construction of two single storey dwellings (see *Attachment 2*). The application was issued under delegation by officers as the proposal was generally in accordance with an approved development plan. Consequently, the application was exempt from advertising requirements. Condition No. 18 of the permit allows for extensions of time to be granted if development does not commence within the two year period.

**CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of two (2) years from the current Permit lapse date (24 September 2016) to commence and complete the development due to delays experienced with other jobs.

**ASSESSMENT**

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 'Township 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 township scale and character.

The proposed development (see *Attachment 2*) is for two single storey dwellings each with their own separate vehicle access. The proposed development is considered to be generally consistent with the Key Design Principles for the Township Residential change area. It is noted that 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 remains supportive of the current proposal.

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

This is the first request for an extension and 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 delays claimed to have been experienced by the permit holder with other jobs.

*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. However, plans have been submitted and endorsed.

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

Under the HDS the site is located within the Township Residential change area. This change area nominates the preferred housing type as single dwellings and dual occupancies. It is likely that a permit for the same development would be granted should a fresh application 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 would be remain 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. 714773 for a further two years (until 24 September 2018) for the construction of two dwellings at 124 Oakbank Boulevard, Whittlesea and advise the applicant accordingly.**









**City of  
Whittlesea**

## DEVELOPMENT ASSESSMENT REPORT



# PLANNING APPLICATION NO. 714773



**Subject Land**



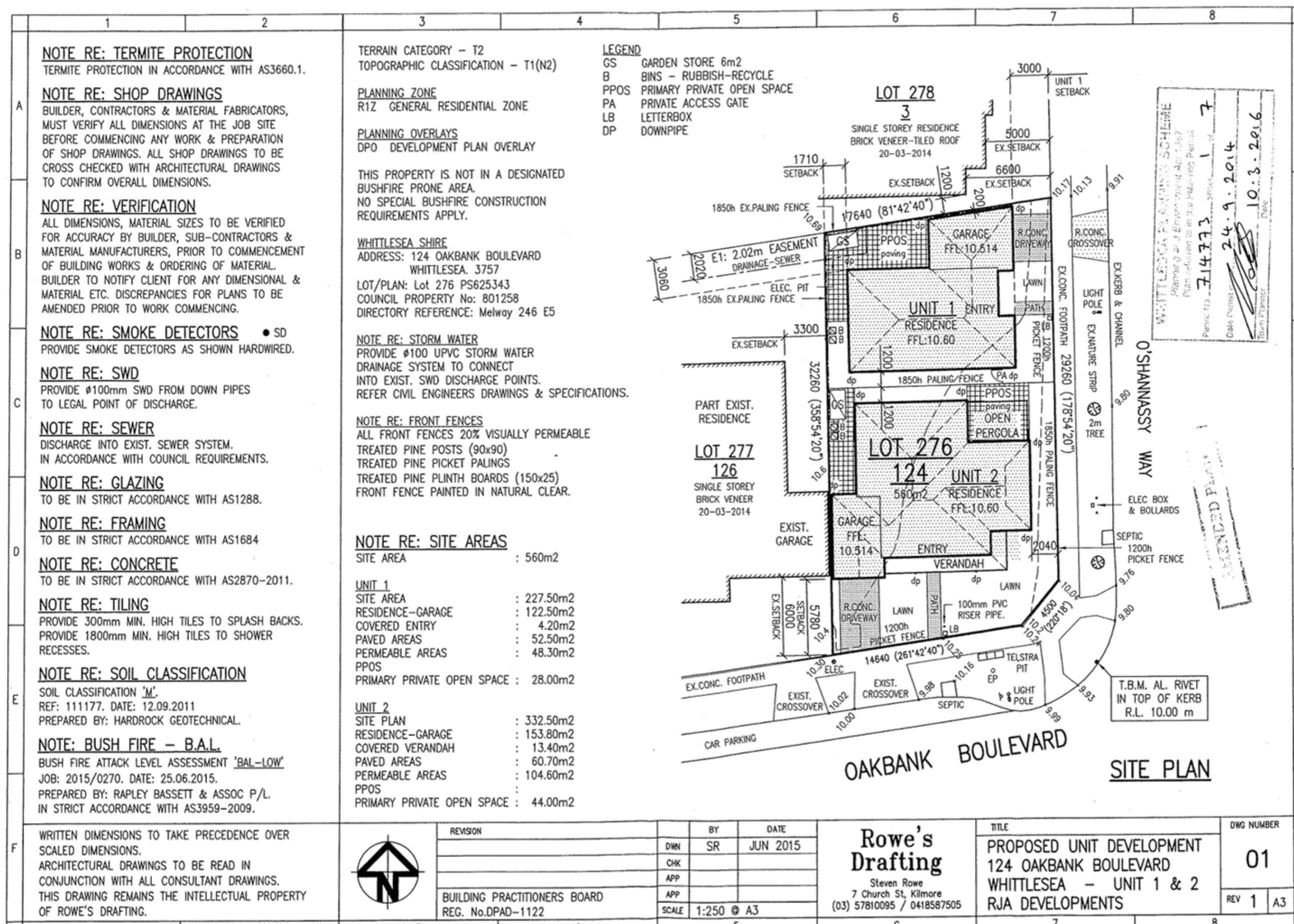
**Medium Density Housing**



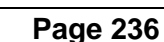
**City of  
Whittlesea**

## DEVELOPMENT ASSESSMENT REPORT

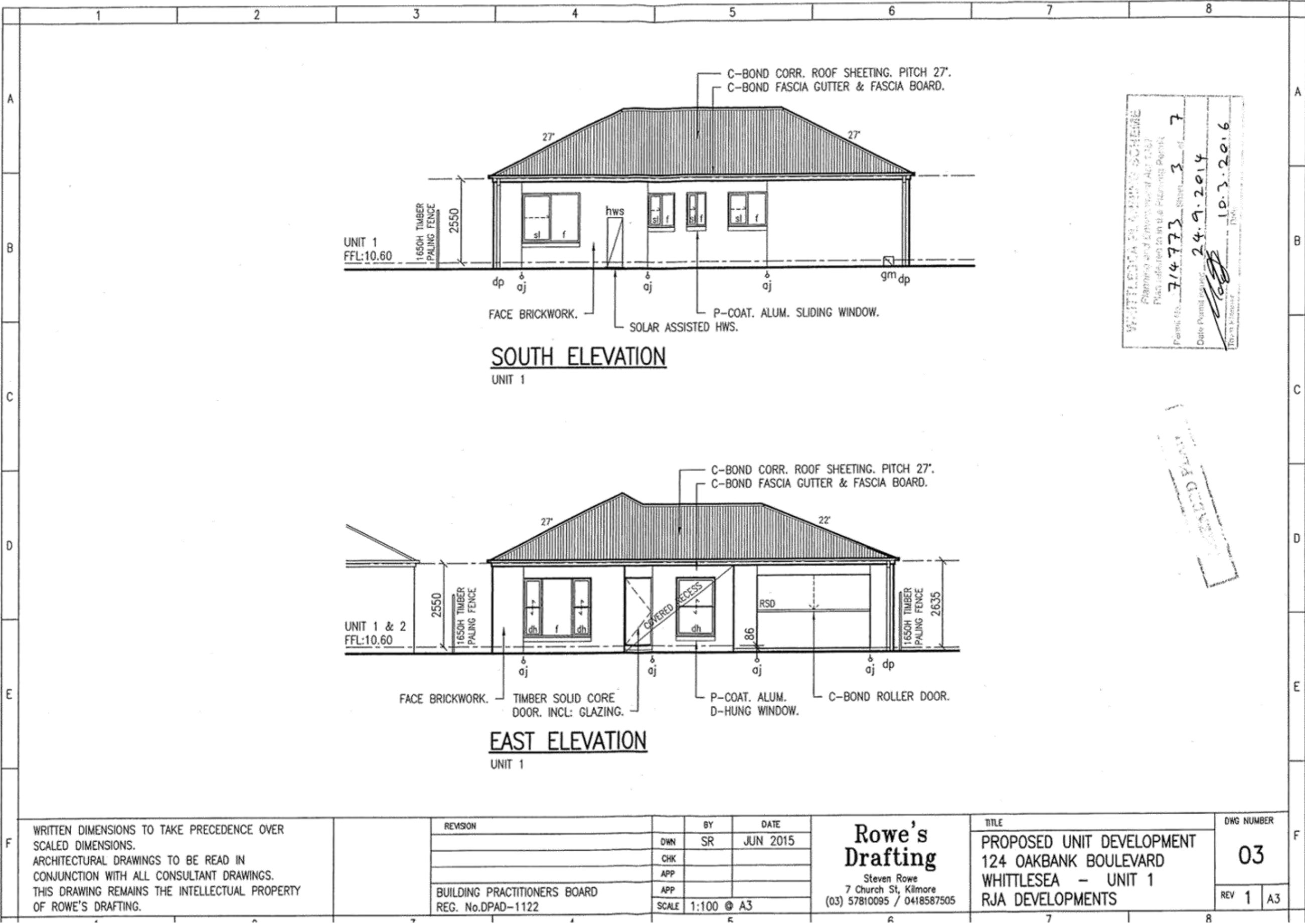




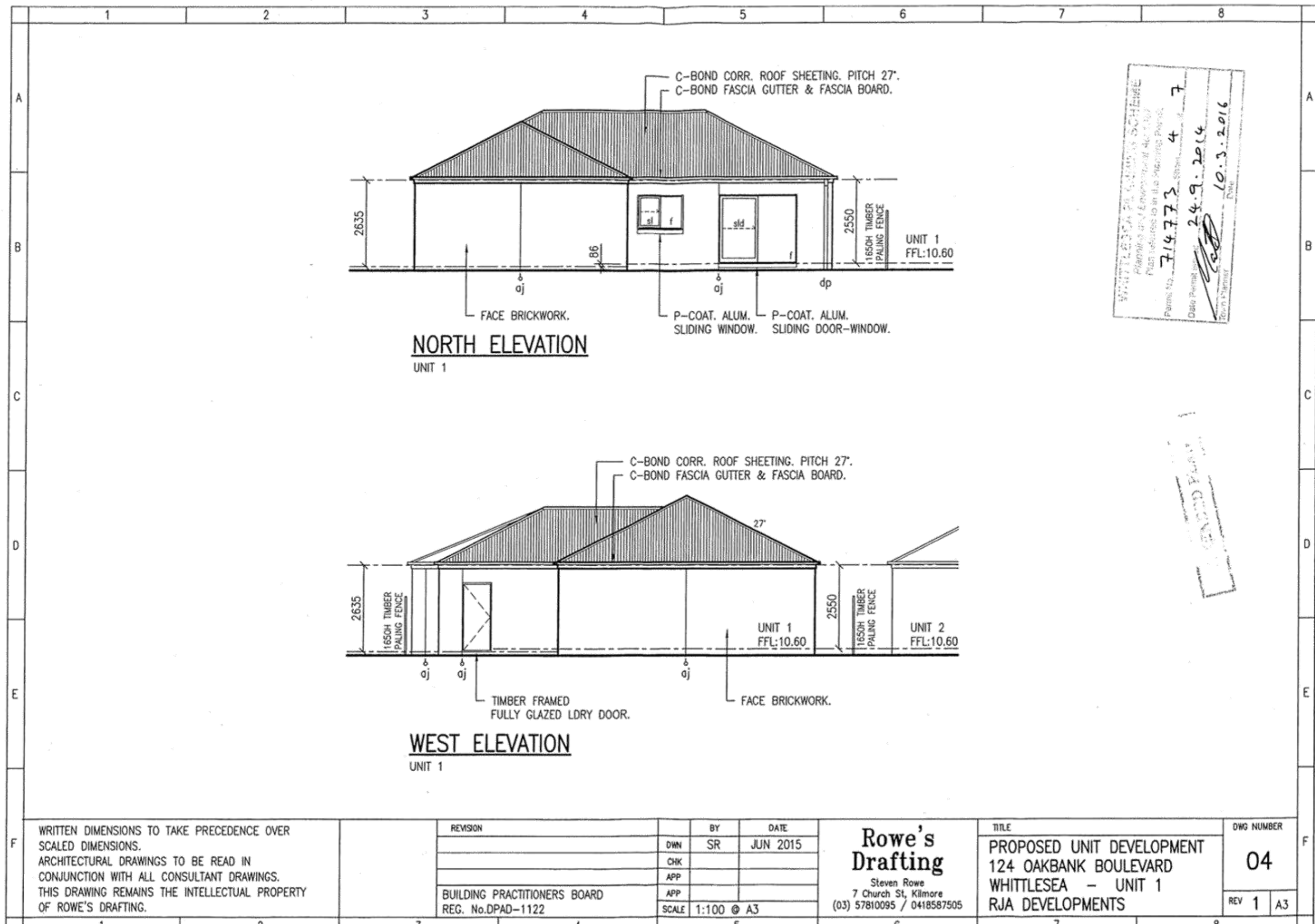




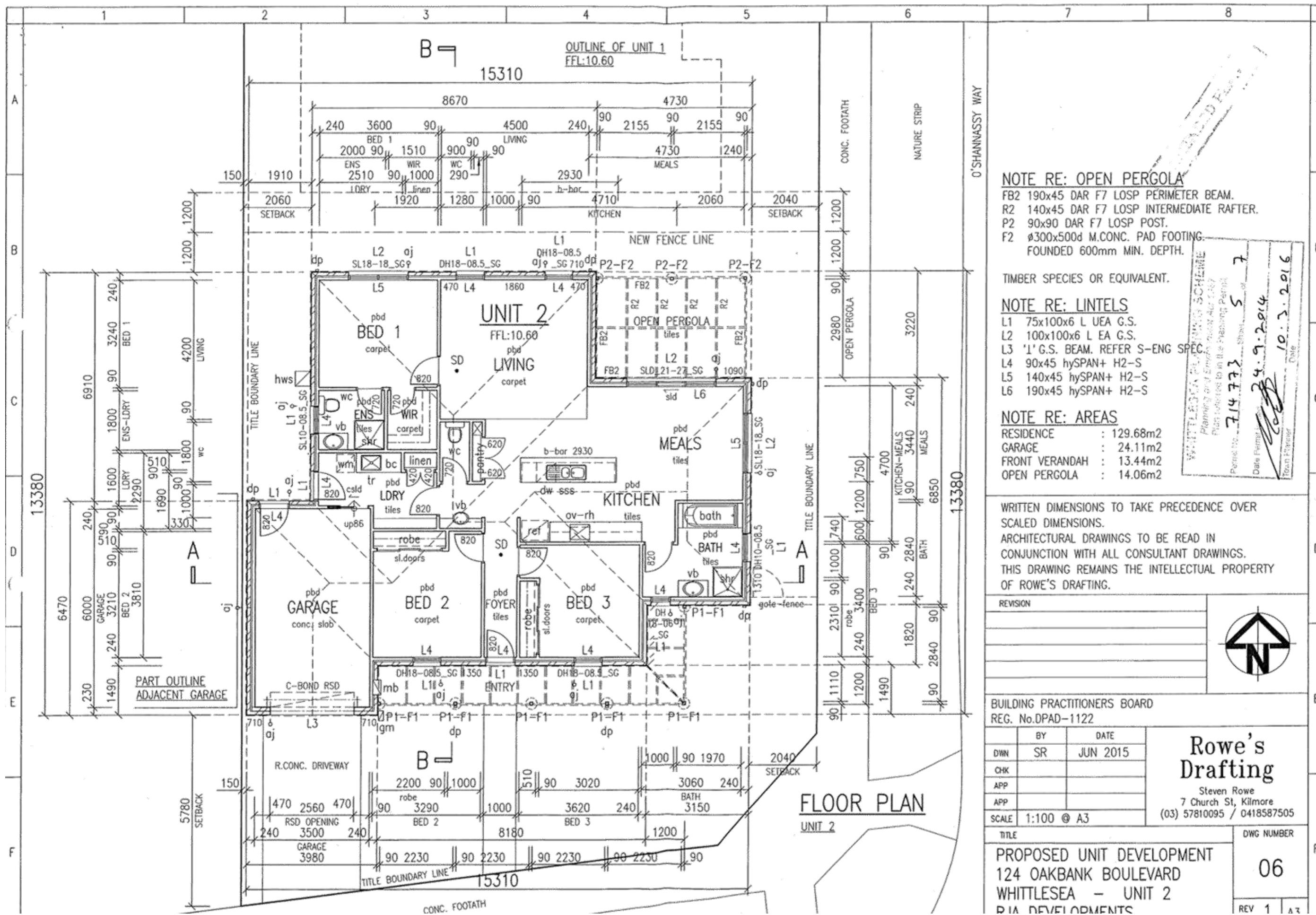




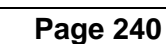




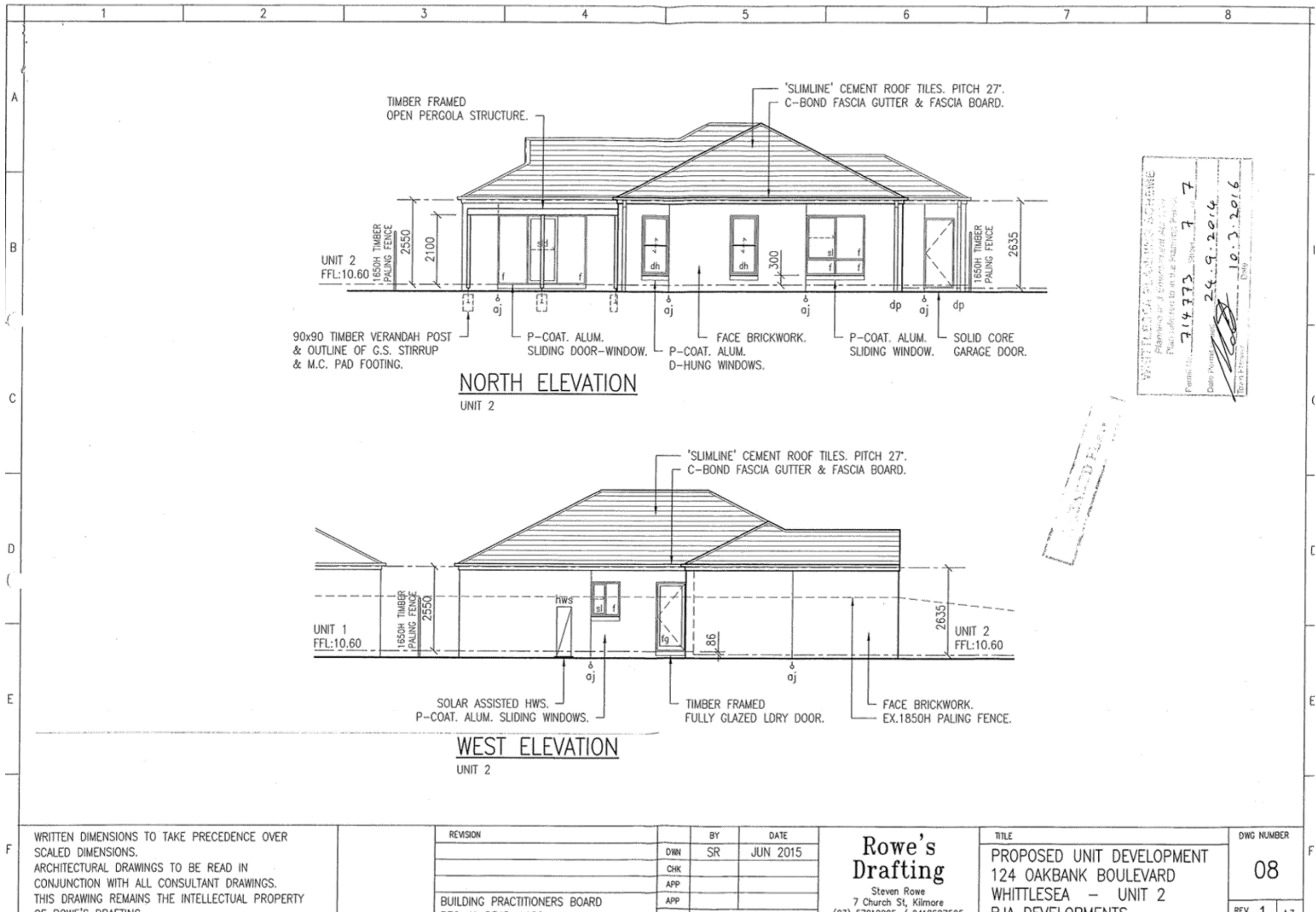


















**6.1.15 13 MEMORIAL AVENUE, EPPING - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF FOUR DWELLINGS**

**File No:** 714800

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Senior Planner

**APPLICANT:** M Milevski

**COUNCIL POLICY:** Nil

**ZONING:** Activity Centre Zone

**OVERLAY:** Development Contributions Plan (Schedule 3 and 14)

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714800) allowing the construction of one triple and three double storey dwellings at 13 Memorial Avenue, Epping. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 4 September 2014 under delegation by officers (as no objections were received). The permit expired on 2 September 2016 as development had not yet commenced. An extension request was received within the allowable six month period following the lapse date.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time 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 with the same conditions.

The changed circumstances set out in this report relate to Amendment C130 (gazetted March 2015) which included the rezoning of land to the Activity Centre Zone (ACZ) in accordance with the Epping Central Structural Plan. Other associated changes to the Scheme also occurred at this time including a requirement for the payment of development contributions to assist in the funding of infrastructure associated with the future growth of the area.

**SITE AND SURROUNDING AREA**

The subject land is located on the southeast corner of Memorial and McCormack Avenues, approximately 200m east of High Street, Epping (see *Attachment 1*). The site is generally rectangular in shape with a splay located on the northwest corner. The site is relatively flat and has a total site area of 580m<sup>2</sup>. The site is encumbered by a 2m wide easement located along the southern boundary of the site.

The site is currently occupied by a single dwelling and vehicular access is provided via an existing concrete crossing located on the western boundary of the land.

The site forms part of an established residential area characterised predominantly by detached single and double storey dwellings on similar sized allotments.



**BACKGROUND**

Planning Permit No. 714800 was granted on 4 September 2014 authorising the construction of four dwellings comprised of one triple storey and three double storey dwellings (see *Attachment 2*). The application was issued under delegation by officers as there were no objections to the proposal.

**CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of two (2) years from the current Permit lapse date (4 September 2016) to commence and complete the development because the property has only recently been purchased.

**ASSESSMENT**

When the permit was issued on 4 September 2014, the land was located in a Residential 1 Zone. In March 2015 Amendment C130 was approved which introduced the new ACZ within the Whittlesea Planning Scheme. The subject land was included within a development precinct which seeks to provide a transition from higher density housing to the south to the standard density areas to the north beyond the activity centre. The preferred character for the precinct includes medium density residential development in the form of villa units and townhouses, with modern and attractive architectural styles with landscaped front setbacks that provide space for canopy trees.

The proposed development (see *Attachment 2*) is for four dwellings and has been assessed as generally as generally consistent with the Activity Centre Zone and the preferred character of the precinct.

However, the permit will not be compliant with the newly introduced Development Contribution Plan Overlay (Schedule 14 (DCPO14) which requires that contributions be paid to ensure that necessary infrastructure is available in support of the increased densities proposed for the area. In relation to the current development this is currently estimated to be approximately \$15,000. The current permit does not provide any provision for this payment and it not possible to amend the permit to provide for this outcome.

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 zone and policy brought about by the approval of Amendment C130 and the introduction of the ACZ including associated changes to overlays have been discussed previously in this report. The changed planning context, in particular the introduction of DCPO14 means that the current permit has become redundant.

*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 recent change in ownership of the property. These personal circumstances are not sufficient to justify the extension when weighed against the need for critical infrastructure funding. It would not be appropriate that Council incur infrastructure costs associated with



the proposed development when these charges can be reasonably required and included in any new planning permit.

*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. While plans have been endorsed, no development has commenced under the permit. Drainage contributions have been paid and this payment can be credited towards a new application/ permit. These contributions are separate to the development contributions required under the new planning framework.

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

Under the ACZ the site is located within 'Precinct 2 – High Street North'. This precinct nominates the preferred housing type as villa units and townhouses such as that proposed. While a development proposal consistent with the previously approved plans is likely to be supported under a new application it would be subject to different conditions including a requirement for the payment of development contributions.

## 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 additional planning controls implemented as part of Amendment C130 were introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that the permit and its conditions have become redundant. It is therefore recommended that the extension of time be refused.

## RECOMMENDATION

**THAT Council resolve to refuse the application to extend Planning Permit No. 714800 for the construction of four dwellings at 13 Memorial Avenue, Epping and advise the applicant accordingly.**







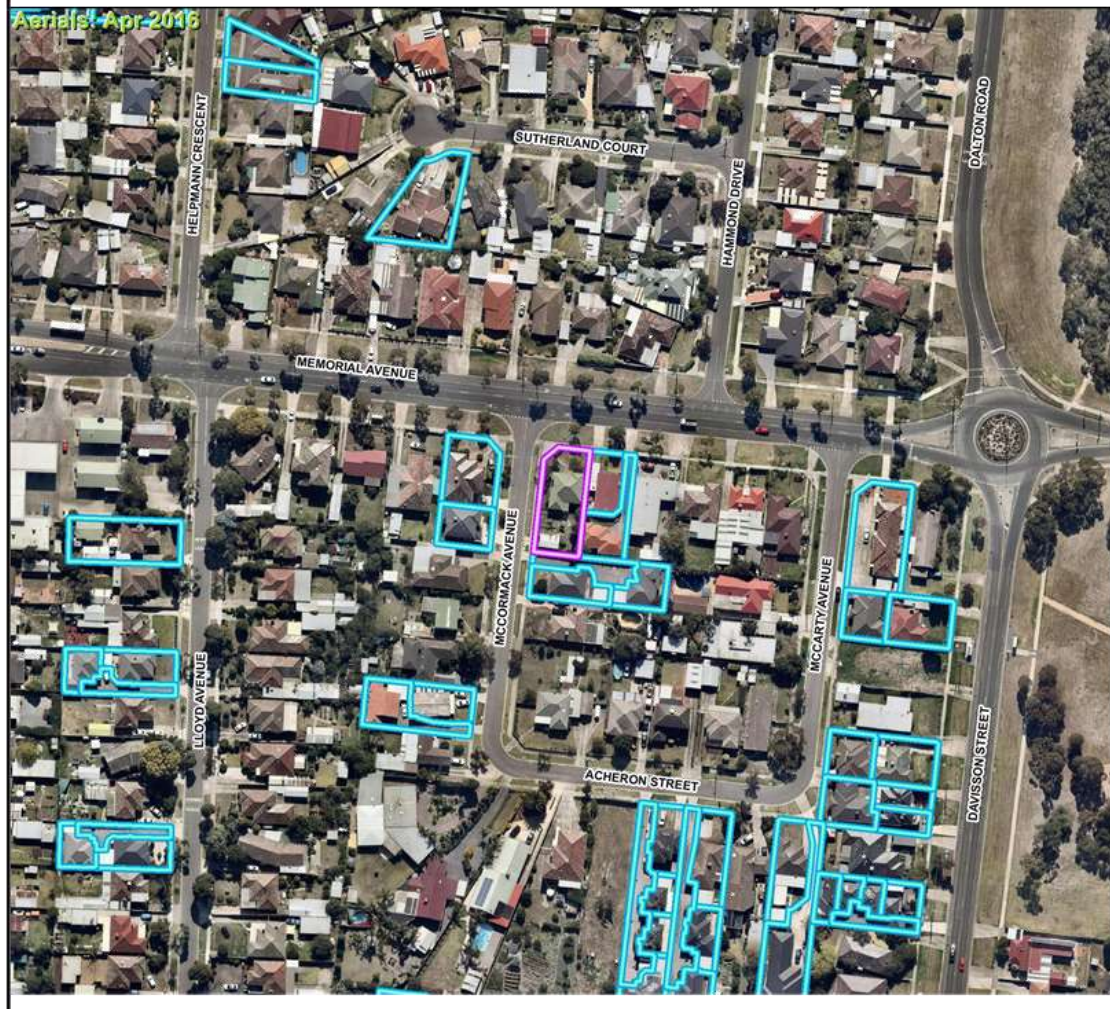


**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**



# PLANNING APPLICATION NO. 714800



Subject Land



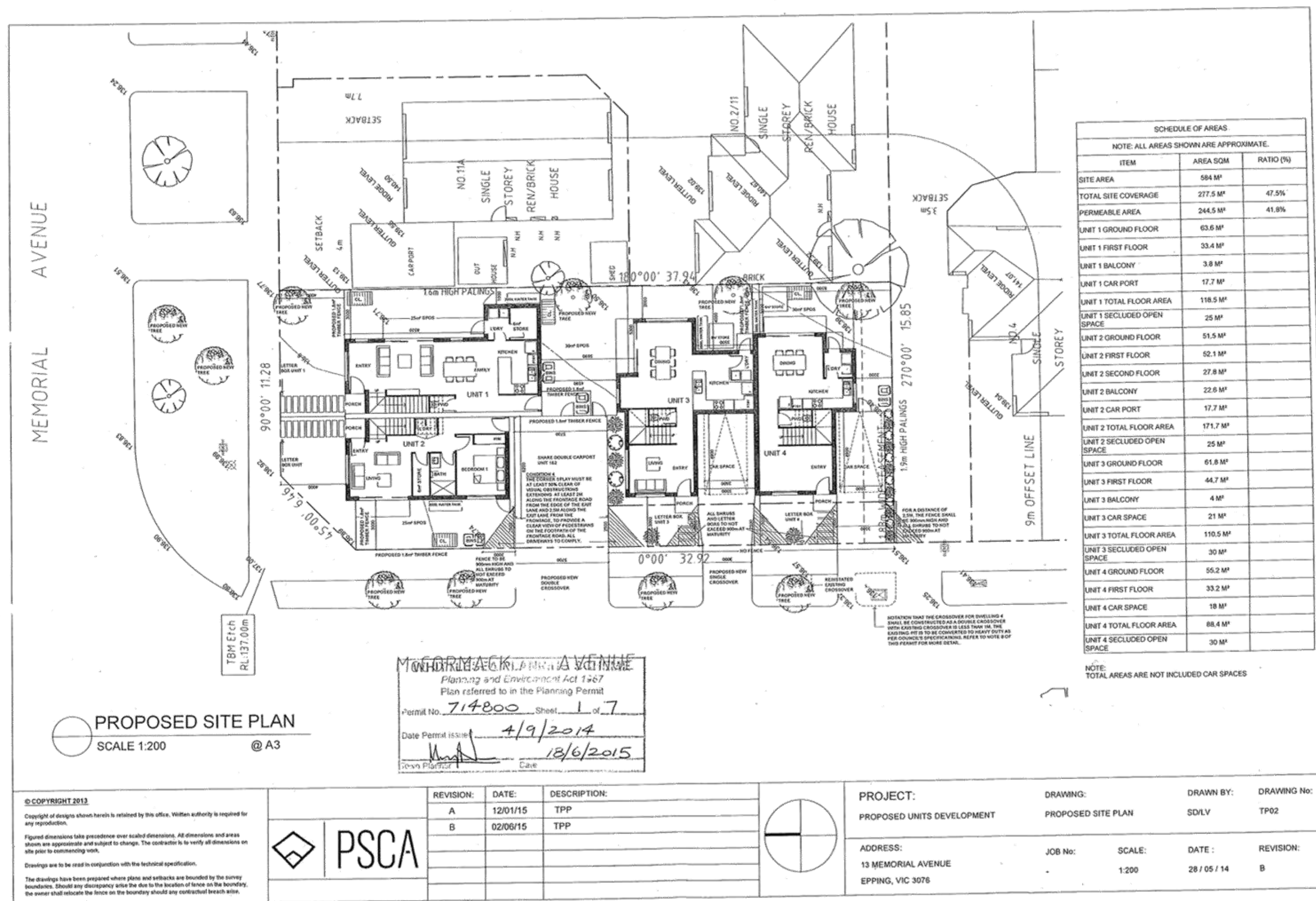
Medium Density Housing



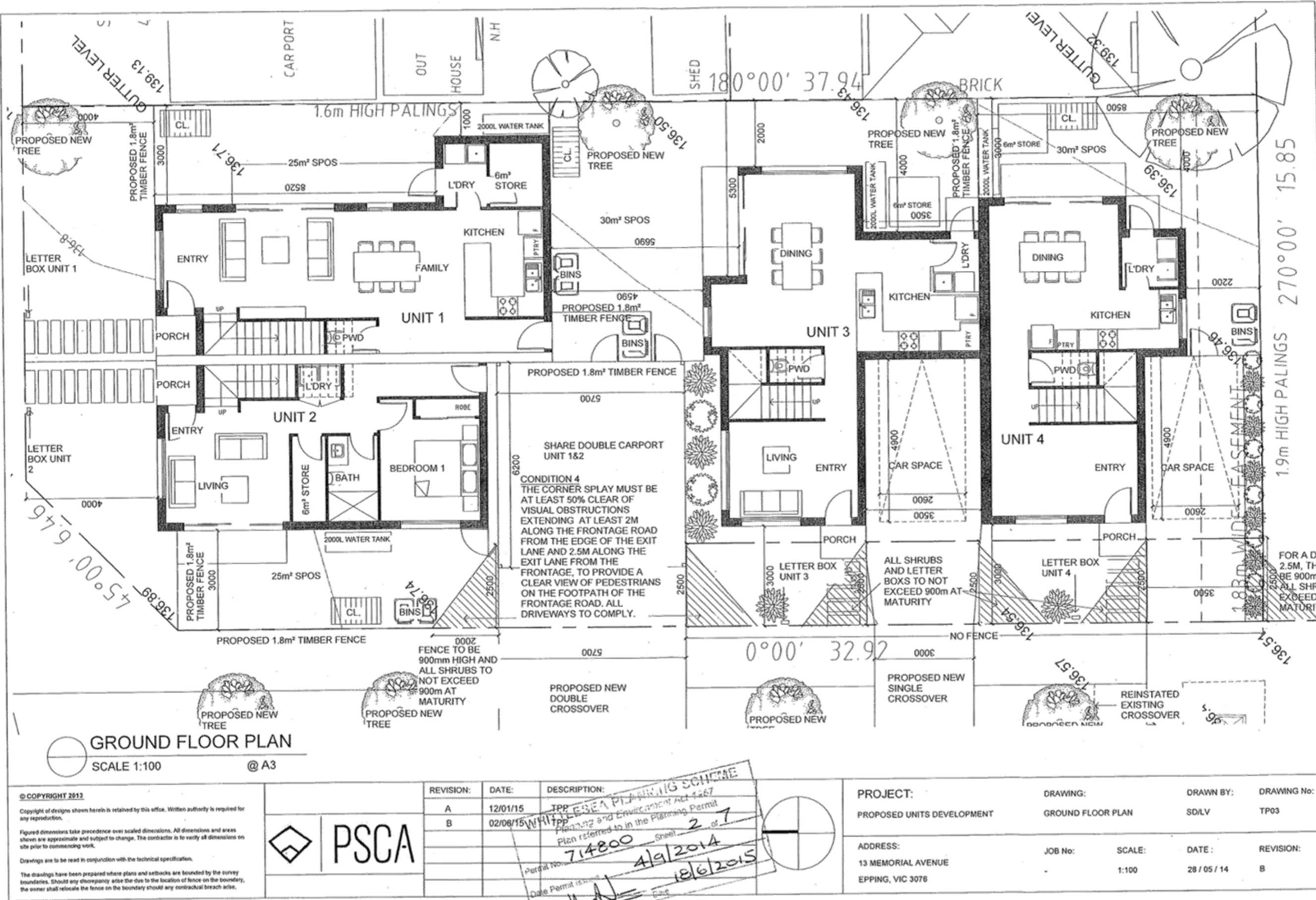
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

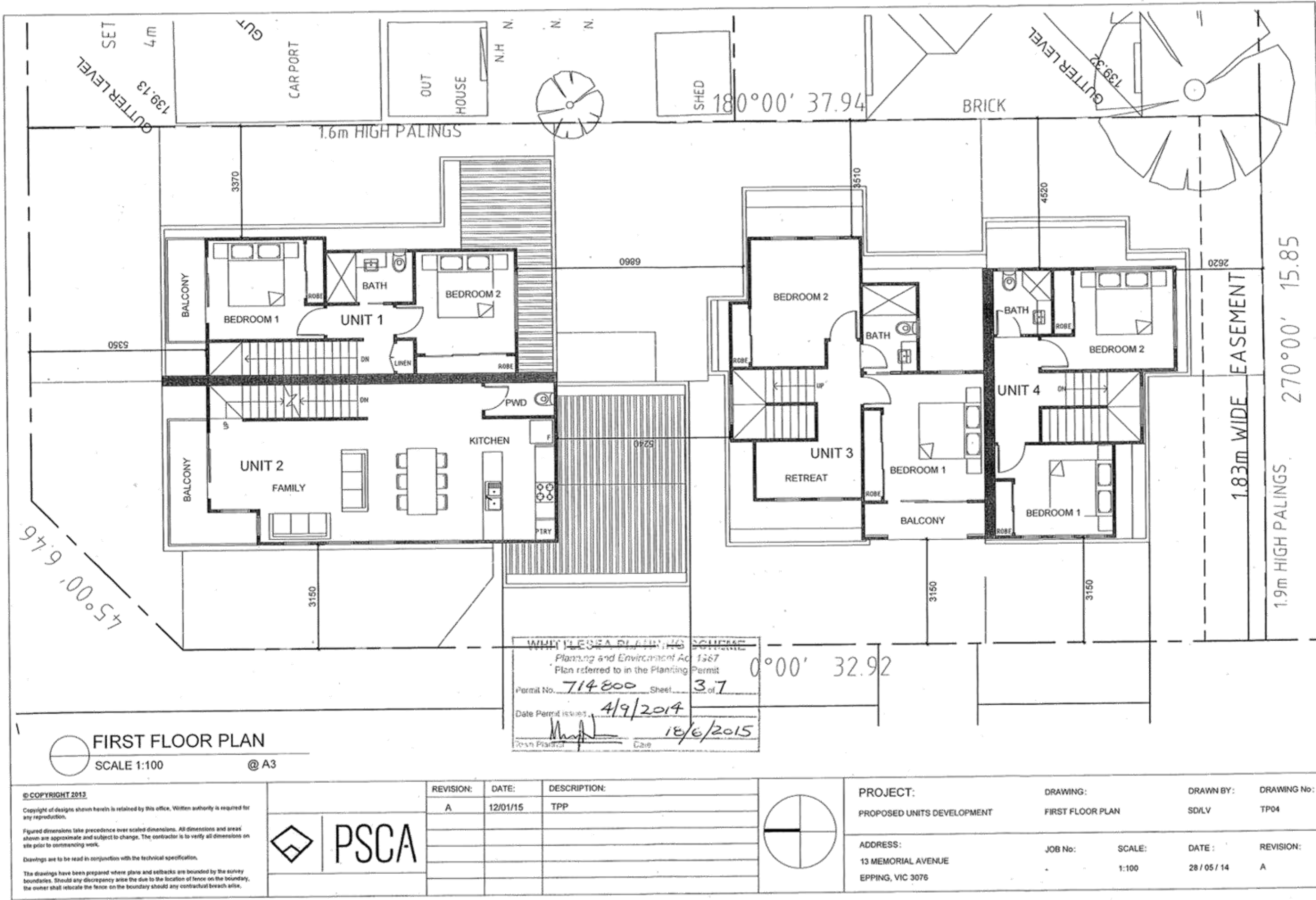




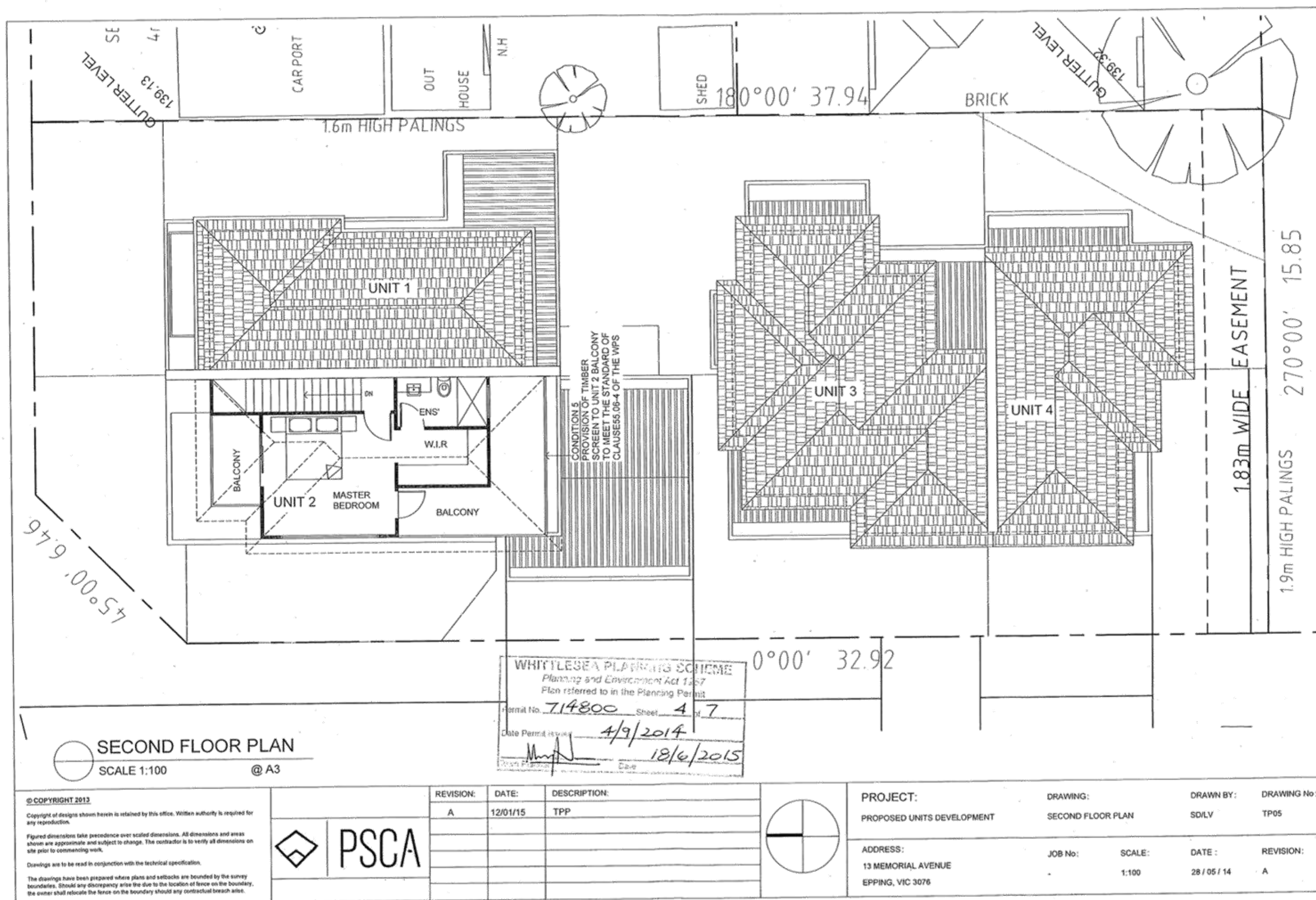




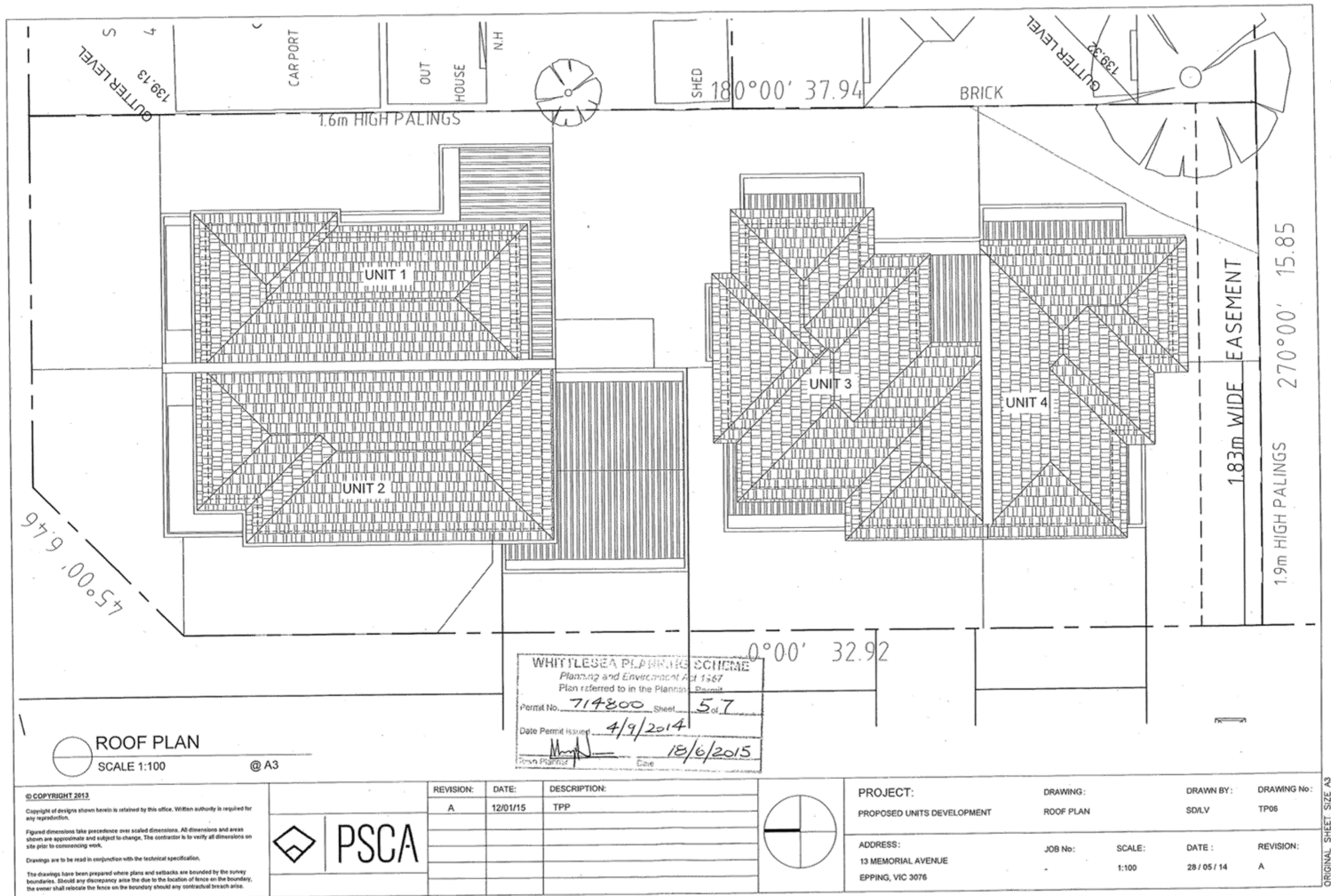




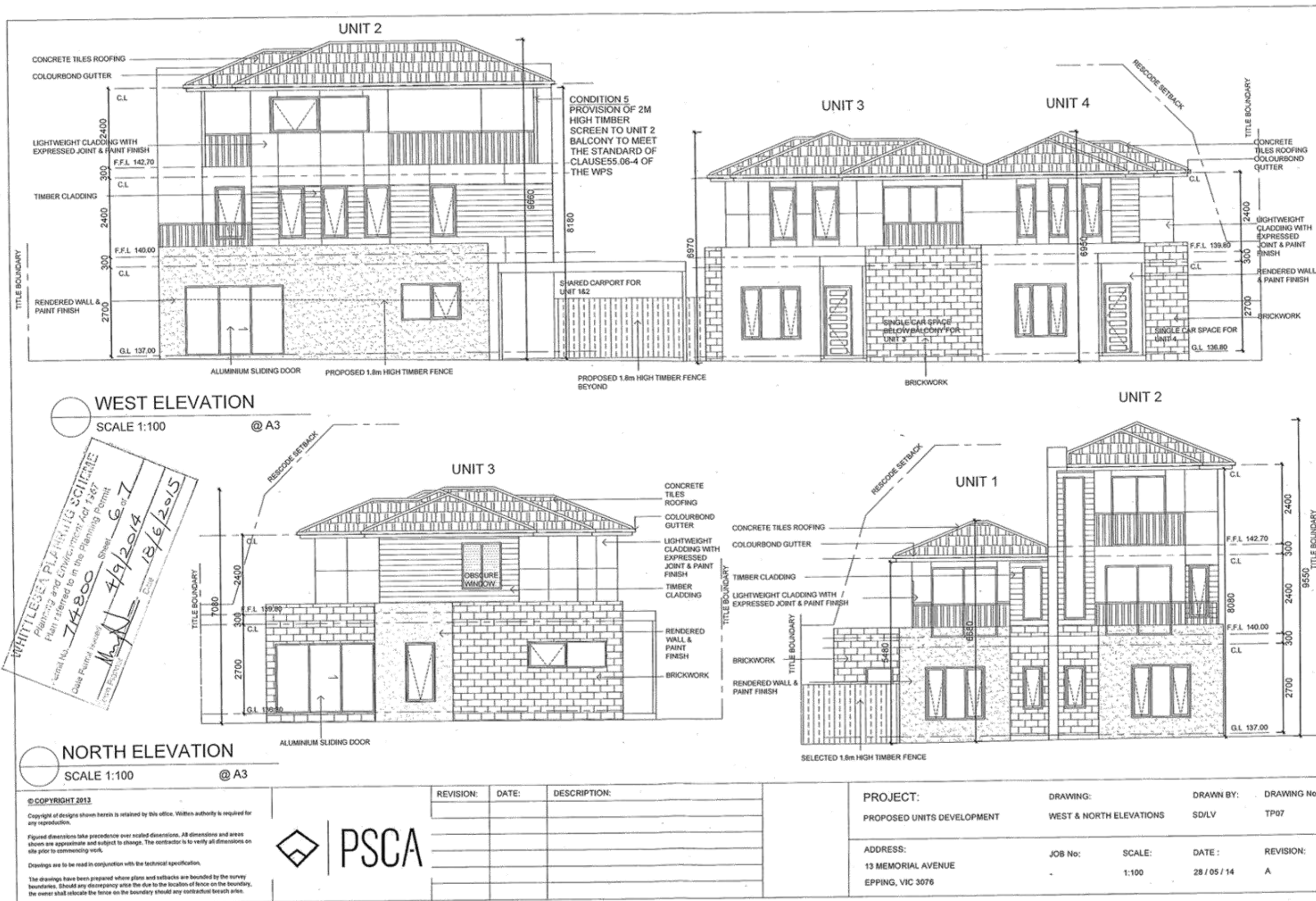




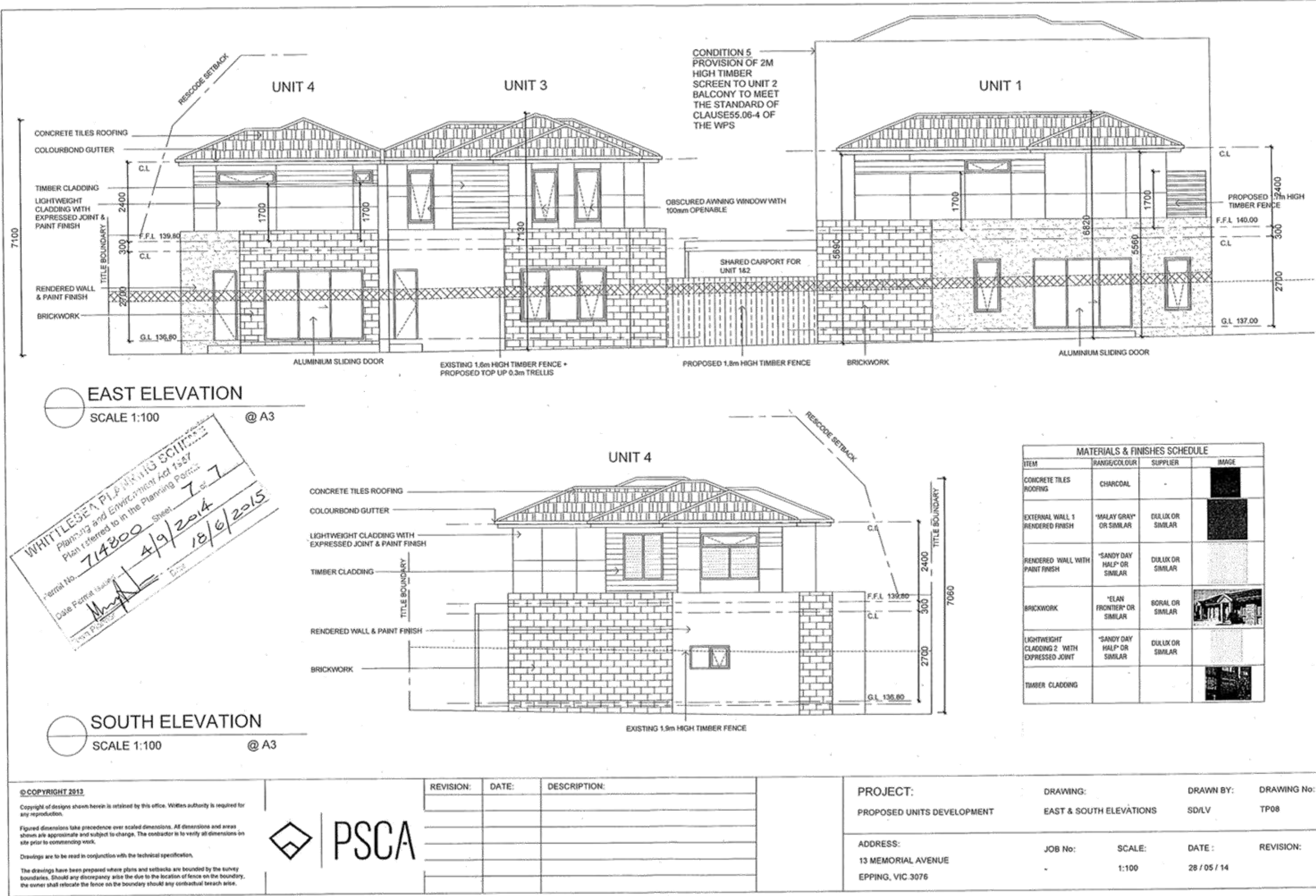


















**6.1.16 3 BLOSSOM PARK DRIVE, MILL PARK - REQUEST FOR AN EXTENSION OF TIME TO A PERMIT - USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A MEDICAL CENTRE**

**File No:** 714650

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer Established Areas Planning

**APPLICANT:** J Para

**COUNCIL POLICY:** Medical Centre Policy

**ZONING:** General Residential

**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. 714650) allowing the use and development of land for the purpose of a medical centre. The application seeks to extend the time for the completion of the development. The permit was originally granted on 7 October 2014 by Council. The permit expired on 7 October 2016. An extension request was received on the 18 October 2016. The proposed development is substantially completed.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The changed circumstances relate to the introduction of new residential zones and Council's Housing Diversity Strategy. These changes have no impact on the medical centre proposal.

