MINUTES

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 18 JULY 2017

AT 6.35PM

IN COUNCIL CHAMBER, 25 FERRES BOULEVARD, SOUTH MORANG
# COUNCILLORS

<table>
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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>RICKY KIRKHAM</td>
<td>MAYOR, NORTH WARD</td>
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<tr>
<td>JOHN BUTLER</td>
<td>NORTH WARD</td>
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<td>EMILIA LISA STEROVA</td>
<td>NORTH WARD</td>
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<td>NORM KELLY</td>
<td>DEPUTY MAYOR, SOUTH EAST WARD</td>
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<tr>
<td>SAM ALESSI</td>
<td>SOUTH EAST WARD</td>
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<td>ALAHNA DESIATO</td>
<td>SOUTH EAST WARD</td>
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<td>MARY LALIOS</td>
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<td>LAWRIE COX</td>
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<td>STEVEN KOZMEVSKI</td>
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<td>CAZ MONTELEONE</td>
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<td>KRIS PAVLIDIS</td>
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## SENIOR OFFICERS

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<thead>
<tr>
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<tr>
<td>LIANA THOMPSON</td>
<td>ACTING CHIEF EXECUTIVE OFFICER</td>
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<tr>
<td>NEVILLE KURTH</td>
<td>ACTING DIRECTOR COMMUNITY SERVICES</td>
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<tr>
<td>STEVE O’BRIEN</td>
<td>DIRECTOR PLANNING AND MAJOR PROJECTS</td>
</tr>
<tr>
<td>PETER ALI</td>
<td>ACTING DIRECTOR CITY TRANSPORT &amp; PRESENTATION</td>
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<tr>
<td>HELEN SUI</td>
<td>DIRECTOR CORPORATE SERVICES</td>
</tr>
<tr>
<td>BELGIN BESIM</td>
<td>ACTING DIRECTOR PARTNERSHIPS &amp; ENGAGEMENT</td>
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<tr>
<td>ANGELO MAMATIS</td>
<td>TEAM LEADER GOVERNANCE</td>
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In these Minutes, Resolutions adopted by Council are indicated in bold text.
1. OPENING

1.1 MEETING OPENING AND PRAYER

The Acting Chief Executive Officer opened the meeting with a prayer at 6.35PM.

1.2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT

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

1.3 PRESENT

Members:

- Ricky Kirkham  Mayor (North Ward)
- Emilia Lisa Sterjova  Councillor (North Ward)
- Norm Kelly  Deputy Mayor (South East Ward)
- Sam Alessi  Councillor (South East Ward)
- Alahna Desiato  Councillor (South East Ward)
- Mary Lalios  Councillor (South East Ward) (attended meeting at 7.04PM)
- Lawrie Cox  Councillor (South East Ward)
- Stevan Kozmevski  Councillor (South West Ward)
- Caz Monteleone  Councillor (South West Ward)
- Kris Pavlidis  Councillor (South West Ward)

Officers:

- Ms Liana Thompson  Acting Chief Executive Officer
- Mr Steve O’Brien  Director Planning and Major Projects
- Mr Neville Kurth  Acting Director Community Services
- Mr Peter Ali  Acting Director City Transport & Presentation
- Ms Helen Sui  Director Corporate Services
- Ms Belgin Besim  Acting Director Partnerships & Engagement
- Mr Angelo Mamatis  Team Leader Governance
2. APOLOGIES

APOLOGY

Apologies were received on behalf of Councillors Butler and Lalios who requested that leave be granted for this meeting.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Alessi

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

CARRIED

REQUEST FOR LEAVE

A request for leave was received on behalf of Councillor Cox who requested that leave be granted for the period 4 August 2017 to 25 September 2017.

COUNCIL RESOLUTION

MOVED: Cr Alessi
SECONDED: Cr Pavlidis

THAT the Councillor's request for leave be received and that leave be granted for the period 4 August 2017 to 25 September 2017.

CARRIED

3. DECLARATIONS OF INTEREST

NIL

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

MOVED: Cr Sterjova
SECONDED: Cr Desiato

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

Ordinary Meeting of Council held 27 June 2017.

CARRIED
5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS

5.1 PETITIONS

5.1.1 PETITION TO INSTALL 4-HOUR PARKING ON STATION STREET LALOR, AND INSTALL A SPEED HUMP ON STATION STREET – BETWEEN PASCHKE CRESCENT AND ANDERSON STREET LALOR.

File No: ST 104544

Cr Kozmevski tabled a petition from 91 residents and 10 non-residents asking Council to install 4-hour parking on Station Street Lalor, and install a speed hump on Station Street – between Paschke Crescent and Anderson Street Lalor.

COUNCIL RESOLUTION

MOVED: Cr Kozmevski
SECONDED: Cr Alessi

THAT Council resolve to receive the petition asking Council to install 4-hour parking on Station Street Lalor, and install a speed hump on Station Street – between Paschke Crescent and Anderson Street Lalor and that a report be prepared.

CARRIED

5.1.2 PETITION - DIRT BIKE ACTIVITY IN AND AROUND MERNDA VILLAGE AND QUARRY HILLS

File No: SU194904

Cr Sterjova tabled a petition from 25 Mernda residents requesting Council to take measures to discourage dirt bike activities in and around Mernda Villages and to declare a dirt bike exclusion zone within Mernda Villages and the adjacent Quarry Hills Reserve.

COUNCIL RESOLUTION

MOVED: Cr Pavlidis
SECONDED: Cr Cox

THAT Council resolve to receive the petition from 25 Mernda residents requesting Council to take measures to discourage dirt bike activities in and around Mernda Villages and to declare a dirt bike exclusion zone within Mernda Villages and the adjacent Quarry Hills Reserve and a report be prepared.

CARRIED
5.1.3 PETITION TO IMPROVE WHITTLESEA PUBLIC GARDENS

File No: SU/195512

Cr Pavlidis tabled a Joint Letter from 6 people together with a Petition from 108 residents requesting Council to improve the Whittlesea Public Gardens by doing the following:

- Install lights to increase safety at night for those attending the park in the evening (including the dog park);
- Resurrect the lake at the gardens and also build a duel walking/bike track around the lake;
- Plant a variety of attractive trees that will provide shade in the future, for example a boulevard of palm trees;
- Upgrade current playground to a fenced all-abilities playground with equipment to stimulate play and creative fun for a wide range of ages;
- Provide shade over the all-abilities playground equipment to protect children from harmful UV rays; and
- Retain the gardens as the venue for the Whittlesea Community festival to promote community adhesion and well-being among residents in this geographical area in Whittlesea.

COUNCIL RESOLUTION

MOVED: Cr Pavlidis
SECONDED: Cr Kozmevski

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

CARRIED

5.1.4 BEAUTIFICATION OF WHITTLESEA PUBLIC GARDENS

File No: SU/195512

Cr Pavlidis tabled a Petition from 97 residents and 11 non residents requesting Council to improve the Whittlesea Gardens through beautification of the park and make it more family friendly, and to retain the annual Whittlesea Community Festival at the Gardens. The residents of Thomastown deserve better.

COUNCIL RESOLUTION

MOVED: Cr Pavlidis
SECONDED: Cr Cox

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

CARRIED
MEETING ADJOURNMENT

The Mayor adjourned the meeting at 6.42PM.

MEETING RESUMPTION

The meeting resumed at 6.45PM.

5.2 JOINT LETTERS

NIL REPORTS
6. OFFICERS’ REPORTS

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Cox

THAT Council resolve to adopt the Recommendations for items numbers 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.4.1, 6.5.1, 6.5.2, 6.5.3 and 6.5.5.

CARRIED

Group Adoption of Items En Bloc

Councillors may choose not to consider reports on the Notice Paper individually and to resolve to adopt, in one resolution, the recommendations listed on the Notice Paper for a number of reports. Such a resolution will have the effect of adopting the Officer’s recommendation for each of the reports identified in the Council resolution. The remaining items of business are considered and voted on separately.
EXECUTIVE SUMMARY
Whittlesea Planning Scheme Amendment C69 proposes to rezone the land at 239-255 Craigieburn Road, Wollert from Farming Zone to Comprehensive Development Zone (Schedule 4). The proposed amendment is required to allow the site to be used and developed in accordance with the Aurora Comprehensive Development Plan (Attachment 1) and Aurora Development Plan Part 2, which both set out the strategic direction for the overall area.

The Amendment was reported to Council on 21 March, 2017 where Council resolved to seek authorisation from the Minister for Planning to prepare and exhibit the amendment. The matter was reported to Council prior to this at 7 February, 2017 and 28 February, 2017 meetings.

In providing authorisation for the amendment, the Minister for Planning also approved a request to limit the notification of the amendment in accordance with 20(2) of the Planning and Environment Act 1987. As such, the amendment was notified to the prescribed Ministers as per the Planning and Environment Regulations 2015 only for a period of two weeks. At the conclusion of the notification period, no parties objected to the Amendment.

It is therefore recommended that Council adopt Planning Scheme Amendment C69 and forward to the Minister for Planning for approval.

INTRODUCTION
The purpose of this report is to discuss the outcomes of the statutory exhibition process for Whittlesea Planning Scheme Amendment C69 and outline recommendations to finalise the Amendment.

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 site is located within the broader Epping North / Wollert development corridor.
PLANNING ASSESSMENT

The subject site sits adjacent to the Aurora estate which forms part of the Epping North Growth Corridor. This area 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. The Development Plan outlines 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 nominated within these strategic documents and is identified suitable for residential development and public open space.

Council and the Minister for Planning agreed at the time of the original rezoning of the ACDP area (C41 Part 1) that the remaining ‘balance’ 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, Development Victoria (then 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.

At the time, a number of smaller landholders opted not to sign agreements and were subsequently left out of the rezoning. Several of these landowners have subsequently entered into agreements with Council and have rezoned their land. 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).

Prior to Council considering the original request for the amendment, the landowner at 239-255 Craigieburn Road, Wollert 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.

It should be noted that a number of planning overlays were applied to 239-255 Craigieburn Road, Wollert 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 PROCESS

As part of the authorisation process, Council requested that the Minister for Planning consider using the provision 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.
The use of the Section 20(2) provisions were considered to be appropriate given that the strategic intent of Amendment C41 had already been extensively considered and subsequent parts to the amendment were approved in recent years without formal exhibition.

The Minister for Planning approved the request to use the exemption requirements as part of its authorisation. As such, Amendment C69 was sent to prescribed Ministers only on 22 May 2017 with a notification period of two weeks to comment on the proposed amendment. Council received no submissions to the Amendment.

DISCUSSION

As outlined previously in this report, 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 landowners in the area. As indicated earlier in the report, this continues on a well-established process for rezoning the ‘balance’ parcels of land within the ACDP.

If the proposal to rezone is supported by Council, the property, and subsequent development will be integrated into the Epping North/Wollert development corridor.

It is therefore considered that the new zone is the most appropriate mechanism in order to instigate and manage the future development of the land in accordance with the already approved strategic plans.

POLICY STRATEGY AND LEGISLATION

As outlined in the three previous Council reports, 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 precinct. 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

COUNCIL POLICY: Planning and Infrastructure
Future Direction Places and spaces to connect people
Theme Planning our space
Strategic Objective Our urban design helps build connection to place and the community

The proposed amendment will contribute towards 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 and the Aurora Development Plan Part 2 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 has enabled this proposal to be considered. Rezoning this parcel reflects the longstanding implementation framework for Epping North and enables the site to be integrated into the overall Aurora precinct.

It is considered that this proposal implements Council’s long term strategic vision for the area as directed by Aurora Comprehensive Development Plan and the Aurora Development Plan Part 2.

Given the procedural nature of the proposal, the Amendment has been subject to a ‘streamlined’ approach as approved by the Minister for Planning.

Following the notification process, no submissions opposing the Amendment were received. Therefore it is recommended that Council resolve to adopt Planning Scheme Amendment C69 and forward to the Minister for Planning requesting approval.

Specifically, it is recommended that Council resolve to:

1. Adopt Planning Scheme Amendment C69 to the Whittlesea Planning Scheme;
2. Request that the Minister for Planning approve C69 to the Whittlesea Planning Scheme; and
3. Advise the proponent of Council’s resolution regarding the above.

RECOMMENDATION

THAT Council resolve to:

1. Adopt Planning Scheme Amendment C69 to the Whittlesea Planning Scheme;
2. Request that the Minister for Planning Approve C69 to the Whittlesea Planning Scheme; and
3. Advise the proponent of Council’s resolution regarding the above.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Cox

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

CARRIED
6.1.2 AMENDMENT TO MERNDA TOWN CENTRE DEVELOPMENT PLAN

File No: 169458

Attachments: 1 Locality and Zoning Plan
2 Mernda Strategy Plan - Precinct 5 Plan
3 Mernda Town Centre Comprehensive Development Plan
4 Amended Mernda Town Centre Development Plan Submitted by Proponent
5 Updated Mernda Town Centre Development Plan prepared by Council Officers, February 2017 (distributed separately - refer to p.7)
6 Tree Reference Plan

Responsible Officer: Director Planning & Major Projects

Author: Senior Strategic Planner

REPORT

EXECUTIVE SUMMARY

The purpose of this report is to consider an amendment to the Mernda Town Centre Development Plan (MTCDP). The MTCDP precinct is bounded by Bridge Inn Road to the north, Plenty Road to the west, residential housing to the south (Berry Lane) and the railway reservation to the east. The precinct is located adjacent to the future Mernda Train Station.

The amendment to the MTCDP is required due to changes arising from the Mernda Rail Extension project and removal of a previously proposed hardware store. Given the changes to the structure of the town centre arising from the Mernda Rail Extension project, any permit application would not be generally in accordance with the current MTCDP and therefore it needs to be updated.

The amendment will facilitate consideration of a permit application for a retail development comprising a supermarket in the north-east corner of the site and to ensure connectivity to the proposed Mernda Train Station and transport hub, to the east of the rail corridor, based upon the final design for the Mernda Rail Extension project.

Further, Council officers have identified a number of changes required to ensure the plan aligns more closely the higher order strategic plans. These changes relate to:

- integration of the town centre with the proposed Mernda Train Station;
- creating a pedestrian friendly environment;
- providing design principles to guide the built form;
- strengthening connection with public transport nodes;
- facilitating a ‘Main Street’ focused town centre;
- identification of site/s for community facilities;
- safe guarding heritage values; and
- building height controls.

The changes to the submitted MTCDP, are critical to ensuring that the vision of the Mernda Strategy Plan and Mernda Town Centre Comprehensive Development Plan (CDP) are
realised and the Town Centre is developed in a manner which creates a pedestrian focused environment and high amenity public realm.

The proposed changes have been incorporated into the updated MTCDP in Attachment 5 to this report which is recommended for ultimate approval. It is important that an agreement regarding the development contribution obligations is resolved prior to the approval of the Development Plan. The agreement seeks to achieve a better outcome for the land for a proposed community facility in the ‘Main Street’.

Legal advice is that the approval of the Development Plan should not be conditioned and therefore the recommendation is that Council note the updated Development Plan included at Attachment 5 and delegate Chief Executive Officer to approve the Development Plan upon finalisation of the agreement regarding development contributions.

INTRODUCTION

The Mernda Town Centre Development Plan (MTCDP) was originally approved in June 2009. The MTCDP was amended in September 2012 and constitutes the current version of the plan.

The MTCDP provides a framework for the development of the Town Centre core precinct. This precinct will be the primary focus for a mix of retail, commercial and residential uses, tree retention and open space/civic space within a movement network that integrates with surrounding precincts.

The MTCDP area forms part of the Mernda Town Centre which is the designated activity centre for the Mernda/Doreen growth corridor (Attachment 1). The development of the Town Centre is guided by the Mernda Strategy Plan (Attachment 2), Mernda Comprehensive Development Plan (Attachment 3), and Schedule 15 to the Development Plan Overlay. The broader Mernda Town Centre area comprises of the MTCDP and four other approved Development Plans: Mernda Town Centre North West (approved), Mernda Town Centre North East (approved), Mernda Town Centre East (draft) and Mernda Town Centre South West (approved).

The MTCDP is located south-east of the intersection of Plenty Road and Bridge Inn Road (Attachment 1). The MTCDP is bounded by Bridge Inn Road to the north, Plenty Road to the west, residential housing to the south (Berry Lane) and the railway reservation to the east. The future Mernda Train Station will adjoin the MTCDP area to the north east of the site.

The MTCDP has a combined area of 43.56 hectares. The land is generally flat, rectangular in shape and has largely been cleared except for a number of scattered River Red Gums.

The southern part of the MTCDP area (south of Berry Lane) has been developed for medium density housing. The northern part of the MTCDP area comprises a 24.9ha site in single land ownership which remains undeveloped. The site will comprise the Mernda Town Centre commercial core.

A request has been made on behalf of the owner of this site to amend the current approved plan. A proposed amended MTCDP has been submitted by the proponent (Attachment 4).

The MTCDP is required to be amended as a result of a change in circumstances arising from the Mernda Rail Extension project and the need to remove a formerly proposed hardware store from the plan. The owner requires the MTCDP to be amended to provide greater clarity on development potential and direction as any planning permit application must be in accordance with the approved MTCDP. Given the changes to the structure of the town centre arising from the Mernda Rail Extension project, any permit application would not be generally in accordance with the current MTCDP and therefore the plan needs to be updated.

The submitted MTCDP has been reviewed by Council officers and a number of changes are recommended as outlined in this report. The changes reflect the final design of the Mernda Rail Extension project and location of the Mernda Train Station. The MTCDP document has
been updated by Council officers incorporating the recommended changes and is included in Attachment 5.

A planning permit application has been lodged for the first stage of the town centre development, although the application has been subject to revision as a result of changes to the design of the Mernda Rail Extension project and proposed layout of the development.

The first stage of the development is proposed to comprise two supermarkets and associated retail and road infrastructure in proximity to the Mernda Train Station.

The development of this stage is proposed to integrate and align with the Mernda Rail Extension project and associated infrastructure. Of critical importance is the integration with the proposed train station at Mernda adjoining the MTCDP area and the transport interchange to be located on the east side of the railway.

It is important that the Town Centre core is developed concurrently and in a coordinated manner to facilitate the provision of road links and the integration of the town centre with the Mernda Train Station and transport interchange.

PLANNING ASSESSMENT
The MTCDP area is affected by a number of strategies and planning controls that have been incorporated into the Whittlesea Planning Scheme to guide the future direction of development within the Mernda-Doreen growth corridor and the Mernda Town Centre. The plans support each other and provide a strong policy and statutory foundation to the preparation of the Development Plan. Any amendments to the MTCDP are required to be generally in accordance with these plans.

These are discussed in turn below.

Mernda Strategy Plan (MSP)
The MTCDP area forms part of Precinct 5 in the Mernda Strategy Plan (Attachment 2). The Mernda Strategy Plan is the primary policy document guiding and informing the preparation of Development Plans for the Mernda Growth Area.

The Precinct 5 plan within the Mernda Strategy Plan provides guidance for the preparation of the subsequent development plans applicable to each of the individual landholdings. One of the critical components of the Mernda Strategy Plan and Precinct 5 is that it designates the area and principles for the development of the core component of the Mernda Town Centre.