This report recommends that the extension of time be approved as the development has been substantially completed.

**SITE AND SURROUNDING AREA**

The subject land (*refer Attachment 1*) comprises an area of 1,202m<sup>2</sup> on the southeast corner of Plenty Road and Blossom Park Drive, Mill Park. A double storey medical centre has been constructed on the land with associated car parking. Existing dwellings abut the eastern and southern boundaries.

**BACKGROUND**

Planning Permit No. 714650 was granted on 7 October 2014 authorising the use and development of the land for the purpose of a medical centre (*see Attachment 2*). The application was determined at a Council meeting on 7 October 2014 (as two objections were received). At the time of the permit lapse date (7 October 2016) the development was almost complete. However, a number of final matters remained outstanding including completion of building works relating to the second storey, landscaping, provision of waste management infrastructure and signage and line marking.



The planning permit sets out a number of conditions that must be met before the use can commence. The medical centre was formally opened in contravention of a number of these conditions. A Planning Infringement Notice was issued by officers in relation to this contravention. Officers are now working with the operator to resolve outstanding issues. Notwithstanding, the use has continued since the lapse date without the benefit of an extended permit contrary to the advice of officers.

### **CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension period of one (1) year from the current Permit lapse date (7 October 2016) to complete the development due to delays in completing the development.

### **ASSESSMENT**

When the permit was issued on 7 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 'Suburban Residential' change area in which preferred housing is to be characterised by standard density housing and dual occupancies/ duplexes. These changes do not have an impact of the application proposal.

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. Where a development has already commenced, as in the case with this application, there would need to be compelling planning reasons for not granting an extension of time to complete a development.

#### *Whether there is a change of planning policy*

There have been no changes in planning policy relevant to the medical centre proposal.

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

The applicant is not warehousing the permit because development has started and is substantially completed.

#### *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 in completing the development.

#### *The total elapse of time*

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

#### *Whether the time limit original imposed was adequate*

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

#### *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. The permit holder is significantly committed to the proposal as development is almost complete.

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

Under the General Residential Zone the use of a land for a medical centre continues to be discretionary.

#### **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. While there have been changes in planning circumstances affecting the land, these changes are not directly relevant to the use of the land for the purpose of a medical centre. Furthermore, because the use has substantially commenced and is near completion, the extension of time to complete the development should be approved.

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

**THAT Council resolve to approve the application to extend Planning Permit 714650 to allow the development to be completed (until 7 October 2017) for the use and development of a medical centre at 3 Blossom Park Drive, Mill Park and advise the applicant accordingly.**







# PLANNING APPLICATION NO. 714650



 Subject Land

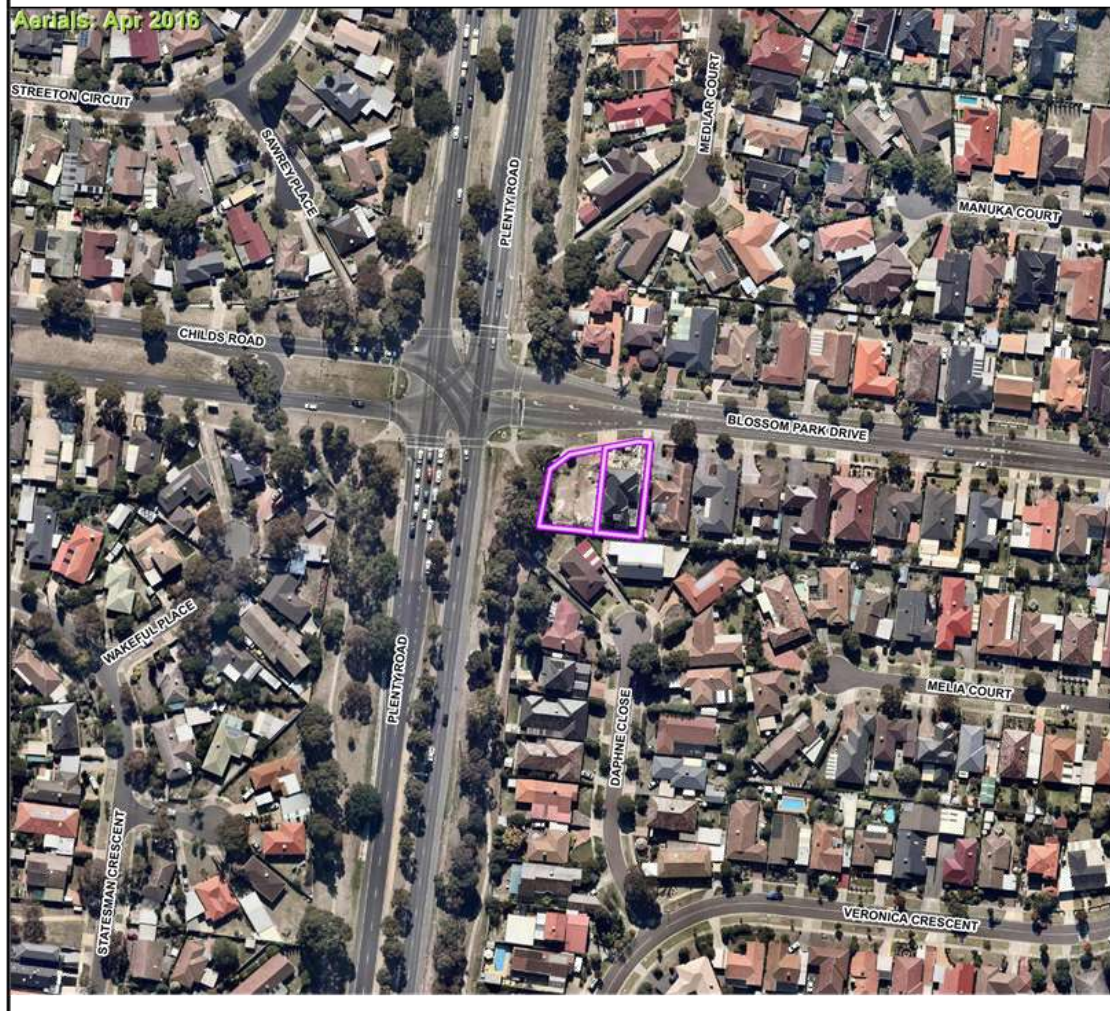


City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT



# PLANNING APPLICATION NO. 714650



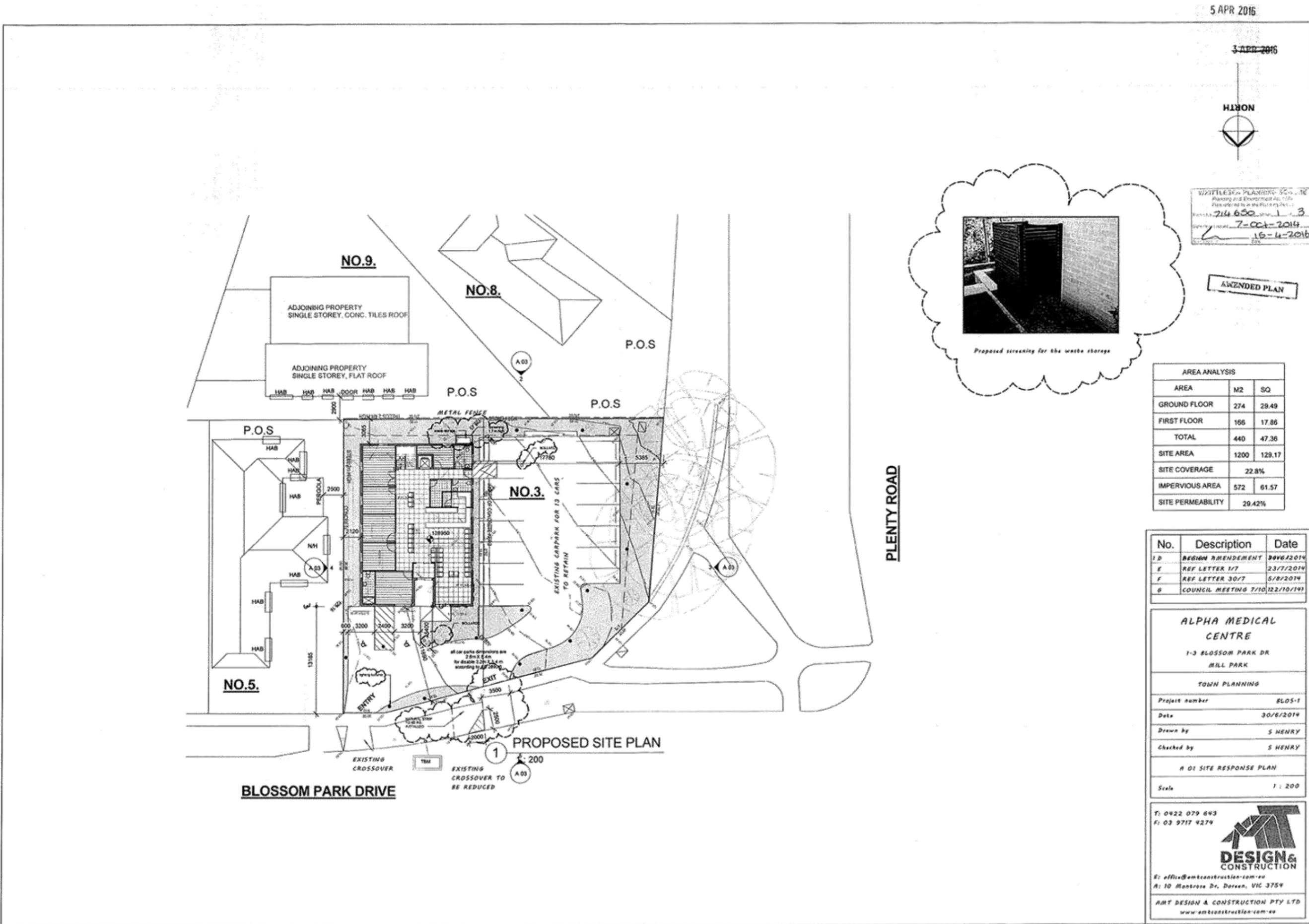
 Subject Land



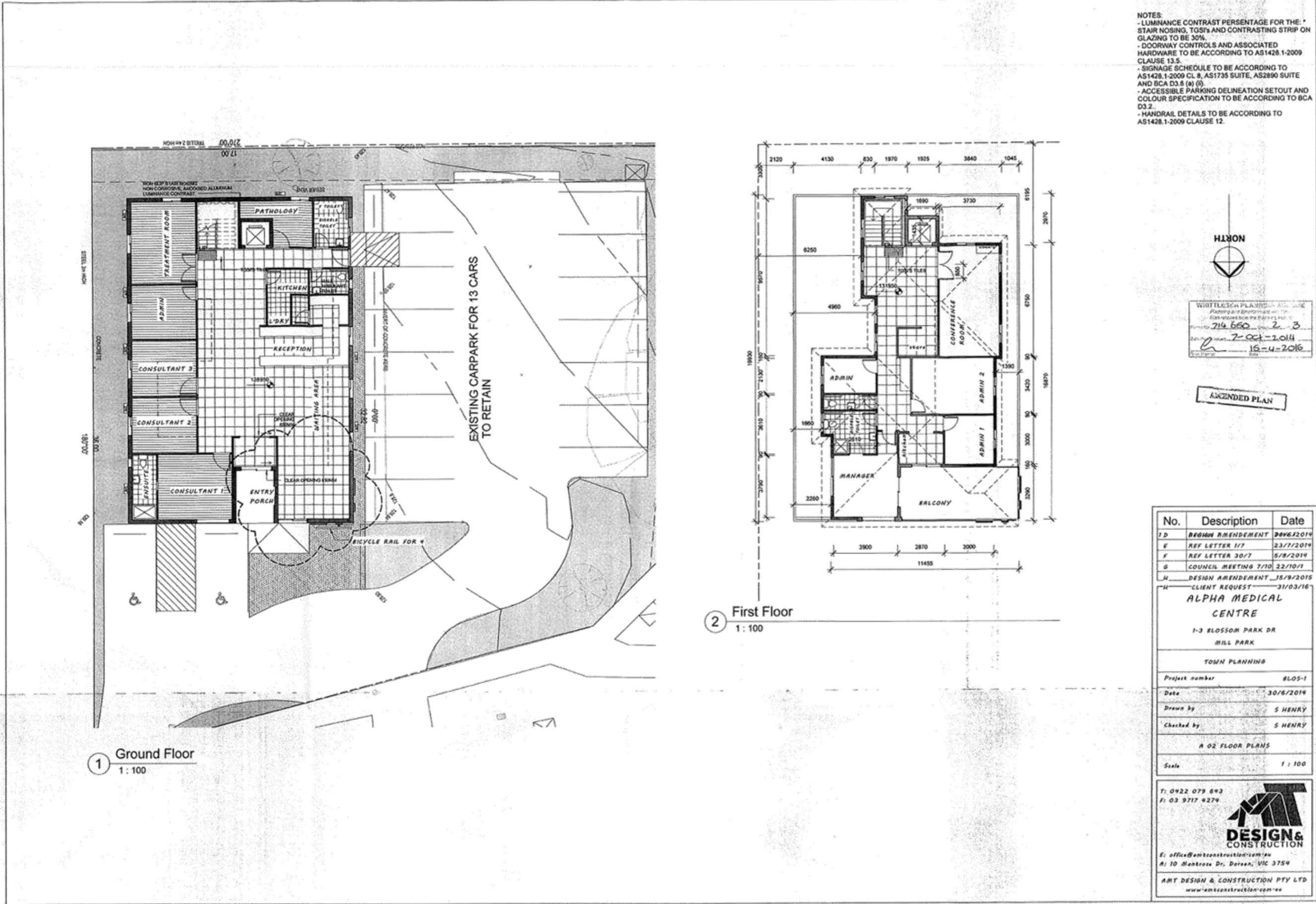
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

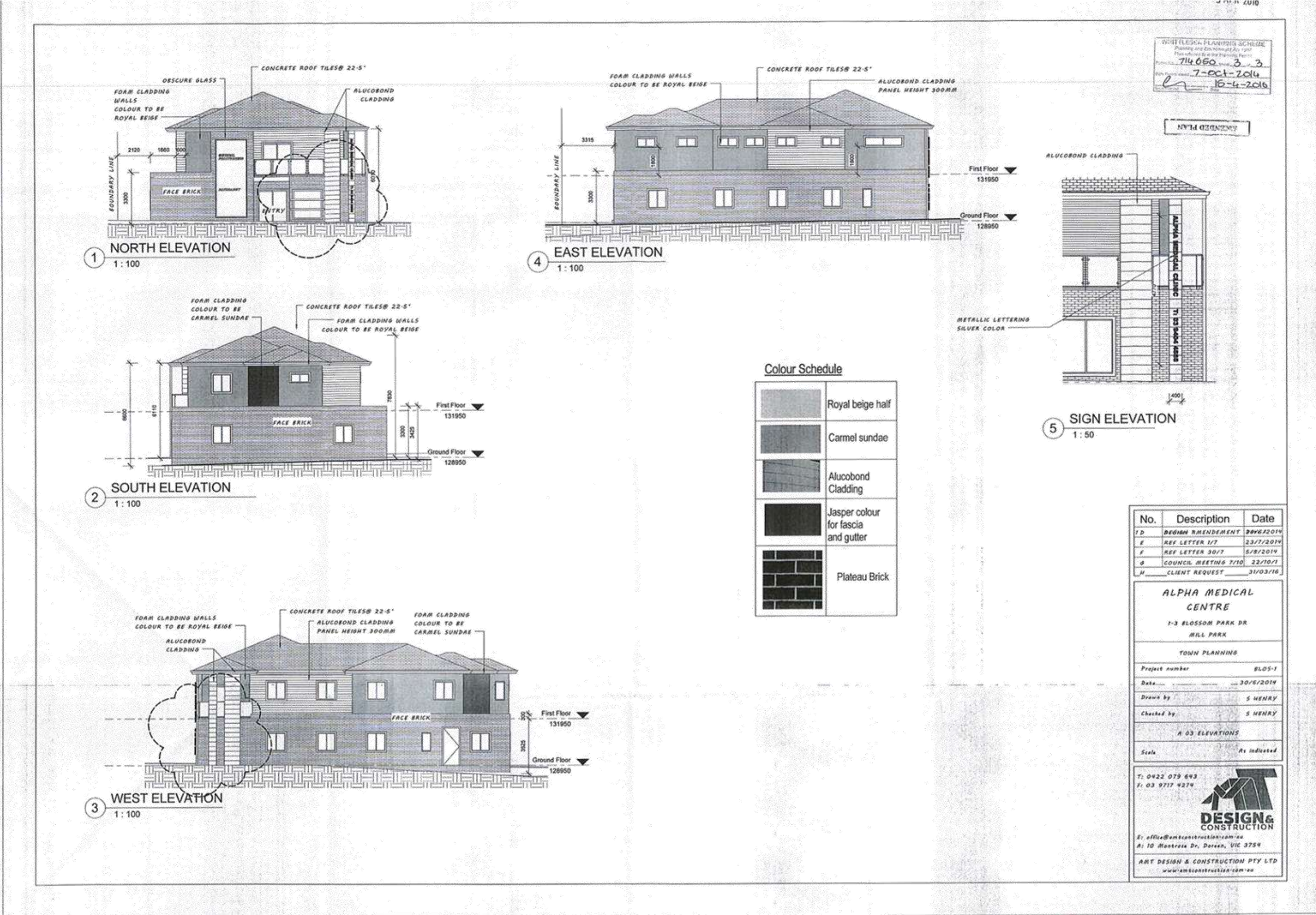


















**6.1.17 46 GREENHILLS ROAD, BUNDOORA - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF A DOUBLE STOREY DWELLING ADJACENT TO AN EXISTING SINGLE STOREY DWELLING**

**File No:** 709913

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer

**APPLICANT:** J & S Sorotos

**COUNCIL POLICY:** Nil

**ZONING:** General Residential Zone

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

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 709913) allowing the construction of a double storey dwelling adjacent to an existing single storey dwelling at 46 Greenhills Road, Bundoora. The application seeks to extend the time for the commencement and commencement of the development. The permit was originally granted on 5 December 2006 by Council due to two objections being received. Three previous requests for an extension of time have been granted. The permit expired on 5 December 2016 following the most recent extension as development has not yet commenced. An extension request was received within the prescribed time following the lapse date.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time be approved as it is likely that if a fresh application were to be made for the same development a further planning permit would be granted. In this instance it is recommended that the extension only be granted for a further one year because of the number of previous extensions 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 including 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 northwest corner of Greenhills Road and Alto Close, Bundoora (see *Attachment 1*). The site is a regular shaped allotment that is relatively flat and has a total site area of 781m<sup>2</sup>. The site contains a modest brick veneer dwelling with a



garage. The existing dwelling will remain as part of this development however the existing garage will be demolished to accommodate the proposed dwelling.

The surrounding area is generally characterised by single storey brick dwellings constructed circa 1970's, mixed housing styles established in the 1980's and a number of recently constructed medium density developments within the immediate surrounds and particularly along Greenhills Road. Further east of the site is the Northpark Private Hospital and to the west, Samuel Park and the Darebin Creek shared path.

## BACKGROUND

Planning Permit No. 709913 was granted on 5 December 2006 authorising the construction of a double storey dwelling adjacent to an existing single storey dwelling (*see Attachment 2*). The application was determined by Council on 5 December 2006 as there were two objections at the end of the advertising period. Condition No. 25 of the permit allows extensions of time to be granted if development does not commence.

Three previous extensions of time have been granted.

## CURRENT PERMIT EXTENSION REQUEST

The applicant seeks an extension of two (2) years 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 5 December 2006 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 comprising single dwellings and dual occupancies including 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 proposed development (*see Attachment 2*) is for the construction of a double storey dwelling adjacent to the existing single storey dwelling and is therefore consistent with the preferred density and building heights for the Suburban Residential change area. The proposed setbacks from title boundaries will allow for generous landscaping to be provided throughout the development, including a large tree or a number of medium canopy trees within the front setback of the existing dwelling 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*

The permit has been extended a number of times already and this demonstrates some evidence of warehousing. No reasons (other than those referred to previously in this report) were provided in the application for the extension of time. However the applicant has advised Council in writing that they are now ready to commence construction and the site has recently been cleared in preparation of such development. As the development is one that continues to be supported under the planning provisions, a further limited 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 had 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 ten years. However, because planning circumstances continue to support this form of development, an extension is considered reasonable for this particular modest development proposal.

*Whether the time limit originally imposed was adequate*

An initial four year timeframe to commence was reasonable as have been the subsequent two year extension granted since that time. The permit holder has now been given the benefit of a 10 year commencement period in addition to that recommended in this report. Because of the significant period of time that has elapsed, it is recommended that only a one (1) year extension of time be provided. A new application for planning permit may need to be prepared and considered (with readvertising) if development is not commenced beyond this 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 Suburban Residential change area. This change area nominates the preferred housing type as single dwellings and dual occupancies as that proposed. It is likely the current development would be supported if a new application were to be made (although conditions of permit would be slightly different to reflect current requirements).

## **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 would be 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 for a further one year period.

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

**THAT Council resolve to approve the application to extend Planning Permit No. 709913 for a further one year (until 5 December 2017) for the construction of a double storey dwelling adjacent to an existing single storey dwelling at 46 Greenhills Road, Bundoora.**





**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**



# PLANNING APPLICATION NO. 709913



Subject Land



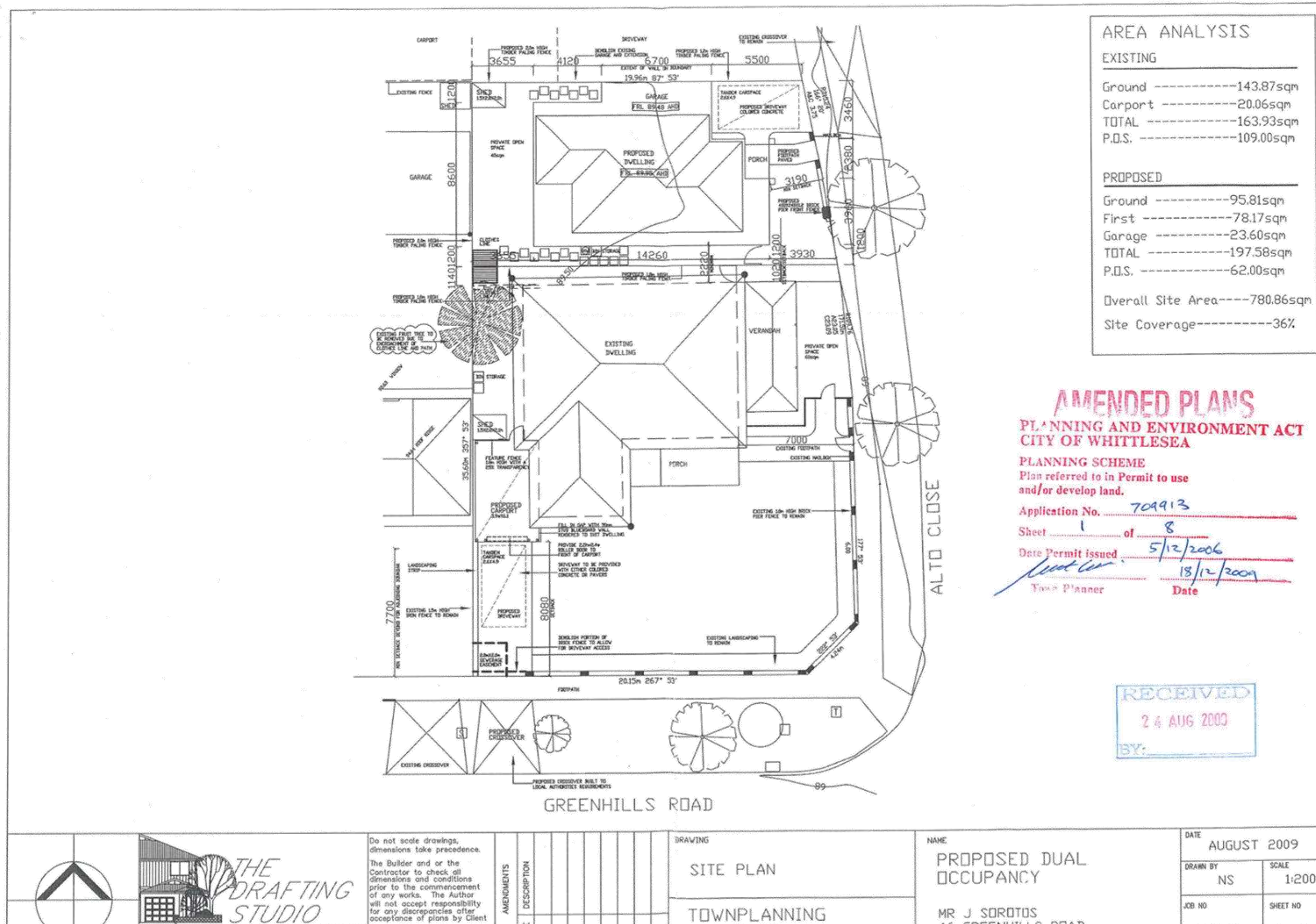
Medium Density Housing



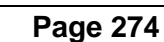
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT

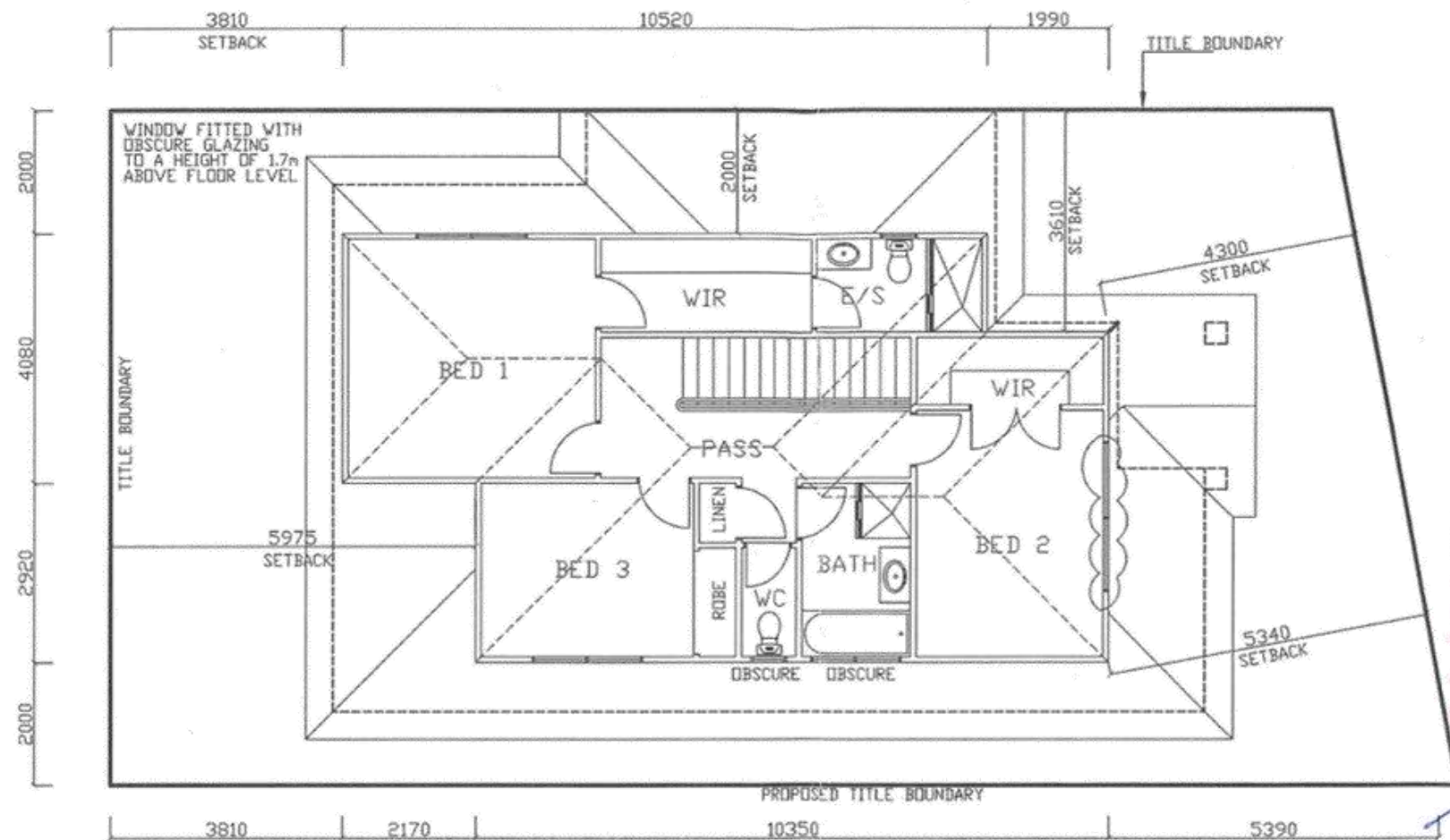












FIRST FLOOR PLAN

**AMENDED PLANS**  
PLANNING AND ENVIRONMENT ACT  
CITY OF WHITTLESEA  
PLANNING SCHEME  
Plan referred to in Permit to use  
and/or develop land.  
Application No. 709913  
Sheet 4 of 8  
Date Permit issued 5/12/2006  
18/12/2009  
Town Planner Date

RECEIVED  
24 AUG 2009  
BY:



Do not scale drawings, dimensions take precedence.  
The Builder and or the Contractor to check all dimensions and conditions prior to the commencement of any works. The Author will not accept responsibility for any discrepancies after acceptance of plans by Client

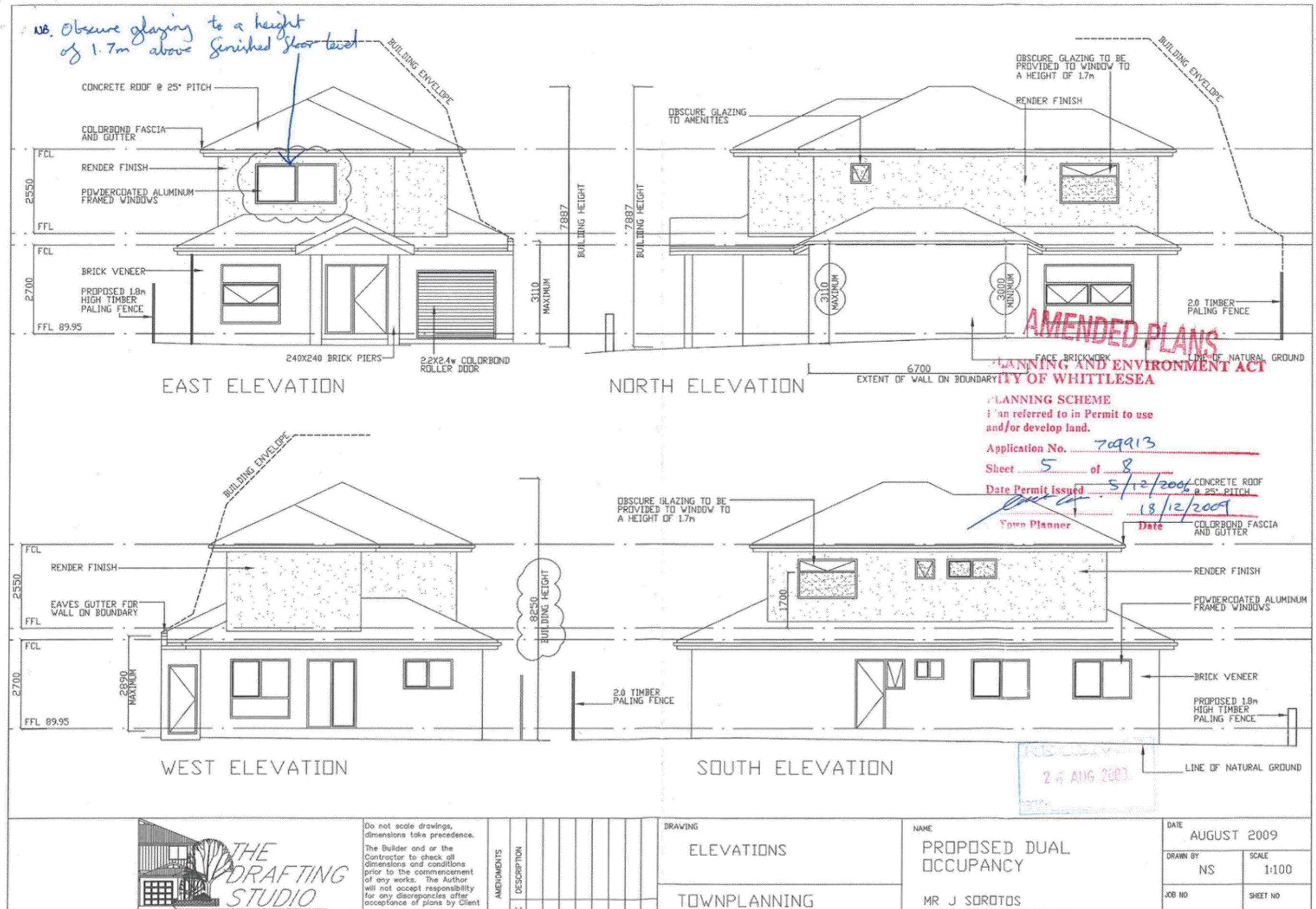
AMENDMENTS	DESCRIPTION
1	
2	
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DRAWING  
PROPOSED FIRST FLOOR PLAN  
TOWNPLANNING

NAME  
PROPOSED DUAL OCCUPANCY  
MR J SOROTOS  
16 COLEMAN ROAD

DATE	AUGUST 2009
DRAWN BY	NS
SCALE	1:100
JOB NO	SHEET NO







**PROPOSED SOUTH ELEVATION**

**PROPOSED NORTH ELEVATION**

**PROPOSED EAST ELEVATION**

**FENCE DETAIL**

**MATERIAL / FINISHES SCHEDULE**

WALLS -- FC SHEET -- DULUX - BOUTIQUE STONE  
 BRICK -- BORAL - FLAME RED, PRESSED CLAY  
 BRICKS WITH OF WHITE MORTAR JOINTS

FASCIA -- COLORBOND -- CLASSIC CREAM  
 GUTTERS -- COLORBOND -- CLASSIC CREAM  
 WINDOWS -- ALUMINIUM -- CLASSIC CREAM  
 CONCRETE TILES -- BORAL-- CHARCOAL GREY (MACGARIC)

**AMENDED PLANS**

**PLANNING AND ENVIRONMENT ACT**

**CITY OF WHITTLESEA**

**PLANNING SCHEME**

Plan referred to in Permit to use  
and/or develop land.

Application No. 709913

Sheet 6 of 8

Date Permit issued 5/12/2006

*[Signature]* 19/12/2009

Town Planner Date

**RECEIVED**

**24 AUG 2009**

**THE DRAFTING STUDIO**

Do not scale drawings, dimensions take precedence.  
 The Builder and or the Contractor to check all dimensions and conditions prior to the commencement of any works. The Author will not accept responsibility for any discrepancies after acceptance of plans by Client

**DRAWING**

**EXISTING DWELLING FRONT FENCE**

**TOWNPLANNING**

**NAME**

**PROPOSED DUAL OCCUPANCY**

**MR J SOROTOS**

**DATE**

**AUGUST 2009**

**DRAWN BY**

**NS**

**SCALE**

**1:100**

**JOB NO**

**SHEET NO**



**AMENDED PLANS**

**WHITTLESEA PLANNING SCHEME**  
Planning and Environment Act 1987  
Plan referred to in the Planning Permit

Permit No. 709913 Sheet 1 of 2  
Date Permit issued 5 DECEMBER 2006  
L. V. V. Date 04/03/15  
Permit Planner

**MATERIAL / FINISHES SCHEDULE**  
WALLS - FC SHEET - DULUX - BOUTIQUE STONE  
BRICK - BORAL - FLAME RED, PRESSED CLAY  
BRICKS WITH OF WHITE MORTAR JOINTS  
FASCIA - COLORBOND - CLASSIC CREAM  
GUTTERS - COLORBOND - CLASSIC CREAM  
WINDOWS - ALUMINIUM - CLASSIC CREAM  
CONCRETE TILES - BORAL - CHARCOAL GREY (MACCARIC)

**PROPOSED SOUTH ELEVATION**  
1:100 @ A3

**PROPOSED NORTH ELEVATION**  
1:100 @ A3

**PROPOSED EAST ELEVATION**  
1:100 @ A3

**DOMESTIC NOTES:**

THE SITE SHALL BE ADEQUATELY FENCED OFF DURING CONSTRUCTION TO PREVENT PUBLIC ACCESS  
NO PART OF THE BUILDING SHALL PROJECT BEYOND THE BUILDING LINE I.e.: INCLUDING MOUNTS,  
ARCHITECTURAL FEATURES AND THE LIKE  
THE PREMISES SHALL TREAT FOR TERMITE PROTECTION USING A CHEMICAL BARRIER IN ACCORDANCE  
WITH AS 3600. ALTERNATIVELY PHYSICAL BARRIERS MAY BE ADOPTED, SUCH AS ANT  
CAPES OR GRANTGARD. IF ADOPTING ANT CAPS ENSURE THERE IS SUB FLOOR CLEARANCE OF 400mm  
EAVES WITH 900mm (BUT NO CLOSER THAN 450mm) OF THE BOUNDARY SHALL BE  
CONSTRUCTED USING NON COMBUSTIBLE MATERIAL  
EAVES EXPOSED WITHIN 450mm OF THE BOUNDARY SHALL BE PROTECTED BY EITHER A WING  
WALL OR CORBELLED BRICKWORK  
RAINFALL HEADS, FASCIA, GUTTERS, DOWN PIPES AND THE LIKE WITHIN 450mm OF THE  
BOUNDARY SHALL BE CONSTRUCTED OF NON COMBUSTIBLE MATERIALS  
OPENINGS IN EXTERNAL WALLS WITHIN 900mm FROM THE SIDE FACING THE BOUNDARY REQUIRE TO  
BE PROTECTED I.e.: WINDOWS SHALL BE FIXED, FIRE RATED WINDOWS NO LESS THAN 400-  
REFER TO ENERGY RATING REPORT FOR THERMAL INSULATION REQUIREMENTS  
OPENABLE WINDOWS WITHIN 1 METER OF THE FINISHED FLOOR LEVEL SHALL BE RESTRICTED SO  
THAT THE OPENINGS DO NOT PERMIT A 125mm SPHERE TO PASS THROUGH IT IF THE FALL IS  
GREATER THAN 1 METER FROM THE NATURAL GROUND LEVEL

THE DOOR TO A FULLY ENCLOSED SANITARY COMPARTMENT SHALL OPEN OUTWARDS, SLIDE OR BE  
EASILY REMOVABLE FROM THE OUTSIDE OF THE COMPARTMENT I.e.: REMOVABLE HINGES  
THE STUMPS ARE REQUIRED TO BE BRACED IN ACCORDANCE WITH AS 1604 IF THE HEIGHT OF THE  
STUMP FROM NATURAL GROUND LEVEL TO THE UNDERSIDE OF THE BEARER EXCEEDS THE RATIO OF 15 TIMES  
THE WIDTH OF THE STUMP I.e.: 100X100 STUMP HAS A MAX. HEIGHT OF 1500mm  
VERTICAL ARTICULATION JOINTS MUST BE PROVIDED IN UNREINFORCED MASONRY WALLS EXCEPT WALLS  
BUILT WHERE THE SITE SOIL CLASSIFICATION IS A OR S. ARTICULATION JOINTS MUST HAVE A WIDTH NOT  
NOT LESS THAN 10mm AND BE PROVIDED  
IN STRAIGHT, CONTINUOUS WALLS HAVING NO OPENING, AT NOT MORE THAN 6m CENTERS AND NOT  
CLOSER THAN THE HEIGHT OF THE WALL AWAY FROM CORNERS AND WHERE THE HEIGHT OF THE WALL  
CHANGES BY MORE THAN 20% AT THE POSITION OF CHANGE IN HEIGHT AND WHERE OPENINGS MORE THAN  
900X900mm OCCUR AT NOT MORE THAN 6m CENTERS AND POSITIONED IN LINE WITH ONE OF THE  
OPENINGS AND WHERE WALL CHANGE IN THICKNESS AND AT CONTROL OR CONSTRUCTION JOINTS IN FOOTING  
BLANDS AND AT JUNCTIONS OF WALLS CONSTRUCTION OF DIFFERENT MASONRY MATERIALS AND AT DEEP  
CHASES (REBATES) FOR SERVICE PIPES  
SUB FLOOR VENTILATION SHALL BE PROVIDED AT A RATE OF 7300mm<sup>2</sup> WHERE IN THE MINIMUM  
SUB FLOOR CLEARANCE IS 150mm  
SMOKE DETECTORS SHALL BE A BRK 88 RA 25N SELF CONTAINED SMOKE ALARM OR THE EQUIVALENT  
TO BE CONNECTED TO THE CONSUMER POWER MAINS IN ACCORDANCE WITH AS3785

THE WALL SURFACE OF A SHOWER ENCLOSURE WITH A PRE FORMED SHOWER BASE SHALL BE WATER RESISTANT  
TO A HEIGHT OF 1.8m ABOVE THE FLOOR, WITH ALL JUNCTIONS AND FLOOR TO HORIZONTAL SURFACES COMPLETELY  
WATERPROOFED. THE SURFACE IMMEDIATELY ADJACENT OR BEHIND A BATH, BASIN OR SINK SHALL BE WATER  
RESISTANT TO A HEIGHT NO LESS THAN 150mm ABOVE THE FLOOR WITH ALL JUNCTIONS TO HORIZONTAL  
SURFACES COMPLETELY WATERPROOFED. FURTHERMORE, AN ENCLOSED SHOWER WITH FLOOR SUBSTRATE  
ALL GLAZING SHALL BE IN ACCORDANCE WITH AS 1288 WHEREIN GLAZING WITHIN 500mm OF THE  
FLOOR LEVEL SHALL BE 5mm THICKENED ANNEALED. GLAZED DOORS AND ASSOCIATED SIDE PANELS  
SHALL BE 5.38mm LAMINATED SAFETY GLASS AND BATHROOM WINDOWS WITHIN 1.5m OF THE BATH  
OR 500mm FROM THE SHOWER ENCLOSURE SHALL BE 3mm TOUGHENED SAFETY GLASS  
LAUNDRIES, BATHROOMS, WATER CLOSETS AND POWDER ROOMS THAT ARE NOT NATURALLY VENTILATED  
SHALL BE PROVIDED WITH MECHANICAL VENTILATION  
THE SELECTION OF GUTTERS AND DOWNPIPES SHALL BE IN ACCORDANCE WITH AS 3600.3.2 ARE ALSO  
LOCATED WITHIN 1.2m OF A VALLEY OR PROVISION FOR OVERFLOW MUST BE MADE  
THE STORM WATER DISCHARGE SHALL BE CONNECTED TO THE EXISTING LEGAL POINT OF DISCHARGE  
COMBUSTIBLE ROOF LIGHTS, SKYLIGHTS OR THE LIKE INSTALLED IN A ROOF OR PART OF A ROOF REQUIRE  
TO HAVE A NON COMBUSTIBLE COVERING MUST HAVE A AGGREGATE AREA NOT MORE THAN 20% OF THE  
ROOF OR PART OF THE ROOF AND BE NOT LESS THAN 900mm FROM THE ALLOTMENT BOUNDARY OTHER  
THAN THE BOUNDARY ADJOINING A ROAD ALIGNMENT OR OTHER PUBLIC SPACE

No.	Date	Revision	By
1	JUN.15	BUILDING PERMIT VARIATION	PAE
-	AUG.14	BUILDING PERMIT ISSUE	PAE

**PROJECT:**  
PROPOSED DUAL OCCUPANCY  
46 GREENHILLS ROAD BUNDOORA

**CLIENT:** MR. J SOROTOS

**DRAWING TITLE:**

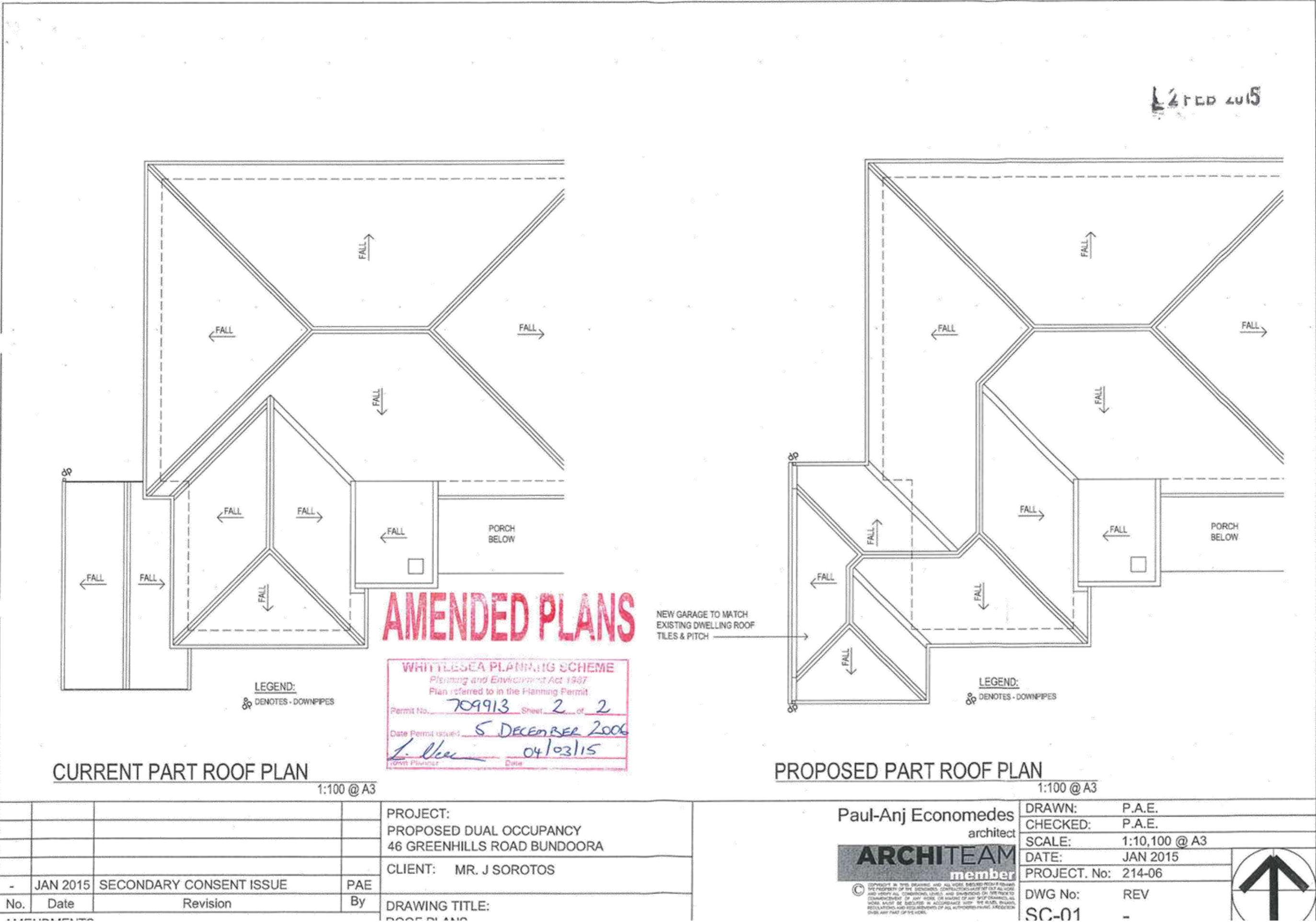
**Paul-Anj Economedes**  
architect

MOBILE: 0413 314 655  
EMAIL: paul@economedes.com.au  
POSTAL: PO Box 929 Richmond VIC 3121  
WEBSITE: www.economedesarchitect.com.au  
ABN: 59 628 225 657

**ECONOMEDES**  
ARCHITECTS

**DRAWN:** P.A.E.  
**CHECKED:** P.A.E.  
**SCALE:** 1:100 @ A3  
**DATE:** AUG 2014  
**PROJECT. No:** 214-06  
**DWG No:** REV  
**A-05** 1











**6.1.18 39 DAVISSON STREET, EPPING - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF AN ADDITIONAL TWO DOUBLE STOREY DWELLINGS**

**File No:** 713356

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer

**APPLICANT:** A Stojanovski

**COUNCIL POLICY:** Nil

**ZONING:** Activity Centre Zone

**OVERLAY:** Development Contributions Plan (Schedule 3 and 14)

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 713356) allowing the construction of two double storey dwellings at the rear of an existing dwelling at 39 Davisson Street, Epping. The application seeks to extend the time for the commencement of the development. The permit was originally granted on 14 August 2012 by Council (due to one objection being received). One previous request for an extension of time has been granted. The permit expired on 14 August 2016 as development has not yet commenced.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time 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 with the same conditions.

The changed circumstances set out in this report relate to Amendment C130 (gazetted March 2015) which included the rezoning of land to the Activity Centre Zone (ACZ) in accordance with the Epping Central Structural Plan. Other associated changes to the Scheme also occurred at this time including a requirement for the payment of development contributions to assist in the funding of infrastructure associated with the future growth of the area.

**SITE AND SURROUNDING AREA**

The subject land is located on the southwest corner of Houston Street and Davisson Street, Epping (see *Attachment 1*). The site is a regular shaped allotment that is relatively flat and has a total site area of approximately 463m<sup>2</sup>. The site contains a single storey brick dwelling and vehicular access is provided via an existing concrete crossing located within the northeast corner of the land.

The surrounding area is generally characterised by single storey brick veneer dwellings constructed circa 1950's and recently constructed medium density housing developments. West of the site is High Street, which features a commercial hub, Epping Primary School, and Epping Police Station.



**BACKGROUND**

Planning Permit No. 713356 was granted on 14 August 2012, which allowed for the construction of two additional double storey dwellings. The application was determined by Council as there was one objection at the end of the advertising period. The development plans are shown in *Attachment 2*.

A previous request to extend the permit was granted on 17 July 2014 and extended the permit for a further 2 years to lapse on 14 August 2016.

**CURRENT PERMIT EXTENSION REQUEST**

The applicant seeks an extension of a further two (2) years to commence and complete the development due to financial constraints.

**ASSESSMENT**

When the permit was issued on 14 August 2012, the land was located in a Residential 1 Zone. In March 2015 Amendment C130 was approved which introduced the new ACZ within the Whittlesea Planning Scheme. The subject land was included within a development precinct which seeks to provide a transition from higher density housing to the south to the standard density areas to the north beyond the activity centre. The preferred character for the precinct includes medium density residential development in the form of villa units and townhouses, with modern and attractive architectural styles with landscaped front setbacks that provide space for canopy trees.

The proposed development (*see Attachment 2*) is for two double storey dwellings which are generally consistent with the preferred character of the precinct. The indicative landscape areas shown on the plans submitted allow sufficient private open space and space for canopy trees within the front setback which will soften the impact of the proposed built form.

However, the permit will not be compliant with the newly introduced Development Contribution Plan Overlay (Schedule 14 (DCPO14) which requires that contributions be paid to ensure that necessary infrastructure is available in support of the increased densities proposed for the area. In relation to the current development this is currently estimated to be approximately \$10,000. The current permit does not provide any provision for this payment and it not possible to amend the permit to provide for this outcome.

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 C130 and the introduction of the ACZ and implementation of various planning scheme overlay have been discussed previously in this report. The changed policy context, in particular the introduction of DCPO14, means that the current permit has become redundant.

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

The permit has only been extended once previously and there is no substantial evidence that the 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 has been unable to proceed with the development due to financial constraints. These personal circumstances are not sufficient to justify the extension when weighed against the need for critical infrastructure funding. It would not be appropriate that Council incur infrastructure costs associated with the proposed development when these charges can be reasonably required and included in any new planning permit.

*The total elapse of time*

The total period that has elapsed since the granting of the permit is now four years.

*Whether the time limit originally imposed was adequate*

The time limit imposed under the original permit (two years) and the further extension (two years) was reasonable.

*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 ACZ the site is located within 'Precinct 2 – High Street North'. This precinct nominates the preferred housing type as villa units and townhouses such as that proposed. While a development proposal consistent with the previously approved plans is likely to be supported under a new application it would be subject to different conditions including a requirement for the payment of development contributions.

## 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 additional planning controls implemented as part of Amendment C130 were introduced into the Whittlesea Planning Scheme subsequent to the issue of the permit. These changes in policy suggest that the permit and its conditions have become redundant. It is therefore recommended that the extension of time be refused.