The key land use and design concepts of the Precinct 5 plan for the Mernda Town Centre nominated within the Mernda Strategy Plan include:

- Identifying extensive employment, retail and mixed use land uses in the northern part of the MTCDP area;
- Residential development to be provided at medium and high density within and around the Town Centre;
- A designated site for possible railway station and modal interchange and a layout and design of the Town Centre which supports this transport node;
- Provision of three east-west collector roads, connecting Plenty Road to areas within the Town Centre precinct including an east-west connection across the rail corridor;
- Provision of a north-south collector road, connecting Bridge Inn Road with the area to the south of the Town Centre Precinct;
- Berry Lane to preserved and re-established as pedestrian/cycle link between Plenty Road and Thomas Mill and bluestone flume in the Plenty Gorge Parklands; and
- Mayfield Farm heritage area is to be protected as a cultural focal point within the Mernda Town Centre.
Mernda Development Contributions Plan

The Mernda Development Contributions Plan (DCP) sets out the applicable development contributions required to be made towards infrastructure, community and open space projects. All land within the MSP is required to either pay the applicable contribution rate or deliver specific DCP items subject to an agreement.

Mernda Town Centre Comprehensive Development Plan

The Mernda Town Centre Comprehensive Development Plan (CDP) (Attachment 3) applies to an area of approximately 74.5 hectares comprising the Mernda Town Centre as outlined in the Mernda Strategy Plan. The Mernda Town Centre (CDP) applies to the MTCDP area.

The Mernda Town Centre CDP adopts five Urban Design Principles to implement the vision of the Mernda Strategy Plan for the Town Centre. The five design principles that encompass the Mernda Town Centre CDP assisted in providing more specific directions for the preparation of the subsequent development plans in terms of street design, lot layout, building form and architecture and responding to the objectives of the Comprehensive Development Zone.

The principles of the Mernda Town Centre CDP provides for:

- A connected and permeable network of streets;
- A traditional 'main street';
- Active development to all streets;
- High quality public spaces or squares in the core of the Town Centre;
- Connectivity across the rail corridor;
- A centrally located community facility;
- Berry Lane pedestrian/cycle and open space link;
- Mayfield Farm heritage and cultural complex; and
- Medium to high density housing within and around the Town Centre.

Zoning

The subject land is zoned Comprehensive Development Zone (Clause 37.02 of the Whittlesea Planning Scheme).

The Comprehensive Development Zone is supported by the Comprehensive Development Plan, which has been discussed above.

Overlays

The subject land is covered by five separate planning scheme overlays, which include:

- Vegetation Protection Overlay (VPO1).
- Heritage Overlay.
- Incorporated Plan Overlay (IPO1).
- Development Plan Overlay (DPO15).
- Development Contributions Overlay (DCPO9).

These overlays outline statutory requirements which affect the development of the site. The Mernda Town Centre CDP is required to be in accordance with DPO15 and should have regard to the other overlays.
Development Plan Overlay – Schedule 15 (DPO15)

DPO15 requires preparation of a Development Plan, to the satisfaction of the Responsible Authority, prior to the granting of a permit to subdivide land, construct a building, or construct or carry out works.

DPO15 applies the subject land and outlines the requirements of the Development Plan including but not limited to:

- General consistency with the relevant Incorporated Plans (Mernda Strategy Plan and Mernda Town Centre CDP);
- Protection and enhancement of identified conservation areas;
- Retention and integration of individual and stands of mature trees, particularly indigenous River Red Gum;
- The location of various land uses;
- Provision of appropriate transition and interface design treatments between designated land uses;
- Provision of appropriate transition and interface design treatments between designated land uses;
- Provision of a safe pedestrian-orientated road network;
- A range of plans addressing issues including; stormwater, landscaping, traffic, parking, development contributions; and
- The stages, if any, by which the development of the land is proposed to proceed.

AMENDED DEVELOPMENT PLAN PROPOSAL

The amended Development Plan was submitted by the proponent to better integrate the town centre with the transport hub, including the future Mernda Train Station and to update the plan to ensure that any subsequent planning permit application could be considered generally in accordance with the Development Plan (refer to Attachment 4).

In general, the key changes proposed are:

- Repositioning of the first stage of the Town Centre core further north towards the proposed Mernda Train Station;
- Repositioning the Main Street to run east-west from the railway line and to facilitate a through road across the railway corridor; and
- Changes to proposed land uses in part of the MTCDP area such as retail close to the Mernda Train Station and more medium density residential.

The submitted amended MTCDP included updates to supporting plans including the: Town Centre Core Precinct Plan, Road Network Plan, Intersection Plan and Staging Plan. These plans contain substantial levels of detail.

From a structural perspective, the repositioning of the town centre core towards the Mernda Train Station and the relocation of the ‘Main Street’ are generally in accordance with the applicable plans and strategies and are an improvement on previous versions.

However, there are number of matters of detail with the submitted plans relating to issues including:

- Interface and activation of built form and streets;
- Layout of proposed retail development;
- Provision and location of community uses;
- Proposed road cross sections and intersection treatments;
- Building heights and densities; and
- Staging.

These issues are critical in supporting the development of a vibrant and high amenity Town Centre. It is considered important that these issues are addressed in the amended MTCDP to ensure that appropriate direction is provided for future planning applications. Attachment 5 contains the updated MTCDP document prepared by Council officers and incorporates the recommended changes outlined in this report. Figure 15 (on page 50) of Attachment 5 represents the plan outcome of these changes.

**NOTIFICATION**

Although there is no statutory requirement to advertise the Development Plan, the amended MTCDP underwent a non-statutory exhibition period with key stakeholders including relevant government agencies and affected adjoining property owners. The exhibition was to notify these stakeholders of the submitted amended Development Plan.

Stakeholders were also provided with the feedback and recommended changes provided to the proponent by Council officers. This included changes recommended to the MTCDP by Council officers to address the matters of detail outlined in this report.

Two submissions were received.

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) provided a response incorporating feedback from the Level Crossing Removal Authority (LXRA).

The table below details the key issues raised and the officer response and recommendation as relevant. It is noted that in responding to the key submission points, officers have addressed many of the issues below within the updated MTCDP at Attachment 5 of this report.

<table>
<thead>
<tr>
<th>Key Submission Points</th>
<th>Officer Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>SMEC (on behalf of Central Equity)</td>
<td></td>
</tr>
<tr>
<td>Question the proposed land use designation of ‘arterial road retail’ for the land at the corner of Berry Lane and Plenty Road.</td>
<td>It is agreed that ‘arterial road retail’ is not an appropriate land use designation. The land use designation, ‘employment’ provides greater consistency with planning terminology whilst providing an appropriate degree of flexibility in respect to the use of the land. The updated MTDCP document at Attachment 5 has been amended to identify the subject land as ‘employment’ land use.</td>
</tr>
<tr>
<td>Question the proposed height limit suggested by Council officers within the medium density residential precinct to the north of Berry Lane. Submitter states that as the train station has moved further to the north of the town centre, it would be appropriate to retain the existing heights (up to 2 storeys) within the current</td>
<td>The subject land is located in a town centre in close proximity and within the walkable catchment to services and public transport. The Mernda Town Centre CDP supports the provision of medium- high density housing in and around the Town Centre which will underpin its functionality and viability. A maximum height of two storeys in the town centre would not achieve objectives Mernda Town Centre CDP and create a vibrant town centre. It is important that these areas in proximity to a Train Station and services maximise density opportunities to capitalise on these locational characteristic and ease the</td>
</tr>
</tbody>
</table>
Key Submission Points | Officer Response
--- | ---
approved DP, which provide a transition to the higher densities closer to the town centre core and train station. | pressure for development in less suitable locations across the growth corridor. It is considered that providing flexibility to deliver between 2-4 storeys in this block supports the objectives of the Mernda Town Centre CDP and more generally, planning for vibrant activity centres. The defined nature of the town centre provides the opportunities for increased heights and density without adversely impacting surrounding properties. Berry Lane and the open space link will provide a suitable buffer and aide the transition of density to existing residential properties. The updated MTDCP document at *Attachment 5* has been amended to provided for revised building heights appropriate to a town centre environment.

Department of Economic Development, Jobs, Transport and Resources (DEDJTR)

Main Street
LXRA have reviewed the station and transport interchange and the proposed alignment of Main Street through the station and transport interchange land cannot be accommodated. Accordingly, the eastwards extension of Main Street will need to be realigned further south. | It is considered that a direct extension of ‘Main Street’ across the rail corridor would be the best option for integrating the town centre with the transport interchange and future development on the east side of the rail corridor. Despite ongoing discussions with the LXRA, a final design has been approved and has located the train station in a location where it impacts the location of the east-west ‘Main Street’ as proposed in the submitted Development Plan (refer to *Attachment 4*). Whilst, it is not ideal it is recognised that the location of the train station is now fixed and the alignment of the east-west ‘Main Street’ needs to be shifted further south to accommodate the crossing of the rail corridor and provide for a connected and integrated town centre. The updated MTDCP document at *Attachment 5* has been amended to relocate the ‘Main Street’ south of the proposed location of the Mernda Train Station to accommodate a direct crossing of the rail corridor.

Station Street
It is recommended that Station Street (north-south street on the west side of the rail corridor) in the vicinity of the station entry should be a low speed, pedestrian priority area encouraging safe pedestrian movements between the transport interchange and the town centre. | Council officers support this objective. The updated MTCDP responds to this issue. The updated MTDCP document at *Attachment 5* has been amended to provide for a safe pedestrian environment in the town centre including shared pedestrian zones in Main Street and at Station Street.