## RECOMMENDATION

**THAT Council resolve to refuse the application to extend Planning Application No. 713356 for the construction of an additional two double storey dwellings at 39 Davisson Street, Epping and advise the applicant accordingly.**







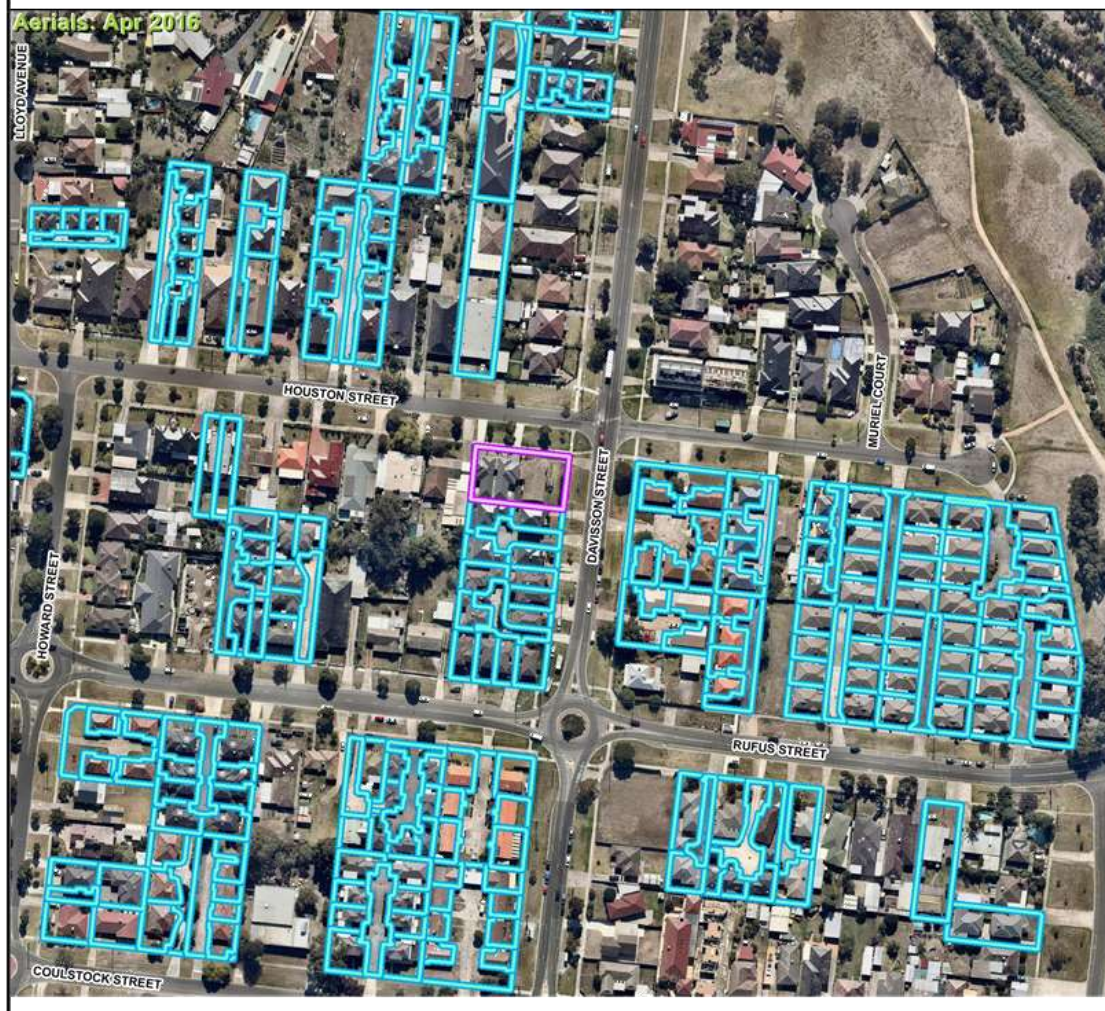


**City of  
Whittlesea**

## DEVELOPMENT ASSESSMENT REPORT



# PLANNING APPLICATION NO. 713356



Subject Land



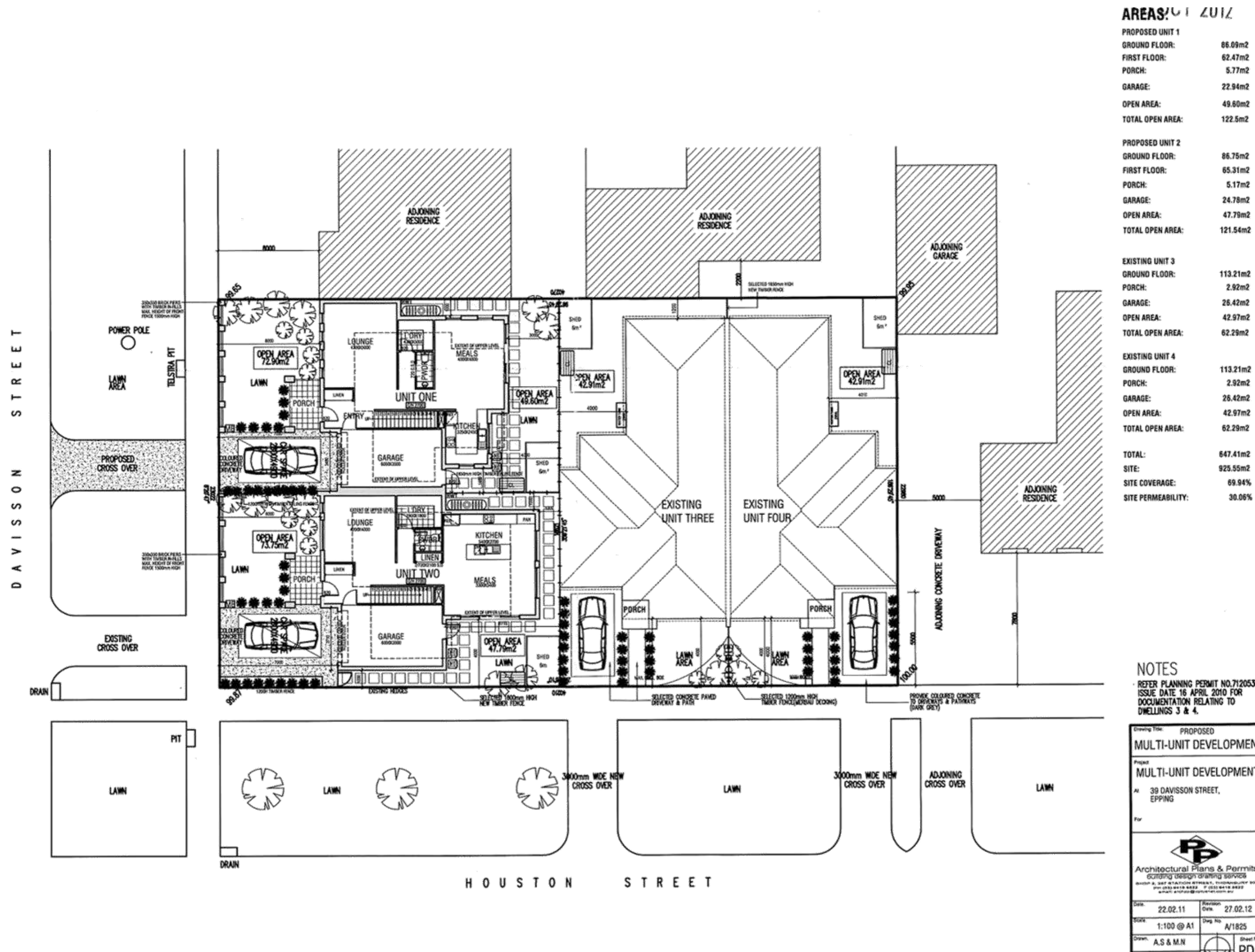
Medium Density Housing



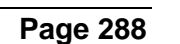
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT



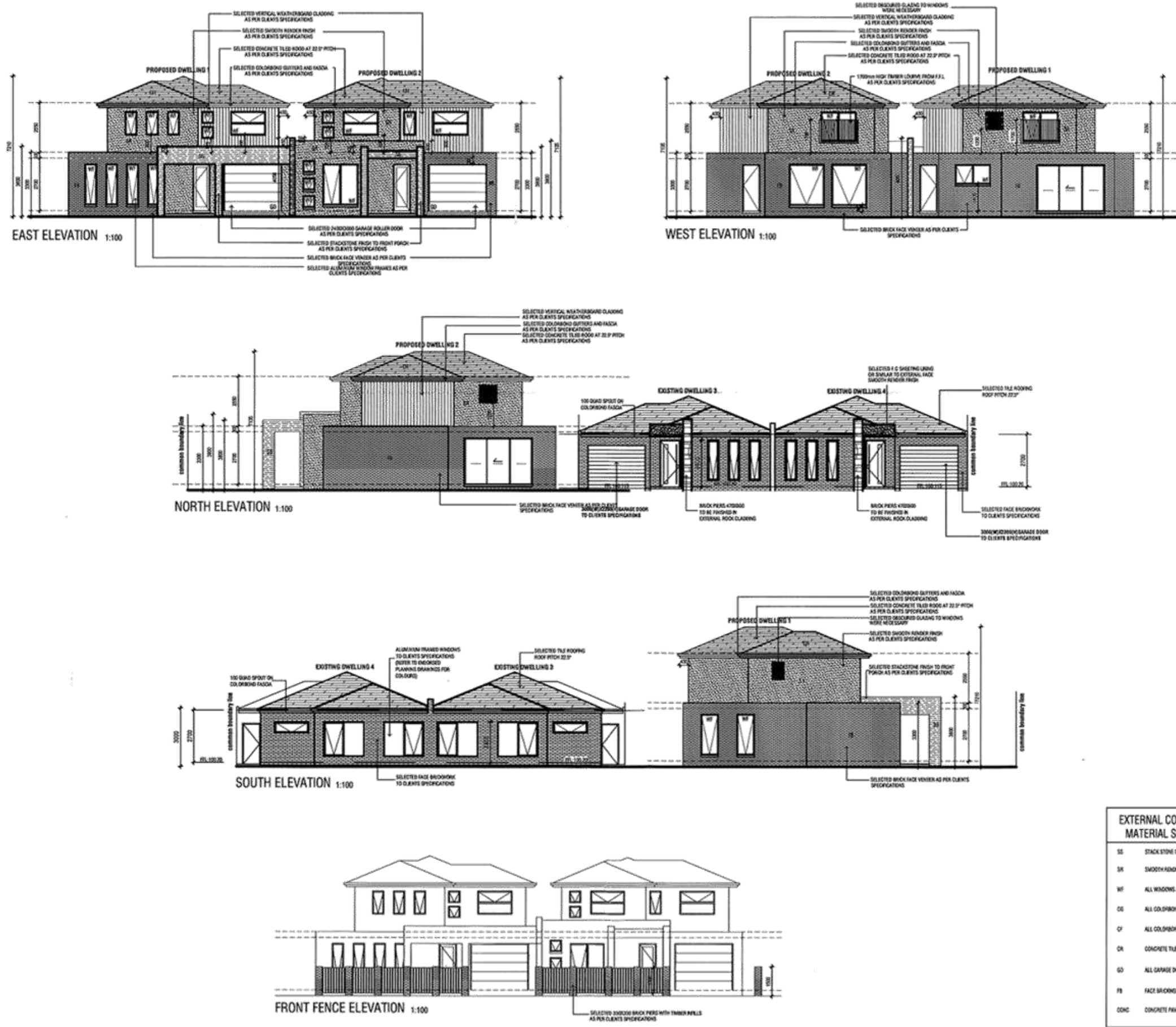









18 OCT 2012



NOTES  
REFER PLANNING PERMIT NO.712053  
ISSUE DATE 16 APRIL 2010 FOR  
DOCUMENTATION RELATING TO  
DWELLINGS 3 & 4.

EXTERNAL COLOUR AND MATERIAL SCHEDULE	
SS	STACK STONE CLADDING
SR	SMOOTH RENDER FINISH
WF	ALL WINDOWS ARE ALUMINIUM FRAMED
OS	ALL COLUSTRONG OUTTERS
OF	ALL COLUSTRONG FASCIAS
CR	CONCRETE TILED ROOF AT 22.5° PITCH
GO	ALL GARAGE DOORS
FB	FACE BACKWORK
CCNC	CONCRETE PAVED DRIVEWAY

Drawing Title: PROPOSED MULTI-UNIT DEVELOPMEN	
Project: MULTI-UNIT DEVELOPMEN	
At: 39 DAVISSON STREET, EPPING	
For:	
	
Architectural Plans & Permits building design drafting service	
B-100P 2, 387 WATSON STREET, WOODMERE NSW PH: (02) 9476 8888 F: (02) 9476 8877 email: info@apandp.com.au	
Date: 22.02.11	Revision Date: 27.02.12
Scale: 1:100 @ A1	Dep. No: A/1825
Drawn: A.S. & M.N.	Sheet No: 01



**EAST ELEVATION 1:100**

**PROPOSED DWELLING 1**

**PROPOSED DWELLING 2**

SELECTED VERTICAL WEATHERBOARD CLADDING AS PER CLIENTS SPECIFICATIONS

SELECTED SMOOTH RENDER FINISH AS PER CLIENTS SPECIFICATIONS

SELECTED CONCRETE TILED ROOF AT 22.5° PITCH AS PER CLIENTS SPECIFICATIONS

SELECTED COLORBOND GUTTERS AND FASCIA AS PER CLIENTS SPECIFICATIONS

SELECTED 2400X3000 GARAGE ROLLER DOOR AS PER CLIENTS SPECIFICATIONS

SELECTED STACKSTONE FINISH TO FRONT PORCH AS PER CLIENTS SPECIFICATIONS

SELECTED BRICK FACE VENEER AS PER CLIENTS SPECIFICATIONS

SELECTED ALUMINIUM WINDOW FRAMES AS PER CLIENTS SPECIFICATIONS

Dimensions: 7210, 3600, 3300, 2700, 2550, 900, 450, 300, 150, 725, 900, 600, 4050, 300, 2700, 3300, 3600, 3900.

Materials: CR, WF, SR, SS, FB, GD.


REFER PLANNING PERMIT NO.712053  
ISSUE DATE 16 APRIL 2010 FOR  
DOCUMENTATION RELATING TO  
DWELLINGS 3 & 4.

## Project MULTI-UNIT DEVELOPMENT

For



Date.	03.10.12	Revision	
		Date.	-
Scale.	1:100 @ A3	Dwg. No.	A/1825
Drawn.	M.N		Sheet No.
Checked.	P.P		PD.



**SELECTED COLOURED  
CONCRETE DRIVEWAY  
- CHAECOAL**

### PROPOSED COLOUR SCHEDULE



**6.1.19 421 GLENBURNIE ROAD, EDEN PARK - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A DWELLING**

**File No:** 711068

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer

**APPLICANT:** J Murata

**COUNCIL POLICY:** Nil

**ZONING:** Rural Conservation Zone

**OVERLAY:** Bushfire Management Overlay  
Restructure Overlay

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 711068) allowing the use and development of land for the purpose of a rural dwelling at 421 Glenburnie Road, Eden Park. The application seeks to extend the time for the completion of the development. The permit was originally granted on 5 December 2008 under delegation by officers and since this date the permit has been extended five times. The current request constitutes the sixth extension request.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time be refused because of the number of extensions already granted and it is unlikely that if a fresh application were to be made for the same development a further planning permit would be granted with the same conditions. The applicant was advised as part of the most recent (fifth) extension request that it would be unlikely that any further extensions would be granted.

The changed circumstances relate to new standards for the construction of dwellings in bushfire affected areas. These changes were made to planning provisions following the findings of the Bushfires Royal Commission. As structural building works have not yet commenced (beyond foundations which have not been progressed since 2012) it is considered appropriate that a dwelling proposal be reconsidered under these current provisions and as part of a new application for planning permit.

**SITE AND SURROUNDING AREA**

The subject land is located to the northwest of Glenburnie Road near the intersection of Old Glenburnie Road and Twelfth Avenue, Eden Park (see *Attachment 1*). The site comprises an area of 1.4ha. The land has been restructured in accordance with the Eden Park Restructure Plan. The site is predominately cleared but scattered trees are located throughout the site. The land is included in a Rural Conservation Zone and a Bushfire



Management Overlay (BMO) extends over the whole site. The dwelling is proposed central to the site.

## BACKGROUND

Planning Permit No. 711068 was granted under delegation on 5 December 2008 authorising the use and development of the land for the purpose of a dwelling. The endorsed plans are shown in *Attachment 2*.

The development was not commenced during the initial two year period afforded under the permit and an extension was granted requiring that development commence and be completed by 5 December 2012. Prior to the lapse date the permit holder obtained a building permit for the dwelling and foundation excavations were commenced and inspected in October 2012. Works have not progressed beyond these preliminary works since that date.

Because the development was not completed by the extended lapse date (5 December 2012) a third extension request was made but unfortunately it was received outside the prescribed timeframe and Council had no ability to consider the matter. The permit holder made an application to VCAT (who were authorised). The Tribunal granted a second extension requiring that development be completed by 5 December 2014. That date has been extended twice since that time by Council under delegation (to 5 December 2015 and, in the most recent extension, until 5 December 2016). The permit holder was advised as part of the most recent extension that it would be unlikely that any further extension request would be granted.

The building permit (issued by a private building surveyor) has also been extended numerous times. However, the surveyor has advised officers that further extensions are also unlikely to be granted.

## CURRENT PERMIT EXTENSION REQUEST

The applicant seeks an extension of a further 12 months from the current permit lapse date (5 December 2016) to complete the development due to unexpected health issues.

## ASSESSMENT

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 zoning provisions relating to the land have remained unchanged. However, in response to the 2009 Victorian Bushfire Royal Commission recommendations new standards have been introduced relating to bushfire protection (Amendment VC83 and Amendment VC109). Bushfire Attack Level (BAL) ratings are now used to determine building constructions standards and improved standards relating buffer areas have been introduced. Given that the dwelling has not been constructed, it is considered appropriate that the proposal be reconsidered under these current provisions. This would involve referral of an application to the CFA to ensure that permit conditions were current and reflect best practice.

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



The number of extensions granted are indicative of a permit being warehoused. No development has occurred on the site since the excavation of foundations in 2012.

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

Health reasons have been cited for the cause of the delay. These personal circumstances are not sufficient to justify a further extension because the implication of not having a permit that meets current standards for bushfire protection considerably outweighs personal circumstances. Because the current requirements of the BMO seek to protect life and property it is in the interest of both Council and the permit holder to ensure that any permit reflects current acceptable standards.

*The total elapse of time*

A period of nine years has now elapsed since the permit was issued which is a significant period. Even in the absence of policy changes it is not considered good planning practice to allow permits to remain not acted upon for this period of time (other than major developments involving staged buildings and works).

*Whether the time limit originally imposed was adequate*

It is considered all timeframes and extension periods were reasonable for the type of development proposed (single dwelling).

*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. As previously noted, only foundations have been constructed. There is no reason why these preliminary works could not form part of a new application and permit. While the landowner may be inconvenienced by the need to obtain a new permit and possibly will incur some additional costs in this process, that is not considered to be a sufficient basis to further extend a permit when planning circumstances have changed.

A land management plan has been prepared and approved under the current permit. This plan can be transitioned to any new permit that may be issued.

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

Because of the changes to the bushfire provisions, the conditions of any permit would be different if a new application were to be made. However, a permit is still likely to issue.

## **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 changes to the bushfire provisions set out in the Whittlesea Planning Scheme have been introduced over time since the original permit was granted nine years ago. These changes seek to ensure that the protection of life and property reflects current standards. As the current permit does not reflect current requirements and needs updating it is recommended that the extension of time be refused.

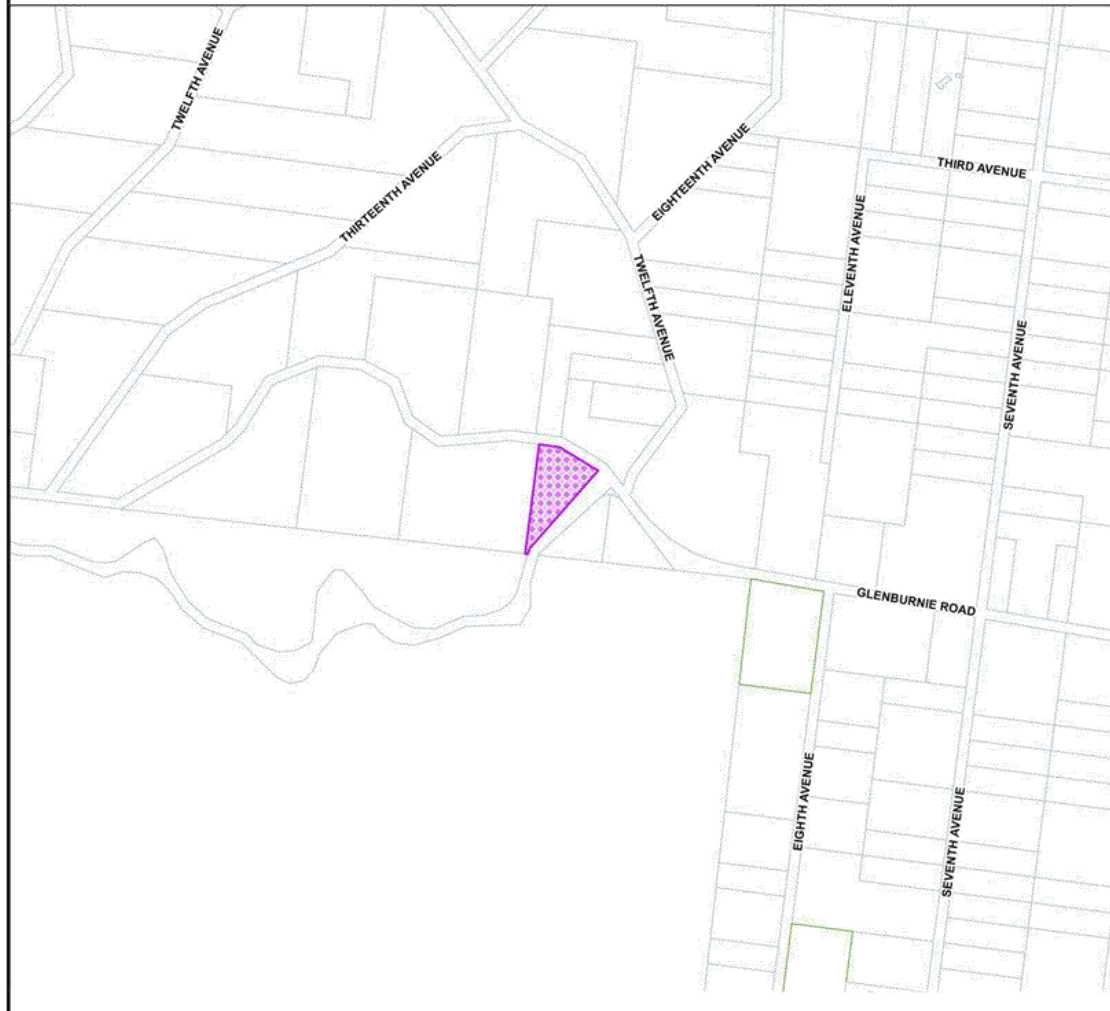


<b>RECOMMENDATION</b>
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**THAT Council resolve to refuse the application to extend Planning Permit No. 711068 for the use and development of land for the purpose of a dwelling at 421 Glenburnie Road, Eden Park and advise the applicant accordingly.**



# PLANNING APPLICATION NO. 711068



**Subject Land**

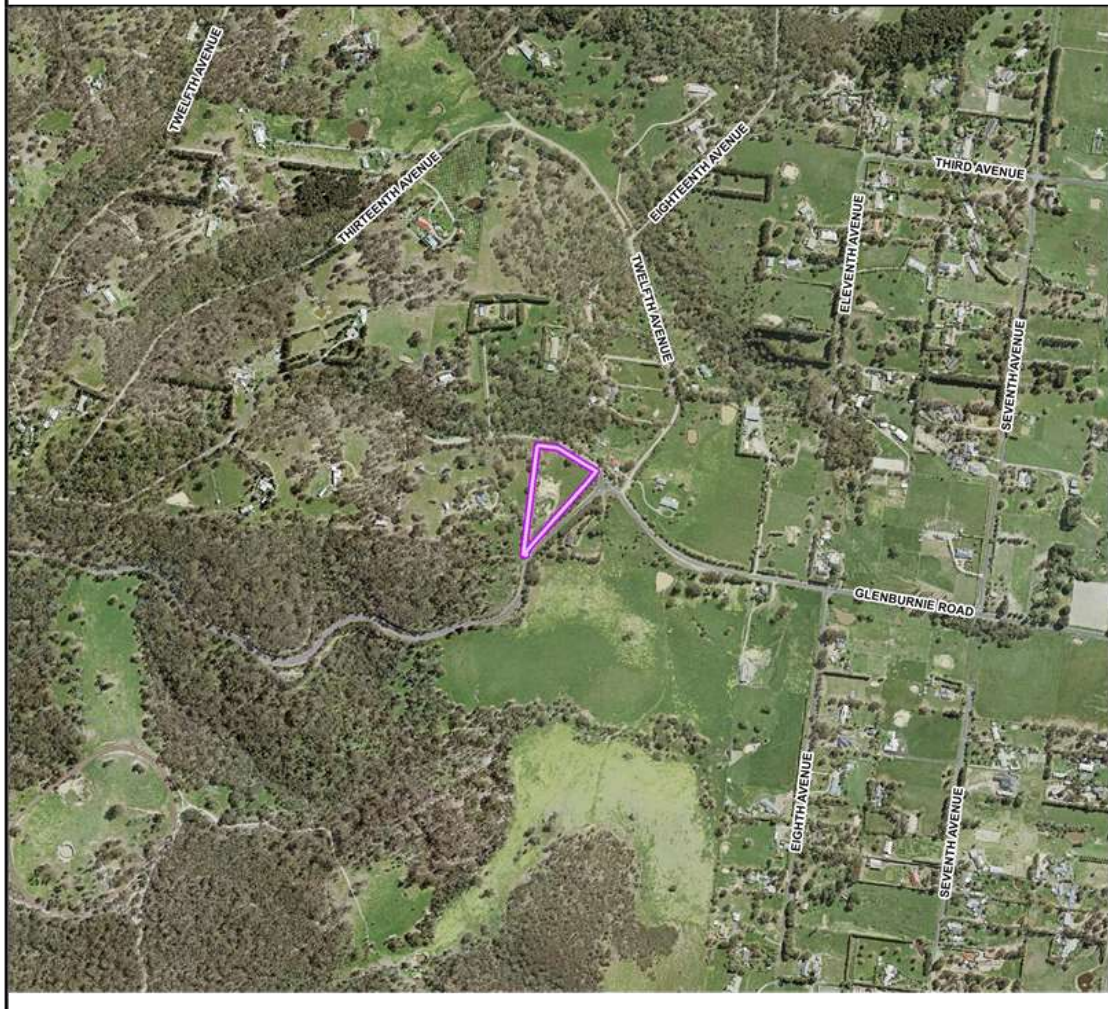


**City of  
Whittlesea**

## DEVELOPMENT ASSESSMENT REPORT



**PLANNING APPLICATION NO. 711068**



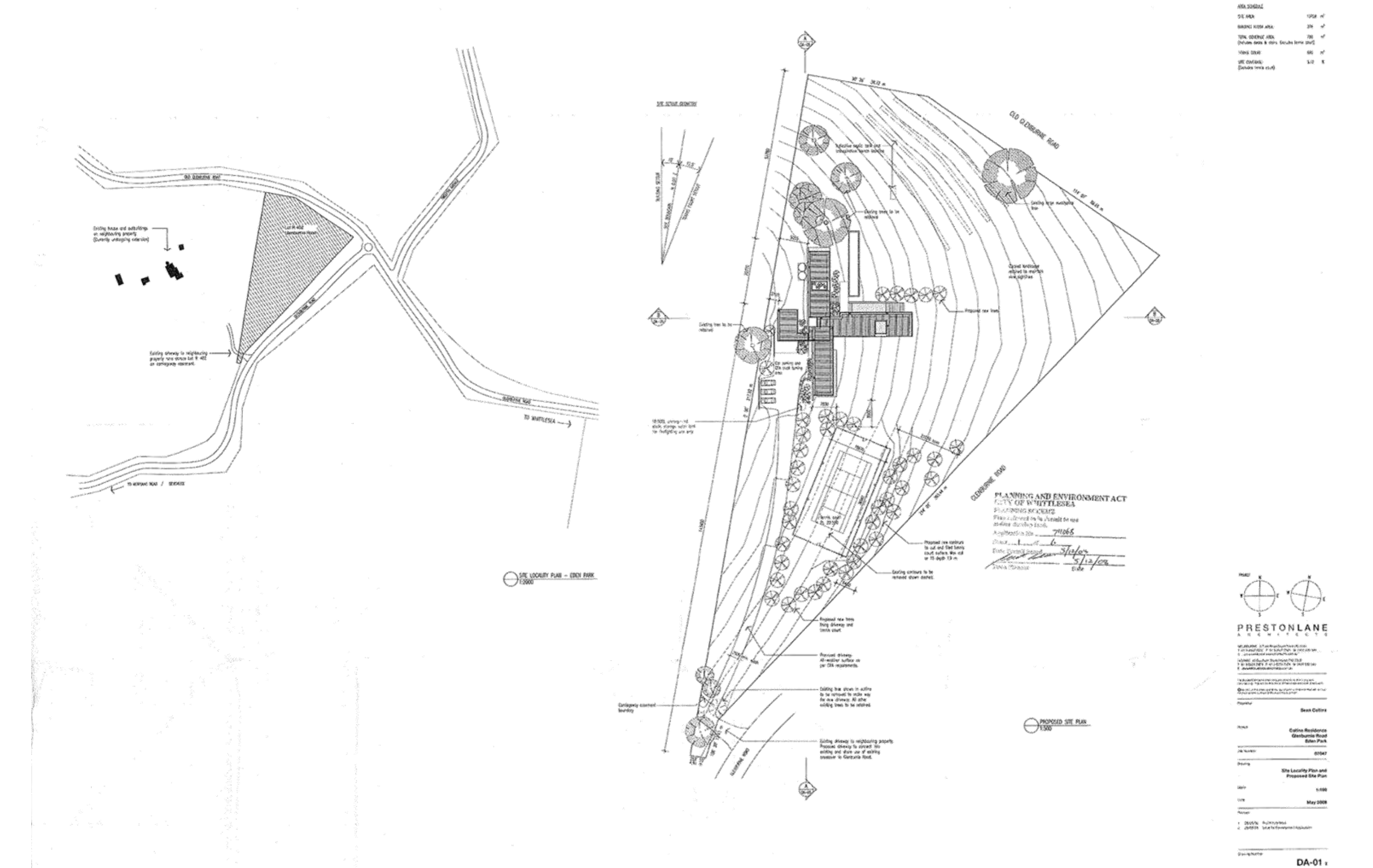
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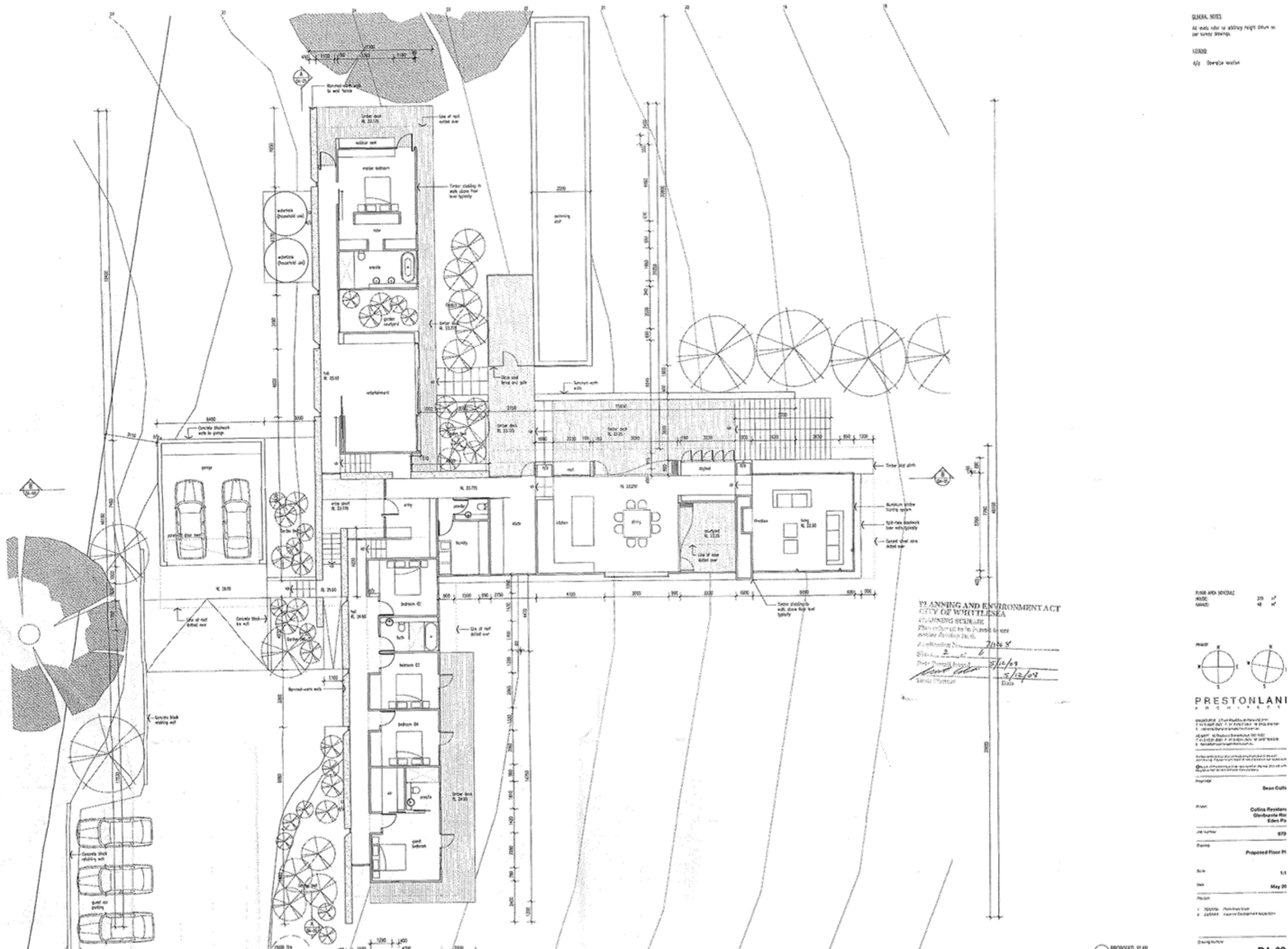
**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**

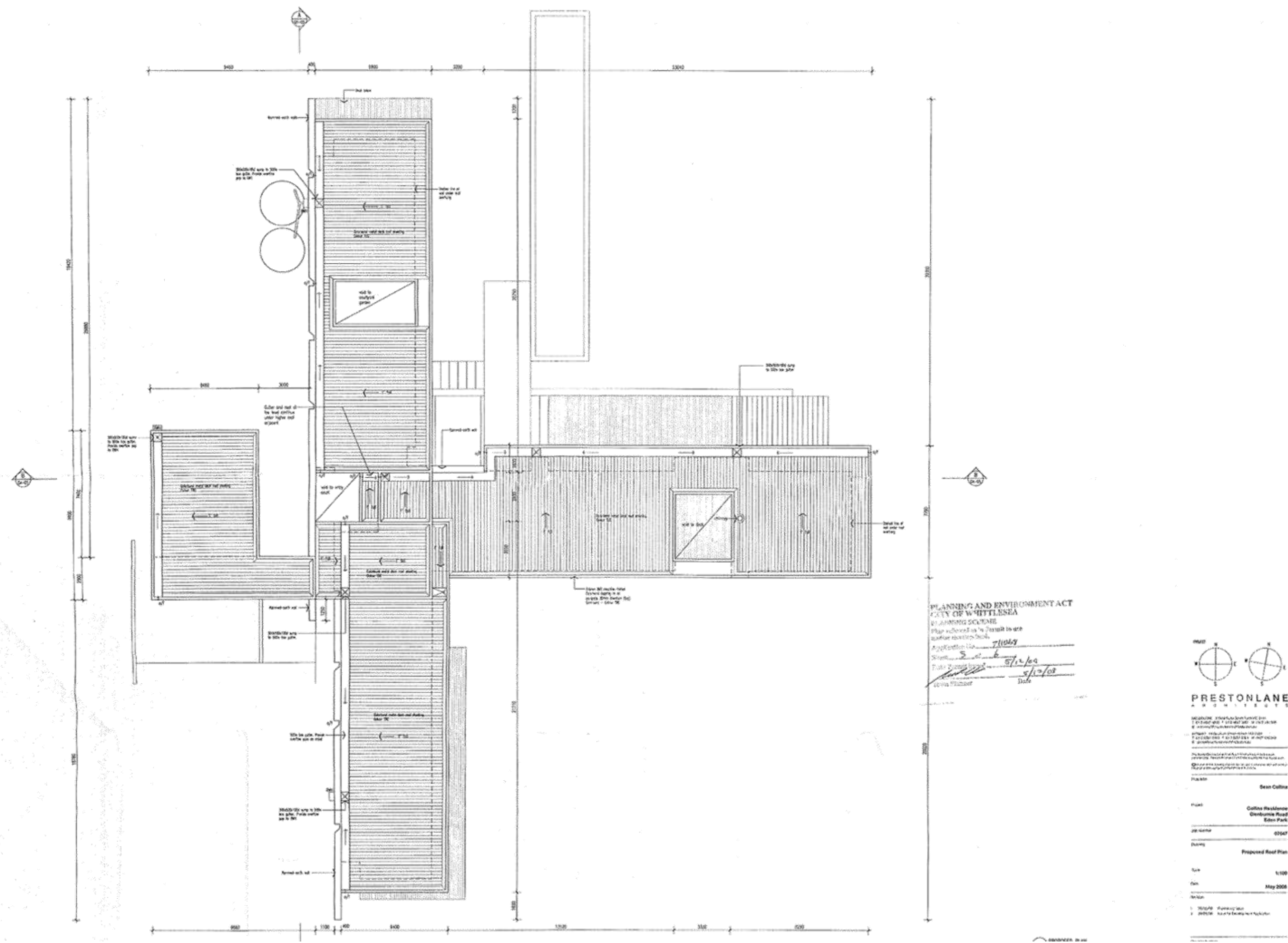




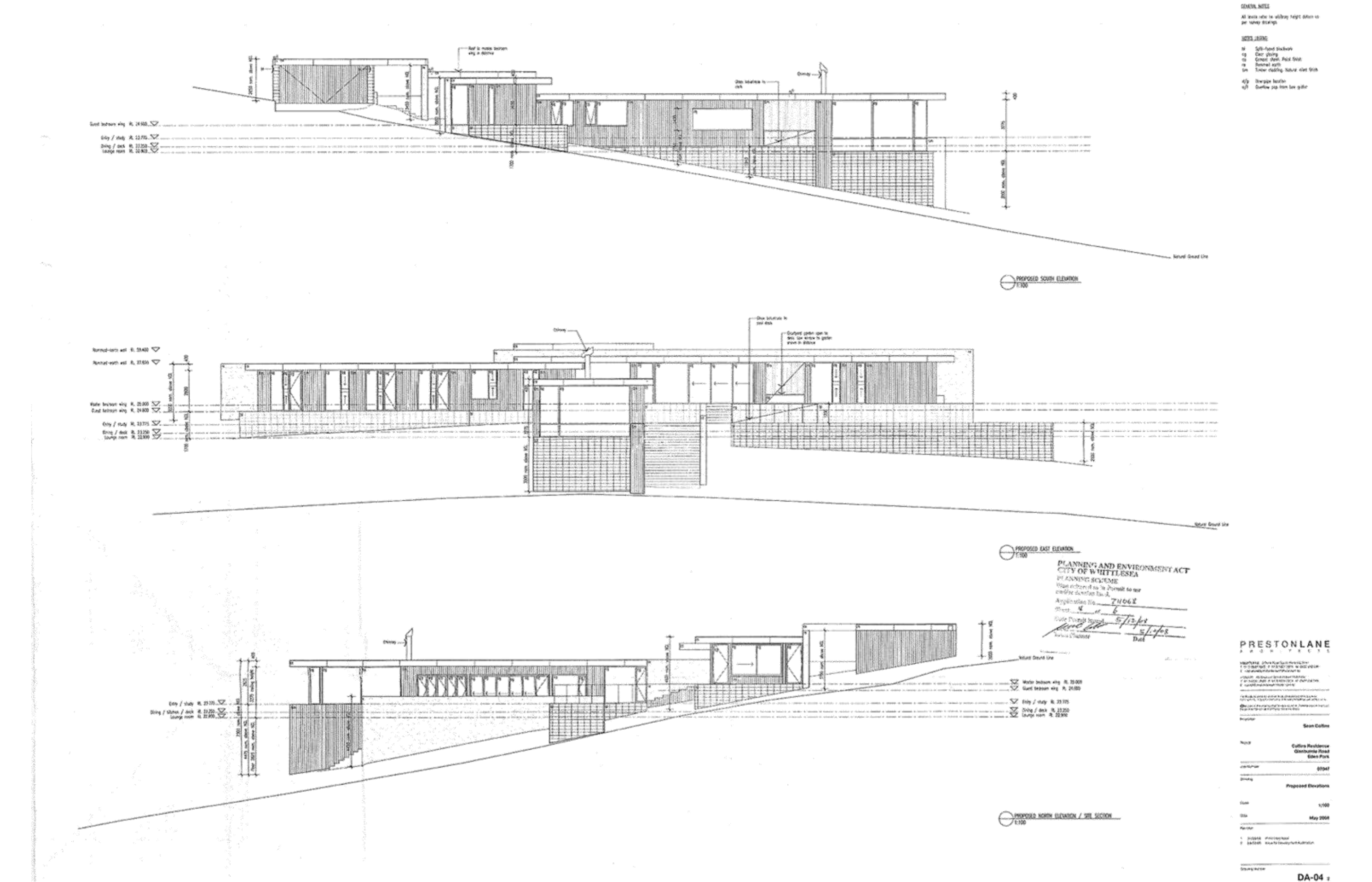




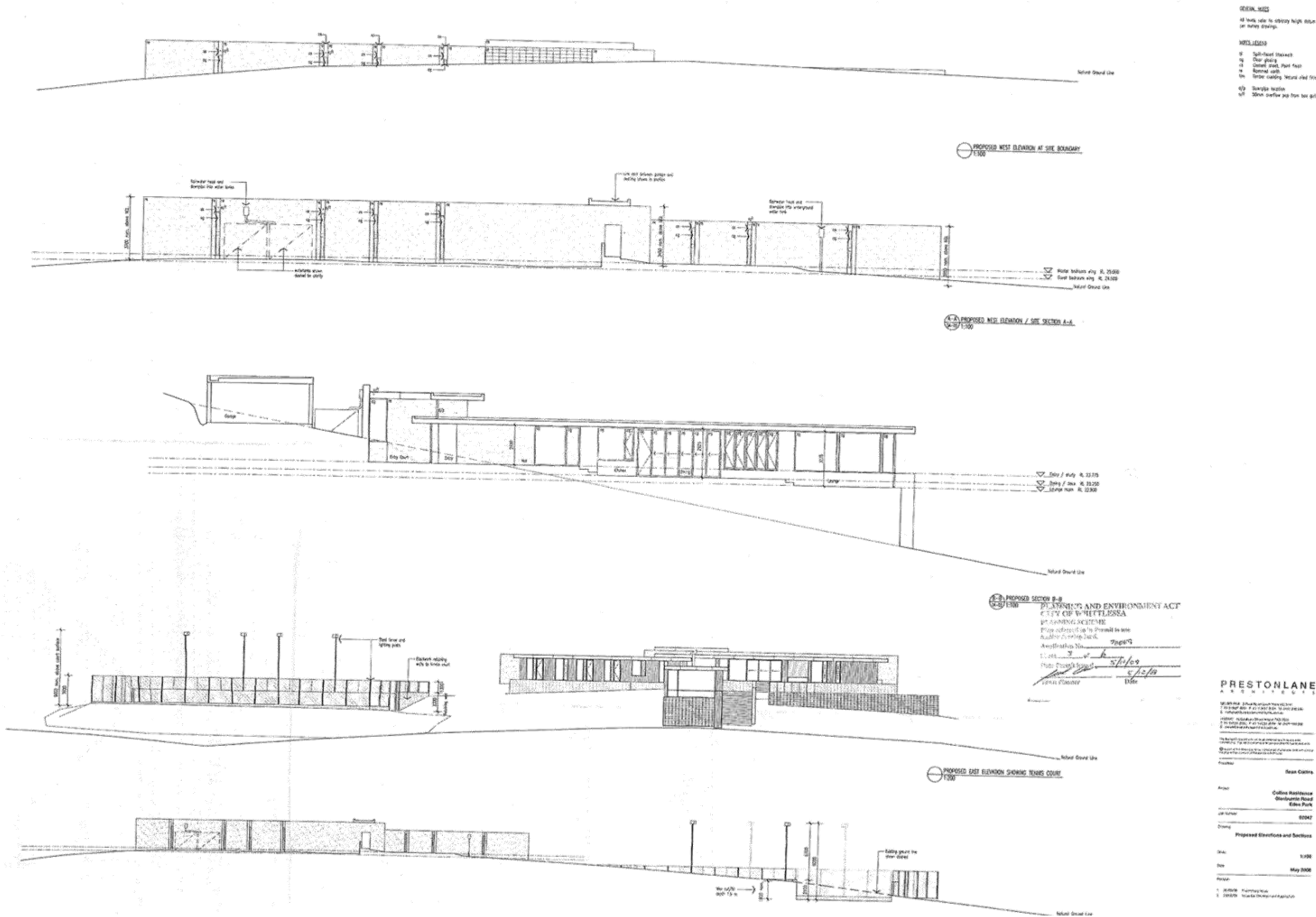


















**6.1.20 26 ROMEO COURT, MILL PARK - REQUEST FOR EXTENSION OF TIME TO PLANNING PERMIT - CONSTRUCTION OF FOUR DOUBLE STOREY DWELLINGS**

**File No:** 714513

**Attachments:** 1 Locality Maps [↓](#)  
2 Development Plans [↓](#)

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

**Author:** Planning Officer

**APPLICANT:** Q Wen Ren

**COUNCIL POLICY:** Nil

**ZONING:** General Residential Zone

**OVERLAY:** Development Contributions Plan Overlay

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

**REPORT****EXECUTIVE SUMMARY**

An application has been received to extend a planning permit (No. 714513) allowing the construction of four double storey dwellings at 26 Romeo Court, Mill Park. The application seeks to extend the time for the commencement and completion of the development for a further two years. The permit was originally granted on 3 December 2014 at the direction of VCAT following a Council resolution on 6 May 2014 to refuse the application following the receipt of four objections. This is the first extension of time request. The permit expired on 3 December 2016 as development has not commenced. The permit allows for extension requests to be made within six months of the lapse date.

This application is being reported to Council because planning circumstances have changed since the permit was initially granted. The report recommends that the extension of time be approved as it is 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 standard to medium 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 Romeo Court, Mill Park approximately 530m southwest of Bush Boulevard and approximately 300m south of the Plenty Valley Town Centre (via Stillman Drive) (see Attachment 1). The site comprises an area of 933m<sup>2</sup> and currently contains a detached single storey dwelling. The surrounding area is generally characterised by a mixture of double and single storey dwellings. A number of medium density housing developments are located within the immediate area.



## BACKGROUND

Planning Permit No. 714513 was granted at the direction of VCAT on 3 December 2014 authorising the construction of four double storey dwellings (see *Attachment 2* which are the advertised plans). Condition No. 20 of the permit allows for extension of time to be granted if development does not commence within the two year period..

## CURRENT PERMIT EXTENSION REQUEST

The applicant seeks an extension of two (2) years from the current permit lapse date (3 December 2016) to commence and complete the development due to only recently acquiring the property.

## ASSESSMENT

When the permit was issued on 3 December 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 State wide 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 'Neighbourhood Interface' change area in which preferred housing is to be characterised by medium to standard density housing comprising single dwellings, dual occupancies, townhouses and multi units. These areas are in moderate proximity (10-15 minute walk) to public transport and activity centres and local neighbourhood shopping centres undergoing renewal

The HDS sets out 'Key Design Principles' that encourage a range of low to medium building heights that support some housing diversity and moderate front setbacks and sufficient side and rear setbacks to allow for landscaping and external access to the rear.

The proposed development (see *Attachment 2*) is for four double storey dwellings. VCAT considered the development in the context of zone provisions, Clause 55 Assessment and the draft HDS and found the proposal to be generally consistent with the planning scheme provisions and proposed 'Neighbourhood Interface' 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*

This is the first request for an extension and there is no evidence that the new owner 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 only recently acquiring the land and associated permit.

*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 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 '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 likely that the current proposal would be supported if a fresh application were to be made. On these grounds it is recommended that a further extension of time be approved.

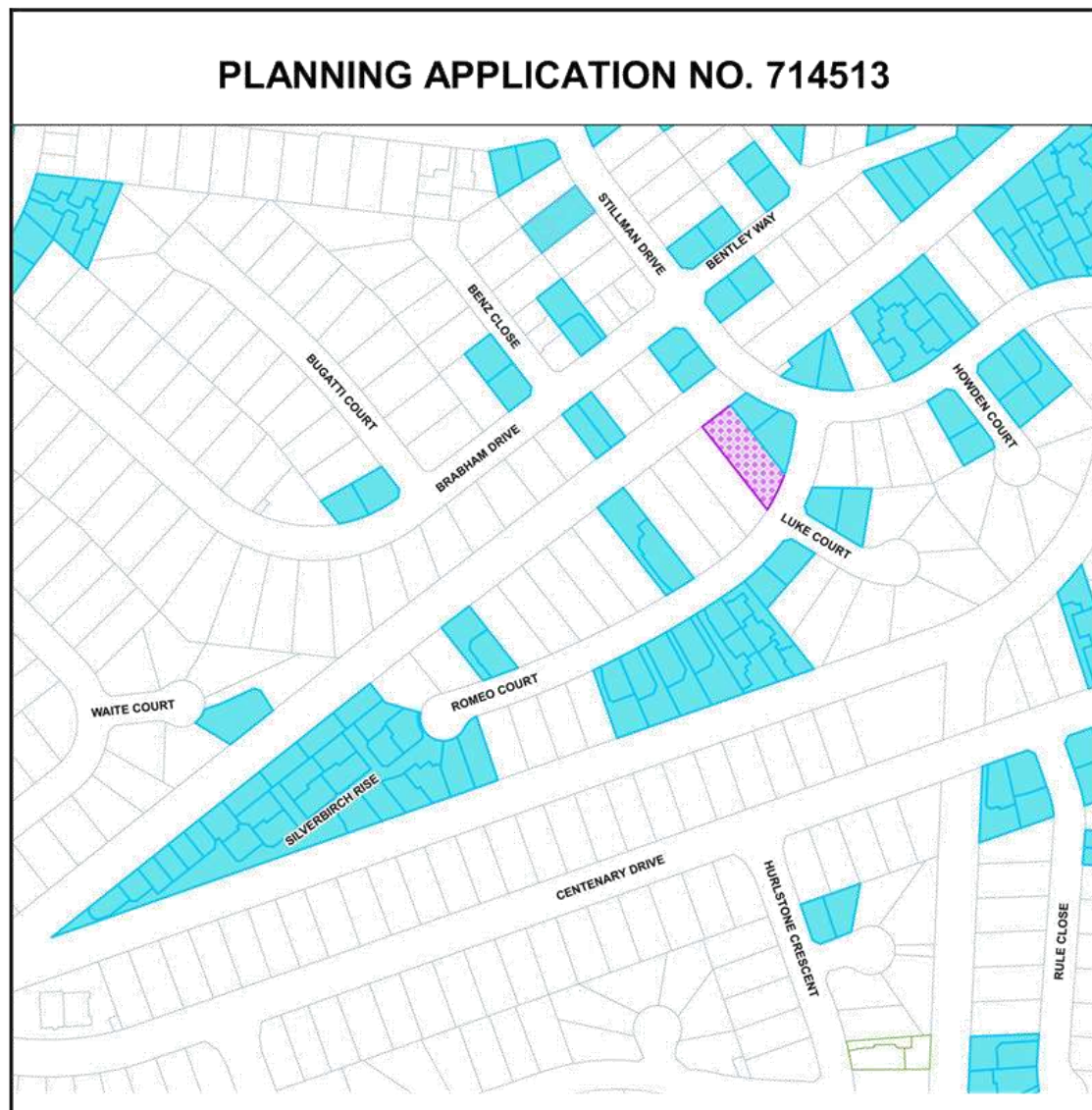
## RECOMMENDATION

**THAT Council resolve to approve the application to extend Planning Permit No. 714513 for a further two years (until 3 December 2018) for the construction of four double storey dwellings at 26 Romeo Court, Mill Park and advise the applicant accordingly.**









**Subject Land**



**Medium Density Housing**



**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**



# PLANNING APPLICATION NO. 714513



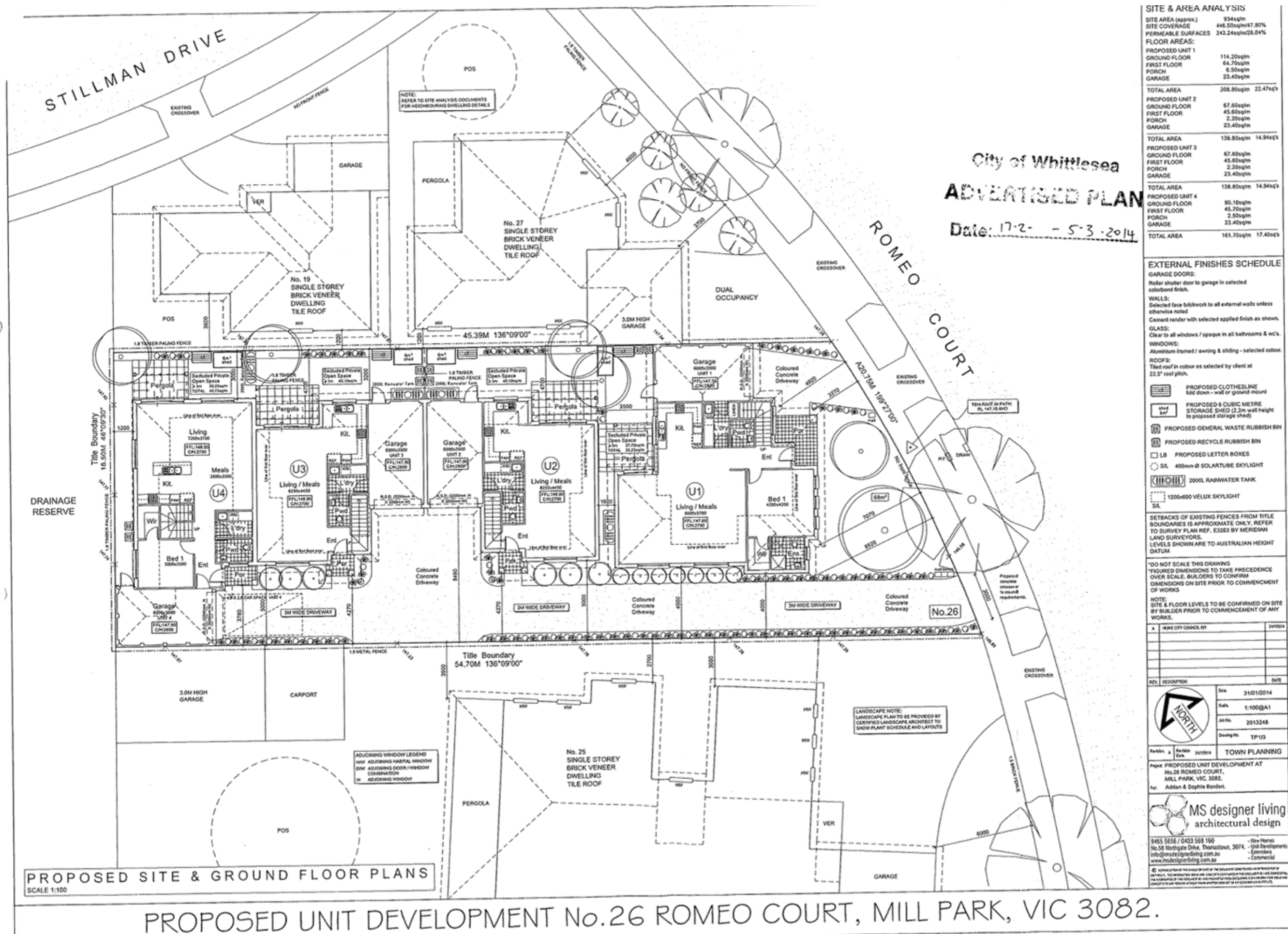
-  Subject Land
-  Medium Density Housing



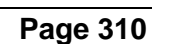
City of  
Whittlesea

## DEVELOPMENT ASSESSMENT REPORT













SITE & AREA ANALYSIS		
SITE AREA (approx.)	934sqm	
SITE COVERAGE	446.50sqm	47.80%
PERMEABLE SURFACES	243.24sqm	26.04%
FLOOR AREAS:		
PROPOSED UNIT 1		
GROUND FLOOR	114.20sqm	
FIRST FLOOR	64.70sqm	
PORCH	6.50sqm	
GARAGE	23.40sqm	
TOTAL AREA	208.80sqm	22.47%
PROPOSED UNIT 2		
GROUND FLOOR	67.50sqm	
FIRST FLOOR	45.60sqm	
PORCH	2.20sqm	
GARAGE	23.40sqm	
TOTAL AREA	138.80sqm	14.94%
PROPOSED UNIT 3		
GROUND FLOOR	67.50sqm	
FIRST FLOOR	45.60sqm	
PORCH	2.20sqm	
GARAGE	23.40sqm	
TOTAL AREA	138.80sqm	14.94%
PROPOSED UNIT 4		
GROUND FLOOR	90.10sqm	
FIRST FLOOR	45.70sqm	
PORCH	2.50sqm	
GARAGE	23.40sqm	
TOTAL AREA	161.70sqm	17.40%

## EXTERNAL FINISHES SCHEDULE


**GARAGE DOORS:**  
Roller shutter door to garage in selected coloured finish.


**WALLS:**  
Selected face brickwork to all external walls unless otherwise noted  
Cement render with selected applied finish as shown.


**GLASS:**  
Clear to all windows / opaque in all bedrooms & w.c.s


**WINDOWS:**  
Aluminium framed / awning & sliding - selected colour


**ROOFS:**  
Tiled roof in colour as selected by client at 22.5° roof pitch.


 **PROPOSED CLOTHESLINE**  
fold down - wall or ground mount


 **PROPOSED 6m<sup>2</sup> SHED**  
**PROPOSED 6 CUBIC METRE STORAGE SHED** (2.2m wall height to proposed storage shed)


 **PROPOSED GENERAL WASTE RUBBISH BIN**

 **PROPOSED RECYCLE RUBBISH BIN**

 **LB PROPOSED LETTER BOXES**

 **SA 400mm Ø SOLARTUBE SKYLIGHT**

 **200L RAINWATER TANK**


 **1200x800 VELUX SKYLIGHT**

SETBACKS OF EXISTING FENCES FROM TITLE BOUNDARIES IS APPROXIMATE ONLY, REFER TO SURVEY PLAN REF. E3263 BY MERIDIAN LAND SURVEYORS.  
LEVELS SHOWN ARE TO AUSTRALIAN HEIGHT DATUM


DO NOT SCALE THIS DRAWING  
FIGURED DIMENSIONS TO TAKE PRECEDENCE OVER SCALE. BUILDERS TO CONFIRM DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS

NOTE:  
SITE & FLOOR LEVELS TO BE CONFIRMED ON SITE BY BUILDER PRIOR TO COMMENCEMENT OF ANY WORKS.

A	HUNTSVILLE CITY COMMISSION, 2010	10/10/10

REV.	DESCRIPTION	DATE
	Date:	31/01/2014
	Scale:	1:100@A1
	Job No.	2013248
	Drawing No.	TP3/3

Revised: 8/20/2014	Project: TOWN PLANNING
Project: PROPOSED UNIT DEVELOPMENT AT No.26 ROMEO COURT, MILL PARK, VIC, 3082.	
For: Adrian & Sonnie Bedford	



**MS** designer living  
architectural design

9465 5656 / 0403 568 160  
No.58 Northgate Drive, Thomastown, 3074.  
info@rdsdesignerliving.com.au  
www.rdsdesignerliving.com.au

- New Homes
- Unit Developments
- Extensions
- Commercial

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PROPOSED ELEVATIONS  
SCALE 1:100

PROPOSED UNIT DEVELOPMENT No.26 ROMEO COURT, MILL PARK, VIC 3082.







**6.1.21 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.

A draft Council report for adoption was initially prepared for the Council meeting on 13 December 2016. It was deferred to this February meeting, so the new Councillors could be briefed on the Amendment prior to Council's consideration. The Forum presentation was made on 24 January 2017 to outline the progress of 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.

**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, where a permit is required under another provision of the scheme, this policy will assist by providing guidance on the matters to be taken into account in Council's discretionary decision making on land where bushfire or grassfire risk is a consideration. In terms of the practical application of the policy, this means Council will assess an application based on the factors that would influence fire risk, such as surrounding landscape (woodland or managed grasslands), buffer distance, provision of a perimeter road, siting of buildings on a property (slope, orientation), location and size of utility assets (water supply, electricity, gas) and the location and number of access and egress points to the property, taking into account any existing fire management plan approved for the site.

The proposed policy 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.
- Seek clarification on the reference to the 60 metre fire break rather than just refer to the Australian Standard. The 60 metres is not explicit in the Australian Standard so the policy needed to 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)	CFA support the Amendment given it places greater emphasis on bushfire and grassfire risk within the decision	The policy is not intended to duplicate existing arrangements. Minor amendments have been made to the	Yes



Submitter	Issues	Officer's comments	Submission Resolved
	<p>making process, and ensures future development is built with high level fire safety considerations.</p> <p>Minor amendments 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>policy (<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>	
Victorian Planning Authority (VPA)	VPA support the Amendment, noting the general approach is consistent with current practice in precinct structure planning. Minor amendments were sought to improve clarity of the fire break arrangements.	Minor amendments have been made to the policy ( <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	<p>The Submitter is concerned about the potential duplication of existing controls.</p> <p>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.</p>	<p>The policy is not intended to duplicate existing arrangements.</p> <p>A local policy is appropriate to provide guidance on how Council will consider bushfire management issues, as required by state planning policy.</p> <p>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, although the distance will be subject to the approval of the MFPO.</p> <p>Other minor amendments have been made to the policy (<i>Attachment 2</i>) to address 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 as a Reference.</p>	Yes
Mirvac	<p>The Submitter was concerned about potential duplication of existing controls.</p> <p>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.</p> <p>Subsequent discussion also revealed concerns with the ambiguity around the term "bushfire behaviour" and the mechanism to address it.</p> <p>The submitter requested some minor changes to the policy to address these concerns.</p>	<p>The policy is not intended to duplicate existing arrangements.</p> <p>A local policy is appropriate to provide guidance on how Council will consider bushfire management issues, as required by state planning policy.</p> <p>Minor amendments have been made to the policy (<i>Attachment 2</i>) to address the matters identified. The amended wording clarifies but does not duplicate existing approval processes. In particular, reference has been added in the Decision Guidelines to allow consideration of any Site Management Plan already approved for a site. Reference to "bushfire behaviour" has also been removed to avoid confusion, as other policy clauses and decision guidelines are sufficient.</p>	Yes
Officers	Minor correction to the term "Reference Documents"	Change 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>
-----------------------

**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.**



EXHIBITED VERSION  
WHITTLESEA PLANNING SCHEME

**21.07 ENVIRONMENTAL RISK**

27/03/2014  
C177

**21.07-1 Floodplains**

27/03/2014  
C177

Refer to Clause 13.02

**21.07-2 Erosion and Landslip**

27/03/2014  
C177

Refer to Clause 13.03-2

**21.07-3 Salinity**

27/03/2014  
C177

Refer to Clause 13.03-3

**21.07-4 Bushfire**

DD/MM/YYYY  
Proposed C198

Bushfires and grassfires have had significant social, economic, and environmental impacts on the City of Whittlesea and its residents. Council's aim is to strengthen community resilience to bushfire and ensure that fire risks are carefully considered throughout the planning and development process.

The *Regional Bushfire Planning Assessment* (Melbourne Metropolitan Region, 2012) outlines that bushfire hazard is high in the northern rural reaches of the municipality in addition to areas along the Plenty River adjacent to established and emerging residential estates. This hazard is due to the nature and extent of vegetation, topography, settlement patterns and road access arrangements.

Grassland areas also present a fire hazard, particularly at the urban-grassland interface of existing settlements. Residential areas that are bordered by non-urban edges including conservation areas, cleared agricultural land and open space where new development is expected to occur are at a higher risk of grassfire that can spread rapidly and put lives and property in danger.

**Objective 1 To ensure that strategic and settlement planning decisions prioritise the protection of human life.**

Strategy 1.1 Direct growth to areas of lower bushfire risk having regard to the municipal and local context.

Strategy 1.2 Avoid locations where bushfire risk cannot be reduced to an acceptable level.

**Objective 2 To reduce the impact of bushfire risk.**

Strategy 2.1 Ensure that decision-making considers issues of strategic and settlement planning as a primary consideration, followed by precinct and lot level responses.

Strategy 2.2 Consider alternate options for development in areas where required bushfire protection measures may be incompatible with environmental and cultural heritage objectives.

**21.07-5 Implementation**

DD/MM/YYYY  
Proposed C198

**Resource Documents**



**EXHIBITED VERSION**  
WHITTLESEA PLANNING SCHEME

- Clause 22.03 Bushfire Management Local Planning Policy
- Department of Environment, Land, Water and Planning Regional Bushfire Planning Assessment – Metropolitan Melbourne Region (2012).
- City of Whittlesea Municipal Fire Management Plan (2012-2015), as amended from time to time.
- Country Fire Authority Preferred Requirements: Water supplies and access for subdivisions in Residential 1 and 2 and Township Zones (2006).
- Country Fire Authority Preferred Requirements: Water supplies and access for subdivisions in Rural Zones (2006).
- Australian Standard AS 3959: 2011, Construction of Buildings in Bushfire Prone Areas



EXHIBITED VERSION  
WHITTLESEA PLANNING SCHEME

**22.03 BUSHFIRE MANAGEMENT POLICY**

DD/MM/YYYY  
Proposed  
C198

This policy applies to all land in the municipality within a designated Bushfire Prone Area as outlined in the *Building Regulations* 2006, which is not already covered by a Bushfire Management Overlay (BMO).

The policy applies to residential subdivisions of 10 lots or more, new residential and commercial uses, and development applications for:

- Accommodation
- Child Care Centre
- Education centre
- Office
- Place of Assembly
- Emergency services facility
- Hospital
- Research centre
- Cinema-based entertainment facility
- Shop
- Food and drink premises
- Gambling premises
- Animal keeping
- Major sports and recreation facility
- Indoor recreation facility
- Or any application for development that will result in people congregating in large numbers.

**22.03-1 Policy Basis**

Bushfires and grassfires have had significant social, economic and environmental impacts on the City of Whittlesea and its residents. This policy seeks to strengthen the community's resilience to bushfire and ensure that fire risks are carefully considered in the planning and development process.

Areas in the municipality of high-to-extreme bushfire risk have been mapped and are covered by the Bushfire Management Overlay (BMO). However, fire hazard in the municipality is not limited to areas of extreme bushfire hazard as mapped by the BMO, and areas of low-to-medium fire hazard are more prevalent throughout the municipality. These areas are identified in the State-wide designated Bushfire Prone Area (BPA) map as outlined in the *Building Regulations* 2006.

In particular, the City of Whittlesea has extensive undeveloped areas located at the urban/rural interface of existing settlements. Residential areas that are bordered by non-urban edges including conservation areas, cleared agricultural land and open space where new development is expected to occur are at a higher risk of grassfire that can spread rapidly and put lives and property in danger.

Where residential settlement is permitted, particular attention to fire issues is needed in the design of subdivisions, the siting and design of buildings, and the management of land in areas that are not covered by a Bushfire Management Overlay (BMO).

Decision-making around fire risk will consider strategic and settlement planning as a primary consideration followed by precinct, neighbourhood and site level responses.

**22.03-2 Objectives**

- To give effect to the relevant objectives and strategies of Clause 13.05 (Bushfire) over all land identified as being at risk of bushfire.



**EXHIBITED VERSION**  
**WHITTLESEA PLANNING SCHEME**

- To ensure that land use planning and development planning applications are informed by a broad consideration of bushfire.
- To avoid intensifying bushfire risk to people and property through inappropriately located, designed or managed uses or developments.
- To ensure that in areas outside of the BMO, bushfire and grassfire protection measures are considered for use and development which may be occupied by potentially vulnerable people and populations.
- To strengthen community resilience to bushfire by ensuring that bushfire and grassfire protection measures are considered and given effect to in large and/or isolated subdivisions outside the BMO.
- To ensure that the threat of grassfire in interface areas is considered at a precinct, sub-precinct, and street level through the provision of appropriate fire breaks and road network arrangements.
- To ensure the protection of environmental and cultural values from bushfire and grassfire risks.

**22.03-3 Policy**

**Strategic and Settlement Planning**

It is policy to:

- Ensure that the views and relevant publications (as outlined in Clause 21.16-6) of the Country Fire Authority (CFA) are taken into account in decision-making.
- Prioritise bushfire management outcomes that are not at the detriment of environmental and cultural heritage assets.
- Consider the views of the Municipal Fire Management Committee as outlined in the *City of Whittlesea Municipal Fire Management Plan* on potential risks to life, property and community infrastructure, and the ongoing resources which will be necessary to maintain those activities in conjunction with the ongoing use of land. Require that potentially vulnerable development outside of the Bushfire Management Overlay:
  - Considers the fire risk at a local level.
  - Incorporates passive fire risk mitigation measures, including through the siting, landscaping and layout of new development, to enhance resilience.

**Subdivisions**

It is policy to:

- Ensure that the subdivision of land outside of the Bushfire Management Overlay into more than 10 lots:
  - Consider the need for multiple points of access and egress to the existing and proposed road network.
  - Consider the need for perimeter roads and hard-edges at the urban-hazard interface (including grassland).
  - Require adequate access and egress opportunities for early residents, construction workers and emergency vehicles in emergent developments.
  - Implement a 60 metre fire break (buffer) between a grassland fire threat edge and a residential development edge (as specified in the Australian Standard AS3959: 2011), unless it has been determined that a reduced fire break is appropriate. The 60m fire break includes the widths of hard surfaces such as perimeter roads, footpaths, nature strips (non-vegetated) in addition to any closely managed grasslands or vegetation that is under 10cm in length. The fire break should not be comprised of land with high ecological values.



**EXHIBITED VERSION**  
**WHITTLESEA PLANNING SCHEME**

**Land Management**

It is policy to:

- Require that non-urban grasslands are maintained to a length of 10cm or under (or as specified in a municipal fire prevention notice), for any development where a Site Management Plan is required under a subdivision permit.

**Siting and Design**

It is policy to:

- Require that all new development considers the likely bushfire behaviour on a site and in the wider landscape.
- Strongly discourage the siting of buildings on north or north-west facing slopes, particularly steeper slopes and the ridges above these slopes.

**Water Supply and Utility**

It is policy to:

- Ensure that rural properties provide adequate water supply with suitable flow rates for fire fighting purposes.
- Ensure that the location of electricity and gas limits the possibility of ignition of surrounding bushland, grassland, or the fabric of buildings.

**Access**

It is policy to:

- Require multiple access and egress opportunities to open space and parklands.
- Require that all development provide appropriate fire authority access to and on the land.
- Require adequate access and egress opportunities for early residents, construction workers and emergency vehicles in emergent developments.

**22.03-4 Decision Guidelines**

Before deciding on an application to use or develop land the responsible authority will consider:

- The bushfire hazard on the land and in the surrounding landscape and the level of risk it poses to human life, property and community infrastructure.
- Whether necessary bushfire protection measures can be established and maintained in conjunction with the ongoing use of the land, including any mechanisms required to achieve this.
- The layout of subdivisions so as to provide for a clear fire break and to optimise the opportunity for escape from bushfires and access.
- The siting and design of buildings so as to reduce fire risk and damage.
- The impact of bushfire management measures on biodiversity and cultural heritage.
- Consistency with the approach to planning and decision-making in bushfire prone areas as outlined in this policy and Clause 21.07-4 of the Municipal Strategic Statement, which seeks to prioritise strategic and settlement planning followed by localised site based responses.
- Any relevant approved State, regional and municipal fire prevention plans.

**22.03-5 Policy Reference**



EXHIBITED VERSION  
WHITTLESEA PLANNING SCHEME

- *Bushfire Prone Area Map* determined under the *Building Regulations 2006* (as amended from time to time).
- *Regional Bushfire Planning Assessment – Metropolitan Melbourne Region* (Department of Environment, Land, Water and Planning, 2012).
- *Municipal Fire Management Plan* (City of Whittlesea, 2012-2015) (as amended from time to time).
- CFA preferred requirements: *Water supplies and access for subdivisions in Residential 1 and 2 and Township Zones* (2006).
- CFA preferred requirements: *Water supplies and access for subdivisions in Rural Zones* (2006).
- Australian Standard AS 3959: 2011, *Construction of Buildings in Bushfire Prone Areas*.



POST EXHIBITION VERSION  
WHITTLESEA PLANNING SCHEME

**21.07 ENVIRONMENTAL RISK**

27/03/2014  
C177

**21.07-1 Floodplains**

27/03/2014  
C177

Refer to Clause 13.02

**21.07-2 Erosion and Landslip**

27/03/2014  
C177

Refer to Clause 13.03-2

**21.07-3 Salinity**

27/03/2014  
C177

Refer to Clause 13.03-3

**21.07-4 Bushfire**

DD/MM/YYYY  
Proposed C198

Bushfires and grassfires have had significant social, economic, and environmental impacts on the City of Whittlesea and its residents. Council's aim is to strengthen community resilience to bushfire and ensure that fire risks are carefully considered throughout the planning and development process.

The *Regional Bushfire Planning Assessment* (Melbourne Metropolitan Region, 2012) outlines that bushfire hazard is high in the northern rural reaches of the municipality in addition to areas along the Plenty River adjacent to established and emerging residential estates. This hazard is due to the nature and extent of vegetation, topography, settlement patterns and road access arrangements.

Grassland areas also present a fire hazard, particularly at the urban-grassland interface of existing settlements. Residential areas that are bordered by non-urban edges including conservation areas, cleared agricultural land and open space where new development is expected to occur are at a higher risk of grassfire that can spread rapidly and put lives and property in danger.

**Objective 1 To ensure that strategic and settlement planning decisions prioritise the protection of human life.**

Strategy 1.1 Direct growth to areas of lower bushfire risk having regard to the municipal and local context.

Strategy 1.2 Avoid locations where bushfire risk cannot be reduced to an acceptable level.

**Objective 2 To reduce the impact of bushfire risk.**

Strategy 2.1 Ensure that decision-making considers issues of strategic and settlement planning as a primary consideration, followed by precinct and lot level responses.

Strategy 2.2 Consider alternate options for development in areas where required bushfire protection measures may be incompatible with environmental and cultural heritage objectives.

**21.07-5 Implementation**

DD/MM/YYYY  
Proposed C198

**Reference Documents**

- Clause 22.03 Bushfire Management Local Planning Policy



**POST EXHIBITION VERSION**  
WHITTLESEA PLANNING SCHEME

- Department of Environment, Land, Water and Planning Regional Bushfire Planning Assessment – Metropolitan Melbourne Region (2012).
- City of Whittlesea Municipal Fire Management Plan (2012-2015), as amended from time to time.
- Country Fire Authority Preferred Requirements: Water supplies and access for subdivisions in Residential 1 and 2 and Township Zones (2006).
- Country Fire Authority Preferred Requirements: Water supplies and access for subdivisions in Rural Zones (2006).
- Australian Standard AS 3959: 2011, Construction of Buildings in Bushfire Prone Areas



POST EXHIBITION VERSION  
WHITTLESEA PLANNING SCHEME

**22.03 BUSHFIRE MANAGEMENT POLICY**

DD/MM/YYYY  
Proposed  
C198

This policy applies to all land in the municipality within a designated Bushfire Prone Area as outlined in the *Building Regulations* 2006, which is not already covered by a Bushfire Management Overlay (BMO).

The policy applies to residential subdivisions of 10 lots or more, new residential and commercial uses, and development applications for:

- Accommodation
- Child Care Centre
- Education centre
- Office
- Place of Assembly
- Emergency services facility
- Hospital
- Research centre
- Cinema-based entertainment facility
- Shop
- Food and drink premises
- Gambling premises
- Animal keeping
- Major sports and recreation facility
- Indoor recreation facility
- Or any application for development that will result in people congregating in large numbers.

**22.03-1 Policy Basis**

Bushfires and grassfires have had significant social, economic and environmental impacts on the City of Whittlesea and its residents. This policy seeks to strengthen the community's resilience to bushfire and ensure that fire risks are carefully considered in the planning and development process.

Areas in the municipality of high-to-extreme bushfire risk have been mapped and are covered by the Bushfire Management Overlay (BMO). However, fire hazard in the municipality is not limited to areas of extreme bushfire hazard as mapped by the BMO, and areas of low-to-medium fire hazard are more prevalent throughout the municipality. These areas are identified in the State-wide designated Bushfire Prone Area (BPA) map as outlined in the *Building Regulations* 2006.

In particular, the City of Whittlesea has extensive undeveloped areas located at the urban/rural interface of existing settlements. Residential areas that are bordered by non-urban edges including conservation areas, cleared agricultural land and open space where new development is expected to occur are at a higher risk of grassfire that can spread rapidly and put lives and property in danger.

Where residential settlement is permitted, particular attention to fire issues is needed in the design of subdivisions, the siting and design of buildings, and the management of land in areas that are not covered by a Bushfire Management Overlay (BMO).

Decision-making around fire risk will consider strategic and settlement planning as a primary consideration followed by precinct, neighbourhood and site level responses.

**22.03-2 Objectives**

- To give effect to the relevant objectives and strategies of Clause 13.05 (Bushfire) over all land identified as being at risk of bushfire.



**POST EXHIBITION VERSION**  
**WHITTLESEA PLANNING SCHEME**

- To ensure that land use planning and development planning applications are informed by a broad consideration of bushfire.
- To avoid intensifying bushfire risk to people and property through inappropriately located, designed or managed uses or developments.
- To ensure that in areas outside of the BMO, bushfire and grassfire protection measures are considered for use and development which may be occupied by potentially vulnerable people and populations.
- To strengthen community resilience to bushfire by ensuring that bushfire and grassfire protection measures are considered and given effect to in large and/or isolated subdivisions outside the BMO.
- To ensure that the threat of grassfire in interface areas is considered at a precinct, sub-precinct, and street level through the provision of appropriate fire breaks and road network arrangements.
- To ensure the protection of environmental and cultural values from bushfire and grassfire risks.

**22.03-3 Policy**

**Strategic and Settlement Planning**

It is policy to:

- Ensure that the views and relevant publications (as outlined in Clause 21.16-6) of the Country Fire Authority (CFA) are taken into account in decision-making.
- Prioritise bushfire management outcomes that are not at the detriment of environmental and cultural heritage assets.
- Consider the views of the Municipal Fire Management Committee as outlined in the *City of Whittlesea Municipal Fire Management Plan* on potential risks to life, property and community infrastructure, and the ongoing resources which will be necessary to maintain those activities in conjunction with the ongoing use of land. Require that potentially vulnerable development outside of the Bushfire Management Overlay:
  - Considers the fire risk at a local level.
  - Incorporates passive fire risk mitigation measures, including through the siting, landscaping and layout of new development, to enhance resilience.

**Subdivisions**

It is policy to:

- Ensure that the subdivision of land outside of the Bushfire Management Overlay into more than 10 lots:
  - Consider the need for multiple points of access and egress to the existing and proposed road network.
  - Consider the need for perimeter roads and hard-edges at the urban-hazard interface (including grassland).
  - Require adequate access and egress opportunities for early residents, construction workers and emergency vehicles in emergent developments.
  - Implement an appropriate fire break (buffer) between a grassland fire threat edge and the lot boundary of the residential development edge to meet the (as specified in the Australian Standard (AS3959: 2011), or as amended), unless it has been determined that a reduced fire break has been determined by a fire management plan approved by the Municipal Fire Prevention Officer is appropriate. The 60m fire break includes the widths of hard surfaces such as perimeter roads, footpaths, nature strips (non-vegetated) in addition to any



POST EXHIBITION VERSION  
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closely managed grasslands or vegetation that is under 10cm in length. The fire break should not be comprised of land with high ecological values.

- [Require that non-urban grasslands are maintained to a length of 10cm or under \(or as specified in a municipal fire prevention notice\), for any development where a subdivision permit is required under other provisions of the planning scheme to include a Site Management Plan.](#)

**Buildings and works**

It is policy to:

**Land Management**

It is policy to:

- ~~Require that non-urban grasslands are maintained to a length of 10cm or under (or as specified in a municipal fire prevention notice), for any development where a Site Management Plan is required under a subdivision permit.~~

**Siting and Design**

It is policy to:

- ~~Require that all new development considers the likely bushfire behaviour on a site and in the wider landscape.~~
- Strongly discourage the siting of buildings on north or north-west facing slopes, particularly steeper slopes and the ridges above these slopes.

**Water Supply and Utility**

It is policy to:

- Ensure that rural properties provide adequate water supply with suitable flow rates for fire fighting purposes.
- Ensure that the location of electricity and gas limits the possibility of ignition of surrounding bushland, grassland, or the fabric of buildings.

**Access**

~~It is policy to:~~

- Require multiple access and egress opportunities to open space and parklands.
- Require that all development provide appropriate fire authority access to and on the land.
- Require adequate access and egress opportunities for early residents, construction workers and emergency vehicles in emergent developments.

**22.03-4 Decision Guidelines**

Before deciding on an application to use or develop land the responsible authority will consider:

- The bushfire hazard on the land and in the surrounding landscape and the level of risk it poses to human life, property and community infrastructure.
- Whether necessary bushfire protection measures can be established and maintained in conjunction with the ongoing use of the land, including any mechanisms required to achieve this.
- [The impact of bushfire management measures on biodiversity and cultural heritage.](#)
- The layout of subdivisions so as to provide for a clear fire break and to optimise the opportunity for escape from bushfires and access.



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- The siting and design of buildings so as to reduce fire risk and damage.
- ~~The impact of bushfire management measures on biodiversity and cultural heritage.~~
- Consistency with the approach to planning and decision-making in bushfire prone areas as outlined in this policy and Clause 21.07-4 of the Municipal Strategic Statement, which seeks to prioritise strategic and settlement planning followed by localised site based responses.
- Any relevant approved State, regional and municipal fire prevention plans, [Site Management Plan, or Precinct Structure Plan applying to the land.](#)

22.03-5 **Policy Reference** [Reference Documents](#)

- [Australian Standard AS 3959: 2011, Construction of Buildings in Bushfire Prone Areas \(as amended from time to time\).](#)
- *Bushfire Prone Area Map* determined under the *Building Regulations 2006* (as amended from time to time).
- [CFA preferred requirements: Water supplies and access for subdivisions in Residential 1 and 2 and Township Zones \(2006\).](#)
- [CFA preferred requirements: Water supplies and access for subdivisions in Rural Zones \(2006\).](#)
- [Municipal Fire Management Plan \(City of Whittlesea, 2012-2015\) \(as amended from time to time\).](#)
- [Planning Practice Note 64: Local Planning for bushfire protection \(September 2015\) \(as amended from time to time\)](#)
- ~~Regional Bushfire Planning Assessment – Metropolitan Melbourne Region (Department of Environment, Land, Water and Planning, 2012).~~
- ~~Municipal Fire Management Plan (City of Whittlesea, 2012-2015) (as amended from time to time).~~
- ~~CFA preferred requirements: Water supplies and access for subdivisions in Residential 1 and 2 and Township Zones (2006).~~
- ~~CFA preferred requirements: Water supplies and access for subdivisions in Rural Zones (2006).~~
- ~~Australian Standard AS 3959: 2011, Construction of Buildings in Bushfire Prone Areas.~~



**6.1.22 AURORA PLANNING SCHEME AMENDMENT: REZONING OF 239-255 CRAIGIEBURN ROAD, WOLLERT FROM FARMING ZONE TO COMPREHENSIVE DEVELOPMENT ZONE****File No:** 195394**Attachments:**  
1 **Aurora Comprehensive Development Plan (July 2007)**  
[↓](#)  
2 **Locality Plan** [↓](#)  
3 **Aurora Development Plan Part 2** [↓](#)**Responsible Officer:** Director Planning & Major Projects**Author:** Strategic Planner**REPORT****EXECUTIVE SUMMARY**

An application has been lodged seeking to rezone land at 239-255 Craigieburn Road, Wollert, from its current Farming Zone to Comprehensive Development Zone. The proposed amendment is required to facilitate the use and development of the site in accordance with the approved *Aurora Comprehensive Development Plan (Attachment 1)* and the *Aurora Development Plan Part 2* which sets out the strategic direction for the area. The rezoning of the land is predicated upon signing the requisite legal agreement for Council to secure development contributions when the land is subdivided. This approach has been consistently applied to other similar landholdings within the Aurora area.

The proposed amendment is implementing the approved Council framework for the land, therefore it is considered procedural in nature. As such, it is recommended that the Council provide support for a limited exhibition process under Section 20(2) of the *Planning and Environment Act 1987*.

**INTRODUCTION**

The purpose of this report is to discuss a proposed planning scheme amendment at 239-255 Craigieburn Road, Wollert. The proponent is seeking an amendment to rezone the subject site 239-255 Craigieburn Road, Wollert from Farming Zone to Schedule 4 of the Comprehensive Development Zone.

The subject site is located to the southern side of Craigieburn Road in Wollert and is approximately four hectares in size (*Attachment 2*). The site is rectangular in shape and is undeveloped with the exception of a single dwelling and associated outbuildings. The present use of the site is in keeping with its designation as Farming Zone which allows for a range of agricultural and associated uses appropriate to a rural context.

The subject site sits adjacent to the Aurora estate which forms part of the Epping North Growth Corridor. As a result, the surrounding area is the subject of significant urban development. This process is guided by the *Aurora Comprehensive Development Plan (ACDP)*, which was approved as part of Amendment C41 (Part 1) in November 2007. The *ACDP* covers a far larger area than just the Aurora estate (approximately 592 hectares) and includes a number of smaller landholdings including the subject site. The *ACDP* is bounded by O'Herns Road to the south and Craigieburn Road to the north, with the Hume Freeway forming the western boundary and pre-existing lot boundaries to the east. The subject site is located approximately midway along the northern boundary of the overall precinct with frontage to Craigieburn Road.



The *Aurora Comprehensive Development Plan* established the basis for the more detailed *Aurora Development Plan: Part 2* by establishing a set of detailed design and development principles for the development of the area (*Attachment 3*). Together these documents set out the strategic guidance required to facilitate the urban development of the precinct which will ultimately be home to approximately 25,000 residents.

The subject site is identified within the above mentioned strategic documents as being suitable for residential development.

## PLANNING ASSESSMENT

Council and the Minister for Planning agreed at the time of the original rezoning of the ACDP area (C41 Part 1) that the rezoning of the 'balance' individual parcels of land not forming part of the Aurora estate would be contingent upon landowners signing an agreement pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement would essentially formalise the requirements for developer and open space contributions. Aurora's majority landholder at the time, Places Victoria, entered into such an agreement as part of the original rezoning. This unilateral undertaking enabled the largest part of Aurora to be rezoned and for key infrastructure works to proceed over time.

A number of smaller landholders opted not to sign agreements and were subsequently left out of the rezoning at that time. Several of these landowners have subsequently entered into agreements with Council and have had their land rezoned. These amendments (C41 Part 2, 3 and 4) were all approved by the Minister for Planning under Section 20(4) of the *Planning and Environment Act 1987*. This was on the basis that the strategic merit of the wider proposal had already been considered as part of a large public process (C41 Part 1).

Recently, the landowner at 239-255 Craigieburn Road, Wollert has sought to commence the rezoning process in accordance with the established strategic framework. To this end, the landowner has signed the requisite Section 173 Agreement. In this context, the current request to amend 239-255 Craigieburn Road, Wollert should be considered as a procedural step in implementing this approach.

A number of planning overlays were applied to 239-255 Craigieburn Road as part of C41 Part 1 and require no alteration as part of the proposed amendment. They include:

- Schedule 23 of the Development Plan Overlay. This overlay provided the basis for the preparation of the *Aurora Development Plan (Part 2)*; and
- Schedule 2 of the Vegetation Protection Overlay. The intention of this overlay is to ensure that suitable assessment of vegetation takes place during forward planning and detailed proposal assessment stages of the planning process.

## NOTIFICATION

The strategic intent of Amendment C41 has already been extensively considered and subsequent parts to the amendment have been approved in recent years without formal exhibition. In the past, Council has sought the Minister for Planning's consideration and approval of the proposed amendment under Section 20(4) of the *Planning and Environment Act 1987*. However, Council officers have been advised that Planning Scheme Amendments seeking full Ministerial intervention are unlikely to be supported in this instance.

Notwithstanding, given that the strategic justification for the land has already been determined and the longstanding process for these 'balance' lots established, it is considered appropriate that the amendment be considered using the provisions of Section 20(2) of the *Planning and Environment Act 1987*. The provisions of Section 20(2) allows the Minister for Planning to grant an exemption from the requirements relating to giving notice of an amendment, except for those notice requirements for any Minister as listed within the Regulations which cannot be exempted. It is considered that this approach will have a better chance of support from the Minister for Planning and in so far as it streamlines aspects of the notification process, it is considered appropriate to advance this request in this instance.



Notwithstanding, it is recommended that any Council resolution should provide for a full exhibition process in the event that the Minister does not support the Section 20(2) request. Whilst not providing the full notification exemption of a 20(4) process, it is still considered a more streamlined approach to deal with this amendment which is of a procedural nature.

## DISCUSSION

The subject site is located within the ACDP area and identified as part of this strategic plan as being suitable for urban development. The current Farming Zone affecting the property is essentially a 'holding zone' until appropriate infrastructure arrangements can be agreed. It is considered that this proposal implements Council's long term strategic vision for the area as directed by ACDP and ADP2.

Prior to considering this amendment, the land owner was required to enter into a legal agreement to 'lock in' development and open space contributions applicable to the ACDP area, consistent with other 'balance' landowners in the area. As indicated earlier in the report, this continues on a well-established process for rezoning 'balance' parcels of land within the ACDP.

Once rezoned (if supported by Council) and once all other relevant approvals are obtained, these 'balance' parcels are able to be developed and integrated into the broader area. In particular, the subject land once subdivided will connect into the existing Aurora estate which is currently being developed by Lend Lease.

The timing of 'balance' landholdings entering into legal agreements is completely dependent on the landowner and not dictated by Council. It is the preference of Council officers to include more than one landholding into a Planning Scheme Amendment as it has been the case in previous amendments, but this is not always possible given the differing individual circumstances of each landholding.

In order to ascertain interest, Council officers wrote to the remaining Farming Zone properties in the Aurora area soon after this proposal was lodged, however no response was received to these letters. Now that this landowner has signed the legal agreement, there are only three parcels of land remaining in the ACDP area where development and open space contributions have not been secured.

## POLICY STRATEGY AND LEGISLATION

The *Aurora Comprehensive Development Plan* was adopted by Council and the Minister for Planning in 2007. It sets the long term strategic direction for the area and is the approved council framework for the wider area. The proposal is intended to facilitate the ongoing development of Aurora and is necessary to achieve the overall aims and objectives of the *Aurora Development Plan (Part 2)*.

## 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 proposed amendment will contribute toward the strategic objective of the Council Plan to use Urban Design in order to build connection to place and the community by enabling the strategic aims of the *Aurora Comprehensive Development Plan* to be achieved. It will also contribute towards the strategic objective to establish a road network that provides adequate access to the municipality.



**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

Rezoning the land at 239-255 Craigieburn Road, Wollert from Farming Zone to Comprehensive Development Zone will implement the objectives envisaged in the *Aurora Comprehensive Development Plan* and the *Aurora Development Plan Part 2*. The landowner has entered into the necessary infrastructure agreement for the site which removes the impediment for the rezoning process to occur. This reflects the longstanding implementation framework for rezoning of these smaller 'balance' landholdings and their integration into the overall Aurora precinct.

It is considered that this proposal implements Council's long term strategic vision for the area as directed by ACDP and ADP2. This amendment is a procedural process to rezone the land for urban development following execution of the relevant Section 173 Agreement enshrining applicable development and open space contributions.

Given the procedural nature of the amendment, it is considered appropriate to request from the Minister for Planning a more 'streamlined' approach to the consideration of this amendment.

It is therefore recommended that Council support the amendment and seek authorisation from the Minister for Planning to prepare and exhibit the planning scheme amendment to rezone the land in accordance with Section 20(2) of the *Planning and Environment Act 1987*. If the request for consideration under Section 20(2) of the *Planning and Environment Act 1987* is not supported, then a full amendment would be required.

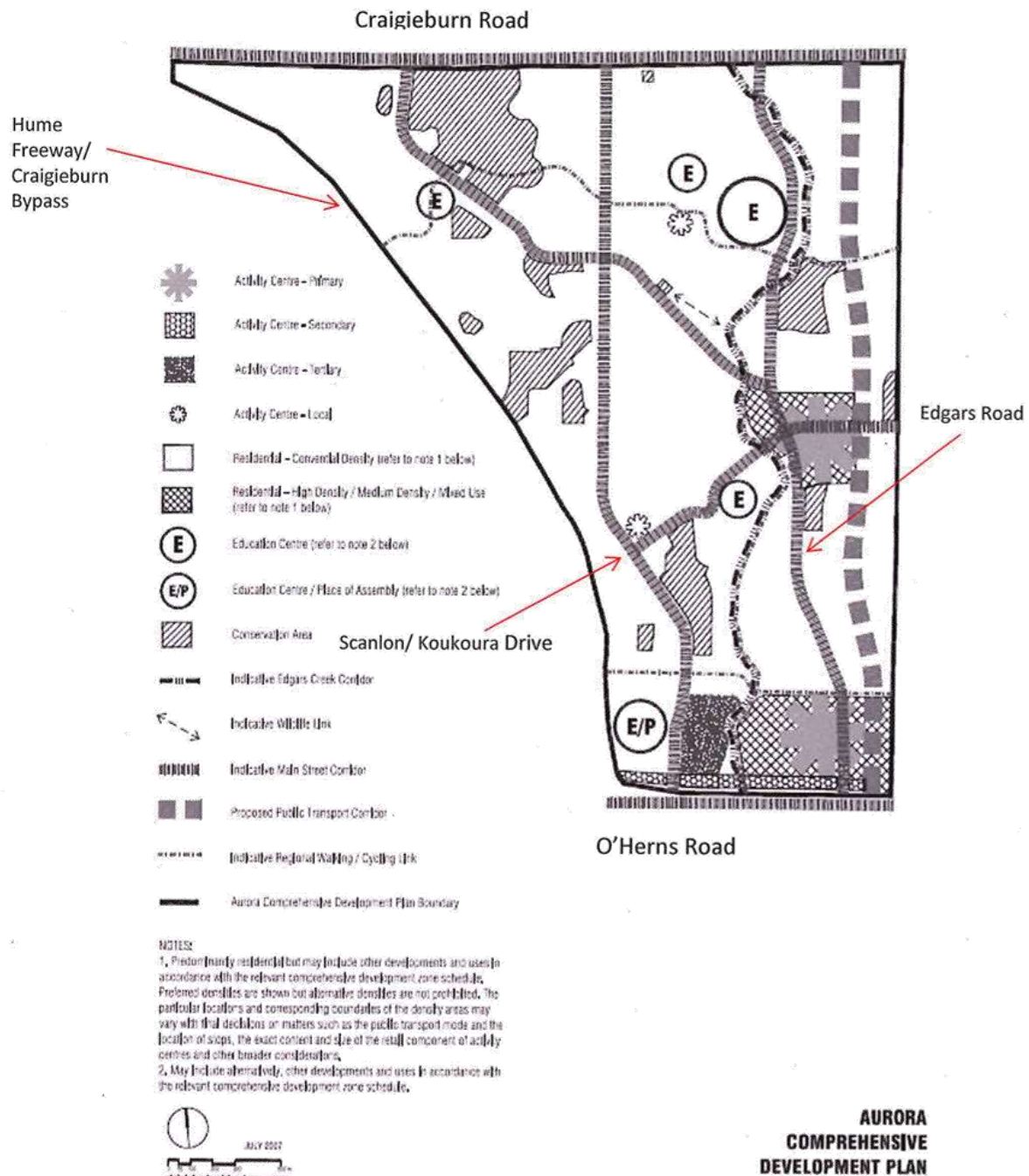
**RECOMMENDATION**

**THAT Council resolve to:**

1. **Seek authorisation from the Minister for Planning to prepare and exhibit the amendment to the Whittlesea Planning Scheme for the rezoning of 239-255 Craigieburn Road, Wollert from Farming Zone to Comprehensive Development Zone under Section 20(2) of the *Planning and Environment Act 1987*.**
2. **Seek authorisation from the Minister for Planning to prepare and exhibit the amendment to the Whittlesea Planning Scheme in accordance with the *Planning and Environment Act 1987* should the Minister for Planning not consent to the exhibition of the amendment under Section 20(2) of the *Planning and Environment Act 1987*.**
3. **Advise the affected stakeholders of the above and any decisions of the Minister for Planning.**



Attachment 1: Aurora Comprehensive Development Plan (July 2007)









Attachment 2: Locality Plan – Subject Site outlined in red

*Subject site shown in red*



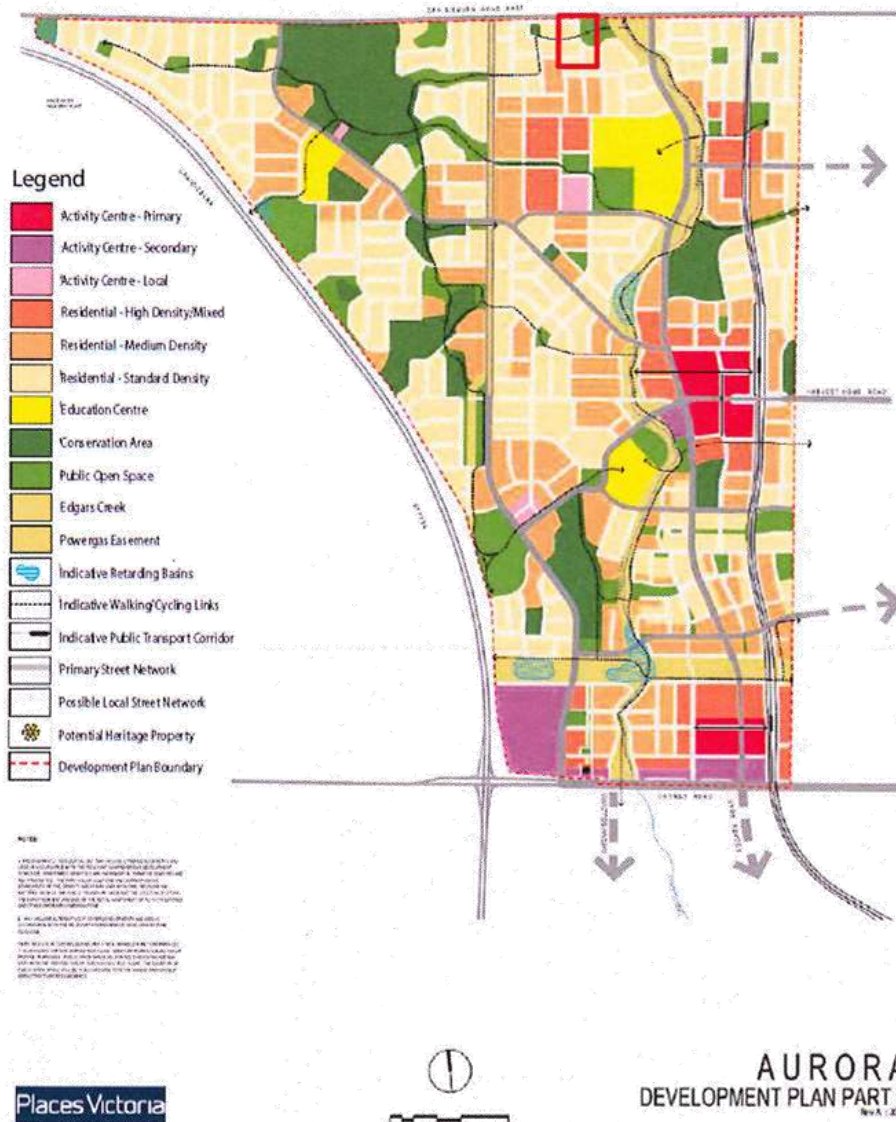






### Attachment 3: Aurora Development Plan Part 2

*Approximate location of subject site outlined in red*









**6.1.23 PLENTY VALLEY TOWN CENTRE STRUCTURE PLAN - PROPOSED PLANNING SCHEME AMENDMENT****File No:** 193260

**Attachments:**

- 1 **Site Context Plan** [↓](#)
- 2 **Precincts Plan** [↓](#)
- 3 **Plenty Valley Town Centre Structure Plan, February 2017** (distributed separately - refer to p.9) [⇒](#)
- 4 **Stage 2 Consultation Submission Summary Table** [↓](#)
- 5 **Plenty Valley Town Centre Parking Precinct Plan** [↓](#)

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

The draft Plenty Valley Town Centre Structure Plan (the Structure Plan) has been prepared to provide a strategic framework and guide development and investment in the Town Centre in accordance with the vision for the Centre.

The Plenty Valley Town Centre is identified by the State Government as an 'Activity Centre' however it requires an updated holistic strategic planning framework to achieve this vision. The current planning controls affecting specific areas were progressively put in place and need revision to ensure they provide for a more coordinated approach to planning, development and infrastructure provision across the Town Centre.

The Structure Plan provides a holistic plan to guide development and investment in the Town Centre for the next 20 plus years. The Structure Plan identifies the strategies and actions to be implemented to realise the vision for an attractive, accessible and vibrant Town Centre. The plan will oversee a change in the development focus throughout the Town Centre as the Centre matures from a predominantly retail/ commercial basis to a more mixed use outcome.

The Structure Plan project has been ongoing for a number of years and Council has been regularly briefed and updated at key milestones of the project. The project has also incorporated a broader community and stakeholder engagement process which has included two stages of community consultation.

Stage 1 consultation was held in May-June 2014 and was designed to get an understanding of how people use the area and their ideas and aspirations for its future. The draft Structure Plan document was prepared based on the key themes and issues received in Stage 1 consultation as well as the key findings from the Structure Plan's Background Report.

The Stage 2 consultation occurred in March-April 2016 and involved engaging with the community and other key stakeholders to obtain community feedback on a draft Structure Plan document. The feedback from the community has been reviewed and some changes have been made to the draft document in response to the feedback received. The updated Structure Plan document is attached to this report.



The next stage of the project is the implementation phase. A Planning Scheme Amendment is required to make necessary amendments to the Whittlesea Planning Scheme to implement the Structure Plan. This includes (but is not limited to):

- rezoning of majority of land in the Town Centre to the Activity Centre Zone (ACZ);
- the application of a Parking Overlay (PO) to provide guidance for parking in the Town Centre;
- the application of a Development Contributions Plan Overlay (DCPO) to require contributions to be made towards infrastructure in the Town Centre; and
- the removal of controls which will be superseded by the Plenty Valley Structure Plan (i.e. Development Plan Overlays).

To provide for the implementation of the Plenty Valley Town Centre Structure Plan, it is recommended that Council approve the request to seek authorisation to prepare and exhibit the Planning Scheme Amendment. The exhibition will provide stakeholders and the community an opportunity to view, and make a submission on, the updated draft Structure Plan document.

A report will be presented to Council following the public exhibition process outlining the outcomes of the exhibition period and explaining the next steps forward.

## INTRODUCTION

The purpose of this report is to:

- Provide a background on the Structure Plan project including key milestones and dates;
- Provide detail on the draft Plenty Valley Town Centre Structure Plan document;
- Provide an overview of the consultation to date, with particular focus on the most recent Stage 2 Consultation. This includes outlining the Key Findings arising from the consultation period which occurred in March-April 2016 and how the Structure Plan has been updated upon review and consideration of the feedback received; and,
- Request to seek authorisation from the Minister for Planning to prepare and exhibit a future Planning Scheme Amendment in order to implement the Structure Plan into the Whittlesea Planning Scheme.

## BACKGROUND

The Plenty Valley has long been a significant growth corridor in the north of Melbourne. In 1989, the *Plenty Valley Strategic Plan* was approved for the growth corridor, which identified the area of South Morang, Mernda and Doreen as playing a key role in meeting the housing needs of Melbourne's expanding population. The plan rezoned 7000 hectares of land and established the regional activity centre to service the entire Plenty Valley in South Morang. This is the area currently known as the Plenty Valley Town Centre (*Attachment 1*).

In recent years, it has been identified as an 'Activity Centre' in the Northern Growth Corridor Plan and Plan Melbourne. The Plenty Valley Town Centre comprises important business, retail, community and transport facilities and activities servicing the wider region. However, to date the Town Centre is without a higher order plan to guide and promote development.

The preparation of a Structure Plan for Activity Centres is a key priority of the previous and current metropolitan planning strategies for managing growth and change in metropolitan Melbourne. Council's Municipal Strategic Statement also highlights the need to ensure that effective planning is undertaken for Whittlesea's Activity Centres to provide our growing community with local jobs, more diverse housing options, an expanded and broader range of retail uses and increased leisure and entertainment options.



The *South Morang Activity Centre Overall Development Plan* (ODP) was approved in 1998. This ODP provided more specific guidance as to the development of the Plenty Valley Town Centre from the *Plenty Valley Strategic Plan* as its current regional hub and formed the basis of the multiple Development Plans which are prevalent throughout the Town Centre. Each Development Plan applies to a small discrete area and was produced in response to a specific site context and a particular set of desired outcomes at the time of their production, noting that the oldest Development Plan dates back to 2001. As such, strategic planning and the development outcomes throughout the Plenty Valley Town Centre have varied significantly. Some parts of the Town Centre lack any site-specific direction, while others contain information and policy Which needs to be updated.

Since the approval of the *South Morang Activity Centre Overall Development Plan* in 1998, there have been significant changes to the Plenty Valley Town Centre which have increased investment interest and opportunities, as well as changing the focus of the Town Centre. These include (but are not limited to) the development of the Westfield Plenty Valley Shopping Centre and the rail extension from Epping to South Morang.

Large areas of undeveloped land within the Town Centre provide development potential, and it is important that a strategic framework is provided to guide this development and ensure that Council's vision for the Plenty Valley Town Centre is realised.

The current zoning in the Plenty Valley Town Centre is also limiting its development as a fully mixed use centre. Much of the Town Centre is zoned either Commercial 1 or Commercial 2 which limits to an extent the ability to develop a fully mixed use precinct and also allows for uses which may not necessarily be desirable in the Town Centre. Zoning changes have previously been made to the Whittlesea Planning Scheme to support development opportunities, however there have not dealt with the overall precinct. Council has been advised by the Department of Environment, Land, Water and Planning (DELWP) that until a Structure Plan is prepared for the Town Centre, there will be no support for further rezoning or other amendments to the Whittlesea Planning Scheme in this area.

## THE PLENTY VALLEY TOWN CENTRE STRUCTURE PLAN

Once approved, the Plenty Valley Town Centre Structure Plan (the Structure Plan) will be the strategic policy that will set out land use and development objectives for the Town Centre, and provides guidance to the local community, Council and the private sector on the appropriate development of the area for the next 20 plus years. It will satisfy Council's obligation to provide a strategic framework for a recognised Activity Centre.

In keeping with the vision for the centre, the Structure Plan is guided by the following themes:

- **An Attractive Town Centre** – Protecting and enhancing the landscape and built form character of the Town Centre, as well as improving public spaces more generally.
- **An Accessible Town Centre** – Improving access to, and within, the Town Centre by a range of transport modes, but focussing in particular on better provision for walking, cycling and public transport.
- **A Vibrant Town Centre** – Concentrating a greater range of activities within the Town Centre by promoting a diversity of housing, providing more social gathering places and expanding employment opportunities.



The Structure Plan has a section on centre wide strategic directions which correlate with the above themes and principles, before specifying five distinct precincts which then have a more defined focus and outcomes.

The five precincts are defined as:

1. Civic Precinct
2. Transport Hub Precinct
3. Central Shopping Precinct
4. Live and Work Precinct
5. Employment Precinct

A map of the Overall Precincts Plan is provided as *Attachment 2* and the updated Structure Plan document is included as *Attachment 3*.

The final section of the Structure Plan includes an Implementation section which outlines the key actions as identified within the Structure Plan, as well as the Infrastructure requirements necessary to meet the key aspects of the Structure Plan.