Mernda Railway Extension
The amended plan does not appear to address the interface of the town centre | Council officers support this objective. The updated MTCDP responds to this Mernda Rail Extension project by including design principles supporting the activation of land facing the rail corridor and beneath the elevated rail. The
### Key Submission Points | Officer Response
--- | ---
with the rail line and, in particular, its elevated alignment, new opportunities for east-west connectivity and the open spaces under the viaduct structure. The amended Development Plan does not appear to recognise the strategic significance of the Mernda Rail Extension Project. | Design Response Plan (refer to Figure 15 in Attachment 5) has been amended to increase the ‘fine grain’ built form fronting the rail corridor along Station Street. The updated Development Plan has been amended to recognise the strategic importance of the Mernda Rail Extension Project. The updated MTDCP document at Attachment 5 has been amended to respond to the Mernda Railway extension project.

| Bus Routes and infrastructure | Council officers support the provision of a bus route along Riversdale Boulevard and the preservation of the opportunity for bus stops in Station Street. However, officers are not supportive of having a long term bus route along the Main Street as the cross section has been designed to support a vibrant retail strip and pedestrian activity. Provision of bus capable lanes will substantially widen the road cross-section and impact on the pedestrian focus of the ‘Main Street’ outcome. It is noted that all other roads in the town centre (including Station Street) will be potentially bus route capable which will more than adequately service bus routes through the precinct. Further discussions have been held with Public Transport Victoria who are agreeable to this approach. The updated MTDCP document at Attachment 5 has been amended to include a Bus Route on Riversdale Boulevard and note that all internal roads (except the Main Street) should consider the potential to be bus capable as part of the detailed design.

| Active transport | The MTCDP supports active transport including walking and cycling in the Town Centre. Public Transport Victoria are supportive of providing clear direction for important pedestrian and cycle links. The Transport Plan in the updated MTCDP (refer to Figure 17 and section 6.4 in Attachment 5) identifies important pedestrian and cycle links in the Town Centre and the road cross sections include pedestrian paths and cycle laneways. Further detail will be established during the planning permit applications. The updated MTDCP document at Attachment 5 has been amended to clearly show proposed pedestrian and cycle links.

| Transport Interchange and LXRA Reference Design | Noted. The design has been largely finalised including the location of the Mernda Train Station and this has resulted in a number of changes being required to the MTCDP such as the location of the ‘Main Street’ as discussed above. The updated MTDCP document at Attachment 5 has been amended to respond to the Mernda Railway extension project.
DISCUSSION

The MTCDP provides a framework for the development of the Town Centre incorporating a mix of retail, commercial and residential uses, tree retention and open space/civic space within a movement network that integrates with surrounding precincts. In the context of changed circumstances it is important to keep the Development Plan relevant and to provide greater certainty for development outcomes.

The amended MTCDP relocates the ‘Main Street’ and aims to better integrate the town centre core with the future Mernda Train Station.

The revision of the MTCDP has coincided with the finalisation of the design plans for the Mernda Rail Extension Project. Changes to the design of this project such as the location of the proposed Mernda Train Station has impacted on the plans proposed in the submitted MTCDP. Therefore, officers have had to wait until the design has been finalised to ensure that the updated MTCDP document accurately reflects the final design of the project.

The submission of the amended MTCDP also provides the opportunity for officers to review the DP more broadly. There are a number of design issues and recommended amendments to the submitted MTCDP document.

The proposed officer amendments ensure that the vision of the Mernda Strategy Plan and Mernda Town Centre Comprehensive Development Plan are realised and the Town Centre is developed in a manner which creates a pedestrian friendly and high amenity public realm.

The updated MTCDP facilitates the approval of the Stage 1 development, ensures consistency with the Mernda Rail Extension Project and provides the framework to guide future stages.

Council officers have updated the MTCDP document (Attachment 5) taking into account the response to submissions discussed earlier in this report and in response to addressing the key issues outlined below.

**Main Street and Town Centre Core Precinct**

The amended MTCDP relocates the east-west oriented ‘Main Street’ to be located closer to the proposed Mernda Train Station. This alignment provides greater consistency with the Mernda Town Centre CDP.

However, it is considered that there a number of elements in the submitted MTCDP (Attachment 4) which are not conducive to creating a vibrant and high amenity public realm in the Town Centre. A number of these issues were also raised by the Office of the Victorian Government Architect in their previous review of plans for the Town Centre. These include:

- Extent of internalised retail and retail fronting car parking which has been prioritised at the expense of retail fronting the ‘Main Street’ or Station Street in the initial phase of the retail development;
- Street cross sections and roundabouts in the town centre which make it difficult for pedestrians to cross the street, prioritise other modes of transport and negatively affects the amenity of the Town Centre;
- Links between train station and Town Centre could be improved to provide better pedestrian connectivity and direct pedestrians links to the ‘Main Street’;
• Main entrance to the internalised mall to be located on ‘Main Street’ to increase pedestrian activity in ‘Main Street’; and
• Extent of car parking areas fronting streets rather than built form which activates and encloses the street creating a more attractive and vibrant street.

To address these issues, Council officers have prepared an amended design response plan for the Town Centre (Figure 15 of Attachment 5) and cross sections for ‘Main Street’ (Figure 22 in Attachment 5) which are recommended to be incorporated into the updated MTCDP.

The plans aim to improve the amenity and pedestrian friendliness of the environment by:

• Placing the town square central to the ‘Main Street’ and with connection to the future community facility on the southern side of the ‘Main Street’;
• Ensuring that any vehicle access from the ‘Main Street’ is designed to prioritise pedestrian amenity and safety;
• Inserting a centralised shared/pedestrian zone to facilitate pedestrian movement across the main street;
• Slewing car parking areas with built form to enclose and activate streets;
• Replacing roundabouts with signalised intersections or other treatments to provide safer pedestrian crossing opportunities;
• Better integrating proposed retail and anchor stores centrally in the Town Centre to make them more accessible and easier for pedestrians to walk between;
• Proposing a second shared/pedestrian zone to connect the train station and the ‘Main Street’; and
• Revising the ‘Main Street’ cross section to minimise the carriageway width and road reserve.

To support the amended plan, design objectives are to be included to guide the development in the Town Centre Core. Currently the MTCDP only includes a few very high level principles for this precinct. Officers have drafted more specific ‘design objectives’ and amended the existing principles to accord with the recommended changes.

Further to the above, there is an opportunity to better integrate the large retail block west of Riverdale Boulevard with the retail core. Therefore, it is recommended that the ‘finer grain’ retail and anchor stores for this block be relocated to create a more integrated and connected Town Centre. This is important for making the Town Centre well connected and walkable.

Further, the submitted MTCDP includes level of detail is too much for a DP. The updated MTCDP document (Attachment 5) prepared by Council officers contains a level detail which is suitable for a DP. This will provide for guidance but with flexibility as the development progresses rather than locking in a built form outcome at this stage.

Retail Floor Space

The Mernda Strategy Plan suggests that the Mernda Town Centre will comprise of approximately 27,500sqm of retail floorspace. Note that this figure is only an approximate and covers the entire Town Centre including the entire Mernda Town Centre CDP area. The Mernda Town Centre CDP proposes that retail in the MTCDP area will be split across four blocks with different retail uses in each block. The amended MTCDP is generally in accordance with this layout. The amended MTCDP comprises a similar amount of retail floor space as the current approved MTCDP. However, the amended MTCDP proposes less bulky good retail space as it removes a previously proposed hardware store from the plan. No changes are recommended in respect to retail floor space provision.
Road Network and Transport

It is considered that the proposed road network and transport plans contain some outcomes that are not in keeping with a town centre environment or conducive to creating a permeable and pedestrian friendly environment. These issues include:

- Access to supermarket car park from ‘Main Street’ which prioritises traffic movement ahead of pedestrians;
- Street cross sections and roundabouts in the town centre which make it difficult for pedestrians to cross the street, prioritise other modes of transport and negatively affects the amenity of the town centre;
- Links between the train station and town centre could be improved to provide better pedestrian connectivity and direct pedestrians links to the ‘Main Street’;
- Need for greater east-west connectivity in the town centre; and
- Proposed intersection treatments at Main Street / Plenty Road and Station Street / Bridge Inn Road not consistent with the proposed ultimate intersection treatments (full turn signalised intersections) identified in the Mernda Strategy Plan and Mernda Town Centre CDP.

Further, the road network and transport plans have a high level of detail. It is considered that a better outcome for the MTCDP would be to outline the key design details and have the detailed functional design approved as part of the planning permit process. This provides greater flexibility in the design whilst ensuring that the key principles for delivering a road network conducive to a town centre environment are addressed.

It is recommended that the current detailed road network, intersection and cross section plans be removed from the DP and be replaced with plans that provide broader direction in respect to the road network, layout, intersection treatment and indicative road cross sections.

Council officers have prepared amended road network plan and cross sections which are included in the updated MTCDP document (Attachment 5). More detailed designs will be facilitated through the planning permit process.

Building Heights

It is noted that building heights within the Mernda Town Centre core area were briefly discussed earlier in this report as part of the response to a submission.

The proposed building heights in the submitted amended MTCDP are not aligned with the potential development opportunities and envisaged built form of a Town Centre. In this regard, they appear to be written in a restrictive manner, rather than an aspirational one in order to reflect the strategic nature of the site next to a new train station.

The current approved MTCDP provides for development ‘up to 4-5 levels’ on sites in proximity to the railway and along Bridge Inn Road. Sites in the town centre core which will predominantly be used for retail are identified for development up to 2 levels. A number of sites are identified for ‘location for important multiple level built form’.

The submitted amended MTCDP identifies significant parts of the DP area as only being suitable for development ‘up to 2 levels’. This includes land beside the Mernda Train Station. Some land has been identified for residential development ‘up to 5 levels’. Although, this site immediately adjoins land identified for residential development ‘up to 2 levels’ which is located in close proximity to the facilities of the Town Centre and opposite medium density residential development as part of the Central Equity development to the south of Berry Lane.

It is recommended that the building heights be amended to facilitate the potential greater scale, density of development and enclosed streets in the Town Centre, given the proximity...
to services and public transport. The defined nature of the town centre provides the opportunities for increased heights and density without adversely impacting surrounding properties. It is important that these areas in proximity to a Train Station and services maximise density opportunities to capitalise on these locational characteristics and ease the pressure for development in less suitable locations across the growth corridor.

It is recommended that the building heights be increased as outlined in the updated MTCDP (Figure 14 in Attachment 5). This includes increasing potential development height up to 6 storeys in the Town Centre core and employment areas. Buildings located along public streets particularly the ‘Main Street’ should be a minimum 2 storeys to create an enclosed streetscape.

It is recommended that the residential land located at the south of the Town Centre be built at between 2-4 storeys to take advantage of the attributes of the site and provide a transition to more sensitive uses. The building heights transition to existing residential properties and the Mayfield Park heritage site. Berry Lane and the Open Space link provide a buffer between medium density residential areas and higher density development of up to 6 storeys in the Town Centre core.