The following table provides a background on the process to date:

Key Milestone	Date
Commencement of Project	2013
Stage 1 Consultation	May-June 2014
Background Report	August 2015
Draft Structure Plan	February 2016
Stage 2 Consultation	March-April 2016
Updated Draft Structure Plan	February 2017 – (we are here)

As indicated above, Council officers have to date undertaken two stages of consultation relating to the Structure Plan. The outcomes of both stages of consultation have informed the content of the current Structure Plan. The Structure Plan will be finalised following the public exhibition during the Planning Scheme Amendment process.

As part of the updated Structure Plan, Council officers have also prepared a draft Parking Precinct Plan for the Town Centre. Parking (particularly commuter parking) is a significant issue within the Town Centre and as a nominated Activity Centre, it must be considered in conjunction with other inter-related factors such as existing and future land uses, public transport, road networks and employment in the Town Centre.

The draft Parking Precinct Plan is designed to ensure that sufficient levels of parking are provided within the Plenty Valley Town Centre, identify further actions to manage parking while encouraging the increased use of active and sustainable travel modes in and around the Town Centre. The plan will require Green Travel Plans to be prepared for large developments to promote the use of sustainable transport modes. The plan also encourages the provision of parking in multi-level facilities and provides guidelines for at-grade car parking so that they are sleeved by built form and appropriately landscaped. Implementing the plan will ensure sufficient parking is provided whilst reducing its visual impact.



## SUMMARY OF COMMUNITY CONSULTATION KEY FINDINGS AND DOCUMENT UPDATES

The Stage 1 consultation was held in May/June 2014 with its objectives to:

- Inform the community and relevant stakeholders that Council is preparing a Structure Plan for the Plenty Valley Town Centre;
- Understand how the community currently uses the Plenty Valley Town Centre; and
- Understand the community's vision for the future development of the area.

The consultation was extensive and a range of methods were used. These included (but were not limited to) staffed information stands at Westfield Plenty Valley, the distribution of approximately 4,500 brochures, display stands at 10 community facilities in the area, ads in the Whittlesea Leader and internet resources such as the Community Voice website and Facebook posts.

The draft Structure Plan document was produced on the basis of the key themes and issues received in Stage 1 consultation as well as the key findings from the Structure Plan's Background Report.

The Stage 2 community consultation occurred over a four week period in March/ April 2016 and involved engaging with the community as well as key other stakeholders and obtaining feedback on the draft Structure Plan document.

The Department of Environment, Land, Water and Planning (who will ultimately process the future planning scheme amendment) and other government agencies have also been consulted in respect to the proposal.

A variety of engagement methods were used to effectively consult with all stakeholders who may be interested in the Structure Plan.

The methods included:

- Project Brochure – distributed via mailouts and at information stands.
- Community Voice Project Webpage – materials distributed on the project webpage (Inc. accessible version), with an associated comments forum.
- Social Media – Facebook posts on Council's page.
- E-mail out to various Stakeholders and Government Agencies.
- Information 'pop ups' with project officers held during afternoon, evenings and weekends at Westfield Plenty Valley and South Morang Train Station.
- Drop-in sessions with project officers at Council offices (Civic Centre)
- Print Media – Advertisements and articles in Whittlesea Leader, Whittlesea Review and Business E-Newsletter
- Targeted consultation with youth, community and transport groups.
- Ensuring information was accessible to vision impaired and multi lingual

Feedback was invited via a variety of means including:

- Written submissions via email or mail
- Response to on-line forum questions
- Response to social media posts
- Completion of forms or verbal feedback provided at information stands and at drop in sessions.

From the feedback received from the community, industry, business, developers and State Government agencies, the Key Findings from the consultation were:

- Largely positive feedback and 'in principle' support for the Structure Plan;
- Support for the greater provision of public space outlined in the Structure Plan;



- Support for a greater variety of shops and entertainment options including restaurants, cinema and clothing stores;
- Concern with proposed connection of local streets, such as Peyton Drive and Stillman Drive to the Civic Drive extension, due to traffic and safety issues;
- Support for the Route 86 tram extension - Ferres Boulevard route preferred;
- Concern with increased numbers of multi-level buildings regarding their visual impact and generation of increased traffic in the local street network; and
- A range of site specific matters and technical issues with the document were also raised.

In light of the feedback received, a number of changes were made to the exhibited version of the Structure Plan. This feedback has now been incorporated into the updated Structure Plan document which is provided with this report.

The following table provides a summary of the issues, actions and responses to the consultation. A summary of each of the submissions received and response to the issues raised is included as *Attachment 4*.

*Table 1: Consultation Issues Summary*

Issue Arising from Stage 2 Consultation	Response in Updated Draft Structure Plan, November 2016
<i>Vision</i> Largely positive feedback and in principle support for the Structure Plan.	The vision and principles in the updated plan remain consistent with the exhibited version. Minor updates have been made to make it clearer.
<i>Public Space</i> Support for the greater provision of public space outlined in the Structure Plan.	Strategies for additional and improved public spaces have been retained. These strategies have been implemented into the infrastructure plan and will be included in the planning controls.
<i>Retail and Entertainment</i> Support for greater variety of shops and entertainment options including restaurants, cinema and clothing stores.	Strategies for additional retail and entertainment options have been retained. These strategies have been reflected in the planning controls to support these land uses particularly in the Central Shopping and Transport Hub precincts.
<i>Street Network and Traffic</i> Concern with connecting local streets, such as Peyton and Stillman Drives to the Civic Drive extension (east) due to traffic and safety issues.	A review of the street network proposed as part of previous plans and the draft Structure Plan was undertaken including additional traffic counts.
	The street network has been revised to reduce the potential of 'rat running', including staggering the intersections and relocating the signalised intersections from connecting with local streets. This will still provide important connection for local residents but discourage non local traffic from using the connection.
	The Road Network plan has been reviewed and revised to clearly show the proposed road hierarchy.
	A Glossary of has been inserted into the Appendices of the Structure Plan to provide a definition of 'key terms' including



Issue Arising from Stage 2 Consultation	Response in Updated Draft Structure Plan, November 2016
	<p>different road types.</p> <p>Additional strategies have been added into the Structure Plan requiring that the design of the local road connections to the Civic Drive extension addresses the concerns raised by local residents including traffic volumes and safety. This has also been added as a project to the Infrastructure Plan. The cross section of Civic Drive has also been revised to improve its streetscape and better reflect its role in the road network.</p>
<p><i>Tram Network Extension</i> Support for Route 86 tram extension along Ferres Blvd route.</p>	<p>The possible extension of Route 86 north of the Town Centre to Lakes Boulevard and Plenty Road has been updated on the plans.</p> <p>The plans have been updated to show the route along Ferres Boulevard as the proposed tram route north of McDonalds Road, with option of the tram running along Civic Drive option as a possible alternative.</p>
<p><i>Density and Design</i> Concern with increased numbers of multi-level buildings in the relation to their visual impact and generation of increased traffic in the surrounding local street network.</p>	<p>The building heights and built form controls have been reviewed to ensure that they are appropriate for the context of the activity centre its interfaces. Additional controls have been inserted where development is proposed with a sensitive interface (in proximity to residential development). These will be included in the draft planning controls. (<i>refer to Attachment 4</i>) for further information.</p> <p>The clarity of the built form controls has been improved by using simple tables. Terms such as 'key marker building' have been defined in the Glossary.</p>
<p><i>Environment</i> Further inclusion of environmental concepts and their related benefits.</p>	<p>Additional strategies have been added in respect to environmentally sustainable design and development. Requirements for sustainable development have been included in the draft planning controls.</p>
<p><i>Other</i> A range of site specific matters and technical issues raised.</p>	<p>A range of general updates have been made to the Structure Plan. An Implementation section including proposed infrastructure items has been included to outline the infrastructure required to support the development of the centre. It is proposed that contributions will be collected to the fund some of these items.</p>

## PLANNING SCHEME AMENDMENT

The Structure Plan is proposed to be an 'Incorporated Document' in the Whittlesea Planning Scheme. Therefore, in order to implement the Structure Plan a Planning Scheme Amendment is required.

As well as implementing the Plenty Valley Town Centre Structure Plan, it is necessary to update the zoning and overlay framework applying to this precinct. As such the Planning



Scheme Amendment will deal with these issues driven by the overall direction set by the Structure Plan.

In summary, the Planning Scheme Amendment proposes to:

- Incorporate the Plenty Valley Town Centre Structure Plan, or relevant parts, into Whittlesea Planning Scheme;
- Insert a new Schedule to the Activity Centre Zone (ACZ) to be introduced for the Structure Plan area (this is the zone which applies to the Epping Central Activity Centre) which will replace a number of Development Plan Overlays in the Town Centre;
- Insert a new Parking Overlay (PO) for the Structure Plan area to implement the Parking Precinct Plan prepared for the Town Centre, consistent with other Activity Centres including Epping Central;
- Apply the Development Contributions Plan Overlay (DCPO) to deal with required infrastructure contributions;
- Amend the Municipal Strategic Statement (MSS) to reflect the new Structure Plan;
- Delete the following planning scheme controls as they will be superseded by this amendment:
  - existing Development Plan Overlays which apply to the area;
  - Clause 22.15 which is the Local Planning Policy regarding the current South Morang Activity Centre (SMAC); and
  - Design and Development Overlay (DDO) Schedule 7 for two sites within the SMAC. Site 1 as identified by the DDO is made up of four parcels of land being 323 McDonalds Road, 351 McDonalds Road, 355 McDonalds Road and 391 McDonalds Road all in Epping. Site 2 identified by the DDO is addressed as 37-29 Buick Crescent, Mill Park; and
  - Abandoning Planning Scheme Amendment C84 which proposed to apply a Development Contributions Plan Overlay (DCPO) to land north and south of McDonalds Road. The continuation of this amendment is unnecessary as this will be superseded by the proposed controls.

An explanation of these aspects is provided below.

#### *Incorporated Document*

It is proposed that the Plenty Valley Town Centre Structure Plan, or relevant parts of the plan, will become an Incorporated Document within the Whittlesea Planning Scheme.

#### *Municipal Strategic Statement (MSS)*

The MSS establishes the strategic framework for the municipality. The Whittlesea MSS will be amended and updated to include relevant strategies from the Structure Plan.

#### *Activity Centre Zone (ACZ)*

The ACZ will replace the current residential and commercial zones. The ACZ is considered the most appropriate zone to be used in activity centres. The zone provides land use and development guidelines for the entire town centres and more specific directions for each of the five precincts. The zone provides the flexibility to deliver the mixed use land use and development objectives envisaged by the Structure Plan which is not possible using other existing single purpose zones.

#### *Parking Overlay (PO)*

The PO is to be applied to implement relevant content from the Plenty Valley Parking Precinct Plan (*Attachment 5*).



As indicated earlier in the report, the draft Parking Precinct Plan is designed to ensure that sufficient levels of parking are provided within the Plenty Valley Town Centre, identify further actions to manage parking while encouraging the increased use of active and sustainable travel modes in and around the Town Centre.

The PO and Parking Precinct Plan adopts standard parking provisions which are appropriate for Activity Centres. These rates are in accordance with 'Column B' of Clause 52.06 – Carparking. The provisions also require one parking space to be provided for each dwelling regardless of the number of bedrooms. It should be noted that these are minimum rates with no maximum rates stipulated. The PO also includes a number of standards for the design of car parks.

The PO also includes a requirement for significant developments to prepare and submit a Green Travel Plan. The Green Travel Plan is required to incorporate design and behavioural change initiatives that will support the use of sustainable transport in the Town Centre.

#### *Development Contributions Plan Overlay (DCPO)*

The system for infrastructure contributions is currently being reformed by the State Government. The new system is based on standard levies in particular development settings. The new system has recently commenced for greenfield growth areas.

The new system in the future will also apply to strategic development areas. These are locations in existing urban areas planned for significant growth and change such as activity centres. The Plenty Valley Town Centre is considered a 'strategic development area'.

The new system is currently being finalised and will set a standard levy for residential, commercial and retail developments. The levy will be determined by the Minister for Planning and formalised through a Ministerial Direction. It is expected that this will occur towards the end of 2017.

The new system will require an Infrastructure Contributions Plan (ICP) to be prepared to identify the infrastructure which the contributions collected will be used to fund. The updated draft Structure Plan includes Section 4.4 which identifies infrastructure which could potentially be funded via a future ICP. This section will support the preparation of a future ICP.

It is considered that adopting the new system is the more appropriate manner to support the provision of new infrastructure in the Town Centre. The adoption of standard levies is considered fair for landowners and developers in the centre as the levy amount is set by the Minister for Planning. The system also reduces the level of information and analysis required to be prepared by Council to support an alternative developer contributions rate.

As an interim measure it is proposed that a DCPO be applied to require contributions to be made prior to the preparation of an ICP. This approach has been adopted in other circumstances where a structure plan has preceded the new system for infrastructure contributions and is supported by the DEWLP. The DCPO will require developers to enter into a section 173 agreement with Council to make contributions to infrastructure in the Town Centre prior to the issue of a planning permit. It is expected that the contributions made would be comparable to draft levies which were recommended in background reports for the new system.

Upon commencement of the new system it is expected that an ICP will need to be prepared and that the DCPO will convert to an Infrastructure Contributions Plan Overlay (ICPO). The process for how this occurs will require further discussion with the DELWP.



*Removal of existing planning scheme controls*

The Structure Plan and the associated zones and overlays will become the primary planning controls for the area. Therefore it is proposed to remove the following provisions which will be superseded by the new controls:

- The existing Development Plan Overlays (DPOs) which affect the area;
- Clause 22.15 which is the Local Planning Policy regarding the current South Morang Activity Centre (SMAC); and
- Design and Development Overlay (DDO) for the two key sites within the SMAC. Site 1 Affected by the DDO is made up of four parcels of land being 323 McDonalds Road, 351 McDonalds Road, 355 McDonalds Road and 391 McDonalds Road, all in Epping (Public Transport Victoria owned land). Site 2 affected by the DDO is 37-39 Buick Crescent, Mill Park.

The existing Development Plans have been progressively approved over time and do not apply to the full Structure Plan area. The Plenty Valley Town Centre Structure Plan and the schedule to the proposed Activity Centre Zone will replace the function of the Development Plan, supersede their content and provide for a co-ordinated planning framework across the Town Centre.

The Local Planning Policy applying to the overall Plenty Valley Town Centre and DDO Schedule applying to the specific sites listed above are interim planning controls until the Structure Plan is finalised. These controls will be superseded by the new controls. The relevant content from these controls, including providing for a sensitive interface between existing residential properties and new development, has been translated in the new controls.

*Abandonment of C84 – Application of a Development Contributions Plan Overlay*

Planning Scheme Amendment C84 proposed to apply a Development Contributions Plan Overlay (DCPO) to land north and south of McDonalds Road. The purpose of the DCPO was to apportion costs for a signalised intersection at McDonalds Road and Wealthland Drive.

Following extensive exhibition and an Independent Panel hearing, the Planning Scheme Amendment was ultimately adopted by Council on 27 July 2010. Ultimately, it was not approved by the Minister for Planning.

As the amendment is superseded by the proposed planning controls for the Plenty Valley Town Centre Structure Plan, it is no longer required. Therefore, it is recommended that the Amendment C84 be abandoned.

**PLANNING SCHEME AMENDMENT EXHIBITION**

The proposed Planning Scheme Amendment will be exhibited in accordance with statutory requirements once the Minister for Planning has provided authorisation. This exhibition period will allow stakeholders and members of the community an opportunity to comment on both the updated Structure Plan as well as the proposed planning scheme controls and make a formal submission. If supported by Council, it is envisaged that this exhibition process will commence in April/May 2017.

**POLICY STRATEGY AND LEGISLATION**

The Structure Plan and future Planning Scheme Amendment is consistent with State Government metropolitan planning strategy *Plan Melbourne*.

The plan is supportive of State and Local policies and strategies in respect to Activity Centre planning and the development of the Plenty Valley Town Centre (*South Morang Activity Centre*).



The plan has been prepared in accordance with State Government requirements for activity centre planning. The planning scheme controls have been prepared in accordance with the State Government Planning Practice notes which are designed to provide ongoing advice about planning schemes, as well as a range of planning processes and topics. In particular, the ordinance is consistent with the requirements of *PPN56: Activity Centre Zone*, *PPN5: The Parking Overlay* and *PPN: 60: Height and Setback Controls for Activity Centres*.

## 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 Plenty Valley Town Centre Structure Plan aims to improve the design and amenity of the Town Centre. Features such as River Red Gums, viewlines to Quarry Hills, open space areas and civic spaces are incorporated into the plan to build the connection to place and community. The plan focuses on using good urban design to improve the public realm and to create places where people want to live, work and visit.

## 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 Plenty Valley Town Centre Structure Plan (the Structure Plan) has been prepared to provide a strategic framework and to guide development of the Town Centre in accordance with the vision of being the community, civic, economic and cultural heart of the Plenty Valley. The plan identifies the strategies and actions to deliver this vision.

The overall precinct has been subject to extensive development and investment over the years with transformative projects such as the rail extension from Epping to South Morang providing a change of focus as to the overall set of uses possible in the Plenty Valley Town Centre. To accommodate and plan for current and future growth appropriately, it is necessary to review the existing strategic and statutory framework for the centre. It is also noted that the need for this work was also identified by the State Government.

The Structure Plan has been developed in consultation with the community and relevant stakeholders. It has been revised based on feedback through various consultation processes.

In order to implement the Structure Plan a Planning Scheme Amendment is required to the Whittlesea Planning Scheme. The Planning Scheme Amendment will incorporate the relevant aspects of the Structure Plan into the Planning Scheme including Planning Scheme zone and overlay changes.

The Planning Scheme Amendment process will include a public exhibition process. The Structure Plan will be finalised following this process. It is recommended that Council resolve to request authorisation to prepare and exhibit the Planning Scheme Amendment from the



Minister for Planning. In this context, it is recommended that Council also notes the updated Structure Plan at Attachment 3 of this report as the current version for purposes of exhibition.

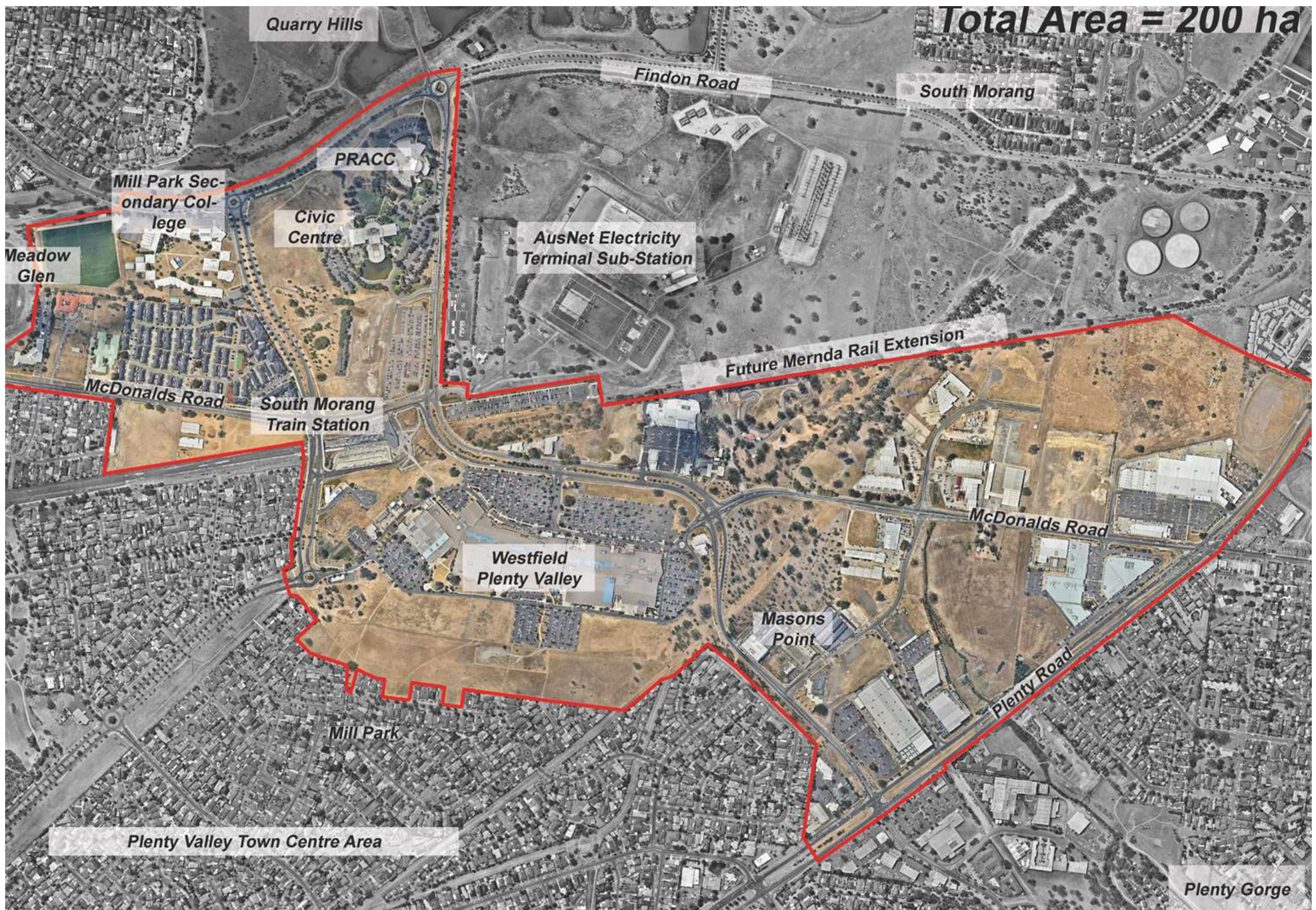
Finally, it is recommended that Council also requests the Minister for Planning abandon Planning Scheme Amendment C84 given it is not required to be pursued as it will be superseded by the proposed planning scheme controls for the Structure Plan.

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

- 1. Note the updated draft Plenty Valley Town Centre Structure Plan (as provided in *Attachment 3*) and draft Parking Precinct Plan (as provided in *Attachment 5*) for the purposes of public exhibition;**
- 2. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme to implement the Plenty Valley Structure Plan in accordance with the *Planning and Environment Act 1987*;**
- 3. Request that the Minister for Planning abandon Planning Scheme Amendment C84 to the Whittlesea Planning Scheme; and**
4. Advise the affected stakeholders of the above and of any decisions by the Minister for Planning.

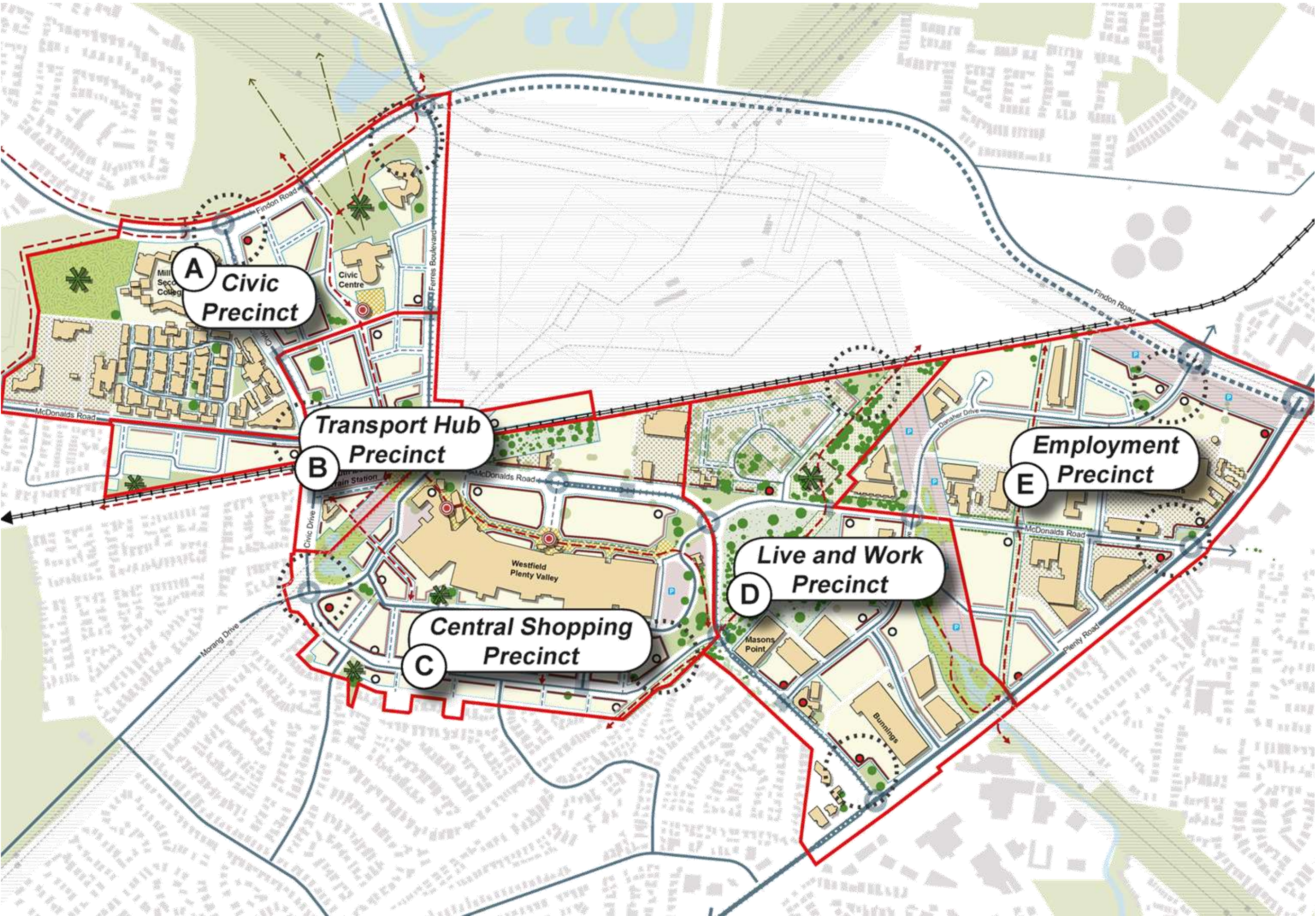


















## Attachment 4- Plenty Valley Town Centre Structure Plan Stage 2 Consultation Submission Summary Table

**Submission No. 1**

**Summary of Submission:** Submission on behalf of significant in Shopping Centre Precinct (south of Civic Drive) generally supporting the structure plan but also raising a range of technical matters.

Summary of Issues Raised	Comment	Structure Plan Updates
<ul style="list-style-type: none"> <li>Support mixed use nomination to 6 storeys and proposed setback to Civic Drive and traffic connections from Civic Drive to both Stillman Drive and Peyton Drive.</li> <li>Seek inclusion of part of site fronting central road within development for 6 storey mixed use.</li> <li>Requests increase 2 storey min height to &lt;8m as per NRZ, and limit it to 30% of site depth.</li> </ul>	A review of the built form controls and street network in this precinct has been undertaken. The preferred building heights has been reduced from 6 storeys to 4 storeys to provide consistency with existing Development Plan and provide a transition to existing residential areas. The height of 2 storey development has been retained at 7m. Local connections to Civic Drive to both Stillman Drive and Peyton Drive have been retained as 'Left In Left Out' arrangements.	<ul style="list-style-type: none"> <li>Figures 11 Building Height Controls (page 34), Figure 13 Building Heights Plan (page 35) and Figure 14 Built Form Controls (page 36) have been reviewed and updated.</li> <li>Figure 21: Road Network and Intersection Plan (page 45) has been amended to stagger the intersection of local roads with Civic Drive and relocate the proposed traffic signals.</li> </ul>
Does not support designation of western end as max 2 storeys or the designated local street-pedestrian priority street with a range of reasons provided.	Two storey development is appropriate given the interface with existing low scale residential on two sides. Agree that the pedestrian priority local street is not a critical connection or integral to the street network and may be problematic in developing a good design.	<ul style="list-style-type: none"> <li>Figure 21: Road Network and Intersection Plan (page 45) has been amended to remove the pedestrian priority local street on this site.</li> </ul>
Object to DES1.3 requiring minimum private open space provision. Request standard Rescode provisions to apply to provision of private open	Agree. Standard Res Code should apply and DES1.3 to be reviewed	<ul style="list-style-type: none"> <li>DES1.3 (page 32) has been amended to remove private open space area specification.</li> </ul>



**Attachment 4- Plenty Valley Town Centre Structure Plan Stage 2 Consultation Submission Summary Table**

space.		
Do not support pedestrian priority streets—pedestrian priority access dissecting the site other than those which generally link to existing streets.	These local streets/access ways provide for important north south connectivity for pedestrians and therefore it is important to show them so that they are provided for as part of the future development of the site. Development proposals need to be generally in accordance with the Structure Plan and the actual alignment of the streets will be subject of further design. These streets have been removed from other plans such as the Building Heights Plan which do not show need to show a permeable street network.	<ul style="list-style-type: none"> <li>Figures 11 Building Height Controls (page 34), Figure 13 Building Heights Plan (page 35) and Figure 14 Built Form Controls (page 36) have been updated to remove the potential local streets. These have been retained on Figure 21: Road Network and Intersection Plan (page 45) to show a permeable street network.</li> </ul>
Do not support pocket park unless an agreement is made to offset/compensate for the additional open space contribution. Agreement and/or compensation is required for the additional open space contribution/ otherwise tree can be retained within development layout.	The pocket park/ tree reserve provides for the protection of a significant River Red Gum and will provide for the amenity of residents within a high density environment. Therefore, it is considered appropriate to retain it in the Structure Plan.	<ul style="list-style-type: none"> <li>Figure 37 Infrastructure Table (page 78) includes a reference to this open space area as 'POS-07 Tree Reserve'.</li> </ul>

**Submission No. 2**

**Summary of Submission:** *Submission on behalf of significant landowner in Live and Work Precinct raising a range of technical matters.*

Summary of Issues Raised	Comment	Structure Plan Updates
Request a review of building heights to ensure greater consistency with approved Development Plans. Allow	The proposed building heights have been reviewed and simplified. They now better align with existing controls and development. A figure which caused ambiguity in the draft plan has been deleted and replaced by Figure 11 (page 34) and which presents the building heights in a clear table	<ul style="list-style-type: none"> <li>Figures 11 Building Height Controls (page 34), Figure 13 Building Heights Plan (page 35) and Figure 14 Built Form Controls</li> </ul>



**Attachment 4- Plenty Valley Town Centre Structure Plan Stage 2 Consultation Submission Summary Table**

greater flexibility for site specific design responses and allow for increases in preferred building heights if it can be demonstrated that no significant impact will occur on neighbouring properties.	supported by a plan (Figure 13 on page 35). The building heights will not be mandatory and it is not considered necessary to provide any greater flexibility. However, there is the opportunity to support good outcomes such as the provision of social housing and additional public open space in exchange for greater density.	(page 36) have been reviewed and updated to improve the clarity of controls and ensure that higher density development occurs in appropriate locations in the Town Centre and is appropriately designed. New controls have been included to provide for greater density where social housing or additional public open space is provided.
Question the pedestrian spine connection to Masons Point including its physical access and intended purpose.	The pedestrian spine is important to provide pedestrian connectivity between the precincts including residents of Masons Point to the shopping centre and train station.	<ul style="list-style-type: none"> <li>• No change to Structure Plan</li> </ul>
Seek retention of 8 storey allowable building heights on Boulevard and Connector streets as per existing DP.	The proposed building heights have been reviewed and simplified. They now better align with existing controls and development. The precinct has been identified as having a maximum building height of 6 storeys, however three key sites including at the corner of Bush Blvd and Oleander Drive have been identified as Key Corner Buildings and permitted up to 8 storeys.	<ul style="list-style-type: none"> <li>• Figures 11 Building Height Controls (page 34), Figure 13 Building Heights Plan (page 35) and Figure 14 Built Form Controls (page 36) have been reviewed and updated.</li> </ul>
Include additional text to explain rationale behind Indicative building Setbacks and Gateways Plan	It is appropriate to define gateways and setbacks in the plan to inform future controls. 'Indicative building Setbacks and Gateways Plan' requires supporting text in opening sentence and strategies. The plan (Figure 15) has been simplified and made easier to understand.	<ul style="list-style-type: none"> <li>• A Glossary of key terms (page 86) has been included to better explain key terms used in the document.</li> <li>• DES4.1 (page 33) has been revised to make clear the intention of the terms gateway' sites and 'key marker buildings'.</li> <li>• Figure 14 Built Form Controls (page 36) has been updated to</li> </ul>



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		<p>include setback provisions.</p> <ul style="list-style-type: none"> <li>• Figure 15 Indicative Building Setbacks and Gateways Plan (page 37) has been simplified and made easier to understand.</li> </ul>
Show site at corner of intersection at Bush Blvd and Oleander Dve as high density.	Agree. This has been amended.	<ul style="list-style-type: none"> <li>• Figure 23: Residential Development Density has been updated to show land in Masons Point being suitable to be developed for high density (page 47).</li> </ul>
Include additional text to describe 'key marker building'	Provide additional description of key marker buildings in discussion/glossary and strategies.	<ul style="list-style-type: none"> <li>• A Glossary of key terms (page 86) has been included to better explain key terms used in the document such as 'key marker buildings'.</li> <li>• DES4.1 (page 33) has been revised to make clear the intention of the terms gateway' sites and 'key marker buildings'.</li> </ul>
Figure 28 - The note 'promote the landscaping of McDonalds Road...' points to the wrong section of the plan.	Agree.	<ul style="list-style-type: none"> <li>• Figure 30 (page 65) has been updated.</li> </ul>
Question the purpose of a key pedestrian/cycle connection along the pipetrack between Plenty Road and the railway line to the north, but rather suggest pathways along the road network will suffice.	The pipe track provides the opportunity for completely off road cycle/pedestrian path limiting conflict with vehicles. The extension to the railway line is subject to a shared path being provided along the rail corridor.	<ul style="list-style-type: none"> <li>• No change to Structure Plan</li> </ul>



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Supporting text is required to explain the identification for McDonalds Road as an 'alternative frontage'.	Explain 'alternative frontage' nomination in legend or glossary	<ul style="list-style-type: none"> <li>A Glossary of key terms (page 86) has been included to better explain key terms used in the document including 'frontage'.</li> </ul>
Support health services in Precinct 4 and 5.	Health services are an industry supported in the employment precinct. There is an opportunity to provide direction in respect to uses which are compatible with residential use (such as health) in the Live and Work precinct would be supported.	<ul style="list-style-type: none"> <li>LO1.8 (page 62) in the Live and Work precinct has been amended to included reference to 'health'.</li> </ul>

**Submission No. 3**

**Summary of Submission:** *Petition signed by 35 residents objecting to the connection of Stillman Drive to Civic Drive due to traffic and safety concerns.*

Summary of Issues Raised	Comment	Structure Plan Updates
Concerns with connection of Stillman Drive with Civic Drive due to increased traffic and safety impacts.	<p>The Civic Drive and local street connections are considered vital for a permeable and connected street network and have been foreshadowed since the earliest planning of the Mill Park North and Activity Centre area in the 1970s and 1980s. They were included in the <i>South Morang Activity Centre Overall Development Plan, 1998</i> and other more recent documents including the <i>South Morang Development Plan, 2009</i>. The connections will provide for improved pedestrian and vehicle connectivity for local residents to the Town Centre.</p> <p>It is important to note that the draft Structure Plan proposes to retain the Stillman Drive and Peyton Drive as 'Local Roads' only and will not upgrade their status to Collector Roads. This was occasionally misinterpreted during consultation so it is important that the final Structure Plan contains a clear street hierarchy.</p> <p>The designation of Stillman Drive and Peyton Drive as 'Local Roads' means that they are only intended to service the residents in the local area and are not designed to promote through traffic movement. There will be a</p>	<ul style="list-style-type: none"> <li>Figure 21: Road Network and Intersection Plan (page 45) has been amended to stagger the intersection of local roads with Civic Drive and relocate the proposed traffic signals.</li> <li>Include new direction CSD1.13 'ensure that connection of and Peyton Drive to Civic Drive are designed to provide local access for residents and include traffic calming measures to restrict and discourage undesired traffic movement (page 60).</li> <li>Include infrastructure item RD-09, traffic calming measures and streetscape improvements to</li> </ul>



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	<p>small increase in the traffic levels from local residents who will use the streets to access the Town Centre however it is envisaged it will be minimal and of a local nature. The purpose of the connection is to purely improve connectivity for local residents. Therefore, the narrowness of the street is considered appropriate and conducive to maintaining a local road function, reducing traffic speed and providing a safe environment for pedestrians.</p> <p>Traffic modelling indicates the significant majority of traffic will continue to utilise arterial and collector roads such as; Morang Drive and Bush Boulevard. It is recommended that the role and function of different streets be clearly explained in the final Structure Plan.</p> <p>The ultimate 'Road Network' proposed in the draft Structure Plan includes a number of key connections which are currently not provided such as the Findon Road and Civic Drive extensions. These road projects, along the with the Mernda Rail extension (due in 2019), will improve the overall transport system in the Town Centre. This will assist in distributing traffic across the network and reduce pressure on local streets.</p> <p>There is opportunity to explore how the final Structure Plan can help to ensure that local streets reflect their local road function and restrict 'non-local movements'. In order to inform this, it is important to understand the current use and conditions of the street. It is recommended that further investigations be undertaken in respect to the current use of the streets.</p> <p>In terms of future options, there are a range of street design initiatives which could be explored to reinforce the local road status, reduce potential traffic flows, encourage safe driver behaviour (e.g. slower vehicle speeds) and provide a safe pedestrian environment. Examples include; narrow street entrances, traffic calming devices and alternative pavement. These measures provide a signal to drivers that they are in a residential street. The final Structure Plan identifies the need to consider these</p>	<p>Peyton Drive and Stillman Drive (page 72).</p> <ul style="list-style-type: none"> <li>• Indicative cross section for Civic Drive has been included in Appendix 5.2 (page 87) which identifies a boulevard treatment.</li> </ul>
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	<p>measures as part of the design of future road connections.</p> <p>In summary the updated draft Structure Plan incorporates the following changes:</p> <ol style="list-style-type: none"> <li>1. Downgrade Peyton Drive and Stillman Drive intersections with Civic Drive to 'Left In Left Out' only to restrict access and discourage traffic;</li> <li>2. Relocation of signalised intersections away from Peyton Drive and Stillman Drive so they only serve the function of providing direct connection to Westfield Plenty Valley;</li> <li>3. Reconfiguration of Civic Drive extension into a 'boulevard' with a central median to minimise turn movements into Peyton Drive and Stillman Drive;</li> <li>4. Ensure the design of Peyton Drive and Civic Drive intersection maximises pedestrian safety and discourage undesired traffic movement to local streets;</li> <li>5. Identifying additional traffic calming measures for Peyton Drive and Stillman Drive, if required; and,</li> <li>6. Clearly identifying Peyton Drive and Stillman Drive as 'local streets' only.</li> </ol>	
Concerns with 3-4 storey apartments along Civic Drive.	<p>The nomination of high density residential across the Town Centre is supported by both State and Local policies and strategies. The Town Centre is well serviced with facilities and public transport and is well suited to supporting higher densities of development. Supporting higher densities in the Town Centre will reduce pressure for such development to be built in less appropriate locations. The building heights and residential density plans have been reviewed to ensure their appropriateness.</p> <p>As part of this process the built form controls for development abutting existing residential areas have been reviewed. The Structure Plan includes specific controls for 'sensitive interface areas' which abut existing residential areas. In these areas development must be setback 9m from the boundary and 16m for higher densities (above 2 storeys). This ensures that there is no overlooking or overshadowing impacts on adjoining properties and provides a transition of building heights. Essentially the controls replicate existing built form in standard residential areas such as</p>	<ul style="list-style-type: none"> <li>• Figure 13: Buildings Heights (page 35) has been amended to clearly show a maximum of 4 storeys for development along Civic Drive and identify sensitive interface areas where development is to be less than 2 storeys.</li> <li>• Figure 14: Built form controls (page 36) has been amended to include specific controls for sensitive interfaces including a 9m setback and 16m setback for development more than 2 storeys. The controls required that development transitions in density</li> </ul>



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	Buick Drive in the interface area. Development along Civic Drive will be a maximum of 4 storeys consistent with current controls.	and has minimal overshadowing and overlooking impacts.
Proposed route of tram 86 extension should be along Ferres Boulevard north of South Morang Train Station.	The alternative route was suggested as an option to improve the viability of the tram extension. It is recognised that the community preference for the tram route to be along Ferres Boulevard. It is proposed that this be shown as the preferred route and that the route along Civic Drive be shown as an alternative. Ultimately, there is further investigation and a feasibility study to be undertaken which will investigate all options.	<ul style="list-style-type: none"> <li>Figure 20: Public Transport Plan (page 43) has been amended to show the proposed route along Ferres Boulevard as the primary route and the route along Civic Drive as an alternative option. The figure has been updated to more clearly show the tram route extended north along the Lakes Boulevard.</li> </ul>

**Submission No: 4**

**Summary of Submission:** Submission from local community group (Friends of South Morang) recommending that the originally proposed extension to the No.86 Tram route be supported by the structure plan.

Summary of Issues Raised	Comment	Structure Plan Updates
Support overall development framework.	Noted.	No change to Structure Plan
Proposed route of tram 86 extension should be along Ferres Boulevard north of South Morang Train Station.	The alternative route was suggested as an option to improve the viability of the tram extension. It is recognised that the community preference for the tram route to be along Ferres Boulevard. It is proposed that this be shown as the preferred route and that the route along Civic Drive be shown as an alternative. Ultimately, a feasibility study will need to be undertaken which will investigate all options.	<ul style="list-style-type: none"> <li>Figure 20: Public Transport Plan (page 43) has been amended to show the proposed route along Ferres Boulevard as the primary route and the route along Civic Drive as an alternative option. The figure has been updated to more clearly show the tram route extended north along the Lakes Boulevard.</li> </ul>
Civic Drive extension will	This has been discussed in detail in Submission No.3.	As per Submission No. 3



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<p>create unreasonable traffic impacts on local streets.</p>	<p>In summary the updated draft Structure Plan incorporates the following changes:</p> <ol style="list-style-type: none"> <li>1. Downgrade Peyton Drive and Stillman Drive intersections with Civic Drive to 'Left In Left Out' only to restrict access and discourage traffic;</li> <li>2. Relocation of signalised intersections away from Peyton Drive and Stillman Drive so they only serve the function of providing direct connection to Westfield Plenty Valley;</li> <li>3. Reconfiguration of Civic Drive extension into a 'boulevard' with a central median to minimise turn movements into Peyton Drive and Stillman Drive;</li> <li>4. Ensure the design of Peyton Drive and Civic Drive intersection maximises pedestrian safety and discourage undesired traffic movement to local streets;</li> <li>5. Identifying additional traffic calming measures for Peyton Drive and Stillman Drive, if required; and,</li> <li>6. Clearly identifying Peyton Drive and Stillman Drive as 'local streets' only.</li> </ol>	<ul style="list-style-type: none"> <li>• Figure 21: Road Network and Intersection Plan (page 45) has been amended to stagger the intersection of local roads with Civic Drive and relocate the proposed traffic signals.</li> <li>• Include new direction CSD1.13 'ensure that connection of and Peyton Drive to Civic Drive are designed to provide local access for residents and include traffic calming measures to restrict and discourage undesired traffic movement (page 60).</li> <li>• Include infrastructure item RD-09, Traffic calming measures and streetscape improvements to Peyton Drive and Stillman Drive (page 72).</li> <li>• Indicative cross section for Civic Drive has been included in Appendix 5.2 (page 87). ) which identifies a boulevard treatment.</li> </ul>
<p>High density residential is inappropriate due to traffic impacts</p>	<p>The nomination of high density residential across the Town Centre is supported by both State and Local policies and strategies. The Town Centre is well serviced with facilities and public transport and is well suited to supporting higher densities of development. Supporting higher densities in the Town Centre will reduce pressure for such development to be built in less appropriate locations. The building heights and residential density plans have been reviewed to ensure their appropriateness. Car parking must be provided in accordance with the Clause 52.06 of the Planning</p>	<ul style="list-style-type: none"> <li>• Figures 11 Building Height Controls (page 34), Figure 13 Building Heights Plan (page 35) and Figure 14 Built Form Controls (page 36) have been reviewed and updated to improve the clarity of controls and ensure that higher density development occurs in</li> </ul>



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	Scheme.	<p>appropriate locations in the Town Centre and is appropriately designed.</p> <ul style="list-style-type: none"> <li>• New controls have been included for 'sensitive interfaces' where new development abuts existing residential areas to ensure that it does not detrimentally affect these properties (page 36).</li> </ul>
A Tram stop should be nominated on Plenty Road.	Supported. This is included but has not been shown consistently across all plans.	<ul style="list-style-type: none"> <li>• Figure 20: Public Transport Plan (page 43) has been amended to show the potential tram stop on Plenty Road.</li> </ul>
A slip lane should be provided to turn left into Plenty Road from Bush Boulevard.	There is merit in investigating the option of a slip lane from Bush Boulevard into Plenty Road. However, this is detail that is too fine for a Structure Plan and will require further analysis and discussion with VicRoads.	<ul style="list-style-type: none"> <li>• No change to Structure Plan.</li> </ul>

**Submissions 5-7**

**Summary of submissions:** All submissions raised concern/ objection to the connection of Stillman Drive to Civic Drive due to safety and traffic issues.

Summary of Issues Raised	Comment	Structure Plan Updates
<ul style="list-style-type: none"> <li>• Connection of Stillman Drive and Civic Drive should be properly assessed.</li> <li>• Safety measures should be implemented onto Stillman Drive.</li> </ul>	<p>This has been discussed in detail in Submission No.3.</p> <p>In summary the updated draft Structure Plan incorporates the following changes:</p> <ol style="list-style-type: none"> <li>1. Downgrade Peyton Drive and Stillman Drive intersections with Civic Drive to 'Left In Left Out' only to restrict access and discourage traffic;</li> </ol>	<p>As per Submission No. 3</p> <ul style="list-style-type: none"> <li>• Figure 21: Road Network and Intersection Plan (page 45) has been amended to stagger the intersection of local roads with Civic Drive and relocate the proposed traffic signals.</li> </ul>



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<ul style="list-style-type: none"> <li>Do not support Stillman Drive connecting to Civic Drive due impacts of increase traffic and safety issues.</li> </ul>	<p>2. Relocation of signalised intersections away from Peyton Drive and Stillman Drive so they only serve the function of providing direct connection to Westfield Plenty Valley;</p> <p>3. Reconfiguration of Civic Drive extension into a 'boulevard' with a central median to minimise turn movements into Peyton Drive and Stillman Drive;</p> <p>4. Ensure the design of Peyton Drive and Civic Drive intersection maximises pedestrian safety and discourage undesired traffic movement to local streets;</p> <p>5. Identifying additional traffic calming measures for Peyton Drive and Stillman Drive, if required; and,</p> <p>6. Clearly identifying Peyton Drive and Stillman Drive as 'local streets' only.</p>	<ul style="list-style-type: none"> <li>Include new direction CSD1.13 'ensure that connection of and Peyton Drive to Civic Drive are designed to provide local access for residents and include traffic calming measures to restrict and discourage undesired traffic movement (page 60).</li> <li>Include infrastructure item RD-09, traffic calming measures and streetscape improvements to Peyton Drive and Stillman Drive (page 72).</li> <li>Indicative cross section for Civic Drive has been included in Appendix 5.2 (page 87) which identifies a boulevard treatment.</li> </ul>
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**Submission No. 8**

**Summary of Submission:** *Petition signed by 47 residents objecting to the connection of Peyton Drive to Civic Drive due to traffic and safety concerns. One also objects to the development of apartment buildings.*

Summary of Issues Raised	Comment	Structure Plan Updates
Do not support apartment buildings in the plan.	The nomination of high density residential across the Town Centre is supported by both State and Local policies and strategies. The Town Centre is well serviced with facilities and public transport and is well suited to supporting higher densities of development. Supporting higher densities in the Town Centre will reduce pressure for such development to be built in less appropriate locations. The building heights and residential density plans have been reviewed to ensure their appropriateness.	<ul style="list-style-type: none"> <li>Figures 11 Building Height Controls (page 34), Figure 13 Building Heights Plan (page 35) and Figure 14 Built Form Controls (page 36) have been reviewed and updated to improve the clarity of controls and ensure that higher density development occurs in</li> </ul>



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Summary of Issues Raised	Comment	Structure Plan Updates
	As part of this process the built form controls for development abutting existing residential areas have been reviewed. The Structure Plan includes specific controls for 'sensitive interface areas' which abut existing residential areas. In these areas development must be setback 9m from the boundary and 16m for higher densities (above 2 storeys). This ensures that there is no overlooking or overshadowing impacts on adjoining properties and provides a transition of building heights. Essentially the controls replicate existing built form in standard residential areas such as Buick Drive in the interface area. Development along Civic Drive will be a maximum of 4 storeys consistent with current controls.	appropriate locations in the Town Centre and is appropriately designed. New controls have been included for 'sensitive interfaces' where new development abuts existing residential areas to ensure that it does not detrimentally affect these properties (page 36).
Do not support Peyton Drive and connecting it to Civic Drive/Westfield with a signalised intersection due to the following reasons:  - residents have not been consulted.  - will impact their livelihood.  - will increase traffic volumes.  - will encourage rat running.  - will increase noise.  - will affect safety.	This has been discussed in detail in Submission No.3.  In summary the updated draft Structure Plan incorporates the following changes:  1. Downgrade Peyton Drive and Stillman Drive intersections with Civic Drive to 'Left In Left Out' only to restrict access and discourage traffic;  2. Relocation of signalised intersections away from Peyton Drive and Stillman Drive so they only serve the function of providing direct connection to Westfield Plenty Valley;  3. Reconfiguration of Civic Drive extension into a 'boulevard' with a central median to minimise turn movements into Peyton Drive and Stillman Drive;  4. Ensure the design of Peyton Drive and Civic Drive intersection maximises pedestrian safety and discourage undesired traffic movement to local streets;  5. Identifying additional traffic calming measures for Peyton Drive and Stillman Drive, if required; and,	As per Submission No. 3 • Figure 21: Road Network and Intersection Plan (page 45) has been amended to stagger the intersection of local roads with Civic Drive and relocate the proposed traffic signals. • Include new direction CSD1.13 'ensure that connection of and Peyton Drive to Civic Drive are designed to provide local access for residents and include traffic calming measures to restrict and discourage undesired traffic movement (page 60). • Include infrastructure item RD-09, traffic calming measures and streetscape improvements to Peyton Drive and Stillman Drive (page 72).



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Summary of Issues Raised	Comment	Structure Plan Updates
	6. Clearly identifying Peyton Drive and Stillman Drive as 'local streets' only.	<ul style="list-style-type: none"> <li>Indicative cross section for Civic Drive has been included in Appendix 5.2 (page 87) which identifies a boulevard treatment.</li> </ul>

**Submission No. 9**

**Summary of Submission:** *Submission promoting a development at 25 Oleander Drive and suggesting building height controls be made flexible to support good development outcomes.*

Summary of Issues Raised	Comment	Structure Plan Updates
Request a review of building heights to ensure greater consistency with approved Development Plans. Allow greater flexibility for site specific design responses and allow for increases in preferred building heights if it can be demonstrated that no significant impact will occur on neighbouring properties.	<p>The proposed building heights have been reviewed and simplified. They not better align with existing controls and development. A figure which caused ambiguity in the draft plan has been deleted and replaced by Figure 11 (page 34) and which presents the building heights in a clear table supported by a plan (Figure 13 on page 35).</p> <p>The building heights will not be mandatory and it is not considered necessary to provide any greater flexibility. However, there is the opportunity to support good outcomes such as the provision of social housing and additional public open space in exchange for greater density.</p>	Figures 11 Building Height Controls (page 34), Figure 13 Building Heights Plan (page 35) and Figure 14 Built Form Controls (page 36) have been reviewed and updated to provide improve the clarity of controls and ensure that higher density development occurs in appropriate locations in the Town Centre and is appropriately designed. New controls have been included to provide for greater density where social housing or additional public open space is provided.



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**Submission No. 10**

**Summary of Submission:** Local resident concerned with the impacts of development including traffic, high density development, noise and light pollution.

Summary of Issues Raised	Comment	Structure Plan Updates
<p>Concerned with increased development and requests buffer between Civic Drive and property to deal with noise and light impacts from new road and development.</p> <p>Concerned that there is no provision for a transition between higher densities and low scale residential.</p>	<p>The longstanding and consistent planning for the area has shown an activity centre in this location. This includes the South Morang Development Plan 1997. As a result, the area is becoming increasingly urbanised with a greater range and number of activities at different times of the day. However, as noted, an appropriate transition between existing residential areas and economic uses needs to be maintained.</p> <p>Similarly, Civic Drive has long been planned to provide an additional east-west connection. The design of this road needs to consider residential areas to the south and how it will integrate with the Town Centre. The updated Structure Plan includes an updated indicative cross section for Civic Drive. The updated cross section is a boulevard style street with landscaping and street trees. This will assist in calming traffic and minimise any potential impacts.</p> <p>It is noted that both the pipetrack (20-30 metres wide) and future Civic Drive (extension) are situated between, providing a separation distance of about 50 metres to future development.</p>	<ul style="list-style-type: none"> <li>Indicative cross section for Civic Drive has been included in Appendix 5.2 (page 87).</li> <li>Figure 14 Built Form Controls (page 36) has been reviewed and updated to ensure new development is appropriately designed and minimises impact on existing residents.</li> </ul>
<p>Comments on the proposed embellishment of the Yan Yean Pipe Track and that this is still yet to occur.</p>	<p>A shared path is planned along the Yan Yean Pipetrack, to connect through Mill Park, the conservation reserve and up to South Morang. This will also be embellished in time, with an opportunity to incorporate a currently buried historic bluestone reservoir into a new public open space along the trail (next to McDonalds Road). This project has been identified in the updated Structure Plan.</p>	<ul style="list-style-type: none"> <li>Figure 35 Infrastructure Table (page 76) includes a reference to this open space area as 'PED-02 Shared Path Construction - Yan Yean Heritage Pipe Track'.</li> </ul>









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# 1. Introduction

Plenty Valley is an Activity Centre under the Plan Melbourne strategy.