It is recommended that design objectives be included to provide guidance in respect to building heights.

The recommended building heights concentrate scale in proximity to the Town Centre core and future Mernda Train Station whilst transition in height to more sensitive uses. They provide opportunity to support a range of uses which will support jobs and housing in the Town Centre.

**Mayfield Park/Berry Lane Heritage**

It is important that the heritage elements of this site are properly planned for and integrated into the site. It is recommended that additional wording be included in the MTCDP to reflect and strengthen the importance of sensitively integrating the Mayfield Park/Berry Lane Heritage items into the site.

**River Red Gums**

An important principle of the plan is to protect remnant vegetation. An updated arboricultural report was prepared to support the amended MTCDP.

Tree 25 (refer to Attachment 6) is a large River Red Gum with a moderate arboricultural rating. The tree was proposed to be retained in the submitted Development Plan. However, the proposed relocation of the Main Street further south to align with the Mernda rail extension design and provide for a direct crossing of the rail corridor means that this tree will effectively be located in the alignment of the ‘Main Street’ and can no longer be retained.

Further, Council’s Park and Open Space Department have noted that Trees 12 and 13 which are located west of the town centre core are not considered worthy of retention due to the health of the trees and it is recommended that they be removed. These trees have arboricultural rating of low (Tree 13) and none (Tree 12) respectively.

Notwithstanding, a planning permit will be required to formally remove trees 12, 13 and 25 and others which have previously been identified for removal.

Trees identified for retention are incorporated into the Design Response Plan in the updated MTCDP at Figure 15 in Attachment 5.

The location of the trees are identified in Attachment 6.
Developer Contributions

Under the Mernda Development Contributions Plan (DCP), a development contribution is payable on the land at a rate as specified in Schedule 9 to the DCPO. The development contribution will assist with the delivery of a range of community, open space and road projects in the Mernda Town Centre.

It is proposed that DCP obligations and requirements will be locked in via a section 173 Agreement or similar, prior to the development of Stage 1 to provide certainty for both Council and the proponent. The agreement seeks a better outcome in respect to the land for a community facility in the ‘Main Street’. It is recommended that this occur prior to the approval of the Development Plan document.

It is expected that the road projects (mainly intersections) and associated land will be provided as ‘works in kind’ in accordance with the DCP as part of the development of the Town Centre.

The DCP nominates a variety of facilities for the Town Centre core including Maternal Child Health, performing arts space, outreach centre and branch library site. The updated Development Plan identifies preferred sites for ‘community facilities’ which ultimately will be developed by Council on the location proposed on the south side of the ‘Main Street’ in proximity to the Train Station. This is considered a key location to generate a community focal point and encourage activation of the southern side of the ‘Main Street’ in this prominent location.

The configuration and delivery of this facility is subject to further investigation and negotiation noting that the town centre will be developed in stages over time. Therefore, it is critical that an agreement is entered into to ensure that the framework is in place prior to the approval and commencement of any development in the precinct.

With respect to the Development Plan document it is recommended that any content which duplicates content from the DCP be removed as it creates ambiguity and is not necessary, noting that any Development Plan and subsequent planning permit must comply with the Mernda DCP.

Staging

It is critical that the ‘Main Street’ and Town Centre is delivered in a manner that provides it with the best opportunity to function as a vibrant and pedestrian friendly ‘main street’. Whilst it is likely that Stage 1 development may only deliver development on one side of the ‘Main Street’, it is important that land identified for proposed community uses on the south side of the ‘Main Street’, in the updated MTCDP, be included within the same stage to ensure an early community presence in the precinct. It also important to encourage the timely delivery of development on both sides of the ‘Main Street’ to provide for a vibrant and active town centre.

Further, it is important that development does not impede the delivery of future buildings or stages and realisation of the ultimate vision of the town centre. This includes restricting the temporary use of land for car parking.

Miscellaneous

A number of minor updates are required to the submitted amended MTCDP to ensure the currency of the documents given changes which have occurred since the original MTCDP was approved. These included changes to land use terms, bus routes, sewerage infrastructure and updates to ensure consistency with new plans such as recently approved and drafted Development Plans.
Currently, the MTCDP has specific references to the current landowner. Given the long timeframe for implementation and the potential for change in land ownership of parts of the precinct overtime it is best to be non-specific in respect to land ownership. Therefore, the MTCDP needs to be updated to remove references to the current landowner/developer and ensure that the language is non-specific in respect to ownership.

LEGAL ADVICE- CONDITIONAL APPROVAL OF DEVELOPMENT PLANS

It has been standard practice of this Council to approve Development Plans subject to conditions. Recent legal advice from Maddocks has outlined that the previous practice to approve Development Plans subject to conditions is not an approach that is supported at VCAT and should not be continued. As such, Council recommendations for reports seeking approval of Development Plans subject to conditions will be worded in such a way to ensure that the appropriate changes are made to Development Plans prior to approval in line with the Council report.

Essentially, the recommended process from this point forward is that Council will be asked to note the report as suitable for approval subject to changes and delegate final endorsement to the Chief Executive Officer. This will ensure that the final Development Plan is approved in accordance with the changes highlighted in the Council Report without the need to seek endorsement from Council at a subsequent meeting. In the circumstance where no changes to the Development Plan are recommended by officers, then there will be no change to the standard practices.

From a practical perspective it is recommended that Council note the updated Development Plan included at Attachment 5 and delegate Chief Executive Officer to approve the Development Plan upon the owner of the land entering into an agreement providing for its development contribution obligations in accordance with the Mernda Development Contributions Plan.

This approach still provides for a formal Council position on the Development Plan and ensures certainty to the proponent to advance resolution of the plan without a delay in the process.

CRITICAL DATES

- **2002** - Approval of the Mernda Comprehensive Development Plan
- **June 2009** - Approval of the Mernda Town Centre Development Plan
- **October 2011** - Refusal of amendment to the Mernda Town Centre Development Plan
- **September 2012** - Approval of amendment to the Mernda Town Centre Development Plan
- **August 2016** - Submission of amended Mernda Town Centre Development Plan
- **September 2016** - Internal review of amended Mernda Town Centre Development Plan
- **October 2016** - Letter responding to submitted amended Mernda Town Centre Development Plan sent by Council officers to proponent.
- **November 2016** - Non Statutory exhibition with key stakeholders
- **29 November 2016** - Presentation to Council forum
- **Early 2017** - Mernda rail extension plans finalised by the LXRA
POLICY STRATEGY AND LEGISLATION

Mernda Strategy Plan and Mernda Development Contributions Plan (DCP)

The amended MTCDP comprising the changes recommended by Council officers is considered to be generally in accordance with the objectives and strategies of the Mernda Strategy Plan. The proponent will be required to enter into an agreement to satisfy their obligations in accordance with the Mernda DCP.

Mernda Comprehensive Development Plan (CDP)

The amended MTCDP comprising the changes recommended by Council officers is considered to be generally in accordance with the objectives and strategies of the Mernda Town Centre CDP.

The amendment aims to enhance the delivery of principles contained in the Mernda Town Centre CDP including delivery of a traditional ‘main street’, active development to all streets, high quality public spaces, a central community centre and permeable street network.

The amended MTCDP will provide greater consistency with the Mernda Town Centre CDP than the currently approved MTCDP.

State Planning Policy Framework (SPPF)

- **Clause 11 Settlement**
  The amended MTCDP is generally consistent with the objectives and strategies for activity centre planning through the concentration of uses and activities in the town centre. The recommended amendments to the plan will enhance consistency with strategies to improve the amenity of the town centre and providing greater density.

- **Clause 12 Environmental and Landscape Values**
  The MTCDP is generally consistent with this clause and includes the retention of a number of River Red Gums.

- **Clause 15 Built Environment and Heritage**
  The amended MTCDP is generally consistent with the objectives and strategies of this clause including the integration of heritage items. The recommended amendments to the plan will improve the amenity and design of the town centre in accordance with this clause.

- **Clause 16 Housing**
  The MTCDP supports the provision of housing in the activity centre in accordance with this clause. Recommended amendments provide greater consideration by encouraging higher density housing in the activity centre close to public transport.

- **Clause 17 Economic Development**
  The MTCDP is generally consistent with this clause.

- **Clause 18 Transport**
  The MTCDP is generally consistent with this clause. Ensuring integration with the Mernda Train Station and transport interchange is critical to ensuring consistency with the objectives and strategies of this clause.

- **Clause 19 Infrastructure**
  The MTCDP is generally consistent with this clause. The town centre will be well supported by infrastructure including a community centre and public transport.

Local Planning Policy Framework (LPPF)

- **Clause 21.04 Settlement**
  The amended MTCDP is generally consistent with the objectives and strategies for this clause.
• **Clause 21.05 Environmental and Landscape Values**  
The MTCDP is generally consistent with this clause and includes the retention of a number of River Red Gums.

• **Clause 21.08 Built Environment and Heritage**  
The amended MTCDP is generally consistent with the objectives and strategies of this clause include the integration of heritage items.

• **Clause 21.09 Housing**  
The MTCDP generally consistent with the objectives and strategies of this clause.

• **Clause 21.10 Economic Development**  
The MTCDP is generally consistent with this clause.

• **Clause 21.11 Transport**  
The MTCDP is generally consistent with this clause.

• **Clause 21.12 Community and Development Infrastructure**  
The MTCDP is generally consistent with this clause. The town centre will be well supported by infrastructure including a community centre and public transport.

• **Clause 22.04 Heritage Conservation**  
The MTCDP integrates the Mayfield Farm and Berry Lane heritage items.

• **Clause 22.10 River Red Gum Protection Policy**  
The MTCDP provides for the protection of a number of significant River Red Gums. An additional River Red Gum (tree 16) is recommended for retention in a proposed car park.