Provision of car parking within the Plenty Valley Town Centre must be considered in conjunction with various other inter-related factors including existing and future land uses, public transport, road networks and employment in the centre.

The parking policies contained in this Parking Precinct Plan are supported by the findings of the Plenty Valley Town Centre Structure Plan – Sustainable Transport Modelling Background Report (GTA 2014) and the Plenty Valley Town Centre Structure Plan (2016)

The Plenty Valley Town Centre Structure Plan (the Structure Plan) includes a key objective to increase residential and employment densities close to public transport while also improving walking and cycling conditions on order to reduce dependencies on private vehicles. This whole approach includes strategies and actions relating to transport in the centre, including parking.

## 1.1 Parking outcome to be achieved

The aim of the Plenty Valley Precinct Plan is to provide on-site parking in accordance with demand whilst reducing the visual impact of parking and facilitating increased use of sustainable forms of transport.

To this this effect, the plan has the following objectives:

- To sufficiently and effectively provide for parking in the Plenty Valley Town Centre.
- Provide for sufficient car parking as part of new development.
- Encourage the use of active and sustainable travel modes rather than increased private vehicle travel.
- Improve the visual and pedestrian amenity within Plenty Valley Town Centre.
- Address the high the demand for commuter car parking in proximity to the South Morang Train Station.
- Identify further actions to manage parking in the Plenty Valley Town Centre.



## 1.2 Parking precinct area

This Parking Precinct Plan applies to the area within the Plenty Valley Town Centre Structure Plan boundary. This area is shown in Figure 1.

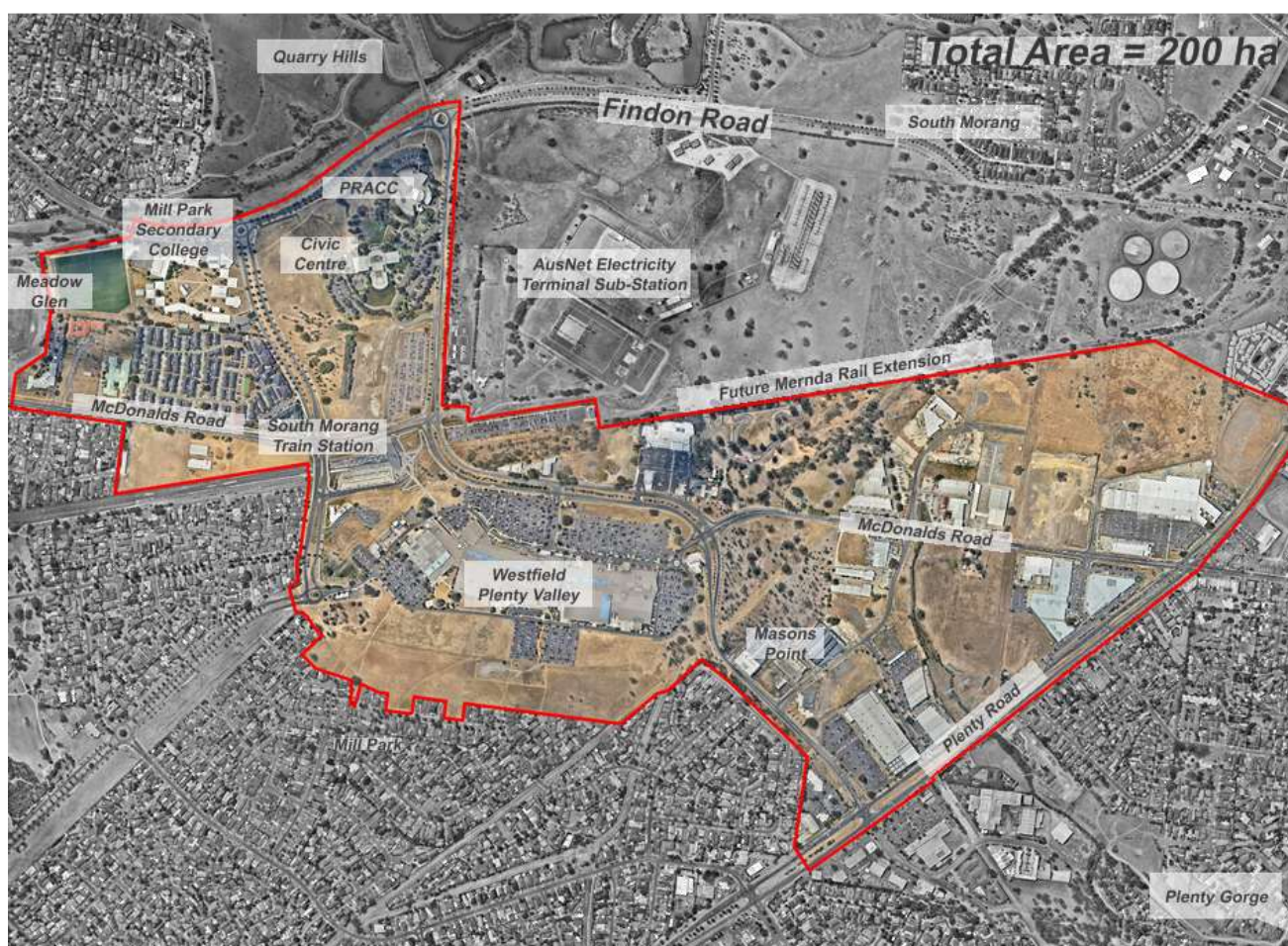


Figure 1 : Plenty Valley Town Centre Structure Plan area



## 2. Existing Car Parking

### 2.1 Parking Supply

As part of the Background Reports prepared for Plenty Valley Town Centre Structure Plan, a parking analysis was undertaken.

The analysis found that there are over 6,000 free car parks are available in off street at-grade car parks within Plenty Valley Town Centre.

Parking has been provided as part of developments, generally at the standard Planning Scheme rates. There are some individual cases of car-parking reductions be permitted.

The existing parking provision is shown in Figure 2.

Currently, large at grade car parks visually dominate the frontages of key streets through the Plenty Valley Town Centre which generally feature minimal landscaping and few pedestrian access paths. Extensive car parking comprising in excess of 2000 spaces currently exists around the Westfield Plenty Valley Shopping Centre. Other significant car parks (300+ spaces) currently exist to service Bunnings and homemaker/bulky good centres along McDonalds Road.

The Civic Precinct and Westfield Plenty Valley both have enforced time limits on their car parks to reduce the impact of commuter car parking on their operations. The commuter car park provided with the South Morang Train Station only has 450 spaces in a formal car park and an approximately additional 300 spaces in a temporary car park located north of McDonalds Road adjacent to the Train Station.

The existing core road network within Plenty Valley Town Centre has been designed as arterial and sub-arterial roads. These roads are not built to accommodate on street parking and have designated no standing zones. On street car parking is currently limited to connector and local streets including; Oleander, Wealthiland and Danaher Drives and parts of Civic Drive and Murdoch Road. The lack of on-street parking increases the amount of off-street car parking required and decreases the development potential for some land.



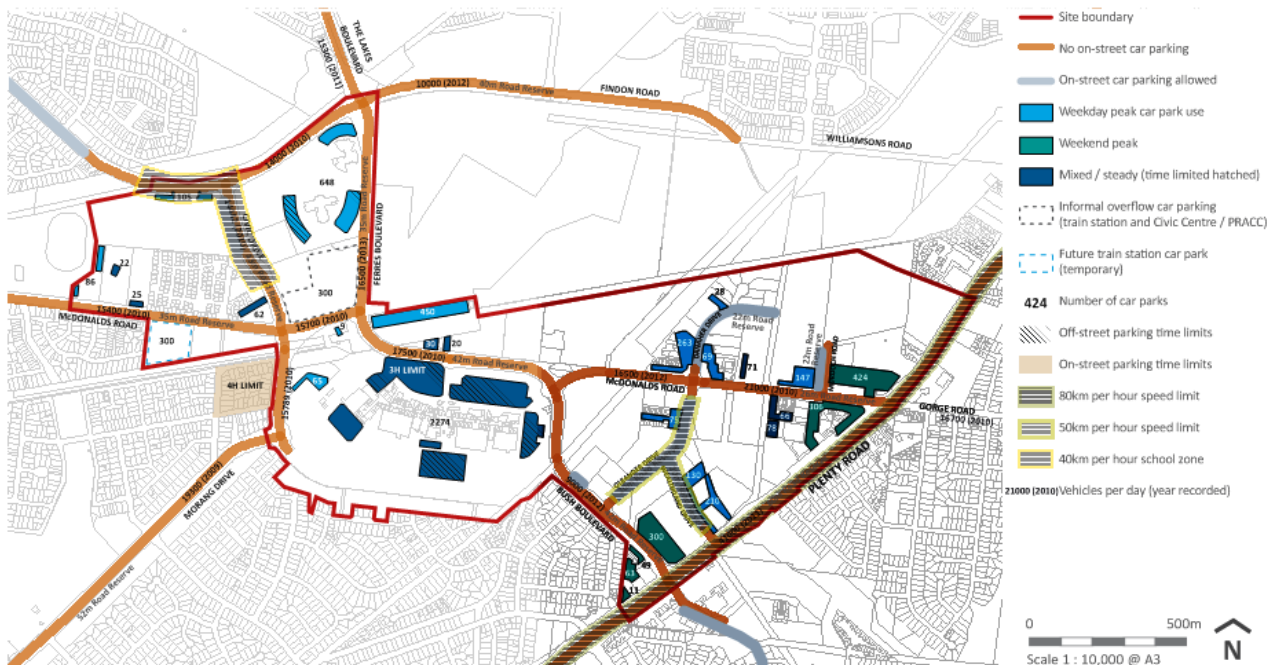


Figure 2 : Existing Parking Provision

Source: Plenty Valley Town Centre Structure Plan Background Report 2015





## 2.2 Parking Demand

### 2.2.1 Plenty Valley Town Centre Car Parking

As described above, the Plenty Valley Town Centre contains significant amount of car parking. None of the car parks within the Town Centre are used to capacity at all times. The car parking load is spread across the different uses and different times of the day, week and year.

Office and commuter car parks experience high demand on weekdays.

Retail car park demand is higher on the weekends, school holidays and close to calendar events including Christmas and Easter.

There are opportunities to make more efficient use of parking by having it utilised by different uses at different times of the day and week.

As part of the expansion of the Westfield Plenty Shopping Centre, 'a review of the car park occupancy levels across the site was undertaken by Cardno in April 2015. During the parking surveys indicates that the peak demand occurred at 1:00pm on the Saturday, when a total of 1,745 vehicles were recorded on the site. This equates to a parking demand for 3.56 spaces per 100 square metres for the centre.

On the Friday, the peak parking demand occurred at 12:00pm when 1,703 vehicles were observed on the site. This equates to a parking demand for 3.47 spaces per 100 square metres for the centre.

The above suggests approximately 3.5 spaces per 100 square metres of retail and supermarket space is required to meet peak demand.

### 2.2.2 Commuter Car Parking

There is significant demand for commuter car parking around the South Morang Train Station. Currently, 450 car parking spaces are provided in a sealed car park east of Ferres Boulevard and approximately an additional 300 spaces provided in a temporary car park located west of Ferres Boulevard. These parking areas are regularly filled during the morning commute.

The extension of the rail line to Mernda will likely ease the stress on the car parking in the short term. A number of strategies can be implemented to provide convenient access to the station and reduce the amount of strategically located land utilised for parking:

- Promote the use of new stations to be constructed as part of the Mernda Rail extension.
- Improve the pedestrian and cycle connections to the Train Station,
- Encourage greater patronage of buses which interchange at the Train Station,
- Advocate for the extension of the Route 86 Tram Route and for an interchange at the Train Station,
- Support the provision of multi-level parking with active uses at ground level.

Ultimately, commuter parking is the responsibility of Public Transport Victoria and its Council's responsibility to provide a supporting role in respect to this issue.

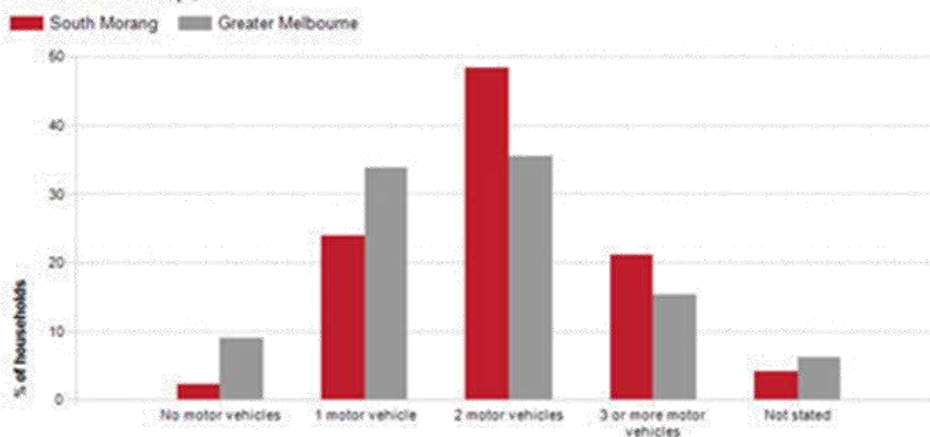


### 2.2.3 Car Ownership

The level of car ownership per household provides an indication of private vehicle use and therefore the level of parking demand. Figure 3 shows that households in Plenty Valley are more likely to own two vehicles than Greater Melbourne. There are few households which do not own a car. This is reflective of the current vehicle dominated transport network and largely low density residential areas located some distance from public transport.

It is expected that car ownership will become more consistent with Greater Melbourne as alternative transport options improve and more housing options are provided closer to public transport similar to other more established parts of Melbourne. It would be expected that households located in the Town Centre with good access to public transport would generally only require one car.

Car ownership, 2011

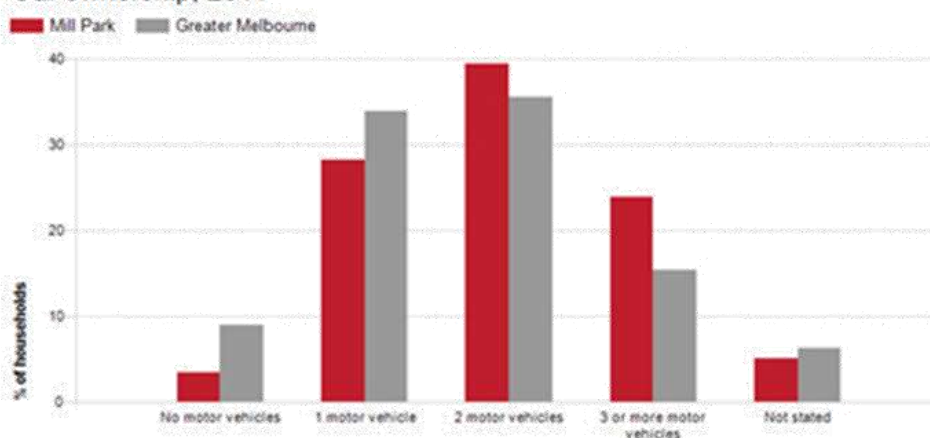


Number of cars

Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 (Enumerated data)  
Compiled and presented in profile .id by .id, the population experts.

.id  
the population experts

Car ownership, 2011



Number of cars

Source: Australian Bureau of Statistics, Census of Population and Housing, 2011 (Enumerated data)  
Compiled and presented in profile .id by .id, the population experts.

.id  
the population experts

Figure 3 : Car Ownership in Plenty Valley  
Source: .id. The Population Experts. 2016





For example, less than one third of households in proximity to the Reservoir and Preston activity centres areas have access to more than one vehicle.

The Structure Plan aims to provide the urban environment and infrastructure which supports households to function without multiple cars. This includes locating housing close to public transport and services and making the town centre more walkable.

Other initiatives such as Green Travel Plans (2.2.6) see can help people to live with less car dependency by guiding behaviour changes. The plan provides strategies and outlines practical steps to assist people moving into new developments to live in a more sustainable manner.

This in turn supports the Structure Plan's vision to create a more attractive, accessible and vibrant Town Centre which is less dominated by traffic and vehicles.

#### **2.2.4 Alternative Transport Options**

The Plenty Valley Town Centre is well serviced by public transport and sustainable transport modes. The South Morang Train Station is located centrally within the centre and links South Morang with the Melbourne CBD, Epping, Preston and the wider train network. The line is proposed to be extended in the near future to Mernda with future stations at Marymede, Hawkstowe and Mernda.

Ten bus routes currently service the Plenty Valley Town Centre which connect with the hinterland of residential areas and activity nodes further away. A bus interchange is located beside the South Morang Train Station with additional stops located throughout the centre. Recent new bus services in Plenty

Valley have improved frequency including Route 564 which runs every 10 minutes between South Morang and RMIT Bundoora.

A proposal exists to extend the Route 86 tram route from the current terminus at RMIT Bundoora along Plenty Road to the Plenty Valley Town Centre. The extension will likely run along Plenty Road, Bush Boulevard and McDonalds Road and head further north to The Lakes Boulevard, with an interchange at the South Morang Train Station. This would provide additional access and movement opportunities to and throughout the centre. Currently, the State Government is undertaking a feasibility study into the tram extension.

Plenty Valley is connected by pedestrian and cycle networks. Further, the Plenty Valley Town Centre Structure Plan identifies a number of improvements which will further enhance pedestrian and cycle connectivity and permeability throughout the centre.

Other alternative transport modes including carshare, electric vehicles and Uber are becoming more prominent and should be accommodated for in the Town Centre. Multiple transport options which exist now and will be enhanced into the future provide alternatives to the use of the car and decreases the need and demand for car parking. This can provide the opportunity for better utilisation of land currently used for parking. Reductions and restrictions in car parking also improves the attractiveness of using public transport which in turn provides the demand for improved services. It is anticipated that this trend will continue over time as the vision for the Town Centre is realised.





### 2.2.5 Green Travel Plan

A Green Travel Plan is a suite of onsite initiatives and offsite services to encourage residents and staff of large developments to use sustainable transport options.

The Travel Plan is a tool to assist in encouraging a mode of transport shift and reducing the demand or need for increased road capacity and parking supply.

A Travel Plan promotes greener, cleaner, and healthier travel choices with a specific emphasis on reducing single-occupancy car journeys plus encouraging active modes of transport such as walking and cycling.

Depending on the development type, a Green Travel Plan may include:

- parking facilities for bicycles, motor bikes, small cars, electric cars and onsite and nearby car share systems,
- end of trip facilities for staff, including the location of showers and the availability of personal lockers,
- bicycle and walking maps,
- nearby public transport stops,
- timetables for public transport services,
- availability of free or substituted public transport tickets through the employer or relevant Owners Corporation,
- an organisation's car-pooling scheme.



### 3. Parking Precinct Policy

The Parking Precinct Policy provides a response to specific issues relating to parking provision and development in the Plenty Valley Town Centre. It is proposed that the policy will be implemented through statutory controls including the Parking Overlay.

The policy is supported by further actions to address broader parking issues in the Town Centre

#### On-Site Parking Provision Rates

1. The Parking Provision Rates set-out in Table 1 below are to be applied in Plenty Valley via the Schedule to Clause 52.06-6. These rates are most suitable for a Town Centre environment.

Use	Rate	Measure
Dwelling	1	Space for each dwelling

For all other uses listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for a Use shall be calculated by using the Rate in Column B of that Table.

2. Council will undertake an assessment of the appropriateness of allowing fewer spaces in accordance with 52.06-6. In assessing an application against 52.06-6, Council will consider applications to reduce parking in the Town Centre where it is demonstrated that alternative and sustainable transport option including public transport, cycling and walking will reduce the demand for car parking.
3. Developments will be encouraged to provide parking spaces for Carshare services.
4. Residential developments should make provision for electric vehicles charging in parking on their site.

#### Commuter Parking

5. Support the provision of sufficient commuter parking by Public Transport Victoria in proximity to the South Morang Station particularly in multi-level parking facilities with active ground floor uses.
6. Support the extension of the Route 86 tram route with a transport interchange at the South Morang Train Station.

#### Parking Design

7. Parking areas should be located in basement, screened undercroft and / or multi-level parking arrangements.
8. Developments are encouraged to use flexible design initiatives that enable parking areas to be used on a temporary basis for alternative uses such as community gatherings or markets.
9. Where parking is provide at grade, it should be sleeved by built form, high quality landscaping and provide trees and landscaping at the rate of one space for every eight spaces.
10. Support provision of at-grade parking beneath electricity transmission lines and within utility easements.
11. Multi-level parking should provide for alternative uses at street level. Developments should consider flexible design initiatives that enable multi-level parking areas to be transformed into office or residential space at a later time.





## **Green Travel Plans**

12. Council will require developments comprising 5,000 square metres or more of commercial or industrial floorspace and / or 30 or more dwellings to submit a Green Travel Plan. The Green Travel Plan is to demonstrate design and behaviour-change initiatives that are to be implemented over the life of the development that will assist to achieve the sustainable transport objectives for the Plenty Valley Town Centre.

## **Parking Use and Redevelopment**

13. Council will support the redevelopment of at-grade car parking into multi storey mixed use development including parking.





## 4. Implementation and Further Actions

As part of implementing this Parking Precinct Plan, Council will:

1. Apply a Parking Overlay (PO) to the Plenty Valley Town Centre in the Whittlesea Planning Scheme which implements the Parking Precinct Policy. A draft schedule is included in Appendix 1.
2. Monitor the supply and demand of car-parking and the patronage of public transport in the Town Centre.
3. Monitor and take appropriate action where necessary in respect to illegally parked vehicles, particularly where they undermine the intent of parking management tools.
4. Prepare a Parking Strategy for the municipality with specific strategies and actions for activity centres and around train stations. Review and update the Parking Overlay and other relevant controls in the Whittlesea Planning Scheme if necessary.
5. As part of the preparation of the Parking Strategy, consider parking management tools to including; pricing, permits, restrictions, physical changes to best manage parking within an activity centre environment.
6. Advocate for Public Transport Victoria to develop at-grade car parking near the South Morang Train Station into multi storey mixed use development including multi-level parking.
7. Advocate for the extension of the Route 86 tram route with a tram stop at the South Morang Train Station to provide greater transport alternatives to travel to and from the South Morang Train Station.



Plenty Valley Town Centre Parking Precinct Plan 2017

## Appendix A: Parking Overlay Schedule

### SCHEDULE 2 TO THE PARKING OVERLAY

Shown on the planning scheme map as **PO2**

#### 1.0 Parking objectives to be achieved

Provide for sufficient car parking as part of new development.

To encourage a mode shift towards the use of active and sustainable travel modes.

To improve the visual and pedestrian amenity within Plenty Valley Town Centre through the careful design and placement of car parking.

#### 2.0 Number of car parking spaces required

The required number of car parking spaces is shown in Table 1. The requirement for a use listed in the table is the product of the *Rate* and the *Measure*.

**Table 1: Car parking spaces**

Use	Rate	Measure
Dwelling	1	Space for each dwelling

[For all other uses listed in Table 1 of Clause 52.06-5, the Rate in Column B and Measure in Column C of Table 1 in Clause 52.06-5 applies.](#)

#### 3.0 Application requirements

Before a new use commences or any buildings or works associated with that use or an existing use is constructed, plans must be prepared to the satisfaction of the responsible authority. In addition to the application requirements set out in Clause 45.09-8, the plans must show:

- Pedestrian access ways through parking areas.
- The potential location of electric vehicle charging points.
- Details of how the parking spaces will be allocated to individual dwellings or tenancies and whether the parking spaces will be separate lots with their own Certificate of Title.

This information may be included in other plans submitted with an application.

A Green Travel Plan must be prepared for all applications use and / or for development comprising:

- 5,000 square metres or more of commercial or industrial floorspace, and / or
- 30 or more dwellings,

that includes design initiatives and actions to encourage the use of more sustainable transport options in the Plenty Valley Town Centre consistent with the objectives of this overlay.

The responsible authority may require a Green Travel Plan to be provided for smaller developments, depending on the location of the land, the proposed use and / or the proposed provision of parking.

#### 4.0 Design standards for car parking



Plenty Valley Town Centre Parking Precinct Plan 2017

In addition to the design standards at Clause 52.06-8, the design of car parking spaces should meet the following:

- Parking areas should be located in basement, screened undercroft and / or multi-level parking arrangements.
- Flexible design initiatives should be provided to enable parking areas to be used on a temporary basis for alternative uses such as community gatherings or markets.
- Ensure the following design outcomes for at-grade car parks where basement, undercroft or multi-level parking is not feasible:
  - Locate car parking to the rear of developments and avoid the use of street frontages for car-parking, where possible;
  - Sleeve at-grade car parks with built form or screen them with extensive, high quality landscape treatments that reduce the visual dominance of the car park while contributing to the built form quality and active surveillance opportunities; and
  - Provide trees and landscaping at the rate of one space for every eight spaces in surface car parks, with engineered soils where required to ensure proper tree growth.
- Ensure the following design outcomes for car parking in multi-level developments:
  - Provide for alternative uses at street level which activates the street and creates visual interest; and
  - Flexible and adaptable design initiatives such as appropriate floor to ceiling heights should be provided that enable multi-level parking areas to be redeveloped into office or residential space at a later time if the circumstances are appropriate.

**5.0 Decision guidelines**

Before deciding on an application to reduce the number of car parking spaces required for a specified use, in addition to the application requirements and decision guidelines at Clause 52.06-09 and Clause 52.06-09, the Responsible Authority must consider as appropriate:

- The likely effectiveness of the proposed Green Travel Plan, if applicable.

**6.0 Reference document**

*Plenty Valley Town Centre Parking Precinct Plan 2017*  
*Plenty Valley Town Centre Structure Plan 2017*



**6.1.24 COOPER STREET WEST - PLANNING SCHEME AMENDMENT****File No:** 195067**Attachments:**  

1	Locality Plan <a href="#">↓</a>
2	Cooper Street West Precinct <a href="#">↓</a>
3	Cooper Street West Sub Precinct Plan <a href="#">↓</a>

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

Council officers have received a request for a Planning Scheme Amendment which proposes to rezone properties within the Cooper Street West area.

The two sites are:

- 410 Cooper Street, Epping; and
- 315 O'Herns Road, Epping.

The proposed amendment seeks to rezone both parcels of land from Farming Zone to Industrial 1 Zone and to apply a Development Plan Overlay to the land. The combined area of these two sites is 61.42 hectares.

The proposed amendment is required to facilitate the use and development of the land for industrial purposes. The land has been identified for industrial development in the *Cooper Street Precinct Strategy (1996)*, as part of Council's draft *Cooper Street West Position Paper*, Clause 21.10 of the Whittlesea Planning Scheme and other strategic planning policies.

This will be the first area subject to a rezoning within the Cooper Street West Precinct and builds on the development and employment generation occurring within the broader Cooper Street Employment Area.

The proposed amendment is implementing the established Council framework for the area. Also, it is consistent with the uses as proposed within the draft *Cooper Street West Position Paper* which was exhibited for public comment in April/May 2016. The amendment provides for a significant increase in employment land supply within the State Significant Cooper Street Employment Area.

It is recommended that the Council seek authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment. From a process perspective, that Council request that this amendment is considered under Section 20(2) of the *Planning and Environment Act 1987* which will limit exhibition to relevant statutory authorities and any other stakeholders prescribed by the Minister for Planning.

**INTRODUCTION**

The purpose of this report is to seek Council approval to request authorisation from the Minister for Planning to prepare and exhibit a Planning Scheme Amendment to rezone two properties within the Cooper Street West area for employment/ industrial purposes.

The proposed Planning Scheme Amendment includes the following two properties:

- 410 Cooper Street, Epping; and



- 315 O'Herns Road, Epping.

These sites are located between Cooper Street and O'Herns Road immediately west of the Craigieburn Bypass and have a total area of approximately 61 hectares (*Attachment 1*).

Currently, development on the subject properties comprises of a single dwelling and the land has been fenced into paddocks of varying sizes. The subject properties have not been used for any extractive industry or waste recovery. Given the historical farming uses, the vegetation on site is predominantly cleared pasture with some scattered trees.

These sites are located in the area known as the Cooper Street West Precinct (the Precinct) which forms part of the broader Cooper Street Employment Area. Cooper Street West is the remaining land in the broader Cooper Street Employment Area yet to be planned since the original designation of Cooper Street as an employment area of State significance. Planning and development of adjacent land in Cooper Street is creating more interest and demand for development within this precinct given its significant location and infrastructure benefits.

The Cooper Street West precinct is bounded by Merri Creek to the west; Northern Quarries Investigation Area (NQIA) to the north, the Cooper Street Development Plan Area and the Craigieburn Bypass to the east and the more recently approved Cooper Street South-West Employment Area (Alex Fraser Group and Biodiversity Business Park) to the south (*Attachment 2*). The precinct's proximity to the Melbourne Wholesale Fruit and Vegetable Markets, Epping Metropolitan Activity Centre, Freeway interchange and surrounding employment land supports the continuing interest in developing this precinct for employment purposes.

The Precinct's history of quarrying, landfill and gas extraction has to a large extent constrained planning for this precinct. To this end, much of the focus for planning and development within the Cooper Street Employment Precinct has been focussed to date within the relatively unconstrained land east of the Craigieburn Bypass, which also includes the land containing the Melbourne Wholesale Fruit and Vegetable Market. In addition, the precinct contains a number of other constraints to development including a gas pipeline easement along the eastern boundary and protected high order biodiversity values. Notwithstanding this, there is now landholder interest in advancing development within the precinct.

## PROPOSAL

Council officers have been approached by the landowner of the subject properties with a request to rezone the land to facilitate employment/ industrial development. The landowner has interest from a range of large scale businesses wanting to invest and establish businesses on this site due to:

- The site's strategic location and its access within and to the Cooper Street West Precinct (both in Whittlesea and Hume) and the Hume Freeway;
- The site's proximity to the Melbourne Wholesale, Fruit, Vegetable and Flower Market facility, which has opened up many opportunities in the area; and
- The willingness of the landowner to tailor land and development parcels to specific requirements.

However, in order to facilitate these types of development, a Planning Scheme Amendment is required. This includes:

- Rezoning the two sites from the current Farming Zone to Industrial 1 Zone; and
- Applying a new Development Plan Overlay to these sites.

These are explained in more detail below.

### *Rezoning*



The subject land parcels are zoned Farming Zone 1 which essentially does not reflect the future policy intent of the area. The intention of the area is to provide for employment/ industrial uses and therefore, the Industrial 1 Zone is considered to be the 'best fit' in order to allow for this type of development.

#### *Development Plan Overlay*

A key aspect of the proposed Planning Scheme Amendment is the application of a Development Plan Overlay (DPO) and associated schedule to these properties. The purpose of a DPO is to guide future development of the site and provide the basis of a Development Plan, which will be the next step in the strategic planning of the area.

The DPO Schedule also includes a concept layout plan which will also inform the future Development Plan and assist in guiding the schedule.

The implementation of a 'concept' plan to be attached to the schedule of the Development Plan Overlay will provide more clarity and direction in terms of the future Development Plan and proposals within this area. It should be noted that the Development Plan application is not being included as part of this Planning Scheme Amendment.

Development Contributions and infrastructure delivery will also be covered via clauses within the DPO Schedule and secured by way of legal agreements. However, given the specific issues affecting this precinct, namely the nature and extent of constrained land, it is not envisaged that an overall Development Contributions Plan will be developed, but rather dealing with the infrastructure provision requirements on a precinct or landholding basis via a legal agreement.

### **ASSESSMENT AGAINST THE DRAFT COOPER STREET WEST POSITION PAPER**

In order to address the growing developer interest in the Cooper Street West precinct and assist in facilitating future planning, Council officers have prepared the *Draft Cooper Street West Position Paper (The Draft Position Paper)*. The *Draft Position Paper* identifies the key issues for consideration in the potential development of the precinct.

The purpose of the *Draft Position Paper* is to inform landholders and potential developers of Council's position in relation to this complex and constrained precinct and to identify from the outset the key planning considerations to be addressed to avoid ad hoc development and ensure planning for the broader precinct is not prejudiced.

The *Draft Position Paper* was placed on public exhibition between 11 April 2016 and 6 May 2016. Ten submissions were received which were generally supportive of the vision of the *Draft Position Paper* and sought only minor modifications.

The finalisation of the *Draft Position Paper* is awaiting finalisation of a Landfill Gas Risk Assessment of the closed landfills within the Cooper Street West precinct. This assessment will enable Council to understand the current level (if any) of landfill gas presence and migration. The final *Cooper Street West Position Paper* is anticipated to be put to Council for adoption in the second quarter of 2017.

The *Draft Position Paper* has identified four distinctive sub-precincts to inform future planning for the area (*Attachment 3*). The *Draft Position Paper* analyses each sub-precinct, identifies the opportunities and constraints for each sub-precinct and make recommendations to inform future planning. The sub-precincts reflect the primary purpose and land uses and are as follows:

- Precinct 1 is identified as the Merri Creek Marran Baba Parklands and Conservation Land and encompasses land identified for open space and conservation purposes.
- Precinct 2 is identified as the Animal Welfare Precinct and contains the proposed Council owned Animal Welfare Shelter and vacant Council owned land subject to closed landfill buffers.



- Precinct 3 is identified as the Earth Resources and Waste Recovery precinct, and includes extractive industries, green waste recycling, and concrete batching.
- Precinct 4 is identified as the Gateway – Emerging Industry precinct which represents the most developable land in the short to medium term.

The subject sites are identified in Precinct 4. The *Draft Position Paper* makes the following recommendations:

- Support the rezoning of the precinct to reflect the intended employment land;
- Ensure development of this precinct does not prejudice the planning and development of the broader precinct, particularly in terms of internal road access arrangements;
- Ensure a rezoning is accompanied by a development plan, including a Development Contributions Plan/Infrastructure Contributions Plan or Section 173 Agreement, as required; and
- Ensure integration of the development of this sub-precinct with the broader Cooper Street West Precinct.

The *Draft Position Paper* also sets out key planning considerations for the development of this precinct. These can be summarised as follows:

- There is a clear need to recognise and manage risks associated with being within a closed landfill buffer and active quarry buffer;
- There is also a need to recognise and respond to constraints related to the gas pipeline easements which run through the precinct;
- The precinct is highly visible and acts as a 'gateway' to the overall Cooper Street West area. High quality built form and landscaping will be necessary; and
- The road network needs careful and thoughtful consideration. An overall road network will be necessary, which provides connectivity and accessibility and doesn't compromise future links required to the west.

While the *Cooper Street West Position Paper* is yet to be formally determined, the proposed use of the subject sites for employment/ industrial purposes is consistent with the *Draft Position Paper*, the Whittlesea Planning Scheme and other adopted Council strategies.

These matters identified in the *Draft Position Paper* will be addressed as part of the Development Plan Overlay Schedule that will be prepared as part of the Planning Scheme Amendment and also as part of the future Development Plan. The nature of these matters has been expanded on below.

#### *Buffer requirements*

These sites are within the buffer of a former putrescible landfill at 335 O'Herns Road, Epping. These buffers apply to all buildings and structures, including industrial uses.

The key risks associated with former landfills include: gas migration, leachate entering the ground water and land instability. These risks affect the former landfill sites as well as adjoining sites within the landfill buffer.

It should be noted that being within a closed landfill buffer does not prohibit development on these parcels of land. Land within the buffer may be developed for non-sensitive uses subject to a landfill gas risk assessment being undertaken to determine the potential for landfill gas presence and migration, and assess the need for any mitigation measures to be incorporated into a development.

The applicant for the Planning Scheme Amendment is in the process of undertaking a 'high level' Landfill Gas Risk Assessment for the area. This assessment is designed to provide advice in relation to the future development of the area, to demonstrate that the area is able to be developed for industrial purposes and that it will not be adversely impacted by its proximity to the landfill site.



The Environment Protection Authority's *Best Practice Environmental Management – Siting, design, operation and rehabilitation of landfills* (EPA Publication 788.3, August 2015) provides a trigger for what works can be done and when a landfill gas risk assessment is necessary. The applicant for the Planning Scheme Amendment is required to undertake more detailed work as part of the future strategic planning for the precinct. It is noted that the more detailed assessments will be done once the nature of the buildings and works is known given that specific construction measures may be necessary to mitigate any risks associated with landfill gas migration.

The planning of these sites must also take into account the constraints of developing within the separation buffer of an active quarry. Again, this buffer does not prohibit development, it merely requires an additional level of assessment in order to demonstrate that the new employment use will not prejudice the existing quarry operations.

#### *Gas Pipeline*

A high pressure gas transmission pipeline (known as Keon Park to Wollert T47.1) runs through these sites. The easement for the pipeline is approximately 35 metres wide and runs in a north-south direction. High pressure gas pipelines carry a level of risk which must be assessed to ensure that the risk to people, property and the environment is within acceptable levels in accordance with the *Guideline for the Planning and Development of Land in the Vicinity of High Pressure Natural Gas Pipelines in Victoria*, 2014 (APA Group) and *Australian Standard 2885 Pipelines: Gas and Liquid Petroleum*.

The relevant gas authority may be required to undertake a Safety Management Study to determine if the development will impact on pipeline safety and assess the associated risk.

#### *Built form requirements*

Cooper Street is identified as a gateway to the City of Whittlesea in the *Cooper Street Employment Area Development Plan* and is identified as the most important east-west arterial in this region of the municipality. These sites in particular are considered to be a significant gateway role as they are on the corner of the future O'Herns Road interchange and the Cooper Street interchange.

A high standard of design is expected from development fronting Cooper Street to reflect the gateway location and the high level of exposure. This may come through the provision of Design Guidelines or another requirement determined as part of the Development Plan application process.

#### *Road network and existing infrastructure*

Whilst the precinct is in a strategically significant location, with respect to roads infrastructure, it currently suffers from a delay in investment in the surrounding arterial network and lacks a functional local road network. The redevelopment of an area at this scale will require an internal road network. Its design will be driven in large part by an assessment of the extent of encumbrance from former quarry/landfill sites including the impact of land instability.

As a result, this will require more detailed planning for the Precinct to identify future road alignments and include geotechnical investigations to ensure roads are located in areas that are able to support the construction of roads to an industrial standard and not prejudice the planning and development of the broader precinct.

Cooper Street is a major arterial road managed by VicRoads. Access arrangements for Cooper Street have already been largely determined by the location of signalised intersections in the approved subdivision for the Cooper Street South-West Precinct. These include two fully signalised access points at Graystone Court and Biodiversity Drive which have been agreed with VicRoads along this section of Cooper Street.

There is currently limited north-south road access from O'Herns Road to Cooper Street, and a portion of Vearings Road south of O'Herns Road is not in Council ownership. The precinct also currently contains a number of unsealed roads and single carriageways. Given that the



existing O'Herns Road is not fully constructed and is not capable of taking additional traffic, it may be necessary for Council to require duplication and full reconstruction of the road. Reserving additional land for a future 4-lane divided road with median and service roads may also be required. The road network and intersections with O'Herns Road will also need to take into account the future O'Herns Road interchange design and layout. The intersections to O'Herns Road may also require upgrades with full access provided at controlled points (i.e. intersections with traffic signals). Like the Cooper Street access, the location and nature of these access points, their location and their funding provision will need to be resolved as part of the future Development Plan.

The above issues have been recognised in the *Draft Position Paper* and will be addressed as part of the future Development Plan that will be undertaken on the site and associated infrastructure agreements. The Development Plan application will include the preparation of these technical studies and investigations to guide use and development.

This Planning Scheme Amendment is the next step in the strategic planning process for these sites.

## NOTIFICATION

When considering the most appropriate course of notification, it is important to recognise the consultation which has been undertaken to date.

In this instance, Council has recently consulted with the landowners in the overall Cooper Street West area in terms of the *Draft Position Paper*. The aim of this consultation was to seek landowner's feedback on the issues and recommendations raised in the *Draft Position Paper*. While not a statutory exhibition, no objections were raised from surrounding landowners regarding the concept of the future use of the land for employment purposes.

Noting the above and the strategic intent of the site and surroundings, it is considered appropriate to request that the Amendment is undertaken using the provisions of Section 20(2) of the *Planning and Environment Act 1987*. The provisions of this section of the Act allow the Planning Minister to grant an exemption from the requirements for giving notice of an amendment, except for those notices as listed within the Regulations which cannot be exempted. The benefit of this process is a more streamlined approach for the Planning Scheme Amendment moving forward as it reduces the extent of the exhibition.

Should the Minister not consent to exhibition of the Amendment under the provisions of Section 20(2), then the Amendment process can be fully exhibited.

## DISCUSSION

The intent to develop the Cooper Street Employment Area has been a strategic goal of Council over the past 20 years. The Cooper Street West Precinct is the latest stage in this process.

The *draft Position Paper* sets out the issues and opportunities that will form the basis of the future strategic planning that will occur in this Precinct and is substantially advanced in this process.

Demand is high for employment land within the Cooper Street West precinct given its strategic location near transport routes and its proximity to the Melbourne Wholesale Market site. Meeting this demand with increased supply is of a benefit to the community as it offers high quality employment opportunities for local and nearby residents.

As already explained in the report, the Cooper Street West precinct is highly constrained, hence why it is one of the last stages within the Cooper Street Employment Area to be developed. The nature of these constraints (i.e. the closed landfill and active quarry buffers, gas pipeline etc.) means that it is difficult to resolve all of the issues prior to the land being rezoned. If Council were to ask for the resolution of these matters at this stage, then it would



delay bringing potential land to the market, as well as making the proponent undertake costly studies without the security of having the land zoned for employment purposes.

The purpose of the *draft Position Paper* is to highlight the key issues within the Cooper Street West precinct and to identify a precinct approach to implementation. The subject properties (which form Precinct 4 within the *draft Position Paper*) is considered to be the least constrained precinct within the overall area and is the most logical starting point to start the further extension of the Cooper Street Employment Area.

As already indicated earlier in the report, the proponent is in the process of undertaking a 'high level' Landfill Gas Risk Assessment for the area. The proposed statutory framework forming part of the future Development Plan Overlay will also require future detailed planning on this matter. The subject properties will need to demonstrate that it can be appropriately designed with respect to issues such as road infrastructure and also providing maximum flexibility to ensure appropriate linkages to adjoining land.

In this context the amendment seeks to provide the necessary planning controls to allow for the subsequent detailed strategic planning to occur. To this end, it is considered that the proposal is consistent with the *draft Position Paper* and as such, it is appropriate to advance the amendment and the exhibition process.

From a risk perspective, should any issues arise during the Planning Scheme Amendment process, Council still has an opportunity to review the progress of the Planning Scheme Amendment post-exhibition.

As outlined earlier in the report, the provision of infrastructure, particularly on the arterial roads, is an important aspect of developing this precinct. A Development Contributions Plan Overlay is not proposed as part of this Planning Scheme Amendment because:

- The subject properties have one landowner, making it far easier to negotiate infrastructure and contributions;
- The precinct itself is relatively self-contained, with the majority of the infrastructure likely to be 'developer works' i.e. required as a function of the subdivision;
- The uncertainty regarding the nature and timing of the development of the other land within the Cooper Street West Precinct; and
- The employment focus of the land will not generate the need for 'community infrastructure' such as a Community Activity Centre.

It is also noted that the work in preparing, administering and managing a Development Contributions Plan (DCP) for this precinct may not be justified in terms of the funds that the DCP is likely to produce.

The securing of infrastructure via legal agreements is considered to be the most appropriate and practical approach in this instance given the above. It is not uncommon for Council to secure contributions in this way, with landowners in the Aurora Development Plan area subject to this type of process.

## POLICY STRATEGY AND LEGISLATION

This Amendment reflects the ambitions of the extensive set of Council policies.

Strategic planning for the Cooper Street West area began in the 1990s when the *City of Whittlesea General Plan* (1994) identified the Cooper Street Special Investigation Area:

*"Cooper Street, as an improved gateway to the municipality, also provides the opportunity for alternative employment promotion in well designed 'garden estates.' Such development could serve to enhance the 'image' of industrial areas in the City of Whittlesea and of the municipality overall."*

This was followed by the *Cooper Street Precinct Strategy* (1996) which established a joint vision for development in and around Cooper Street for the City of Whittlesea and the City of



Hume. The strategy identified that Cooper Street is an important arterial road and was a major gateway. For the land south of O'Herns Road, the strategy supports long-term revegetation and open space uses along the Merri Creek, continuation of ongoing extractive industrial and waste disposal uses and an eastward transition to higher-order industrial uses such as manufacturing and assembly. For the land north of O'Herns Road, the strategy recommends that the land be retained for rural uses, however this is subject to future planning now as part of the Northern Quarries Investigation Area.

The proposed amendment complies with the following State Government Policies:

*Melbourne North Growth Corridor Plan (Victorian Government, 2012)*

The North Growth Corridor Plan identifies the need to accommodate an additional 206,000 people and highlights the need for increased employment opportunities in Melbourne's outer suburbs. Two key objectives for the Melbourne North Growth Corridor are to build on this potential to provide additional industrial land supply to help maintain good job to dwelling ratio; and to improve the range and diversity of jobs in the employment market which is predominantly "blue collar" compared with metropolitan Melbourne. It identifies the capacity to provide between 83,000 and 105,000 new jobs, in a range of employment categories.

*Plan Melbourne (2014)*

Plan Melbourne was released by the State Government in January 2014 and outlines the vision for Melbourne's future growth to the year 2050.

The proposal complies with high level initiatives particularly:

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

At the metropolitan scale, Plan Melbourne identifies three 'State Significant Industrial Precincts'. This includes the 'Northern Region Industrial Area' which directly abuts the western edge of the Cooper Street West study area.

The stated objective for these three State significant industrial precincts is:

*To ensure there is sufficient strategically located land available for major industrial development linked to the principal freight network and transport gateways. They will be protected from inappropriate development to allow continual growth in freight, logistics and manufacturing investment.*

Plan Melbourne highlights the fact that transport, warehousing, manufacturing and wholesale trade industries have very specific locational needs. These are typically determined by supply chains, access to customers and suppliers, land costs/availability and road access.

The Plan also identifies that: 'A key focus for the Northern Subregion will be to continue to develop a diverse industry base linked to its key transport infrastructure and educational, technology and research capabilities.'

The Plan references the fact that *North Growth Corridor Plan* will accommodate an additional 206,000 people and highlights the need for increased employment opportunities in Melbourne's outer suburbs. It is considered that the future establishment of an industrial and business precinct within the study area would generally support these objectives.



## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Growing our economy</b>
<b>Theme</b>	<b>Employment</b>
<b>Strategic Objective</b>	<b>There are a diverse range of local employment opportunities</b>

The Plan identifies community priorities and Council's response in delivering on community needs as such the need for "growing our economy" and identifies "a diverse economy offers varied career opportunities so people can live and work in Whittlesea".

The continuation of strategic planning for these areas for future industrial purposes allows for more industry to develop in this important employment precinct and increases the range and potential for jobs within the municipality.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

**CONCLUSION** This Planning Scheme Amendment proposes to rezone land at 315 O'Herns Road, Epping and 410 Cooper Street, Epping in order to allow for employment/ industrial development to be considered.

The proposed industrial use of the land is consistent with current strategic planning for the area dating back to the mid-1990s, as well as the draft *Cooper Street West Position Paper*. It is also consistent with the overarching metropolitan planning strategy, *Plan Melbourne*.

The application of a Development Plan Overlay allows for Council to provide future guidance to the development of the site and provide the basis of a Development Plan, which will be the next step in the strategic planning of the area. The proposed statutory changes provide the framework for subsequent resolution of detail with respect to design, layout and infrastructure requirements. It is a positive outcome to advance the process to increase the supply of employment land in the municipality and broader region given the positive benefits to the community in terms of accessing high quality jobs close to their homes.

As outlined above, there has been consultation recently with the relevant landowners on the *Cooper Street West Position Paper*. None of the submissions received raised any significant issues or concerns with developing the subject properties for employment land. Given that this consultation has occurred recently, that no objections were received and that this Planning Scheme Amendment is formalising the future strategic planning framework to allow this outcome to happen, it is considered appropriate to apply for a Section 20(2) amendment to potentially streamline the process.

At the conclusion of the exhibition period, the submissions and issues raised during this period will be considered by Council and a formal decision made on the progress or otherwise of the amendment.

It is therefore recommended 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 rezone land from Farming Zone to Industrial 1 Zone and



- apply a Development Plan Overlay at 410 Cooper Street, Epping; and 315 O'Herns Road, Epping;
2. Seek authorisation to prepare and exhibit an amendment to the Whittlesea Planning Scheme in accordance with the *Planning and Environment Act 1987* should the Minister not consent to the exhibition of the amendment under Section 20(2);
  3. Advise the affected stakeholders of the above and of any decisions by the Minister for Planning.

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

**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 rezone land from Farming Zone to Industrial 1 Zone and apply a Development Plan Overlay at 410 Cooper Street, Epping; and 315 O'Herns Road, Epping;**
2. **Seek authorisation to prepare and exhibit an amendment to the Whittlesea Planning Scheme in accordance with the *Planning and Environment Act 1987* should the Minister not consent to the exhibition of the amendment under Section 20(2);**
3. **Advise the affected stakeholders of the above and of any decisions by the Minister for Planning.**





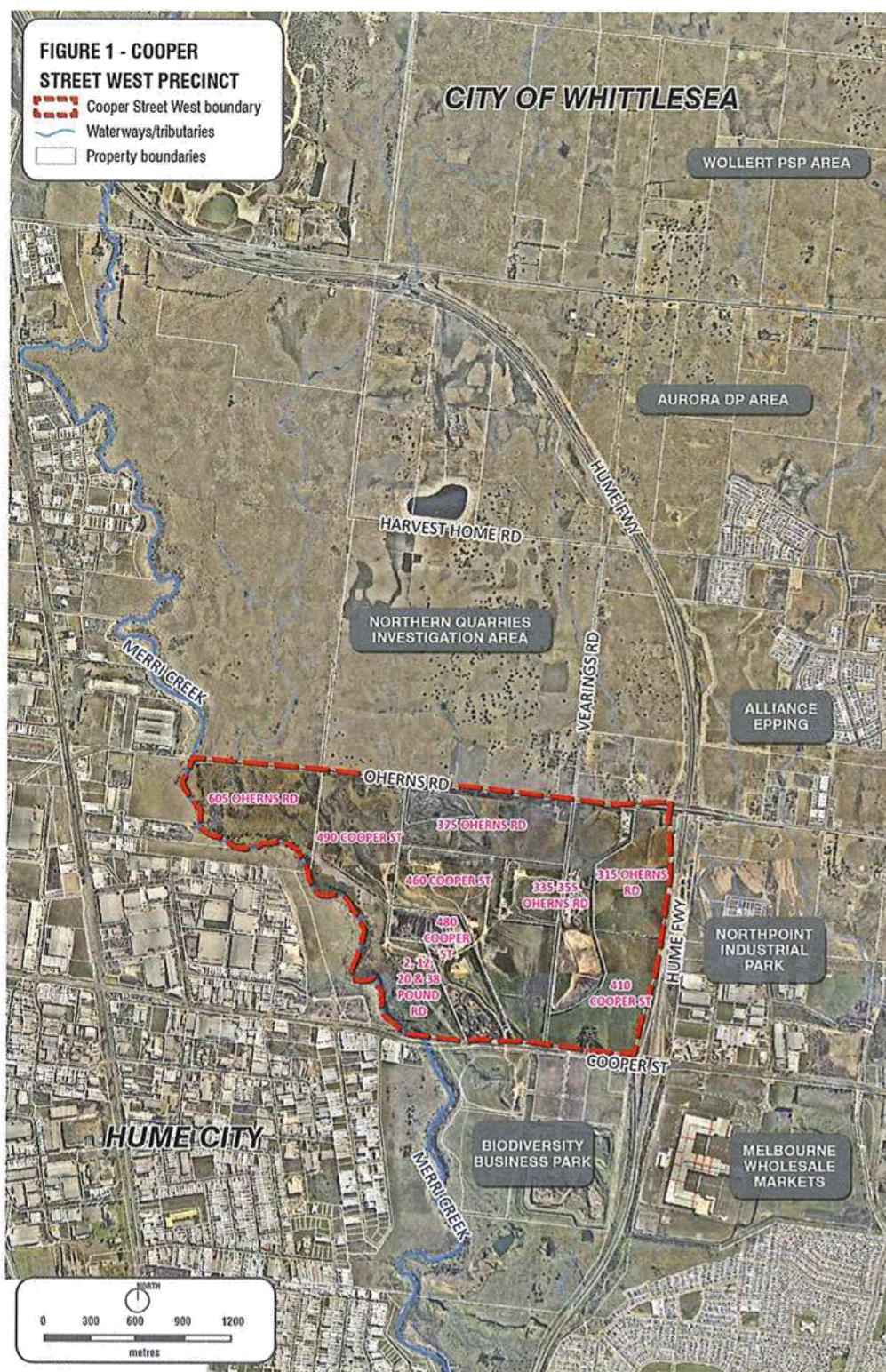
Locality Plan - Subject sites are outlined in blue







Cooper Street West Precinct – extract from the draft Cooper Street West Position Paper









Cooper Street West Sub Precinct Plan – extract from the draft Cooper Street West Position Paper









**6.1.25 2016/17 SECOND QUARTER NEW WORKS PROGRAM REPORT****File No:** 192600

**Attachments:**

- 1 **Financial Summary** [↓](#)
- 2 **Project Progress Report** [↓](#)
- 3 **Project Status Photos** [↓](#)
- 4 **Planning and Feasibility Status Report** [↓](#)
- 5 **Status of New Works Grant Applications** [↓](#)

**Responsible Officer:** Director Planning & Major Projects**Author:** Team Leader Business Support**REPORT****EXECUTIVE SUMMARY**

This report provides an overview of the financial performance and status of the New Works Program at the end of the second quarter of the 2016/17 financial year.

The value of work completed at the end of the first quarter is \$25,638,242 compared to the budget of \$32,035,160. The underspend is due to a number of projects being delayed due to inclement weather, however the warmer months should see projects progress and completed within the anticipated timeframes. In addition, there are contracts and purchase orders committing another \$32,125,177 as at 31 December 2016, which shows a good level of delivery preparedness for the remainder of the financial year. Refer to **Attachment 1**.

The second quarter includes many projects that have been finalised from the previous financial year as well as the commencement of design and construction of new projects in the 2016/17 financial year. Some significant milestones achieved during the second quarter include:

- Completion of the Mill Park Lakes Pavilion Expansion/Upgrade;
- Completion of the Thomastown Library Refurbishment;
- Completion of the Synthetic Surface at Mill Park Lakes Reserve; and
- Completion of the Urbanisation of McKimmies Road.