**LINKS TO THE COUNCIL PLAN**

**FUTURE DIRECTION**  
Planning and Infrastructure

**Theme**  
Places and spaces to connect people

**Strategic Objective**  
Planning our space

The amended MTCDP incorporating the recommended changes will assist in delivering a vibrant and high quality Town Centre for Mernda. The incorporation of principles contained in the Mernda Strategy Plan and Mernda Town Centre CDP into the MTCDP are critical to achieving this outcome. In this respect it is vital that the town centre is pedestrian friendly, has a high quality public realm that focuses on streets and integrates existing site features including River Red Gums and the Mayfield Park heritage complex. The identification of a community facility site in the town centre will create a central focal point for the community. The recommended changes as depicted in the updated MTCDP will help to deliver this outcome.

**FINANCIAL IMPLICATIONS**

There are no further financial implications as a result of the approval of an amended MTCDP.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

An amended Mernda Town Centre Development Plan (MTCDP) (Attachment 4) has been submitted by the current landowners and developers of the land. The amendment has been brought upon through changes to circumstance including the Mernda Rail Extension project and removal of a previously proposed hardware store. The updated MTCDP aims to better integrate the town centre core with the future Mernda Train Station.

The amended MTCDP was exhibited to key agencies and adjoining land owners in a non-statutory exhibition period with two submissions being received and a number of changes being made to the document in response to the submissions. The submission by DEDJTR required that Council ensure that amended MTCDP aligned with the design of the Mernda Rail Extension Project. The timing of the amended MTCDP document has been reliant on the design of the rail project being finalised. The design has now been largely finalised including the location of the Mernda Train Station and this has resulted in a number of changes being required to the MTCDP such as the location of the ‘Main Street’ as discussed in this report.

The amended MTCDP is now being finalised to facilitate the timely delivery of a planning permit for the first stage of the town centre core development comprising a retail development including a supermarket in proximity to the proposed Mernda Train Station.

As part of amending the MTCDP, a number of revisions to the document were also identified as discussed in this report to ensure the MTCDP delivers upon the vision of the strategic plans and creates a vibrant and high amenity town centre. These changes provide the framework to guide the delivery of not only the first stage of development but future stages.

Recommended changes identified within this report in response to consideration of submissions and key issues have been incorporated into an amended MTCDP prepared by officers and included at Attachment 5.

The amended MTCDP provides greater consistency with overarching strategic document including the Mernda Strategy Plan and Mernda Town Centre CDP and is suitable for approval.

The proposed changes have been incorporated into the updated MTCDP in Attachment 5 to this report which is recommended for ultimate approval. It is important that an agreement regarding the development contribution obligations is resolved prior to the approval of the Development Plan. The agreement seeks to achieve a better outcome for the land for a proposed community facility in the ‘Main Street’.

Legal advice is that the approval of the Development Plan should not be conditioned. Therefore, it is recommended that Council note the updated Development Plan included at Attachment 5 and delegate Chief Executive Officer to approve the Development Plan upon the owner of the land entering into an agreement providing for its development contribution obligations.

RECOMMENDATION

THAT Council resolve to:

1. Note that the officer’s report indicates that the amended Mernda Town Centre Development Plan July 2017 at Attachment 5 to the Council officer report is prepared in accordance with Schedule 15 to clause 43.04 to the Whittlesea Planning Scheme.

2. Note that before the approval of the Mernda Town Centre Development Plan July 2017 at Attachment 5 to the Council officer report is given under Schedule 15 to clause 43.04 to the Whittlesea Planning Scheme, the owner of the land is
required to enter into an agreement providing for its development contribution obligations.

3. Delegate to the Chief Executive Officer the power to approve the Mernda Town Centre Development Plan July 2017 at Attachment 5 to the Council officer report under Schedule 15 to clause 43.04 to the Whittlesea Planning Scheme, upon the Chief Executive Officer being satisfied that the owner of the land has entered into a satisfactory agreement as contemplated by item 2 of this resolution.

4. Advise the proponent and submitter of the resolution of 1. above.

COUNCIL RESOLUTION

MOVED: Cr Kirkham
SECONDED: Cr Kelly

THAT Council resolve to adopt the Recommendation.

CARRIED
6.1.3 AMENDMENT TO THE 150 COOKES ROAD DEVELOPMENT PLAN

File No: 190889

Attachments:
1. Locality & Zoning Plan
2. Current 2013 150 Cookes Road Development Plan
3. 150 Cookes Road - Subdivision Staging Plan
4. Proposed 2017 150 Cookes Road Development Plan
5. Current Land Use and Proposed Land Use Comparison Plan

Responsible Officer: Director Planning & Major Projects
Author: Strategic Planner

REPORT

EXECUTIVE SUMMARY

An application has been made to amend the 150 Cookes Road Development Plan, relating to the large vacant landholding located at the south-east corner of the subject site (corner of Bridge Inn Road and Painted Hills Road).

The Mernda Strategy Plan is the overarching strategic framework to guide the future development of the Mernda-Doreen Growth Corridor. The Mernda Strategy Plan identifies the provision of a Local Convenience Centre in the general location of the 150 Cookes Road Development Plan area. The amendment to the Development Plan is required as the site is currently nominated for standard density residential development.

In accordance with the provisions of the Mernda Strategy Plan, the amendment proposes to nominate the subject site for a Local Convenience Centre, which will provide an opportunity for convenience uses to service the immediate residential area.

The amendment also proposes to update the road network of the Development Plan area to reflect the subdivision layout approved under Planning Permit 714950 which was approved in 2014.

The amended Development Plan was informally exhibited to owners and occupiers within the Development Plan area, adjoining landholdings and relevant stakeholders. Four submissions were received. No submissions objected to the proposal.

It is considered the nomination of the subject site as a Local Convenience Centre is a positive outcome for the local precinct. The amended Development Plan makes suitable recommendations relating to off-street car parking, pedestrian shared paths for walking and cycling, and prominent pedestrian crossings to ensure that the Local Convenience Centre is accessible and most importantly pedestrian friendly.

Following officer assessment of the Development Plan it is recommended that the amendment to the 150 Cookes Road Development Plan is approved by Council, subject to the proposed changes as outlined within the report.

INTRODUCTION

The purpose of this report is to discuss the proposed amendment submission to the 150 Cookes Road Development Plan (CRDP) prepared by TW Consulting on behalf the landowner.
The amendment proposes to supersede the current CRDP approved on 6 August 2013 under Schedule 5 of the Development Plan Overlay.

The proponent submitted a revised Development Plan (DP), which includes a revised development layout and report, for Council consideration in March 2017.

The current CRDP nominates the entirety of 150 Cookes Road, Doreen, for residential development. The property is also bisected by Painted Hills Road, a north-south collector road which also serves a key pedestrian link.

The revised Development Plan has been the subject of ongoing discussion and non-statutory exhibition.

This report will discuss the merits of the DP in the context of the applicable statutory framework.

BACKGROUND

The subject site forms part of the larger landholding at 150 Cookes Road, Doreen, which is bound by the Bassetts Road Development Plan area to the west, Hazel Glen College to the north, rural-residential landholdings to the east and Bridge Inn Road to the south (see Attachment 1).

The CRDP applies to the site and provides a more detailed strategic direction relating to the provision of land uses (standard and medium density residential) and infrastructure for the site. The CRDP also has an accompanying written report which for example identifies a number of design principles, development contributions and findings from specialist reports.

The current CRDP was formally approved on 6 August 2013. The plan was approved under Development Plan Overlay – Schedule 15 (Clause 43.04 of the Whittlesea Planning Scheme) (see Attachment 2).

Construction works for the subdivision of 150 Cookes Road commenced in late 2016 and are nearing completion. The subdivision was approved under Planning Permit 714950 in 2014, and to date the works apply to the north-west and north-east corner (stages 1 and 2) of the 150 Cookes Road landholding.

Works have yet to commence for the south-western corner (stage 3) and the south-eastern corner (stage 4 - noting that this corner does not have an approved subdivision layout), which is subject of this Development Plan amendment (see Attachment 3 which identifies the location of each subdivision stage).

PLANNING ASSESSMENT

Mernda Strategy Plan

The subject land is included within Precinct 2A of the Mernda Strategy Plan (MSP), an Incorporated Plan within the Whittlesea Planning Scheme that guides the future direction of growth within the Mernda-Doreen growth corridor.

The MSP highlights the following key features that are applicable to the 150 Cookes Road site.

- Nominating the land for residential land uses;
- Provision of a north-south open space link;
- Upgrade of Cookes Road to a collector road; and
- Provision for a Local Convenience Centre along Bridge Inn Road in the vicinity of its intersection with Painted Hills Road.
The MSP also sets out the applicable development contributions to be satisfied for infrastructure, community and open space projects. All land within the MSP is required to either pay the applicable contribution rate or deliver specific DCP items subject to the agreement. These matters are generally dealt with as conditions of permit at the detailed subdivision stage.

Zoning

The subject land is affected by the General Residential Zone (GRZ) (Clause 32.08), which applies to the entire DP area.

The GRZ aims to provide a diversity of housing types and moderate growth in locations offering good access to services and transport, as well as allowing some education, religious, and community uses to serve the local community.

More recently the State Government introduced height limits for development within the GRZ. The limits have restricted built form to 11 metres or 3 storeys (whichever is lesser), to ensure appropriate developments within this zone.

Overlays

The subject land is covered wholly by four planning scheme overlays, which include:

- Vegetation Protection Overlay – Schedule 1 (VPO1) (Clause 42.02);
- Incorporated Plan Overlay – Schedule 1 (IPO1) (Clause 43.03);
- Development Plan Overlay – Schedule 5 (DPO5) (Clause 43.04); and
- Development Contributions Plan Overlay – Schedule 2 (DCPO2) (Clause 45.06).

The IPO1 requires the preparation of a strategic plan that will guide the future use and development of the land, prior to any formal consideration of any subdivision, use or development of the land. Schedule 1 of the IPO relates to the MSP.

The DPO5 applicable to the subject land requires that a Development Plan be prepared and endorsed by Council prior to formal consideration of any subdivision, use or development of the subject landholdings. The Development Plan must be produced in accordance with the provisions of the DPO Schedule 5 and the MSP.

The VPO1 provisions more specifically aim to preserve and maintain significant native vegetation.

The DCPO2 sets out the requirements to deliver development contributions in accordance with the MSP.

PROPOSED CHANGES TO 150 COOKES ROAD DEVELOPMENT PLAN

The proposed amendment to the CRDP was received in March 2017 (see Attachment 4) and specifically affects the south-east corner of the site (corner of Bridge Inn Road and Painted Hills Road).

The proposed changes include:

- Nominate land at the south-east corner of the of 150 Cookes Road for a ‘Local Convenience Centre’; and
- Reconfigure the south-east local road to accommodate the proposed amended land use above.

As well as introducing new land use changes, the amendment also takes the opportunity to update the road network for the balance of the site to reflect the subdivision layout approved under Planning Permit 714950.
Attachment 5 provides a visual comparison of the current land use designation with the proposed land use designation changes for the subject land. These changes have been further expanded below.

**Proposed ‘Local Convenience Centre’ Nomination**

The principal change that is being proposed as part of this Amendment is the nomination of 0.76ha of land at the south-east corner of the subject land for a Local Convenience Centre.

The MSP nominates a potential Local Convenience Centre broadly at the intersection of Bridge Inn Road and Painted Hills Road, which will provide for limited retail opportunities in this location to serve the convenience and day-to-day needs of the locality. The proposal seeks to amend the CRDP to allow for this development opportunity to be realised at a future date. Currently the CRDP only allows for standard density residential development of the land.

The current CRDP is very specific about the designation of standard density residential development. Any future application of convenience based retail would not be deemed generally in accordance with the Development Plan and refused, hence the need for the proposed amendment to the CRDP.

The proposed Local Convenience Centre designation is split over two sites by an east-west local road. The east-west road will provide a ‘main street’ interface to the two development sites. Access to the southern development site will also be provided from the Bridge Inn Road service road.

Furthermore, a full set of built-form and design principles have been included within the DP report to guide the future development of the Local Convenience Centre. These principles will be considered during the future planning permit application incorporating the detailed design of the centre.

**Reconfigured South-East Local Road**

To accommodate the proposed Local Convenience Centre a reconfiguration of the local road is required. The local road has been shifted 70m north will now have an uninterrupted east-west alignment allowing direct access into the future development land to the east. The road is to be 18.3m, this will accommodate off-street car-parking at a future date, and incorporate street tree planting, which will contribute to the ‘main street’ role of the road.

**Planning Permit 714950 – Subdivision Layout**

As well as proposing the incorporation of the Local Convenience Centre, the amendment also proposes a minor technical change to update the road layout of the broader CRDP area, to reflect the road network approved under Planning Permit 714950.

**CONSULTATION AND NON-STATUTORY EXHIBITION**

Prior to formal submission of the CRDP in March 2017, there have been ongoing officer discussions with the proponent and relevant Council departments over various iterations of the proposal.

During this time, a range of changes were made to the developable areas of the Local Convenience Centre, details regarding the future built form of the centre, and access to and from the centre. Consideration was also given to appropriate application requirements necessary at the planning permit application stage.

Following these discussions, the DP was placed on non-statutory exhibition over a four week period between 28 April 2017 and 26 May 2017.
Whilst there is no statutory requirement to advertise the CRDP document, in accordance with Council practice, a copy of the CRDP land use plan was sent to all owners and occupiers of land adjacent to the subject site affected by the amendment, as well as relevant external authorities for comment as part of the non-statutory process.

At the conclusion of the exhibition four submissions were received from referral agencies and no submissions were received from adjacent landowners. None of the submissions received objected to the proposal.

**SUBMISSIONS**

The following section details the submissions received and the officer response to them.

<table>
<thead>
<tr>
<th>Key Submission Points</th>
<th>Officer Response</th>
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<tbody>
<tr>
<td>Agency</td>
<td></td>
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<tr>
<td>Vic Roads</td>
<td></td>
</tr>
<tr>
<td>VicRoads indicate that following a review of the provided documentation, there is no objection to the proposed changes.</td>
<td>Noted. The conditions provided will be considered as part of the future planning permit application process.</td>
</tr>
<tr>
<td>Vic Roads have provided some conditions regarding the future development of the site for consideration as part of the future subdivision/development planning permit application.</td>
<td></td>
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<tr>
<td>SP Ausnet</td>
<td></td>
</tr>
<tr>
<td>SP Ausnet has no objection to the proposed amendment on the whole. However have provided some conditions for consideration as part of the future subdivision stage.</td>
<td>Noted. The conditions provided will be considered as part of the future subdivision planning process.</td>
</tr>
<tr>
<td>Country Fire Authority (CFA)</td>
<td></td>
</tr>
<tr>
<td>CFA has no objection or comments with regards to the amendment.</td>
<td>Noted.</td>
</tr>
<tr>
<td>Melbourne Water</td>
<td></td>
</tr>
<tr>
<td>Melbourne Water has reviewed the proposed amendment to the Development Plan and does not object to the proposal.</td>
<td>Noted. The applicant will be advised of Melbourne Water's advice.</td>
</tr>
<tr>
<td>Melbourne Water also advises that that it will revise the applicable drainage contributions for this site to reflect the proposed amendments to the development plan.</td>
<td></td>
</tr>
<tr>
<td>Stakeholders/Affected Landowners</td>
<td></td>
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<tr>
<td>No submissions were received.</td>
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</table>

**DISCUSSION**

The proposed amendment to the CRDP as it relates to land at the south-east corner of 150 Cookes Road is required to allow for the future development of a Local Convenience Centre. The proposal also seeks to reconfigure the local road network for this section of the subject site. Finally, the proposal also makes administrative updates to the development plan to reflect the subdivision pattern approved under Planning Permit 714950.

In reviewing the merits of this proposal it is important to look at the totality of the changes and their net community benefit outcomes. The provision of built form principles and transport connectivity will ensure that the Local Convenience Centre will be integrated appropriately in its local context, and complement its “local” role.
At the site level, the above considerations also act as the basis for requirements the Local Convenience Centre must meet as part of any future development application process. Their purpose being to minimise any potential amenity impacts on existing and future residential development.

To this end, the proposed amendment to the CRDP proposes a high level of detail to support the establishment of a Local Convenience Centre, whilst also providing Council Officers the opportunity to review the planning of the locality. The proposal provides more certainty in this regard and this is discussed in more detail below.

**Local Convenience Centre ‘Designation’**

The development of other Local Convenience Centre’s historically have been slow as they are reliant on a stable base catchment population. Since the approval of the CRDP in 2013 and the subsequent subdivision and development of adjoining land, the time is now appropriate to consider the future provision of the Local Convenience Centre.

The MSP has a clear strategic hierarchy where it provides for retail opportunities at varying scales. The hierarchy dictates the types and intensity of commercial uses and their role contributing to the development of the Mernda-Doreen growth corridor. Local Convenience Centres are the lowest order retail centres which provide basic convenience retail to satisfy the day-to-day needs of residents. The Local Convenience Centres have been strategically located throughout the Mernda/Doreen growth corridor to maximise walkability, promote public transport connections and most importantly service a local catchment.

The MSP is not prescriptive on the general form and layout of the Local Convenience Centres, but it does identify that the centres should provide retail floor space of 250m². From a retail hierarchy perspective this retail floorspace figure provides an indication of the size and scale of retail provision. The size and location allocated on the Development Plan will allow for other uses to be co-located reflecting the local convenience nature of the centre.

Matters relating to the ultimate size, form and location are generally dealt with at the Development Plan application, with finer design details considered as part of the future planning permit application. The proposed Local Convenience Centre is following this process.

The area subject of the Development Plan amendment has been defined by the previous subdivision planning of the balance of the site. To this end, the area proposed for the Local Convenience Centre is slightly larger than that prescribed within the MSP, although it is consistent with the sizes of already established centres. It is not considered that the size of the land nominated for the Local Convenience Centre will alter the role of the centre or impact the retail hierarchy set out in the MSP, as the proposed area will also provide the opportunity for other non-retail uses, such as community uses, to locate within the centre to complement the retail function of the centre. To this end, the size proposed is considered large enough to attract investment and a mix of uses that will ensure the Local Convenience Centre is viable.

**Local Convenience Centre ‘Design Principles’**

Built form and design details of the Local Convenience Centre will be considered as part of the future planning permit application process. Nonetheless the proposed Development Plan amendment introduces Section 6.7 ‘Local Convenience Centre Design Principles’. These principles identify how the Local Convenience Centre should be developed to foster good development outcomes, with a particular focus on built form; landscape and amenity; and site access and permeability.
The principles identified under ‘Built Form’ are intended to activate the thoroughfares of the local east-west road and frontage to Painted Hills Road through appropriate building design, siting and setbacks. It is considered that guidelines such as providing minimal street setbacks of built form and the identification of landmark buildings at the intersection of Painted Hills Road and the east-west local road are befitting to guide appropriate development outcomes, without being too prescriptive. Minimising front setbacks for built form should help to activate major thoroughfares and provide a suitable amount of passive surveillance. The nomination of ‘landmark’ buildings will provide a ‘gateway/focal point’ and frame views to and from the Local Convenience Centre.

In addition to ‘Built Form’, requirements relating to ‘Landscape and Amenity’ are required to support the built form outcomes whilst also ensuring the development of the Local Convenience Centre integrates with adjoining sensitive uses. Landscaped nature strips along shared paths and the provision of street furniture shall complement the built form which addresses the local street. The inclusion of a landscape buffer between the retail uses and existing/future residential areas is supported to ensure that any potential amenity impacts are suitably mitigated.