The following projects have made significant progress in the second quarter of 2016/17.

- Animal Welfare Facility, Epping;
- Lalor Recreation Reserve - Community Tennis Pavilion, Lalor;
- Ashley Park Community Centre;
- Mernda South (Hawkestone) Early Learning Centre, Mernda;
- RGC Cook Reserve Pavilion Upgrade;
- Signalisation and construction of the intersection at Bridge Inn and Painted Hills Road Mernda;
- Thomastown Recreation and Aquatic Centre Outdoor Playspace;
- Meadowglen Athletics Track Resurfacing; and
- Redevelopment of Barry Road Community Activity Centre, Thomastown.

Significant projects scheduled for completion in the third quarter of 2016/17 include:



- Animal Welfare Facility, Epping;
- Meadowglen Athletics Track Resurfacing; and

For a detailed progress report on significant projects refer to **Attachment 2**. Photos on the progress of some significant projects can be found in **Attachment 3**.

## BACKGROUND

Council adopted the 2016/17 New Works Program budget on 23 June 2016 with the total budget of \$43.335 million plus \$18.227 million carry forward providing a total New Works Program budget for 2016/17 of \$61.6 million.

## CONSULTATION

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

## FINANCIAL IMPLICATIONS

The 2016/17 budget includes \$61,561,332 for the New Works Program (including carry forward funding). The value of work completed for the year-to-date is \$25,638,242 compared to the year-to-date plan of \$32,035,160. Further commitments (contracts and purchase orders) to the value of \$32,125,177 have been generated. A summary of progress of projects by Group can be found below whilst a description on key projects has been included in **Attachment 2**.

Financial details for contracts within each project are provided through tender and contract closure reports to Council.

### Financial Status of the New Works Program by Group:

Group	Year To Date Actuals \$	Year To Date Budgets \$	Year To Date Variance \$	Annual Budget \$
<b>Buildings</b>	<b>14,086,315</b>	<b>14,493,524</b>	<b>(407,209)</b>	<b>24,209,009</b>

The Buildings category is currently showing expenditure overspend of \$407,209 compared to the Year To Date budget.

The key project contributing to the variance is:

- Animal Welfare Facility – This project is tracking ahead of the planned budget timing and due for completion in the third quarter.

Group	Year To Date Actuals \$	Year To Date Budgets \$	Year To Date Variance \$	Annual Budget \$
<b>Drains</b>	<b>83,900</b>	<b>187,500</b>	<b>103,600</b>	<b>1,403,500</b>
<b>Planning &amp; Feasibility</b>	<b>27,245</b>	<b>140,000</b>	<b>112,755</b>	<b>300,000</b>



Drains – Delays have been encountered due to extended negotiations with property owners and complications with designs. Project schedules are being reviewed to ensure projects are completed within the financial year. This is a timing issue only and budget is expected to be spent by year end.

Planning and Feasibility – Year to date expenditure reports behind budget, however projects are progressing well with commitments in place for planning and feasibility assessments for future projects in the four year New Works Program.

Group	Year To Date Actuals \$	Year To Date Budgets \$	Year To Date Variance \$	Annual Budget \$
Open Space	3,273,960	5,296,772	2,022,812	11,464,034

The Open Space category is currently showing an underspend of \$2,022,812 compared to the Year To Date budget.

The key projects contributing to the variance are:

- Lalor Tennis Club – Reconstruct Courts 3 to 6 – The works have been delayed due to the withdrawal of the original contractor that was awarded. A new contractor has been appointed with works to commence in the third quarter.

Group	Year To Date Actuals \$	Year To Date Budgets \$	Year To Date Variance \$	Annual Budget \$
Plant & Equipment	1,900,275	1,443,181	(457,094)	4,242,702
Transport	1,212,180	3,655,109	2,442,929	5,907,614

The Plant and Equipment category is currently showing an overspend of \$457,094 compared to the Year To Date budget. This is mainly due to the timing for the replacement of motor vehicles.

The Transport category is currently showing an underspend of \$2,442,929 compared to the Year To Date budget.

The key project contributing to the variance is:

- Painted Hills Road / Bridge Inn Road Intersection works – Inclement weather has delayed the planned progress of works on-site however warmer weather in the coming months should see works progress rapidly.
- Install Pedestrian Operated Signals Findon Road – Works have commenced however the works are being delivered later than the original plan. On track for completion in the fourth quarter.



Group	Year To Date Actuals \$	Year To Date Budgets \$	Year To Date Variance \$	Annual Budget \$
Roads & Paths	5,054,367	6,819,074	1,764,707	14,034,473

The Roads and Paths category is currently showing an underspend of \$1,764,707 compared to the Year To Date budget. However, further contracts and commitments of \$2,717,081 indicate that this category has a high degree of preparedness for delivery in the coming warmer months.

The key project contributing to the variance was:

- Scott Street Beautification Works – Contract has been awarded later than anticipated. Project on track for completion in fourth quarter.
- Upgrade Shared Path Darebin Creek – Inclement weather has delayed accessibility to the creek bank for construction works. Warmer weather will enable acceleration of the works in the third quarter.
- Traffic Signals – Yan Yean/Cookes Road Intersection – Project has been delayed due to some design difficulties with services at the intersection. Issues have been resolved and tender has closed for evaluation. On track for completion by the end of the financial year.

There have been a number of minor changes to the Road and Pathway program confirmed over the last quarter which are detailed below:

- Part of the funding anticipated from the Roads to Recovery Program will be deferred to 2017/18, resulting in the deferral of bridge pavement upgrades in two locations along Findon Road;
- The construction of a shared pathway along Plenty Road has been deferred to enable co-ordination and potentially integration with the Plenty Road widening project being undertaken by VicRoads; and
- The Yan Yean Road / Jorgensen Road intersection has received additional Blackspot funding. This project is now being delivered by VicRoads.

### Planning and Feasibility Program Update

The Planning and Feasibility Program is designed to allow for adequate planning, scoping, budgeting and scheduling of future projects to ensure projects are correctly scoped and ready for delivery in future years. Planning for future infrastructure projects is vital for the accurate scoping and costing of works and also provides the opportunity to take advantage of grant funding as it becomes available. Forward planning also ensures that sufficient feasibility work and thorough project briefs and business cases are prepared for future projects.

The 2016/17 New Works Program provides a budget of \$300,000 for the planning and feasibility of future projects. **Attachment 4** provides an update on the status of the Planning and Feasibility Program for 2016/17 .

### Infrastructure Grants Update

Proactive searches of external grant funding has identified a number of opportunities to supplement the existing New Works Program budget for priority projects. **Attachment 5** provides a summary of the status of infrastructure grant applications for 2016/17. In summary, Council has been successful in receiving grants to the value of \$16,253,750 in the



past 12 months. There are also further grant applications pending announcements by the grant agencies.

### Forecast

Progress of works in the third quarter will accelerate as contracts are awarded and weather conditions improve for construction.

### POLICY STRATEGY AND LEGISLATION

The business case associated with individual projects identifies the respective policy to which they relate.

### LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Growth and change</b>
<b>Strategic Objective</b>	<b>Services and infrastructure keep pace with population growth</b>

### CONCLUSION

This report provides a summary of the status of the 2016/17 New Works Program. A continuous improvement program is being implemented to enhance systems, processes and practices to improve the planning and delivery of the New Works Program. Overall the New Works Program is on track and is providing much needed community infrastructure across the municipality.

### RECOMMENDATION

THAT Council resolve to:

1. Note the report; and
2. Approve the revised program of works in the Planning and Feasibility Program (as contained in Attachment 4)

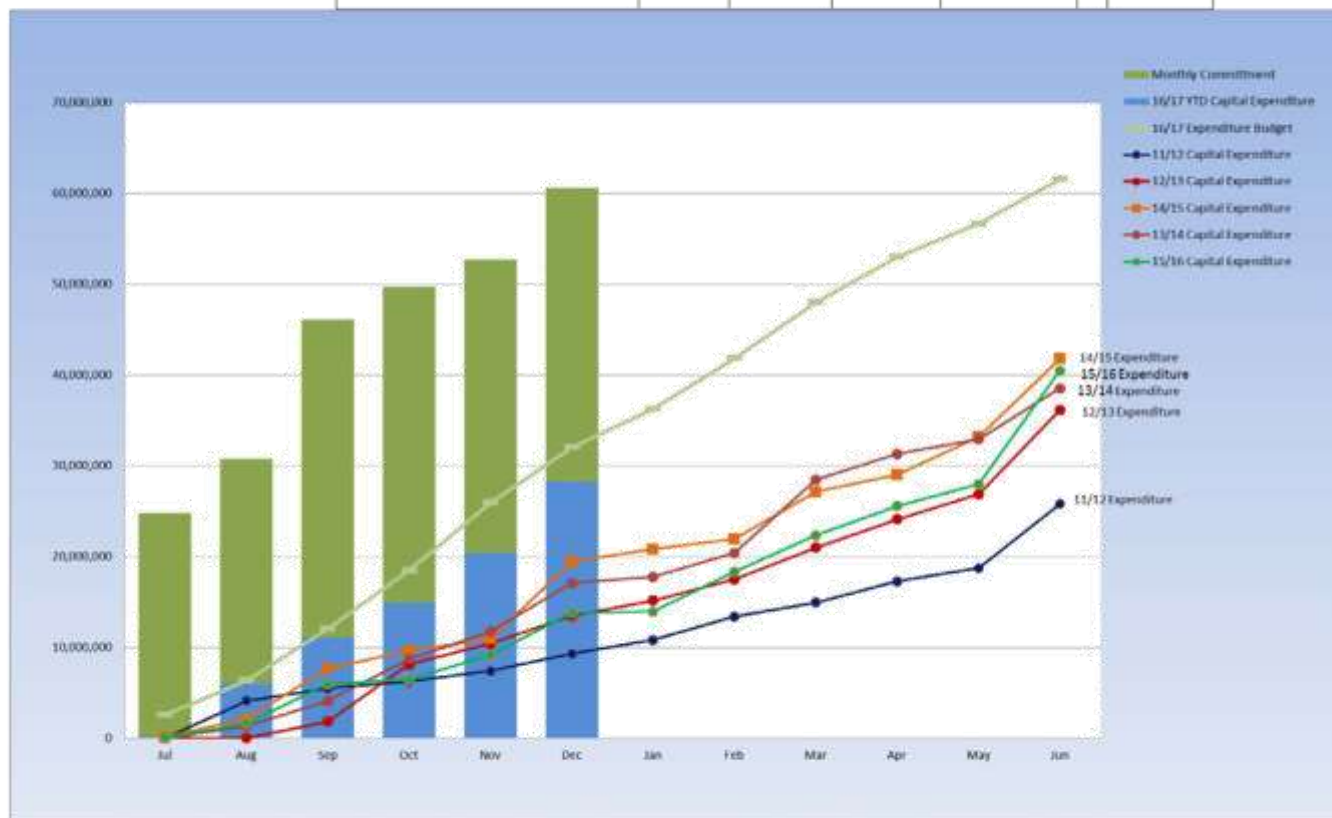






NEW WORKS PROGRAM - FINANCIAL PERFORMANCE - December 2016

New Works	Year to Date \$'000s				Full Year Budget \$'000s
	Budget	Actuals	Variance	Commitments	
Total New Works Program	32,035	25,638	6,396	32,092	61,561



The chart above provides a financial summary on the status of the New Works Program as at the end of December 2016. The value of work completed to the end of December is \$25,638,242 (blue column) with contracts and purchase orders committing another \$32,092,801 (green column). The green line indicates the accumulative budget for 2016/17 (The lines below show previous years' actual expenditure). This indicates that in 2016/17 the New Works Program has expended \$25.638m (41.65%) of the total Program budget to December 2016.







Quarterly New Works Program Status Report for Council: December 2016

							PHYSICAL PROGRESS LEGEND:	
							Traffic Light Indicators	
							Favorable	Completed
							Favorable	Ahead Of schedule
							Favorable	On Track
							Neutral	Not Yet Commenced
							Neutral	Behind Schedule
							Unfavorable	Project Not Proceeding
							Unfavorable	On-Hold

Project Name	YTD Actuals	YTD Budgets	Annual Budget	% Complete	Status	Physical Status	Reporting Comments
1382. Mernda Recreation and Leisure Centre Construction	0	10,000	110,000	0-25%	On Track		The tender analysis of the consultant submissions for the Feasibility Study and Business Case preparation for Mernda Recreation and Leisure Centre is currently in progress.
1407. Jindi Family & Community Centre (Renaissance Rise)	0	20,000	20,000	0-25%	On Track		Facility is outside Defects Liability Period. No major operational issues to report. □ Project participation recognition artwork (hand prints of children who participated in design development), as originally planned for the Social Gathering Space on the street side of facility. These works part of original project funding.
1589. Redevelop Mill Park Leisure and Service Centre	207,344	335,000	1,041,158	0-25%	On-Hold		The schematic design was submitted to the Council Forum on the 29th November for feedback and the Council Meeting on the 13th December. The report was deferred at the Council meeting with workshops to be undertaken in January 2017 to provide further information to Council and look at the ramp and accessibility requirements.
1590. Epping Depot upgrade and refurbishment	0	288,000	876,176	0-25%	On Track		Project is scheduled to complete by the end of the financial year.
1616. Meadowglen Athletics Stadium - additional toilet facility	971	28,056	28,056	76-100%	On Track		Project complete and currently in Defects Liability Period.
1701. Conversion of Janefield School Building into Community Facility - University Hill	12,213	12,214	392,486	0-25%	On Track		Contract established for detailed design architectural services, this work will start early in the new year. The project was also successful for a \$310,000 grant under the Growing Suburbs Fund.
1849. Civic Precinct - HVAC and Refurbishment (Sustainable Climate Control Project Stage 1)	1,637,379	2,415,000	5,622,246	0-25%	On Track		Works have commenced for Stage 1 and are due for completion in April 2017. Stage 2 will be commence following staff movements and is scheduled for completion by end of 2017 whilst Stage 3 will be scheduled for completion mid 2018. □
1899. Mill Park Lakes Reserve - Pavilion Expansion and Upgrade	891,803	933,926	933,926	76-100%	Completed		All works have been completed and Occupancy Permit received. □ Clubs have started using the new extension area. □ Building currently in defects liability period.
1914. Energy Efficiency Program - Various	113,380	140,000	292,469	0-25%	On Track		Prepared for solar PV install on seven community centres, works to start next year. Lighting upgrades continued. New energy efficiency technologies explored for potential trial in 2017.
1915. Refurbish building - Whittlesea Aquatic Facility	0	3,000	30,000	0-25%	Behind Schedule		Design Consultancy RFT drafted, Design Tender and detailed tender documentation for construction to follow to end 2017. Construction planned for the 2018 facility close period, between 1 April to 31 October 2018.
1917. Korin Korin Children & Family Centre (Champions Pde), Epping Nth	20,259	115,000	115,000	76-100%	On Track		Minor new works (swing set, shade structure, plant & security fencing, signage, blinds) to be completed. Still under defects liability period. □ Facility managers (Child Protection Society) have arranged (and funded): □ - new telephone and ADSL lines, and □ - new access control gate and fence enclosure outside to better control children's egress and main entry.
1919. Leased Building/Property Renewal Program - Various	10,400	15,000	100,000	0-25%	On Track		Project Working Group continuing to develop a new program of works for implementation using the new building condition data collected by the consultant's completed audit work. Renewal program to be finalised in January with a view to works commencing in February as forecast.











Quarterly New Works Program Status Report for Council: <b>December 2016</b>						<b>PHYSICAL PROGRESS LEGEND</b> <i>Traffic Light Indicators</i> Favorable  Completed Favorable  Ahead of schedule Favorable  On Track Neutral  Not Yet Commenced Neutral  Behind Schedule Unfavorable  Project Not Proceeding Unfavorable  On Hold	
Project Name	YTD Actuals	YTD Budgets	Annual Budget	% Complete	Status	Physical Status	Reporting Comments
413. General landscape improvements - Neighbourhood Parks	106,416	206,366	206,366	51-75%	On Track		Project being undertaken in conjunction with PID # 118. Butcherbird Park is complete and currently on contractor maintenance. Main Street Rec Reserve, Thomastown, Victoria Dr Park, Thomastown, Wenden Drive Park, Mill Park and Kalara Close Park, Lalor are all awarded to contractors and are scheduled to commence construction in Jan 2017.
632. Skate Parks - Growth Areas	3,706	20,000	20,000	26-50%	On Track		Concept design in progress
696. Construct playing fields and pavilion - Lalor West Reserve (Mosaic)	8,131	20,000	200,000	0-25%	On Track		Design consultancy Contract has been awarded during December Council meeting and the kick off meeting and site visit area scheduled during January 2017. In the process of procuring Geotechnical investigator for soil testing.
703. Construct Community Facility - Doreen South Reserve (on of Eminence Boulevard and Painted Hills Road)	30,152	55,000	200,000	0-25%	Not Yet Commenced		Appointment of Architect has been awarded at Council Meeting 22 November 2016. Kick off site meeting will internal and external stakeholders conducted early December in preparation for design commencement in January 2017.
879. Thomastown Recreation & Aquatic Centre - outdoor playspace	86,887	87,360	87,360	76-100%	Completed		Works completed.
1142. Upgrade tennis courts and pavilion - TH Hurrey Reserve	101,640	115,000	1,500,000	51-75%	On Track		Project Design progressing well. Main Contract#1 (Courts, car park, landscape) approx. 95% Complete. Pavilion Design - Detailed Design Complete. 95% Construction Documentation. Building Permit Submitted & under review. Planning Permit Submitted - Advertising Period. VicRoads Consent - entry works under review.
1312. Sportsfields - Laurimar	5,265	24,880	24,880	76-100%	Completed		Carpark project completed
1473. Construction of two tennis courts - Mill Park Lakes CAC	7,060	0	200,000	0-25%	Project Not Proceeding		Project is not proceeding as grant funding was not successful.
1561. Landscape development balance of site - Hillsview Recreation Reserve	127,390	230,000	437,100	26-50%	On Track		2016-17 is for Stage 2 works comprising concrete shared paths (2016-83), ball catching fence (2016-103) and landscaping (2016-101). Concrete shared paths have commenced and expected to be completed late Jan 2017. Ball catching fence has been completed. Landscaping has commenced and expected to be completed late April 2017.
1563. Upgrade Coaches Boxes - Various Locations	51,500	55,000	55,000	51-75%	On Track		Coaches boxes completed at Epping Rec Reserve and Kallinack Rec Reserve. Installation of boxes at AF Walker delayed until approx. March 2017 when new sportsground light tower footings are installed.
1564. Cricket Practice Net Upgrade (various locations)	17,995	120,000	200,000	0-25%	On Track		Contract awarded, works to commence mid Jan 2017
1627. Upgrade tennis courts and pavilion - Lalor Tennis Club	482,011	1,272,000	1,697,171	76-100%	On Track		Lalor Pavilion is going through defects period. Works on courts and car park will continue at the start of 2017.
1636. Course Improvement works-Growing Frog	0	33,000	100,000				Works in progress



















Quarterly New Works Program Status Report for Council: December 2016							PHYSICAL PROGRESS LEGEND	
							Traffic Light Indicators	
							Favorable	Completed
							Favorable	Ahead of schedule
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							Neutral	Not Yet Commenced
							Unfavorable	Behind Schedule
							Unfavorable	Project Not Proceeding
							Unfavorable	On-Hold
Project Name	YTD Actuals	YTD Budgets	Annual Budget	% Complete	Status	Physical Status	Reporting Comments	
1789. Safe Routes to Schools	0	0	25,000	0-25%	On Track		Works have been awarded for completion in late December 2016 and January 2017. It has been determined that additional funds will be required to be offset from other Transport Engineering accounts.	
1809. Urbanise Road - McKimmies Road - Darebin Creek to Garden Grove Drive	750,129	879,881	879,881	76-100%	Completed		All construction and rectification works completed, and awaiting some invoices.	
1812. Upgrade shared path - Darebin Creek - Metropolitan Ring Road to Findon Road	177,359	590,000	1,356,675	0-25%	Behind Schedule		Stages 3-8 works have been delayed due to wet weather making the creek bank inaccessible for construction access. Works to commence in January 2017.	
1815. Bundoora Shopping Centre Upgrade	191,987	200,115	200,115	76-100%	On Track		Stage 2 - Raised pedestrian crossing Construction works complete - Additional Landscaping planned for early 2017 Stage 3 - Award of Design Consultant for Denison Mall currently in progress. - Construction expected to commence in May, 2017	
1841. Thomastown-Lalor Masterplan Streetscape Improvements	8,005	8,050	64,544	0-25%	On Track		In the planning Stages - finalising Project Working Group. Finalising Consultancy Brief for Urban Designer to plan and design improvements at Thomastown	
1867. Footpath Widening north side of Henderson's Road Bridge	0	65,837	65,837	76-100%	Completed		Works complete and infrastructure is in DLP	
1875. Construct Road - Regent Street - Sackville Street to Grafton Street	8,100	30,000	400,000	0-25%	Behind Schedule		Design is in progress for completion by February 2016.	
1896. Retail Activity Centres - Streetscape Condition Audit & Improvements - Various Locations	18,800	100,000	100,000	0-25%	On Track		Project is scheduled for completion at end of 16/17 financial year.	
1951. Construct shared path - Bush Boulevard - Plenty Road to Westfield Shopping Centre	815	15,000	20,000	26-50%	On Track		Feature survey and 2D Detailed Design have been completed and circulated for internal consultation. 3D Detail design is in progress.	
1956. Construct shared path - McDonalds Road (north side) - Darebin Creek to Civic Drive	0	20,000	35,000	26-50%	On Track		The Council is assessing the best fit horizontal alignment as it's highly subject to the future development of McDonalds Road. VicRoads opinion in this regard is awaited.	
1959. Construct shared path - Yan Yean Pipe Track - Gordons Road to Hawkstowe Parade	88,720	125,000	125,000	76-100%	On Track		Works 95% complete and awaiting top dressing of batters adjacent to the path and signage installation for completion. Invoicing to be finalised.	
1968. Construction of 2 lane undivided road and roundabout - Brush Road	5,603	50,000	850,000	0-25%	Not Yet Commenced		Tender has been awarded to Metro Asphalt. Contract document is being prepared. Works to commence in mid February 2017.	
1992. Construct shared path - Plenty Road (west side) - McKimmies Drive to Weatherland Drive	2,900	30,000	324,500	0-25%	On-Hold		Design in progress. Awaiting confirmation of VicRoads business case for Plenty Road upgrade before proceeding with works.	
2072. Streetscape improvements program - Lalor High Street Shops (Thomastown and Lalor Masterplan)	0	10,000	316,480	0-25%	On-Hold		Site improvement Plan presented to Council in July 2016 for the urban streetscape improvement of the Lalor Shopping Centre. Other associated projects were identified by Council (such as provision of a toilet amenity, traffic congestion and safety on Station Street), progress of the Community Hub are being further investigated. The total project cost is \$2M with \$1M funded from the State Government Growing Suburbs Fund. The current budget is to undertake design.	















**2016/17 New Works Program Second Quarter Project Progress Report**

**ASHLEY PARK COMMUNITY ACTIVITY CENTRE- MERNDA**





ANIMAL WELFARE FACILITY – EPPING









HAWKESTOWE PARADE EARLY LEARNING CENTRE – MERNDA SOUTH





RGC COOK RESERVE PAVILION – THOMASTOWN





REDEVELOPMENT OF BARRY ROAD COMMUNITY ACTIVITY CENTRE





MEADOWGLEN ATHLETICS TRACK- RESURFACING





THOMASTOWN RECREATION & AQUATIC CENTRE (TRAC) OUTDOOR SPACE





CIVIC PRECINCT – HVAC AND REFURBISHMENT (SUSTAINABLE CLIMATE CONTROL PROJECT SATGE1)





LALOR RECREATION TENNIS CLUB UPGRADE - LALOR





ROADSIDE HAZARD PROTECTION – ARTHURS CREEK ROAD





PAINTED HILLS ROAD/BRIDGE INN ROAD – SIGNALISE INTERSECTION





BUNDOORA SHOPPING CENTRE UPGRADE





CONSTRUCT SHARED PATH – YAN YEAN PIPE TRACK





VEHICLE EXCLUSION FENCING





BUTCHER BIRD RESERVE PLAYGROUND







## 2016-2017 Planning and Feasibility Program – Q2 Report

To provide a Q2 report on the Planning and Feasibility Program in the New Works Program.

### Background

Planning for future infrastructure projects is vital for the accurate scoping and costing of works and efficient delivery on time. The previous budget allocations for this program has enabled the forward planning of many projects resulting in the significant improvement in the delivery performance of the New Works Program and attraction of significant external grant funding.

The project planning undertaken under this budget allocation allows for the conduct of due diligence investigations to ensure the project is in a better position for delivery when budget allocations are made in the forward New Works Program. This often requires:

- Investigative works such as feature and level surveys, geotechnical assessments, condition assessments, assessment of existing utilities, etc.
- Development of concepts or possible solutions.
- Development of schedules for the delivery of the project including a resource plan.
- Cost estimation of the project including quantity estimates.
- Preparation of project briefs and business cases, including risk assessments, stakeholder and user consultation, and options analysis.

Project planning reduces the overall project risk by defining the variable items, discovering latent issues and reducing uncertainties. In turn, confidence in the delivery of the project on time and within budget is optimised.

Good project planning will also enable greater accuracy and confidence in applications for external funding grants and increase in external revenue. This is essential to ensure sustainable investment in Council's infrastructure through the 4/15 Year Long Term Infrastructure Program.

### 2016/2017 Program Summary

The Planning and Feasibility Program approved by Council in June 2016 identified a total project budget of \$300,000. A report was presented to Forum on 31 May 2016 outlining the detailed program of works for the 2016/17 Planning and Feasibility Program with an updated Program presented to Council as part of the First Quarter New Works Program Report to Council on 22 November 2016.

Recent further refinement of the program has identified the following changes:

Project	Task	Allocation	Comment/Update
Reconstruct courts - Dr Harry Jenkins Reserve, Mill Park - Dr Harry Jenkins Reserve, Mill Park	Undertake site investigations and concept planning (including costings). Prepare business case. Potential grant funding opportunities (e.g.. SRV).	\$30,000	Included in program for 2016/17



Upgrade pavilion - Main Street Reserve Thomastown	Finalisation of business case and detailed design for pavilion upgrade	\$30,000	Included in program for 2016/17
Electrical Services Investigation at Meadowglen International Athletics Stadium to determine compliance demands requirements	Works to include the following: 1. Review of current electrical circuitry and switchboard to determine compliance 2. Engage a consultant to determine exact extent of any works required	\$15,000	Included in program for 2016/17
Epping North Section 173 Review – Agreement with Places Victoria	Places Victoria is required to deliver 22 community facilities of which they have delivered 3 so far. Agreement requires review at least every 5 years to ensure development progress is consistent with that predicted in 2007. Confirm current needs analysis and schedule of facilities to be provided by Places Victoria in the next 5 year period to ensure community facility delivery meets community demand.	(\$10,000)	Reduce budget from \$40,000 to \$30,000
<b>TOTAL</b>		<b>\$65,000</b>	

These have now been included in the updated program (see **Attach listing of projects**).

#### Financial Summary

2016/2017 Budget	2016/17 Expected Expenditure	Expected Variance
\$300,000	\$300,000	\$0

Council allocated \$300,000 funding in 2016/17 budget to undertake planning works for projects identified in the 4 Year New Works Program.

Project expenditure is expected to be within the allocated budget as at the second quarter, however this Program will continue to be monitored as more detailed costings become available and any necessary adjustments will be reported in future reports to Council.

#### Recommendation:

That Council approve the revised 2016/17 Planning and Feasibility Program with a further update to be provided at the end of the third quarter as projects progress and more details become known.



PID 1847 - PLANNING FEASIBILITY PROGRAM FOR 2016/2017 NWP

ID	Project Name	Project Description	Potential External Grant Opportunities	Supporting Information	Planning & Feasibility Program (PID 1847)				Comment
					Q1 Project Budget Allocation	Q2 Proposed Project Budget Allocation	Start	Due for Completion	
HIGH PRIORITY									
484	Wollert Hall Refurbishment - Epping Road Wollert	Wollert Hall - Extension (inc. Public Toilet)	Growing Suburbs Fund (IGF Round 2 - DEWLP - State)	Extension and refurbishment of hall to accommodate additional future use in Wollert growth corridor. The use and popularity of the facility has increased since its management was handed over to Council.	\$ 15,000	\$ 15,000	Q1	Q3	Feasibility works (concept design and scope of works) have been completed by external consultant. RFQ for Design to be developed.
1400 & 1486	Edgars Creek Community-Education Precinct (Aurora)	Master plan and concept design	Community Sports Fund (SRV - State)	Responding to State Government school funding accouchement and opportunity for joint delivery of project. DET has brought forward the school masterplaning process which provides opportunity for integrated ELC. PID 1400 - Construct 2 Football/Cricket Ovals and Pavilion adjacent to P-12 school (near Steen Avenue - Aurora Precinct 3). PID1486 - Construct Tennis Courts and Pavilion adjacent to P-12 school (near Steen Avenue - Aurora Precinct 3).	\$ 20,000	\$ 20,000	Q1	Q4	Preliminary masterplanning works to establish the feasibility of delivering all Council facilities on the available land is scheduled to commence January 2017 with a view to a draft preliminary masterplan by the end of the month. Consultants have been appointed to commence process.
1419	Construct Community Activity Centre - Epping North - adjacent to P-12 school (near Steen Avenue - Aurora Precinct 3)	Epping North - Precinct 3 (Aurora) - Construction of Community Activity Centre	Children's Facilities Program (DET - State)	Community Centre is co-located with the P-12 school site which contains two kindergarten rooms, maternal and child health, meeting rooms and hall. Subject to finalisation of Development Contributions Agreement with Lend Lease and Minister's approval of amendment. DET has brought forward the school masterplaning process which provides opportunity for integrated ELC.	\$ 20,000	\$ 20,000	Q1	Q4	Preliminary masterplanning works to establish the feasibility of delivering all Council facilities on the available land is scheduled to commence January 2017 with a view to a draft preliminary masterplan by the end of the month. Lend lease are responsible for the design and delivery of the CAC. Discussions with Lend Lease about the design work will commence when the preliminary
1462	Duffy Street Pavilion	Upgrade existing Pavilion	Community Sports Fund (SRV - State)	Upgrade to the existing pavilion to meet the needs of the growing resident soccer club. Club is expanding and attracting girls to the club. Upgrade would include remodelling the internal layout to provide for 2 change facilities, additional storage, improving the viewing capacity to the ground, providing an appropriate area for umpires change facilities and making the pavilion accessible. Project has been identified in the draft Sports Pavilion Strategy.	\$ 35,000	\$ 35,000	Q2	Q3	Condition audit currently being undertaken by consultant. Draft RFQ for concept design has been prepared for internal consultation with a view to appointing consultant before the end of January. Condition audit and concept plan will inform the Business Case options and evaluation, and in turn the future funding allocation(s) for this project. There is currently\$300k allocated in 2017/18.
1996	Extension to Laurimar Community Centre	Concept design work for planned extension	Growing Suburbs Fund (IGF Round 2 - DEWLP - State)	Construction of Laurimar CAC Hall. Site investigation commenced in 2015/16.	\$ 25,000	\$ 25,000	Q2	Q4	Draft RFQ for concept design has been prepared for internal consultation with a view to appointing a consultant in February.
1999	Install stormwater harvesting - Melbourne Markets (Stage 4)	Melbourne Markets Stormwater Harvesting Project - Extension to HR Uren Reserve	National Stronger Regions Fund (Dep of Inf - Federal)	As part of the Melbourne Markets Stormwater Harvesting Concept Study and option for the extension of the recycled water main to HR Uren sports facility was considered. Appropriate equipment and functional design elements were provided in the initial design and construction of the Stage 2 and 3 of the project.	\$ 30,000	\$ 30,000	Q2	Q4	Concept planning and cost estimate work currently underway to ascertain viability of project.
TBA	Epping North Section 173 (2007) Review - Agreement with Places Victoria	Epping North - (Aurora) -	Priority projects likely to be community centres, pavilions and ovals	Places Victoria is required to deliver 22 community facilities of which they have only delivered 3 so far. Agreement requires review at least every 5 years to ensure development progress is consistent with that predicted in 2007. Confirm current needs analysis and schedule of facilities to be provided by Places Victoria in the next 5 year period to ensure community facility delivery meets community demand. Linked to review of Section 173 Epping North agreement with Places Victoria..	\$ 40,000	\$ 30,000	Q2	Q4	Project Brief completed.  RFQ has been prepared for internal consultation with a view to appointing a consultant in February.
Var	Mernda Town Centre	Planning for Mernda Town Centre	TBA. Likely to be Growing Suburbs Fund (IGF Round 2 - DEWLP - State) and Growing Suburbs Fund (IGF Round 2 - DEWLP - State)	Commencement of Masteplans and urban design concepts for: PID 669 - Youth Facility PID 1408 - Living & Learning Centre PID 1409 - Performing Arts Space PID 1410 - Outreach Centre PID 1411 - Maternal Child Health Centre PID 1454 - Library	\$ 20,000	\$ 20,000	Q2	Q4	Site Massing design work has commenced  Business Case to commence once site massing and heights work is completed. Commencement expected start February 2017.
Var	Project Brief and Business Case developments	Municipal wide	TBA. Likely to be Growing Suburbs Fund (IGF Round 2 - DEWLP - State) and Growing Suburbs Fund (IGF Round 2 - DEWLP - State)	Other priority project investigations, Project Briefs and Business Cases for: - PID 1291 - Business Case - Regional All Abilities Playspace - including Economic Study - Lalor Community Hub-May Rd - Condition Report and Business Case - Mill Park Library Refurbishment - Engage consultant to inform Grant application - Mernda Recreation Reserve Future Plan	\$ 30,000	\$ 30,000	Q1	Q3	Works on identified projects has commenced
TBA	BALANCE	Project allocation to be advised by the New Works Program Board and reported to Council. See Project list below			\$ 65,000	\$ -			See Project list below
259	Reconstruct courts - Dr Harry Jenkins Reserve, Mill Park - Dr Harry Jenkins Reserve, Mill Park	Harry Jenkins Reserve - Reconstruct courts	Community Sports Fund (SRV - State)	The tennis courts are to be reconstructed in stages with a concrete base and sand-filled artificial grass surface as per the Tennis Facility Strategy. Project continues beyond Year 4.	\$ -	\$ 30,000	Q3	Q4	Draft RFQ has been prepared for internal consultation with a view to appointing consultant in February. Appointment of consultant is subject to Council endorsement of the inclusion of this work in the Planning and Feasibility Program.



PID 1847 - PLANNING FEASIBILITY PROGRAM FOR 2016/2017 NWP

ID	Project Name	Project Description	Potential External Grant Opportunities	Supporting Information	Planning & Feasibility Program (PID 1847)				Comment
					Q1 Project Budget Allocation	Q2 Proposed Project Budget Allocation	Start	Due for Completion	
1698	Upgrade pavilion - Main Street Reserve Thomastown	Detailed design work for planned extension	Community Sports Fund (SRV - State)	Finalise Business Case for redevelopment and commence detailed design for Main Street Reserve Pavilion upgrade	\$ -	\$ 30,000	Q2	Q4	Business Case details three options. Memo circulated to Councillors in August 2016 requested feedback re: preferred option. No feedback was received. Recommendation to proceed with Option 3. Concept designs to be developed.
2191	Electrical Services Investigation at Meadowglen International Athletics Stadium to determine compliance demands requirements	Undertake investigation works to ascertain the electrical compliance of the switchboard and circuitry to meet the needs of the facility.	Nil	Works to include the following: 1. Review of current electrical circuitry and switchboard to determine compliance 2. Engage a consultant to determine exact extent of any works required.	\$ -	\$ 15,000	Q3	Q4	Indications from initial inspections are that the electrical circuitry and switchboard are non compliant and an OH&S issue. Works are to engage a consultant to determine the exact extent of the works required.
					\$ 300,000	\$ 300,000			



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## 2016/2017 Q2 New Works Program Grants Status Report

Project ID	Project Name	Grant Body	Grant Name	Grant Type	Funding Requested / Granted
<b>Application in Progress</b>					
1142	TH Hume - Upgrade of tennis courts and pavilion	Department of Infrastructure and Regional Development	Building Better Regions Fund - Infrastructure Project Stream	Federal	\$ 1,800,000.00
2072/2077	Thomastown and Lalor Urban Upgrade Streetscape Projects	VicRoads	Safe System Road Infrastructure Program	State	\$ 500,000.00
<b>Application Pending Notification</b>					
N/A	Mill Park Library Refurbishment <i>*Project is contingent on receiving grant funding</i>	Department of Environment, Land, Water & Planning	Living Libraries Infrastructure Program 2016 - Expression of Interest	State	\$ 660,000.00
2057	Peter Lalor Secondary College Redevelopment	Department of Premier & Cabinet	Community Infrastructure and Cultural Precincts Program 2016-17	State	\$ 600,000.00
N/A	Launier Primary School Outdoor Netball Court Lighting and Cover <i>*Project is contingent on receiving grant funding</i>	Department of Education & Training	Shared Facilities Fund - Expression of Interest	State	\$ 225,000.00
N/A	Edgars Creek Education Community Precinct - Indoor Sports Hall <i>*Project is contingent on receiving grant funding</i>	Department of Education & Training	Shared Facilities Fund - Expression of Interest	State	\$ 2,000,000.00
N/A	Edgars Creek Education Community Precinct - Sports Oval <i>*Project is contingent on receiving grant funding</i>	Department of Education & Training	Shared Facilities Fund - Expression of Interest	State	\$ 4,000,000.00
2057	Peter Lalor Secondary College Redevelopment	Department of Education & Training	Shared Facilities Fund - Expression of Interest	State	\$ 850,000.00
2072	Urban Upgrade Streetscape Portfolio - Lalor	Department of Infrastructure and Regional Development	Black Spot Programme	Federal	\$ 530,000.00
<b>Successful Applications</b>					
1142	Yan Yean Community Tennis Club Court Development	Sport and Recreation Victoria	Community Sports Infrastructure Fund 2017/2018 Major Facilities	State	\$ 100,000.00
696	Mosaic Recreation Reserve and Community Soccer Facility	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 2,950,000.00
703	Painted Hills Recreation Reserve and Community Soccer Centre Development	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 3,275,000.00
1701	Janefield Community Centre Refurbishment	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 310,000.00
118	Oakbank Boulevard Playground and Township Link	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 220,000.00
118	Playground Renewal Program, Statesman Crescent Park and Hampstead Court Park	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 167,000.00
1914	Community Facilities Solar Photovoltaic Roll-out	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 200,000.00



18/5/2017

## 2016/2017 Q2 New Works Program Grants Status Report

Project ID	Project Name	Grant Body	Grant Name	Grant Type	Funding Requested / Granted
2072	Urban Upgrade Streetscape Portfolio - Lalor - Planning component of project not funded	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 880,000.00
1815	Urban Upgrade Streetscape Portfolio - Bundoora (1815) - Planning component of project not funded	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 125,000.00
703	Painted Hills Recreation Reserve and Community Soccer Fields	Sport and Recreation Victoria	Community Sports Infrastructure Fund 2017/2018 Minor Facilities	State	\$ 650,000.00
2150	West Lalor Tennis Clubroom Access Upgrade	Department of Infrastructure and Regional Development	Stronger Communities Program - Round 2	Federal	\$ 10,000.00
2149	Main Street Reserve Electronic Scoreboard	Department of Infrastructure and Regional Development	Stronger Communities Program - Round 2	Federal	\$ 15,000.00
2168	Road Safety Works, Glenburnie Road, Whittlesea	Department of Infrastructure and Regional Development	Black Spot Programme	Federal	\$ 880,000.00
1010	Barry Road Community Activity Centre	Department of Environment, Land, Water & Planning	2015/2016 Interface Growth Fund	State	\$ 2,600,000.00
2056	Epping Services Hub	Department of Environment, Land, Water & Planning	2015/2016 Interface Growth Fund	State	\$ 781,000.00
1627	Lalor Tennis Club Rec Reserve	Department of Environment, Land, Water & Planning	2015/2016 Interface Growth Fund	State	\$ 1,250,000.00
1899	Mill Park Lakes Community Pavilion	Department of Environment, Land, Water & Planning	2015/2016 Interface Growth Fund	State	\$ 1,118,750.00
118	Playground Improvement Program	Department of Environment, Land, Water & Planning	2015/2016 Interface Growth Fund	State	\$ 260,000.00
2123	Thomastown Library Refurbishment	Department of Environment, Land, Water & Planning	Living Libraries Infrastructure Program	State	\$ 150,000.00
118	Main Street Reserve Play Space Redevelopment	Department of Health & Human Services	Community Sports Infrastructure Fund 2016/2017	State	\$ 100,000.00
1847	Memda Aquatic and Indoor Centre Feasibility Study	Department of Health & Human Services	Community Sports Infrastructure Fund 2016/2017	State	\$ 30,000.00
1923	Waterview Scoreboard - Woodland Waters Sportsfield Development	Department of Infrastructure and Regional Development	Stronger Communities Program - Round 1	Federal	\$ 20,000.00
1627	Lalor Tennis Club Social Space Development	Department of Infrastructure and Regional Development	Stronger Communities Program - Round 1	Federal	\$ 15,000.00
1113	Main Street Thomastown Cycling Link	Department of Infrastructure and Regional Development	Stronger Communities Program - Round 1	Federal	\$ 8,000.00
304	Findon Primary School Bicycle Links	Department of Infrastructure and Regional Development	Stronger Communities Program - Round 1	Federal	\$ 19,000.00
1923	Epping Tennis Club Kitchen Upgrade	Department of Infrastructure and Regional Development	Stronger Communities Program - Round 1	Federal	\$ 20,000.00
2146	A.F Walker Reserve Sportsfield Lighting	Department of Health & Human Services	Sport and Recreation Victoria - Country Football and Netball Program	State	\$ 100,000.00



18/5/2017

## 2016/2017 Q2 New Works Program Grants Status Report

Project ID	Project Name	Grant Body	Grant Name	Grant Type	Funding Requested / Granted
<b>Unsuccessful Applications</b>					
1419	Edgars Creek Children's Community Centre	Department of Education & Training	2016-17 Integrated Children's Centre Grant * Funding from Redgum Kindergarten will be redirected to this project	State	\$ 1,600,000.00
1917	Korin Korin Children & Family Centre	Department of Health & Human Services	Community Shade Grants Program - Round 2 - Expression of Interest	State	\$ 8,000.00
1717	Whittlesea Dog Off Leash Park	Department of Health & Human Services	Community Shade Grants Program - Round 2 - Expression of Interest	State	\$ 20,000.00
1627	Laird Tennis Club	Department of Health & Human Services	Community Shade Grants Program - Round 2 - Expression of Interest	State	\$ 20,000.00
484	Wollert Community Centre Refurbishment <i>*Project is contingent on receiving grant funding</i>	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 250,000.00
TBA	Findon Road Path Link and Safe Pedestrian Crossing	Transport Accident Commission	Local Government Grants Program	State	\$ 78,925.00
2077	Urban Upgrade Streetscape Portfolio - Thomastown - Planning Projects not funded	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 100,000.00
1142	Yan Yean Community Tennis Pavilion Development	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 1,800,000.00
1324	Harvest Home Road Community Pavilion Development	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 2,500,000.00
1612	Darebin Creek Cultural Heritage Trail	Department of Environment, Land, Water & Planning	2016/2017 Growing Suburbs Fund	State	\$ 1,121,000.00
1010	Barry Road Community Activity Centre	Department of Justice & Regulation	2016/2017 Public Safety Infrastructure Fund	State	\$ 250,000.00
1627	Laird Tennis Club Social Space Development	Department of Premier & Cabinet	Community Infrastructure and Cultural Precincts Program 2016-17 - EOI	State	\$ 141,000.00
1701	Janefield Community Centre Refurbishment	Department of Premier & Cabinet	Community Infrastructure and Cultural Precincts Program 2016-17 - EOI	State	\$ 200,000.00
2119	Streetlight Bulk Replacement Program - Stage 2	Department of Transport, Planning and Local Infrastructure	Collaborative Council - Sustainability Fund Partnerships Program	State	\$ 75,000.00
2118	Findon Road Extension, South Morang	Department of Infrastructure & Regional Development	National Stronger Regions Fund - Round 3	Federal	\$ 5,216,471.00







**6.2 COMMUNITY SERVICES**

**NIL REPORTS**







**6.3 CITY TRANSPORT AND PRESENTATION****6.3.1 MUNICIPAL EMERGENCY MANAGEMENT PLAN UPDATE AND ENDORSEMENT****File No:** 141744**Responsible Officer:** Director City Transport & Presentation**Author:** Resilience & Emergency Management Coordinator**REPORT****EXECUTIVE SUMMARY**

The Emergency Management Act 1986 requires Council to prepare and maintain a Municipal Emergency Management Plan (MEMP). Periodically Council is required to endorse and affix Council's Common Seal to the MEMP and to note the appointment of Municipal Emergency Resource Officers (MEROs) as required under the Emergency Management Act 1986 and Municipal Recovery Managers (MRMs) as recommended in the Emergency Management Manual Victoria (EMMV).

**BACKGROUND**

Section 20(1) of the Emergency Management Act 1986, requires Councils to prepare and maintain a MEMP and in Section 21A(1), for it to be audited by the Victorian State Emergency Service (SES) every three years.

The audit of Council's MEMP is to occur in late 2017. As part of the certification of the MEMP, the SES requires a clear affirmation that the MEMP has been considered and endorsed by Council. To achieve this, Council has in the past attached the Common Seal of the Council. It is proposed to again attach the Common Seal if the MEMP is endorsed by Council.

Under Section 21(1) of the Act, Council must also appoint a MERO or MEROs who are responsible to Council for ensuring the co-ordination of municipal resources used in emergency response and recovery. Council has delegated this power to the Chief Executive Officer.

A number of officers are appointed as MEROs to ensure sufficient staffing during a prolonged emergency event. From time to time changes in personnel occur that necessitate a change in these appointments.

Although not required under legislation, Council has developed the practice of also nominating officers as MRMs at the time of nominating MEROs. This practice enables Council to stipulate the key personnel responsible for both emergency response and recovery and enable those officers to develop the capacity to undertake the roles to deliver Council's responsibilities under the Act in a seamless manner.

Since the last report to Council in October 2014, changes have occurred that require this report to Council to endorse the appointment of new MERO officers.

**PROPOSAL**

It is proposed to seek Council's consideration and endorsement of the MEMP and to attach the Common Seal.

Council periodically endorses the MEMP, the last endorsement was October 2014. Since that time there has been a SES audit of the MEMP and minor changes to the EMMV, the MEMP has been amended to reflect those changes.



It is also proposed that Council note the appointment of the following members of Council staff as MEROs and MRMs. The appointments were made by the Chief Executive Officer under delegated power from Council:

- MERO/Executive Officer Municipal Emergency Management Committee (MEMPC) - Nick Mann (Director City Transport and Presentation);
- MERO – Ben Harries (Manager City Design and Transport);
- MERO – Tracey Mallett (Manager Jobs and Investment);
- MERO – Nick Mazzarella (Manager Major Projects);
- MRM – Russell Hopkins (Director Community Services);
- MRM – Neville Kurth (Manager Community Wellbeing);
- MRM – Paul Reading (Manager Leisure and Community Facilities);
- MRM – Catherine Rinaudo (Manager Community Cultural Development); and
- MRM – Steve Ward (Manager Aged and Disability).

## CONSULTATION

The MEMP is reviewed annually by the Municipal Emergency Management Committee (MEMPC) which is a committee of Council and includes emergency service agencies, government departments, not-for-profit support agencies, council officers and community representatives.

A public version of the MEMP is also available on the Council website, at Libraries and Council offices for viewing and comment by the public. Comments received through that source are considered in the quarterly updates of the MEMP.

## CRITICAL DATES

The MEMP is to be audited by the SES in late 2017. A condition of the audit is that the MEMP is endorsed by Council.

## FINANCIAL IMPLICATIONS

There are no financial implications associated with endorsing the MEMP or in appointing officers to the roles of MERO or MRM.

## POLICY STRATEGY AND LEGISLATION

The Chief Executive Officer has delegated power from Council to prepare, maintain and audit the MEMP as required under Sections 20(1) and 21A(1) of the Emergency Management Act 1986 and to appoint MEROs as required under Section 21(1) of that Act.

The appointment of a MRM(s) is recommended under Part 6 of the EMMV. The EMMV provides the policy and planning framework for emergency management in Victoria.

## 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>We have disaster community safety and resilience programs</b>



As part of the three (3) yearly statutory auditing process, Council is required to consider endorsing the MEMP.

### **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 provision of the MEMP outlines the procedures to be taken by Council in the event of an emergency incident occurring. The intent is to enable Council to respond to the needs of our community (and that of neighbouring communities) in a timely manner. Minimising the impact of an emergency and ensuring that relief and recovery activities occur as needed, assists in a speedier restoration of services to affected communities.

## **RECOMMENDATION**

**THAT Council resolve to:**

1. **Endorse the Municipal Emergency Management Plan (MEMP), November 2016.**
2. **Note the appointment of the following Council officers to the position of Municipal Emergency Resource Officer (MERO):**
  - **Nick Mann**
  - **Tracey Mallett**
  - **Nick Mazzearella; and**
  - **Ben Harries**
3. **Note the appointment of the following Council officers to the position of Municipal Recovery Manager (MRM):**
  - **Russell Hopkins;**
  - **Neville Kurth;**
  - **Steve Ward;**
  - **Paul Reading; and**
  - **Catherine Rinaudo**







**6.3.2 RESPONSE TO PETITION TRAFFIC MANAGEMENT: MONASH ST LALOR****File No:** ST 105142**Attachments:**  
1 Location of Pettioners and existing speed humps [↓](#)  
2 Map of existing speed humps [↓](#)**Responsible Officer:** Director City Transport & Presentation**Author:** Team Leader Transport Engineering**REPORT****EXECUTIVE SUMMARY**

This report considers a petition (received from 12 residents) tabled at the Council Meeting held on 30 August 2016, requesting Council to consider the installation of an additional speed hump in Monash Street Lalor. A community consultation process and a detailed assessment of the existing traffic conditions was conducted, concluding that the vehicle speeds in Monash Street do not justify the installation of an additional speed hump.

**BACKGROUND**

In 1988, two speed humps were installed in Monash Street near the Lalor North Primary School (PS), after a petition from residents concerning traffic speeds in the vicinity of the school.

In 1993, five additional speed humps were installed in Monash Street, between the Lalor North PS and Station Street, in response again to a petition regarding traffic speeds.

A petition requesting an additional speed hump be installed in Monash Street in the vicinity of 80 Monash Street was tabled at the Council meeting held on 30 August 2016. Council resolved to receive the petition and that a report on this matter be prepared.

The petition tabled was a document providing the names and addresses of 12 residents, representing ten (10) properties, in the vicinity of 80 Monash Street.

**DISCUSSION****1. ROAD NETWORK AND LAYOUT**

Monash Street is an east-west local street between Dalton Road and Station Street, approximately 100 metres south and generally parallel with Childs Road in Lalor. It is approximately 1.1 kilometres in length with a 6.8 metre wide road width (carriageway), and with the exception of the Lalor North Primary School on the south side near Dalton Road, there are residential properties on both sides.

With the exception of the 40km/h speed limit near the Lalor North Primary School, the speed limit in Monash Street is 50km/h.

The location that was the subject of this petition is on a bend in Monash Street (refer to Attachment 2).



## 2. INVESTIGATION

Traffic surveys were carried-out in Monash Street from 13 to 15 September 2016, the results are summarised in the following table.

Location (house no.)	AADT <sup>1</sup>	Average Speed (km/h)	85 <sup>th</sup> ile <sup>2</sup> Speed (km/h)	Over 40km/h No. (%)	Over 50km/h No. (%)	Highest Speed (km/h)
76	442	34	41	90 (20%)	4 (1%)	62
84	459	30	40	65 (14%)	7 (2%)	59

- Notes:
1. Average annual daily traffic volume.
  2. The 85<sup>th</sup> percentile speed (the speed at which 85% of the traffic is travelling at or below, and is a factor used in determining the safe operating speed on a road)

3. The above data indicates that traffic conditions in Monash Street are considered acceptable and within safe operating speeds.

VicRoads' CrashStats accident database indicates that there have been zero reported casualty crashes in Monash Street in the past five years.

## CONSULTATION

As the petitioners did not represent all owners or residents of properties in the vicinity of 80 Monash Street, a letter, questionnaire and reply paid envelope was sent to 23 owners and residents of the 19 properties in this section of the street.

A total of 15 (65%) responses were received from the 23 letters sent. This response is considered to be an above satisfactory to high community response rate.

The responses are summarised as follows:

- Nine (60%) of respondents support the installation of an additional speed hump in Monash Street.
- Six (40%) did not support the installation of an additional speed hump in Monash Street.

The responses are not conclusive and indicate residents have a somewhat divided opinion on this matter.

Whilst the petitioners did not provide any justification in the petition for an additional speed hump, respondents to the questionnaire raised matters, such as *concerns with traffic turning from Monash Street into Midway Crescent, there are noisy cars or motorbikes and cars speed around the bend.*

## FINANCIAL IMPLICATIONS

The cost to install a single speed hump is estimated to be approximately \$10,000.

Funding for this work would be sourced from the Minor Traffic Works – Various Locations account in the New Works Program.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Accessibility in, out and around our city</b>
<b>Theme</b>	<b>Transport</b>



**Strategic Objective**                      **Our road network provides adequate access to the Advocate municipality and beyond**

# **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

# **CONCLUSION**

This report has presented information relating to a petition requesting an additional speed hump to be installed in Monash Street, Lalor.

The investigation has found that existing traffic conditions in Monash Street are operating safely and are within acceptable limits (i.e. zero serious injury accidents). There was divided opinion amongst local residents surveyed regarding the need for an additional speed hump.

There is no justification for installation of an additional speed hump at this location.

## **RECOMMENDATION**

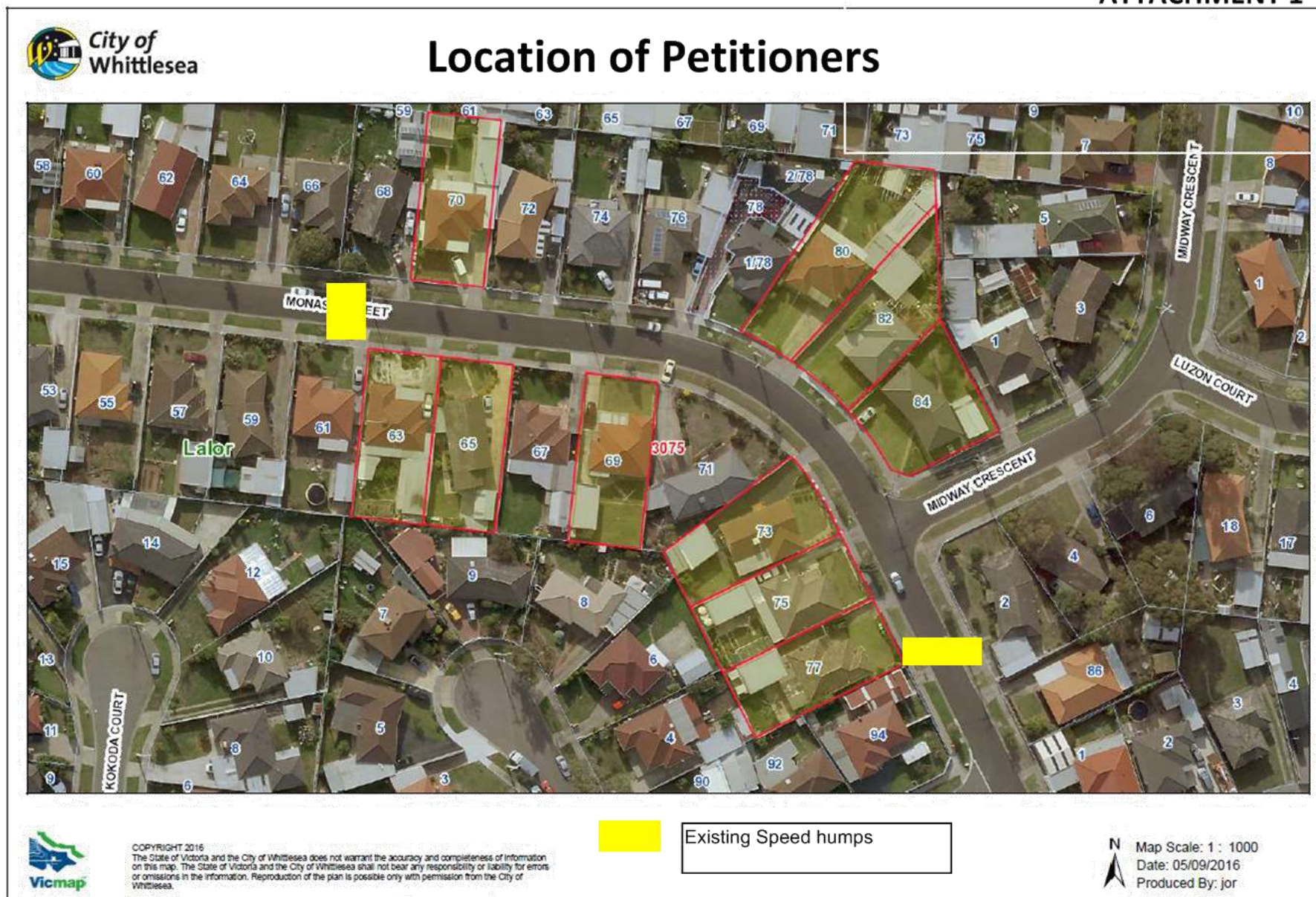
1.     **That Council resolve to:**
2.     **Not install an additional speed hump in Monash Street, Lalor.**
3.     **Advise the petitioners of Council's decision on this matter, and the reasons for this decision.**







ATTACHMENT 1









ATTACHMENT 2

## Existing Speed Humps: Monash Street, Lalor









## 6.4 CORPORATE SERVICES

### 6.4.1 COMMITTEE OF COUNCIL RECOMMENDATION - LAND EXCHANGE - 182 & 214W GREENHILLS ROAD BUNDOORA

**File No:** SU192974

**Attachments:** 1 Site Plan & Photo [↓](#)  
2 Development Plan [↓](#)

**Responsible Officer:** Director Corporate Services

**Author:** Senior Property Officer

#### REPORT

##### EXECUTIVE SUMMARY

Public submissions were invited in relation to a proposed land exchange agreement for Council's reserve located at 214W Greenhills Road, Bundoora (see *Attachment 1 - Site Plan & Photo*) and a section of privately owned residential land, located at 182 Greenhills Road, Bundoora, that would be retained as open space within an existing development plan. The submission period closed at 12 noon 25 January 2017.

A Committee of Council, comprising the Deputy Mayor, Cr Norm Kelly, and Crs Sam Alessi and Alahna Desiato, was appointed to hear any submissions received and provide a recommendation back to Council.

As no submissions were received, the Committee was not required to meet and Council may now consider granting approval to proceed with the land exchange.

##### BACKGROUND

Council, at its meeting held on 22 November 2016, formally resolved to invite public submissions in relation to the proposed disposal of Council's reserve located at 214W Greenhills Road, Bundoora, in exchange for the acquisition of a new Council reserve that will be established within the residential development site at 182 Greenhills Road, Bundoora.

The proposed land exchange includes the sale of approximately 1,077m<sup>2</sup> of Council owned land in exchange for the establishment of the Council reserve, being 1,153m<sup>2</sup>, and a cash offset of \$160,000 in favour of Council. Following the exchange, Council's current reserve (once sold) would be set aside in part for road access (575m<sup>2</sup>) and open space (502m<sup>2</sup>) under the future open space and development contributions.

The proposal seeks to exchange land parcels and create better linkages and accessibility to under-utilised open space and future residential allotments (see *Attachment 2– Development Plan*).

##### PROPOSAL

To seek Council's approval on the proposed land exchange following consideration of any public submissions received.

##### COMMITTEE OF COUNCIL

A Committee of Council, comprising of The Deputy Mayor Cr Norm Kelly, Cr Sam Alessi, Cr Alahna Desiato and Cr Mary Lalios, was appointed to consider any written submissions



received in response to Council's public notice advertised in the Whittlesea Leader newspaper on Tuesday 29 November 2016.

No submissions were received at the close of the advertising period (25 January 2017, 12 noon). A memo was sent to the Committee of Council on Wednesday 25 January 2017, advising that no public submissions were received and the Committee of Council hearing would not be required.

## FINANCIAL IMPLICATIONS

Following negotiations with representatives acting on behalf of JKFC Holdings Trust and JKFC Holdings Pty Ltd, Council's Manager Property & Valuations has negotiated a net sale price of \$160,000 plus GST (in favour of Council) after both parties mutually agreed to offset the sale of the Council reserve located at 214W Greenhills Road, Bundoora (\$650,000 – 1,077m<sup>2</sup>) against the value of the proposed Council reserve (\$490,000 - 1,153m<sup>2</sup>) that will be created within the residential development site (182 Greenhills Road, Bundoora).

The terms of the land exchange will be made via private treaty and require a 10% deposit upon signing of the contracts. Settlement will remain payable within 60 days of the contract signing date.

The funds received from the proposed land exchange will be allocated to the land banking reserve for future investment proposals.

## POLICY STRATEGY AND LEGISLATION

Council have sought public submissions on the proposed exchange of land under Section 189, 192 and 223 of the *Local Government Act* 1989. Submissions were invited for a period no less than 28 days. As no submissions were received the appointed Committee of Council has been advised that there is no requirement for the Committee to meet.

## 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 proposal seeks to enter into a land exchange agreement in which an under-utilised Council reserve will be sold and consolidated within an existing residential development located at 182 Greenhills Road Bundoora. In exchange, Council will acquire funding and the establishment of a new Council reserve that will link with adjoining open space reservations.

## 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 land exchange arrangement would enable the disposal of Council's under-utilised reserve located at 214W Greenhills Road, Bundoora, in exchange for the establishment of a new Council reserve located within the residential development site at 182 Greenhills Road,



Bundoora. Council would also acquire an additional cash offset of \$160,000, for the purposes of reinvestment into more viable open space.

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

**THAT Council resolve to:**

- 1. Note that public submissions were invited in accordance with Sections 189, 192 and 223 of the Local Government Act 1989, on the land exchange arrangement that will enable the disposal of Council's under-utilised reserve located at 214W Greenhills Road, Bundoora, in exchange for the establishment of a new Council reserve located within the residential development site at 182 Greenhills Road, Bundoora. Council will also acquire an additional cash offset of \$160,000, for the purposes of reinvestment into more viable open space.**
- 2. Note that no public submissions were received at the close of the advertising period and that a Committee of Council hearing was not required.**
- 3. Dispose of Council's reserve at 214W Greenhills Road, Bundoora, in exchange for the proposed acquisition of a new Council reserve located within the residential development site at 182 Greenhills Road, Bundoora.**
- 4. Authorise the Chief Executive Officer to execute all documentation associated with the land exchange, including the contract of sale.**







**ATTACHMENT 1 – SITE PLAN & PHOTO**



**Council land – 214W Greenhills Rd  
Bundoora**

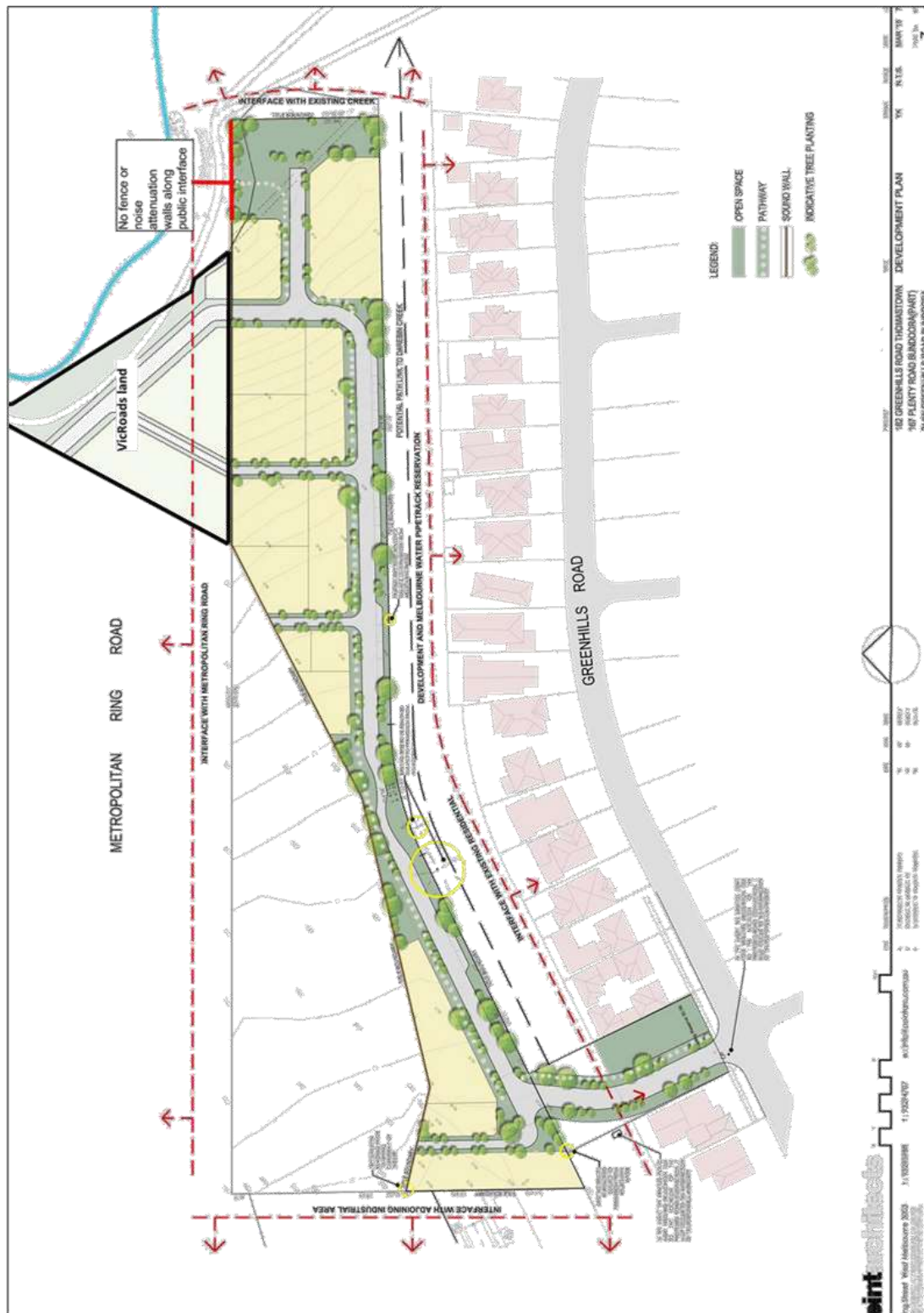
**Development site – 182 Greenhills Rd  
Bundoora**



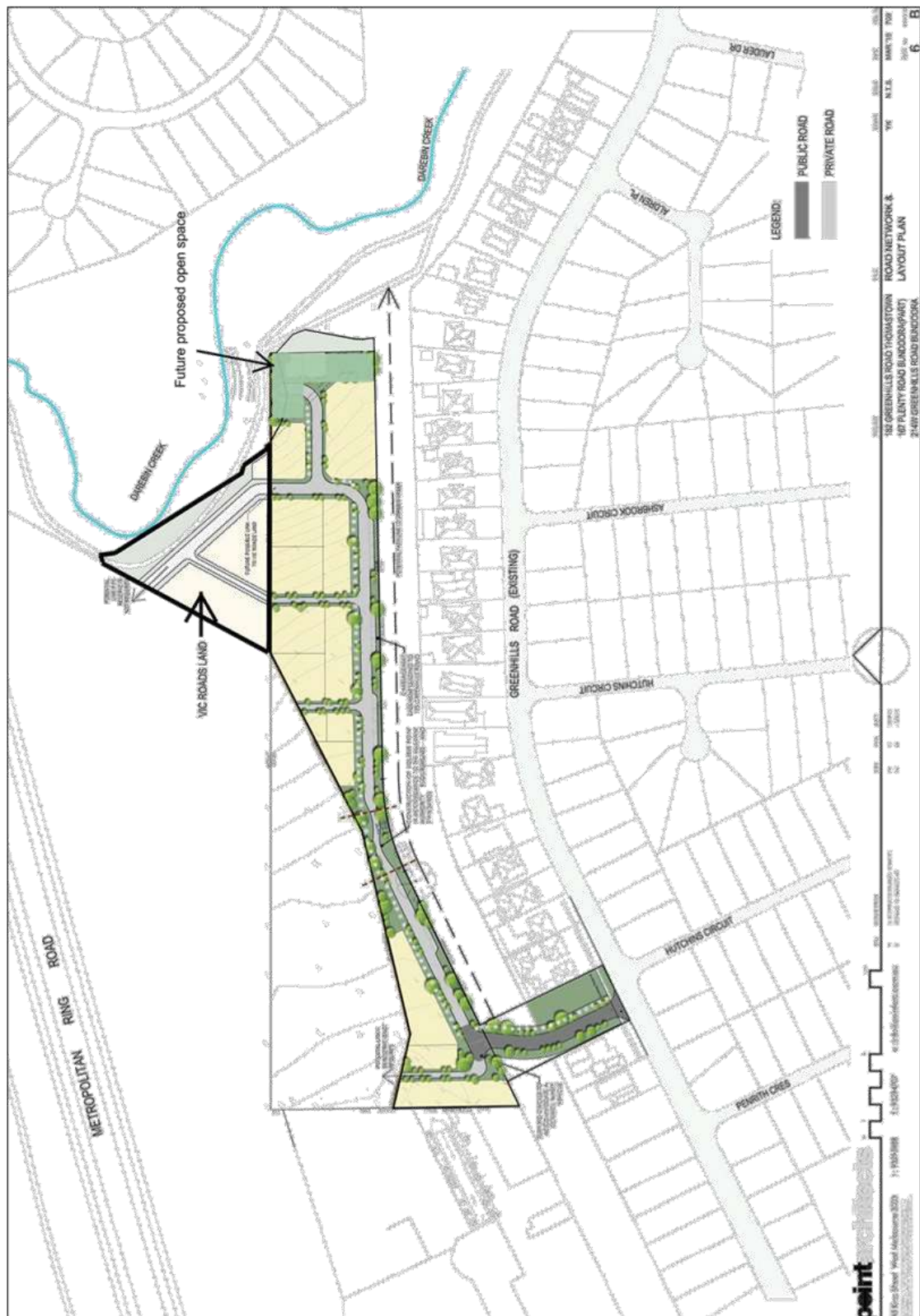














**6.4.2 COMMITTEE OF COUNCIL RECOMMENDATION - ROAD DISCONTINUANCE  
ADJOINING 60 SACKVILLE STREET MERNDA**

**File No:** 190731

**Attachments:** 1 Site Plan & Photo [↓](#)  
2 Advertising Plan [↓](#)

**Responsible Officer:** Director Corporate Services

**Author:** Senior Property Officer

**REPORT****EXECUTIVE SUMMARY**

Public submissions were invited in relation to the proposed discontinuance and sale of four sections of road shown in the attached plans (see *Attachment 1 – Site Plan & Photo* and *Attachment 2 – Advertising Plan*), for the purposes of constructing and widening Sackville, William and Regent Streets, Mernda. Council would acquire three sections of land (also shown on *Attachment 1*), in exchange for land that will be discontinued and sold. The submission period closed at 12 noon on 25 January 2017.

A Committee of Council, comprising the Mayor, Cr Ricky Kirkham, and Crs John Butler and Emilia Lisa Sterjova, was appointed to hear any submissions received and provide a recommendation back to Council

As no submissions were received, the Committee was not required to meet and Council may now consider granting approval to proceed with the proposed road discontinuances.

**BACKGROUND**

Council, at its meeting held on 22 November 2016, formally resolved to discontinue four sections of road reserve and transfer them to the adjoining landowner at 60 Sackville Street, Mernda, in exchange for acquisition by Council of three sections of land.

The exchange would remove inconsistencies in road reservations widths and enabling the construction and widening of Sackville, William and Regent Streets, Mernda.

**PROPOSAL**

To seek Council's final recommendation in consideration of the public submissions received.

**COMMITTEE OF COUNCIL**

A Committee of Council, comprising of the Mayor, Cr Ricky Kirkham, Cr John Butler and Cr Emilia Lisa Sterjova, was appointed to consider any written submissions received in response to Council's public notice advertised in the Whittlesea Leader on Tuesday 29 November 2016.

No submissions were received at the close of the advertising period (25 January 2017, 12 noon). A memo was sent to the Committee of Council on Wednesday 25 January 2017, advising that no public submissions were received and the Committee of Council hearing would not be required.

**FINANCIAL IMPLICATIONS**

This proposal has a nil financial impact to Council as it is in effect an exchange of land only.



All additional costs associated with the transfer, i.e. surveying, advertising and transfer, will be borne by the Applicant.

## POLICY STRATEGY AND LEGISLATION

4. Council has sought public submissions on the proposed discontinuance under Section 206 and 223 of the *Local Government Act* 1989. Submissions were invited for a period of no less than 28 days and referred on to an appointed Committee of Council for consideration. The appointed Committee has been advised that no submissions were received.

5.

## LINKS TO THE COUNCIL PLAN

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

The proposal seeks to facilitate the discontinuance and sale of four sections of road for the purposes of constructing and widening Sackville, William and Regent Streets, Mernda.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

The proposed discontinuance and transfer of four sections of road reserve to the adjoining landowner at 60 Sackville Street, Mernda, in exchange for Council acquiring three sections of land, will remove all inconsistencies in road reservations widths and enable the construction and widening of Sackville, William and Regent Streets, Mernda.

## RECOMMENDATION

**THAT Council resolve to:**

- Note that Council invited public submissions on the proposed discontinuance and transfer of four sections of road reserve adjoining the landowner at 60 Sackville Street, Mernda, in accordance with Section 206 and Clause 3 of Schedule 10 of the *Local Government Act* 1989, and that no submissions were received at the close of the public submission period.**
- Formally discontinue the four sections of reserve adjoining the landowner at 60 Sackville Street, Mernda, in exchange for Council acquiring three sections of land that will remove all inconsistencies in road reservations widths and enabling the construction and widening of Sackville, William and Regent Streets, Mernda.**



**ATTACHMENT 1 – SITE PLAN & PHOTO**



**Roads to be discontinued and transferred to  
60 Sackville Street Mernda**

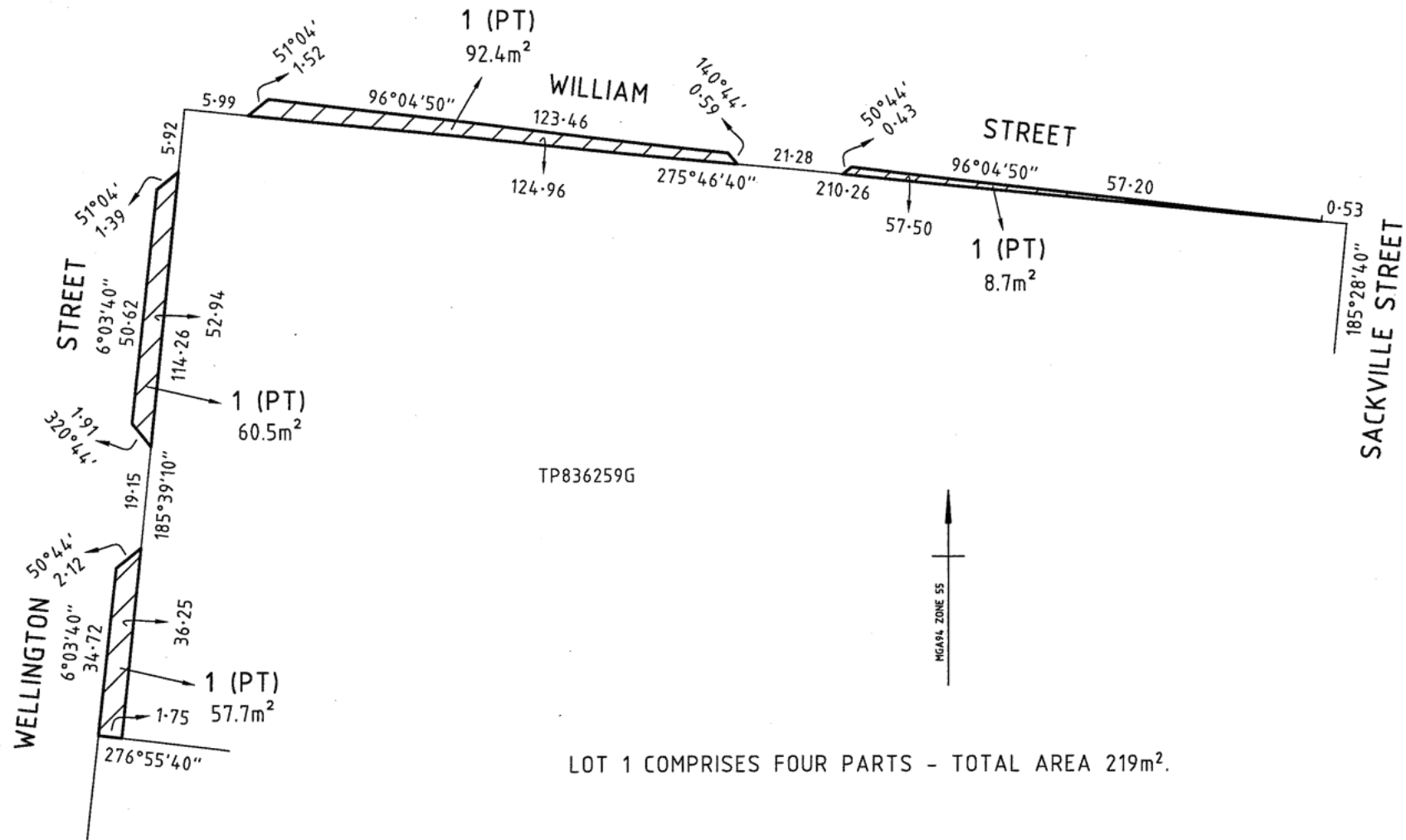
**Land to be acquired by  
Council**

















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

**File No:** 160616

**Attachments:** 1 **Unconfirmed Minutes of Audit & Risk Committee Meeting 24 November 2016** [↓](#)

**Responsible Officer:** Director Corporate Services

**Author:** Internal Compliance Officer

## REPORT

### SUMMARY

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

### BACKGROUND

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

The Audit & Risk Committee considered a number of reports at its meeting held on 24 November 2016, as well as confirming minutes from previous meetings held on 25 August and 1 September 2016.

Main agenda items included:

- Audit & Risk Committee Work Plan
- Financial Report
- Internal Audit:
  - Internal Audit Status Report
  - Internal Audit Reviews: Verification of Vested Assets
  - Outstanding Action items Report from Previous Internal Audits
  - Review of Internal Auditor's Performance
- Internal Compliance Reviews
- Service Planning & Review Program
- Response to VAGO Report – Audit Committee Governance
- Review of Audit & Risk Committee's Performance

### LINKS TO THE COUNCIL PLAN

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

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



and Council's process for monitoring compliance with legislation and regulations and the Code of Conduct.

#### **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

#### **CONCLUSION**

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

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

**THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 24 November 2016.**





Unconfirmed Audit & Risk Committee  
Minutes  
5pm Thursday  
24 November 2016

**Location:** Council Chamber, Civic Centre

	Present	Apology
<b>Members:</b>		
<b>Independents</b>		
Michael Said, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homi Burjorjee	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Ulbrick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Councillors</b>		
Cr Stevan Kozmevski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Cr Ricky Kirkham, Mayor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Officers:</b>		
Michael Wootten, Chief Executive Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Sui, Director Corporate Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amy Montalti, Manager Finance & Assets	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Gauci, Internal Compliance Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nick Mann, Director City Transport & Presentation (Item 9.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liana Thompson, Director Partnerships & Engagement (Item 12.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>In attendance:</b>		
Pat Farrell, Partner, PWC	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natalie Mu, Manager, PWC	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Audit & Risk Committee Minutes  
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## Matters in Discussion

### 1. DISCLOSURE OF CONFLICTS OF INTEREST

No declarations were made.

### 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Resolution:

**That the minutes of the Audit & Risk Committee meeting held on 25 August 2016 be noted and confirmed.**

Moved by: Cr Kozmevski

Seconded by: Mr Burjorjee

CARRIED

Resolution:

**That the minutes of the Audit & Risk Committee meeting held on 1 September 2016 be noted and confirmed.**

Moved by: Mr Ulbrick

Seconded by: Cr Kozmevski

CARRIED

### 3. MATTERS ARISING FROM PREVIOUS MEETING(S)

The Outstanding Items Report from Previous Meetings was presented for discussion. The Committee Chairperson noted that the Victorian Auditor General (VAGO) had recently released a report – *Financial Systems Controls Report: 2015-16*, in which five Councils are referenced, as well as information regarding Cyber Security. The Committee requested this report be referred to the Information Services Department for consideration.

Resolution:

**That the report of Outstanding Action Items from Previous Meetings be received and noted.**

Moved by: Mr Burjorjee

Seconded by: Mr Ulbrick

CARRIED

### 4. AUDIT & RISK COMMITTEE WORK PLAN

The Annual Work Plan Matrix was presented for general discussion. The Committee Chairperson gave an overview of the process undertaken to develop the Work Plan for the 2016-17 year.

The Committee briefly discussed its expectations in relation to what it would like to receive regarding certain items listed on the Work Plan. In particular, when a policy is presented, it should be accompanied by a statement of compliance / non compliance.



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Discussion concluded with the Committee noting that VAGO now has increased powers which allows it to review the operations of a third party (i.e. contractors). It was noted some Councils have alerted their contractors to this increased power, whilst others have amended their Procurement Policies and Procedures.

Resolution:

**That the Annual Work Plan Matrix be noted.**

Moved by: Mr Ulbrick

Seconded by: Cr Kozmevski

CARRIED

**5. CEO'S REPORT ON COMPLIANCE/NON-COMPLIANCE WITH LEGISLATION AND POLICIES INCLUDING TENDERING AND PROCUREMENT**

The CEO advised that there were no issues of compliance/non-compliance to report.

Resolution:

**That the CEO's verbal report on Compliance/Non-Compliance with Laws/Legislation and Policies be noted.**

Moved by: Mr Burjorjee

Seconded by: Mr Ulbrick

CARRIED

**6. FINANCIAL REPORT**

**ITEM 6.1 Financial Report**

A copy of the Financial Performance Report for the period ended 30 September 2016 was circulated to Committee members.

The Director Corporate Services advised the Committee that Amy Montalti had been appointed to the position of Manager Finance & Assets.

An update on the progress of the Capital Works Program against budget was provided with officers responding to questions from the Committee.

The Committee also discussed the difference in definitions provided in the Model Financial Report versus those included in the Local Government Performance Reporting Framework and the need for greater consistency with definitions. The Committee felt that the Local Government industry should be working as a whole to advocate greater consistency. The Manager Finance & Assets advised she would raise this issue with FinPro.

Resolution:

**That the Financial Report be noted.**

Moved by: Cr Kozmevski

Seconded by: Mr Burjorjee

CARRIED



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## 7. INTERNAL CONTROL

Refer Item 11.1

## 8. RISK MANAGEMENT

No items for this meeting.

## 9. INTERNAL AUDIT

### ITEM 9.1 Internal Audit Status Report

PwC presented the Internal Audit Status Report and responded to questions from the Committee. The Committee noted the '*Internal Audit Hot Topic – Data Assurance – Big Data (Impacts and Benefits)?*' and briefly discussed the performance results received in relation to the Better Practice for Procurement review.

#### Resolution:

**That the Internal Audit Status report be received and noted.**

Moved by: Mr Ulbrick  
Seconded by: Cr Kozmevski

CARRIED

### ITEM 9.2 Internal Audit Reviews

- Verification of Vested Assets

PwC presented the Verification of Vested Assets report and gave an overview of the findings. Officers responded to the report and questions from the Committee.

The Committee noted the timelines associated with each of the proposed management actions and their appropriateness. The Committee also encouraged management to continue utilising its current practices whilst management actions are being implemented.

#### Resolution:

**That the Verification of Vested Assets internal audit report be received and noted.**

Moved by: Mr Ulbrick  
Seconded by: Cr Kozmevski

CARRIED

### ITEM 9.3 Outstanding Action Items From Internal Audit Reports

The Outstanding Action Items Report from Previous Internal Audits was presented



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for discussion.

Resolution:

**That the report of Outstanding Action Items from Previous Internal Audit Reports be received and noted.**

Moved by: Mr Burjorjee

Seconded by: Mr Ulbrick

CARRIED

**ITEM 9.4 Review of Internal Auditor's Performance**

The performance of the Internal Auditor was discussed.

The Committee also discussed the performance of the external auditor. The Committee asked if management had received any request from VAGO to provide an assessment of the 2015-16 external audit process. Management advised no request had been received.

General discussion ensued regarding the recent external audit. Concerns were raised in relation to the timeliness of the auditor. These issues will be discussed with the auditor at the Committee meeting to be held on 2 March 2017.

Resolution:

**That the performance of the Internal and External Auditors be noted.**

Moved by: Cr Kozmevski

Seconded by: Mr Burjorjee

CARRIED

**10. EXTERNAL AUDIT**

No items for this meeting.

**11. COMPLIANCE**

**ITEM 11.1 Internal Compliance Reviews**

An update on the status of internal compliance reviews undertaken since the last Committee meeting was provided with officers responding to questions from the Committee.

The Committee discussed the outcomes from the Purchase Card review and requested that the updated Purchase Card Policy be provided to the Committee once completed.

Resolution:

**That:**

- 1. The report on the status of Internal Compliance Reviews be received and noted.**



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2. The updated Purchase Card Policy be provided to the Committee once completed.

Moved by: Mr Ulbrick  
Seconded by: Cr Kozmevski

CARRIED

## 12. OTHER RESPONSIBILITIES

### ITEM 12.1 Update on Significant Legal Matters

The Director Corporate Services noted that there were no significant issues to discuss.

Resolution:

**That the update of significant legal matters by the Director Corporate Services be noted.**

Moved by: Mr Burjorjee  
Seconded by: Mr Ulbrick

CARRIED

### ITEM 12.2 Service Planning & Review Program

An Update on the Service Planning & Review Program was provided. Management advised the Committee that Nous Group had been engaged to undertake a strategic review of services that are core, locally critical and their efficiency and effectiveness. The Committee requested it be provided with a copy of the outcomes from this review at a future meeting.

Resolution:

**That:**

1. The Committee note the update on the Service Planning & Review Program and the complementary work conducted externally.
2. The Committee be provided with the results of the Strategic Review being undertaken by Nous Group by their 25 May 2017 meeting.

Moved by: Mr Burjorjee  
Seconded by: Mr Ulbrick

CARRIED

### ITEM 12.3 Response to VAGO Report – Audit Committee Governance

Management's response to the VAGO Report – Audit Committee Governance was provided.

Resolution:

**That the Committee note the VAGO Audit Summary Report: Audit Committee Governance and management's response to the recommendations included in the report.**



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Moved by: Cr Kozmevski  
Seconded by: Mr Burjorjee

CARRIED

**ITEM 12.4 Other Audits**

An update on the status of recent audits undertaken by external parties was provided. Audit opinions were provided for the:

- Roads to Recovery Program.
- Inclusion and Professional Support Program.

Resolution:

**That the Committee note the Audited Financial Acquittal Report for the Roads to Recovery and Inclusion and Professional Support Program.**

Moved by: Mr Ulbrick  
Seconded by: Cr Kozmevski

CARRIED

**ITEM 12.5 Review of Audit & Risk Committee's Performance**

A summary of results from the Committee members' responses to the Self-Assessment questionnaire were presented for discussion.

Resolution:

**That the Committee note the summary of the Audit & Risk Committee's Self-Assessment Performance results including comments provided by members.**

Moved by: Mr Burjorjee  
Seconded by: Mr Ulbrick

CARRIED

**13. CORRESPONDENCE**

Nil

**14. GENERAL BUSINESS ITEMS**

Nil

**15. CONFIRMATION OF DATE OF NEXT MEETING:**

- 2 March 2017
- 25 May 2017
- 24 August 2017 (*Financial Statements Review*)
- 31 August 2017
- 23 November 2017

Meeting Closed: 6.50pm







#### 6.4.4 ASSEMBLIES OF COUNCILLORS - 7 FEBRUARY 2017

**File No:** 188199

**Responsible Officer:** Director Corporate Services

**Author:** Governance Officer

### REPORT

#### SUMMARY

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

#### BACKGROUND

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

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

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

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

#### PROPOSAL

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

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Whittlesea Disability Network General Meeting <b>8 November 2016</b>	Cr Laliou	TLA AS/POA PO ARO RC MCW R/SP	<ol style="list-style-type: none"> <li>1. Mill Park Leisure Centre Redevelopment.</li> <li>2. Reports from the following Working Groups: <ol style="list-style-type: none"> <li>a) Accessible Parking and Transport.</li> <li>b) Disability Cluster.</li> </ol> </li> <li>3. Reports from the following Issues Working Groups: <ol style="list-style-type: none"> <li>a) Northern Hospital.</li> <li>b) Austin Hospital.</li> <li>c) Ambulance Victoria.</li> </ol> </li> <li>4. Reports from the following Working Groups. <ol style="list-style-type: none"> <li>a) Carer's Week.</li> <li>b) International Day of People with Disability.</li> <li>c) Budget.</li> <li>d) "Our News" Newsletter.</li> <li>e) Employment.</li> </ol> </li> <li>5. NDIS Update.</li> <li>6. Other Business.</li> <li>7. Outstanding actions of previous meetings.</li> </ol> <p style="text-align: right;"><i>Nil disclosures</i></p>
Australia Day Committee Meeting	Cr Kirkham	TLG	<ol style="list-style-type: none"> <li>1. Update on Public Australia Day Event.</li> </ol>



Assembly Details	Councillor attendees	Officer attendees	Matters discussed
12 December 2016	(Mayor)	GO-1 GO-2 CO ECO	2. Confidential Award Recipients for 2017. 3. General Business. 4. Next Meeting – Monday 16 January 2017. <i>Nil disclosures</i>
Arts Cultural and Sporting Grants Program for Young People 11 January 2017	Cr Alessi Cr Desiato Cr Kozmevski Cr Monteleone Cr Pavlidis Cr Sterjova	MG	The advisory committee made a recommendation to the delegate regarding the following application via a virtual meeting:  1. Canisha Clemmet – Sporting Grant – Interstate 2. Ashley Galea – Sporting Grant - – Interstate 3. Jasmine Galea – Sporting Grant – Interstate  1. <i>Nil disclosures</i>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
MG	Manager Governance – Michael Tonta	R/SP	Resident/Special Projects – Ivan Peterson
TLA	Team Leader Access – Stephen Bell	TLG	Team Leader Governance – Angelo Mamatis
AS/POA	Admin Support / Project Officer Access – Alice Wells	GO-1	Governance officer – Narelle Williamson
PO	Project Officer – Renee Parr	GO-2	Governance officer – Sarah Weir
ARO	Assistant Records Officer – Jordan Plowman	CO	Communications Officer - Natalie Corbett
RC	Respite Coordinator – Marcia Simons	ECO	Events Co-Ordinator – Julie McBride
MCW	Manager Community Wellbeing – Neville Kurth		

## 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.

<b>RECOMMENDATION</b>
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**THAT Council note the record of the Assemblies of Councillors meetings in the table set out in the report.**







**6.4.5 GREEN CITIES CONFERENCE 2017****File No:** 147434**Responsible Officer:** Director Corporate Services**Author:** Governance Officer**REPORT****EXECUTIVE SUMMARY**

To approve the attendance of interested Councillors at the Green Cities Conference to be held on 6-8 March 2017 in Sydney.

**INTRODUCTION**

The Green Cities Conference is Australia's leading sustainability conference for the built environment, co-hosted annually by the Green Building Council of Australia (GBCA) and Property Council of Australia (Property Council). It comprises site tours, practical masterclasses and a range of speakers covering a number of topics including smart cities and density done well.

**PROGRAM**

The program includes the following sessions:

Sessions	Speakers
<b>Monday 6 March 2017 – Day 1</b>	
1. <b>Ready or not, the future is coming</b> - analysis of trends and technologies that are just over the horizon.	<ul style="list-style-type: none"> <li>Chris Riddell, Global Futurist</li> </ul>
2. <b>Smart cities: Road-mapping for real-time</b> - How do we take a data inventory and plan today for smarter cities tomorrow?	<ul style="list-style-type: none"> <li>Catherine Caruana-McManus, Director, Giant Ideas Pty Ltd, &amp; Non-Executive Director, Meshed</li> <li>Chris Pyke, Chief Strategy Officer, Aclima</li> <li>Colette Munro, Chief Digital Officer, AECOM</li> <li>Cleve Schupp, Senior Marketing and Communications Manager, Energy Products, Tesla</li> <li>John Batten, Global Director of Cities, Strategic Pursuits and Water Solutions, Arcadis</li> <li>Romilly Madew, Chief Executive Officer, Green Building Council of Australia [Moderator]</li> </ul>
3. <b>Density done well</b> - What are the success factors in density done well?	<ul style="list-style-type: none"> <li>Michael Rose AM, Chairman, The Committee for Sydney</li> <li>Joe Snell, Director, Snell Architects</li> <li>Andrew Waugh, Founder &amp; Director, Waugh Thistleton Architects</li> <li>Mark Steinert, EO &amp; Managing Director, Stockland</li> </ul>
4. <b>Fast-tracking our collective</b>	<ul style="list-style-type: none"> <li>Emma Herd, Chief Executive Officer, Investor Group on</li> </ul>



Sessions	Speakers
<p><b>conscience</b> – discussing the relevance of the UN Sustainable Development Goals in Australia.</p>	<p>Climate Change</p> <ul style="list-style-type: none"> <li>• Scott Langford, Chief Executive Officer, St George Community Housing</li> <li>• Anna Skarbek, Chief Executive Officer, ClimateWorks Australia</li> <li>• Prof. John Thwaites, Co-Chair, Leadership Council, Sustainable Development Solutions Network [Moderator]</li> </ul>
<p>5. <b>Looking through the wellness lens</b> - discover why sustainability plus health is a powerful lens through which to view the world.</p>	<ul style="list-style-type: none"> <li>• Rick Fedrizzi, Chairman and CEO, The International WELL Building Institute (IWBI)</li> </ul>
<p>6. <b>Legislation: Stepping out of the grey areas</b> - Would a black and white approach spur action to drive dramatic change in sustainability?</p>	<ul style="list-style-type: none"> <li>• Cr Andrea Reimer, City of Vancouver</li> <li>• Mr Mark Davis, Director, NCC Innovation and Analysis, ABCB</li> <li>• Raynuha Sinnathamby, Managing Director, Springfield Land Corporation</li> <li>• Tony Arnel, Global Director Sustainability, NDY [Moderator]</li> </ul>
<p>7. <b>Lightbulb moments from the leaders</b> - What were the sudden revelations or realisations that changed the way these leaders looked at the world?</p>	<ul style="list-style-type: none"> <li>• Josephine Sukkar, Principal, Buildcorp</li> <li>• Rod Fehring, CEO, Frasers Property Australia</li> <li>• Sandy Pitcher, Chief Executive, Department of Environment, Water and Natural Resources, Government of South Australia</li> </ul>
<b>Tuesday 7 March 2017 - Day 2</b>	
<p>1A. <b>First signs of change: A periscope for an urban landscape</b> - What are the ideas and innovations that can transform our urban environments in a rapidly changing world?</p>	<ul style="list-style-type: none"> <li>• Dr Anne-Marie Bremner, Director, Encycle Consulting</li> <li>• Beck Dawson, Chief Resilience Officer, Resilient Sydney</li> <li>• Danielle McCartney, Manager, Sustainability, University of Technology Sydney</li> <li>• Haico Schepers, Principal, Arup</li> <li>• Jessica Stewart, Sustainability Manager, Riverview Projects</li> <li>• Rana Abboud, Architect, BVN</li> <li>• Francesca Muskovic, Policy Manager, Sustainability &amp; Regulatory Affairs, Property Council of Australia [Moderator]</li> </ul>
<p>1B. <b>First signs of change: WiFi vitality</b> - As wearable health devices gain momentum what's in store as health becomes integral to 2050 living?</p>	<ul style="list-style-type: none"> <li>• Amy Child, Senior Transport Planner, Arup</li> <li>• Ashak Nathwani, Director, Sustainable Design, The University of Sydney</li> <li>• Kathryn Cassidy, National Sustainability Manager, JLL</li> <li>• Dr Samantha Hall, Director, Rate My Space</li> <li>• Sue Wittenoom, Founder, The Soft Build</li> </ul>
<p>2. <b>From carbon zero to positive: Are we</b></p>	<ul style="list-style-type: none"> <li>• Ken Morrison, Chief Executive, Property Council of Australia [Moderator]</li> </ul>



Sessions	Speakers
picking up the pace?	
3. Unlocking the key to finance	<ul style="list-style-type: none"> <li>• Andy Cavanagh-Downs, Executive Director, Embark</li> <li>• Sara Neff, Senior Vice President, Sustainability, Kilroy Realty Corporation</li> <li>• Katharine Tapley, Head of Sustainable Finance Solutions, ANZ</li> <li>• Rowan Griffin, Head of Sustainability, Property Australia, Lendlease [Moderator]</li> </ul>
4. Resilience through reconciliation	<ul style="list-style-type: none"> <li>• Catherine Hunter, Partner, Corporate Citizenship, KPMG</li> <li>• Josephine Cashman, Board Member, Sydney Harbour Federation Trust</li> <li>• Michael Combs, Founder &amp; CEO, CareerTrackers [Moderator]</li> </ul>
<b>Wednesday 8 March 2017 – Day 3</b>	
Masterclasses or Site Tours	Sites: <ul style="list-style-type: none"> <li>• WT Partnership's Sydney Office Fitout</li> <li>• 155 Clarence Street</li> <li>• Westpac Place</li> <li>• International Towers Sydney &amp; Lendlease Head Office Fitout</li> </ul>

## FINANCIAL IMPLICATIONS

The cost of attending Days 1 and 2 of the Conference is \$2,812.50 per person which does not include the cost of attending Day 3 which is separately ticketed. The cost of airfares, accommodation and transit charges are not included.

The costs of attendance can be covered from the 2016-2017 budget for Councillor training and development.

## POLICY STRATEGY AND LEGISLATION

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

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Living Sustainably</b>
<b>Theme</b>	<b>Environmental sustainability</b>
<b>Strategic Objective</b>	<b>We are an environmentally sustainable City</b>

Attendance at the Green Cities Conference 2017 will better equip Councillors in advocating on behalf of the community.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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



**CONCLUSION**

That Councillors consider their attendance at the Green Cities Conference to be held 6-8 March 2017 in Sydney.

<b>RECOMMENDATION</b>
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**THAT interested Councillors advise the Office of the Chief Executive Officer as soon as possible of their attendance at the Green Cities Conference to be held 6-8 March 2016 in Sydney.**



## 6.5 PARTNERSHIPS & ENGAGEMENT

### 6.5.1 EPPING COMMUNITY SERVICES HUB - SUB TENANCIES

**File No:** 193865

**Responsible Officer:** Manager Advocacy & Communications

**Author:** Manager Community Building & Planning

#### REPORT

#### EXECUTIVE SUMMARY

Relationships Australia Victoria, St John of God Accord and Dardi Munwurro have expressed an interest in locating services at the Epping Community Services Hub (the Hub). Discussions have been held with Council officers and the lead tenant, Brotherhood of St Laurence (BSL), to ensure the services they provide are required by the local community and the agency supports the integrated service provision model stipulated by Council. BSL and Council officers are satisfied that both of these requirements are met.

In accordance with Council's resolution on 24 February 2015 to formally endorse tenancy applicants, this report recommends that Council endorse Relationships Australia Victoria, St John of God Accord and Dardi Munwurro as tenants at the Hub. All three organisations have requested to commence their operations at the Hub in early 2017.

#### BACKGROUND

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

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

At its meeting of 15 March 2016, 5 April 2016, 30 August 2016, 22 November 2016 Council resolved to endorse a number of agencies as sub-tenants of the Hub. Subsequently, Relationships Australia Victoria, St John of God Accord and Dardi Munwurro, have approached the City of Whittlesea seeking accommodation within the Hub.

#### PROPOSAL

**Relationships Australia Victoria (RAV)** is a specialist provider of family relationships services. Its aim is to provide high quality and comprehensive services that help families and children to overcome challenges, grow and thrive. RAVs' objective is to relieve suffering, distress and helplessness of vulnerable and disadvantaged people so as to enhance their physical, social and emotional wellbeing.

RAV is proposing to provide Family Relationship Services including but not limited to family dispute resolution incorporating child inclusive practice, counselling, relationship education and group work. Specifically these services include:



- Family dispute resolution (mediation) to enable separating families achieve child focussed, workable parenting arrangements outside the Court system
- Group information sessions and workshops on a range of practice topics to assist families
- Counselling offered to individuals, couples and families for support with their relationships.

St John of God **Accord** provides a variety of disability services for people with disabilities across three metropolitan areas across Melb, including Whittlesea. Accord provides assessment, planning and intervention services; and they mentor and work directly with the individual, their family and circle of support to ensure success in clients identified goals.

Accord supports people with additional needs through a range of specialist services

- Positive behaviour support
- Exercise Physiology
- Occupational Therapy
- Speech Therapy
- Pastoral Care Counselling
- Coordination of Supports
- Dieticians
- Sexuality Education

**Dardi Munwurro** was established in 2000 to provide leadership training programs and personalised coaching specifically tailored to indigenous men. Dardi has worked with Aboriginal men across several municipalities including Mildura, Shepparton and areas that have large Aboriginal populations. Their aim is to equip indigenous men to become leaders, role models and mentors within their community.

Dardi provides the following programs and services:

- Healing and Family Violence Program - the aim is to build protective factors, empowering indigenous men, recognising leadership potential, promote help- seeking behaviour, building safer and stronger communities.
- Workplace and personal development – communication tools for the indigenous workforce to build healthy work places and practices. Enhancing employees' social awareness and interpersonal skills when dealing with clients and or co-workers.
- Journey Program for Youth – preparing young people for adult life through self-empowerment and resilience workshops while maintaining strong community connections. The aim of the program is to build protective factors, empower indigenous youth, recognise leadership potential, promote help-seeking behaviour and connecting back to culture.
- Cultural Competency Training – these workshops provide participants with an overview of the transformation from traditional Aboriginal society to contemporary society. Participants look at behaviours and issues which impact on Aboriginal culture, society and people.

## CONSULTATION

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

## CRITICAL DATES

Agencies have planned to commence operations at the Hub in early 2017 pending Council endorsement.



**FINANCIAL IMPLICATIONS****NilPOLICY STRATEGY AND LEGISLATION**

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

**LINKS TO THE COUNCIL PLAN**

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

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

**DECLARATIONS OF CONFLICTS OF INTEREST**

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**

Relationships Australia Victoria, St John of God Accord and Dardi Munwurro will provide much needed services for Whittlesea residents. The agencies are fully committed to the vision for the Hub as an integrated service model and have been deemed to be important services to contribute to community wellbeing.

**RECOMMENDATION**

**THAT Council resolve to endorse the following agencies as sub-tenants of the Epping Community Services Hub (713 High Street, Epping):**

- 1. Relationships Australia Victoria**
- 2. St John of God Accord**
- 3. Dardi Munwurro**



**6.6 EXECUTIVE SERVICES**

**NIL REPORTS**

**7. NOTICES OF MOTION**

**NIL REPORTS**

**8. QUESTIONS TO OFFICERS**

**9. URGENT BUSINESS**

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

**11. QUESTIONS TO COUNCILLORS**



**12. CONFIDENTIAL BUSINESS**

**12.1 PLANNING AND MAJOR PROJECTS**

**12.1.1 UPGRADE AND EXTENSION OF RGC COOK RESERVE PAVILION CONTRACT  
2015-108 – CONTRACT VARIATION REPORT**

**File No:** 194054

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

**Author:** Senior Contracts Executive

<b>REPORT</b>
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It is proposed that the following item be considered in closed session.

<b>RECOMMENDATION</b>
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**THAT Council resolve to close the meeting to members of the public for the purpose of considering details relating to the following, in accordance with Section 89(2) of the Local Government Act 1989:**

- (d) contractual matters**







## 12.2 COMMUNITY SERVICES

### NIL REPORTS

## 12.3 CITY TRANSPORT AND PRESENTATION

### 12.3.1 MAINTENANCE OF TRAFFIC SIGNALS - CONTRACT NO. 2013-22 - VARIATION

File No: SU / 192382

Responsible Officer: Director City Transport & Presentation

Author: Team Leader Transport Engineering

#### REPORT

It is proposed that the following item be considered in closed session.

#### RECOMMENDATION

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

(d) contractual matters

### 12.3.2 ROAD DRAINAGE CONSTRUCTION QUEENSCLIFF ROAD, THOMASTOWN - TENDER EVALUATION REPORT - CONTRACT 2016-151

File No: 195375

Responsible Officer: Director City Transport & Presentation

Author: Team Leader Design & Delivery

#### REPORT

It is proposed that the following item be considered in closed session.

#### RECOMMENDATION

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

(d) contractual matters



**12.3.3 PROVISION OF FACILITY TRADE SERVICES - CONTRACT NO. 2014-125 - CONTRACT EXTENSION**

**File No:** 2014-125  
**Responsible Officer:** Director City Transport & Presentation  
**Author:** Team Leader Business Performance

**REPORT**

It is proposed that the following item be considered in closed session.

**RECOMMENDATION**

**THAT Council resolve to close the meeting to members of the public for the purpose of considering details relating to the following, in accordance with Section 89(2) of the Local Government Act 1989:**

(d) contractual matters

**12.3.4 ROAD SIGNS TENDER REPORT**

**File No:** 194308  
**Responsible Officer:** Manager City Presentation  
**Author:** Manager City Presentation

**REPORT**

It is proposed that the following item be considered in closed session.

**RECOMMENDATION**

**THAT Council resolve to close the meeting to members of the public for the purpose of considering details relating to the following, in accordance with Section 89(2) of the Local Government Act 1989:**

(d) contractual matters



**12.3.5 SUPPLY & DELIVERY OF ONE COMPACT SUCTION SWEEPER - TENDER EVALUATION - CONTRACT 2016-168Z1**

**File No:** 193013

**Responsible Officer:** Director City Transport & Presentation

**Author:** Manager City Presentation

**REPORT**

It is proposed that the following item be considered in closed session.

**RECOMMENDATION**

**THAT Council resolve to close the meeting to members of the public for the purpose of considering details relating to the following, in accordance with Section 89(2) of the Local Government Act 1989:**

(d) contractual matters

**12.3.6 SUPPLY AND DELIVERY OF ONE REAR COMPACTOR - TENDER EVALUATION - CONTRACT 2014-2Z14**

**File No:** 193013

**Responsible Officer:** Director City Transport & Presentation

**Author:** Manager City Presentation

**REPORT**

It is proposed that the following item be considered in closed session.

**RECOMMENDATION**

**THAT Council resolve to close the meeting to members of the public for the purpose of considering details relating to the following, in accordance with Section 89(2) of the Local Government Act 1989:**

(d) contractual matters



**12.4 CORPORATE SERVICES**

**NIL REPORTS**

**12.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**

**12.6 EXECUTIVE SERVICES**

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 5 DECEMBER 2016 TO 27 JANUARY 2017**

**File No:** .

**Responsible Officer:** Chief Executive Officer

**Author:** Executive Assistant to Chief Executive Officer

<b>REPORT</b>
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It is proposed that the following item be considered in closed session.

<b>RECOMMENDATION</b>
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**THAT Council resolve to close the meeting to members of the public for the purpose of considering details relating to the following, in accordance with Section 89(2) of the Local Government Act 1989:**

- (h) Any other matter which the Council or special committee considers would prejudice the Council or any person**

**13. CLOSURE**