Finally, the overarching intent of Local Convenience Centres is to promote localisation and accessibility. Design principles relating to ‘Site Access and Permeability’ have been included to uphold this strategic intent. The east-west local street and Bridge Inn Road service road will be designed to accommodate pedestrian movements, and provide a direct link into adjoining residential areas and public transport on Painted Hills Road and Bridge Inn Road. It is considered that the nomination of off-street car parking, together with the inclusion of pedestrian shared paths for walking and cycling, and prominent pedestrian crossings will ensure that the Local Convenience Centre is accessible and most importantly pedestrian friendly.

### East-West road alignment

The current CRDP was approved on the basis that it provided two east-west road links to the land immediate east. The southern road link is directly affected by the nomination of the land for a Local Convenience Centre.

Given the change from a purely residential land use context, the role of the east-west road link requires review. Noting the Local Convenience Centre designation proposed on both sides of the east-west road, it is considered that a standard 16m road is not appropriate as it cannot provide a balance between an increase in car parking and vehicular movements without compromising the primary purpose of the street to facilitate pedestrian traffic.

The amendment, proposes to widen the road width to 18.3m and provide direct connection to the east. This will allow for 90° off-street car-parking, with tree outstands to be provided for every eighth car space and most importantly ensures that shared footpaths are delivered on either side of the road to accommodate walking and cycling. The proposed east-west road also removes the need for the short north-south road link (see Attachment 5) to the Bridge Inn Road service road. The proposal has been reviewed by Council’s engineers who are supportive.

From a traffic perspective a central median will extend along Painted Hills Road from Bridge Inn Road to the roundabout north of the site. This will limit access arrangements between the east-west access road and Painted Hills Road to left in/ left out only. It is not considered that this arrangement will have a significant impact upon the accessibility and viability of the site given access will also be provided from the east and directly from Bridge Inn Road.

The roundabout 70 metres north of the east-west local road will be able to facilitate a U-turn for traffic accessing the Local Convenience Centre from west of the subject site. For traffic exiting the site wishing to return west, a U-turn will be able to be safely performed at the Bridge Inn Road and Painted Hills Road signalised intersection. For clarity, it is considered...
appropriate that a note is included on the Development Plan that identifies that the access to/from Painted Hills Road to the east-west local road will be left in/left out only.

The Development Plan does not currently identify the provision of a safety crossing. This is a standard requirement for all local roads within Local Convenience Centres. Details and the form of the safety crossing will be negotiated as part of future planning permit application process. For the purposes of the Development Plan, it is considered appropriate that a note is included on the Development Plan identifying the provision of a pedestrian safety crossing on the east-west local street.

**Officer Recommendation**

- Insert a note on the *150 Cookes Road Development Plan* identifying that the intersection of the east-west local road and Painted Hills Road will be left in / left out only.

- Insert a note on the *150 Cookes Road Development Plan* to the effect that a pedestrian crossing will be required at the time of road construction of the east-west local road. Details are to be determined as part of the future planning permit application process.

**Access to/from Bridge Inn Road**

Bridge Inn Road is a Category 2 arterial road, which is operated and managed by Vic Roads. Currently Bridge Inn Road is a dual carriageway road which provides one lane for traffic travelling in each direction. Ultimately Bridge Inn Road will be widened to 36m to accommodate two lanes of traffic in each direction, shared paths and a central median. No direct access to Bridge Inn Road is provided for properties fronting to Bridge Inn Road, access will be controlled by the provision of a service road.

The Local Convenience Centre will have access to/from Bridge Inn Road via an interim service road, which will provide for ingress and egress within the property boundary. Once development occurs to the east, the service road will be extended. An egress onto Bridge Inn Road will be provided before the commencement of residential development to ensure that the service road beyond the Local Convenience Centre is used for local traffic only.

The proposed arrangements were referred to Vic Roads for comment and input. Vic Roads have indicated no objection to the access arrangements to/from Bridge Inn Road, subject to delivery of a deceleration lane to enter the service lane and an acceleration lane to enter Bridge Inn Road. For the purposes of the Development Plan it is considered that this requirement is included to ensure appropriate access arrangements can be achieved.

**Officer Recommendation**

- Include a requirement within the *150 Cookes Road Development Plan* for the design and provision of a deceleration and acceleration lane along Bridge Inn Road to deal with access into and from the proposed service road. This will be a requirement of any future planning permit application. The road works must be completed at no cost to and to the satisfaction of the Roads Corporation (Vic Roads).

**Approved Subdivision Layout**

Planning Permit 714950 was approved in 2014, and it identified the preferred subdivision of the land affected by the CRDP. The layout approved slightly differs from the layout of the original CRDP and for clarity the amendment proposes to update the Development Plan to reflect this.
Although the road layout approved under Planning Permit 714950 is generally in accordance with the provisions current CRDP, given the proposal to amend the CRDP, it is considered a good opportunity to reflect the approved road layout within the CRDP. The proposed update of the CRDP which shows the approved road network is supported.

LEGAL ADVICE – CONDITIONAL APPROVAL OF DEVELOPMENT PLANS

It has been standard practice of this Council to approve Development Plans subject to conditions. Recent legal advice from Maddocks has outlined that the previous practice to approve Development Plans subject to conditions is not an approach that is supported at VCAT and should not be continued. As such, Council recommendations for reports seeking approval of Development Plans subject to conditions will be worded in such a way to ensure that the appropriate changes are made to Development Plans prior to approval in line with the Council report.

Essentially, the recommended process from this point forward is that Council will be asked to note the report as suitable for approval subject to changes and delegate final endorsement to the Chief Executive Officer. This will ensure that the final Development Plan is approved in accordance with the changes highlighted in the Council Report without the need to seek endorsement from Council at a subsequent meeting. In the circumstance where no changes to the Development Plan are recommended by officers, then there will be no change to the standard practices.

This approach still provides for a formal Council position on the Development Plan and ensures certainty to the proponent to advance resolution of the plan without a delay in the process.

CRITICAL DATES

- **July 2013** – CRDP reported to and adopted by Council subject to changes.
- **August 2013** – CRDP formally approved by Council.
- **October 2016** – First version of the CRDP is submitted for consideration.
- **November 2016** – Council officers provide feedback on the initial proposal.
- **March 2017** – A revised proposal is submitted.
- **April/May 2017** – 28 Day Non-Statutory Exhibition Period.

LINKS TO THE COUNCIL PLAN

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<thead>
<tr>
<th>Council Priority</th>
<th>Planning and Infrastructure</th>
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<tbody>
<tr>
<td>Future Direction</td>
<td>Places and spaces to connect people</td>
</tr>
<tr>
<td>Theme</td>
<td>Planning our space</td>
</tr>
<tr>
<td>Strategic Objective</td>
<td>Our urban design helps build connection to place and the community</td>
</tr>
</tbody>
</table>

The proposed amendment will enable the delivery of a Local Convenience Centre to service the day-to-day needs of residents. The delivery of the amendment will enable the realisation of the centre as envisaged within the MSP, which will be underpinned by the community activation for the 150 Cookes Road development area. It is on this basis that the proposal is considered to meet the direction of creating places and spaces.

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 amendment to the 150 Cookes Road Development Plan has been subject of a planning process which has refined the plan.

The proposal allows for a Local Convenience Centre to locate at the south-east corner of 150 Cookes Road, Doreen, which will provide a level of convenience based retail, accommodating the day-to-day needs of local residents. The designation of a Local Convenience Centre in this location is supported from a strategic perspective by the Mernda Strategy Plan and is considered a positive outcome in terms of the potential provision for local convenience needs.

Further design details relating to the built form and layout of the Local Convenience Centre, are considerations for the planning permit application, noting the amendment identifies a number of suitable measures to ensure development is appropriate. These measures provide a greater level of certainty for residents and Council and this is supported.

Finally, whilst the proposed amendment is to facilitate the future development of a Local Convenience Centre, the proposal has refined a number of outstanding development issues as they relate to the broader Development Plan area.

Legal advice is that the approval of the Development Plan should not be conditioned. Therefore, it is recommended that Council note the 2017 Amendment to the 150 Cookes Road Development Plan and delegate approval of the Development Plan to the Chief Executive Officer subject to the following changes:

   a) Insert a note on the 150 Cookes Road Development Plan identifying that the intersection of the east-west local road and Painted Hills Road will be left in / left out only.

   b) Insert a note on the 150 Cookes Road Development Plan to the effect that a pedestrian crossing will be required at the time of road construction of the east-west local road. Details are to be determined as part of the future planning permit application process.

   c) Include a requirement within the 150 Cookes Road Development Plan for the design and provision of a deceleration and acceleration lane along Bridge Inn Road to deal with access into and from the proposed service road. This will be a requirement of any future planning permit application. The road works must be completed at no cost to and to the satisfaction of the Roads Corporation (Vic Roads).

RECOMMENDATION

THAT Council resolve to:

1. Note that the officer’s report indicates that the amended 150 Cookes Road Development Plan is prepared in accordance with Schedule 5 to clause 43.04 to the Whittlesea Planning Scheme subject to the following changes;

   a) Insert a note on the 150 Cookes Road Development Plan identifying that the intersection of the east-west local road and Painted Hills Road will be left in / left out only.
b) Insert a note on the *150 Cookes Road Development Plan* to the effect that a pedestrian crossing will be required at the time of road construction of the east-west local road. Details are to be determined as part of the future planning permit application process.

c) Include a requirement within the *150 Cookes Road Development Plan* for the design and provision of a deceleration and acceleration lane along Bridge Inn Road to deal with access into and from the proposed service road. This will be a requirement of any future planning permit application. The road works must be completed at no cost to and to the satisfaction of the Roads Corporation (Vic Roads).

2. Delegate to the Chief Executive Officer the power to approve the 150 Cookes Road Development Plan to the Council officer report under Schedule 5 to clause 43.04 to the Whittlesea Planning Scheme, upon the Chief Executive Officer being satisfied that the above changes have been made as contemplated by in 1 a)-c) above.

3. Advise the proponent and the submitters of the above.

**COUNCIL RESOLUTION**

*MOVED:* Cr Kelly  
*SECONDED:* Cr Cox

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

CARRIED
6.1.4 8 DOREEN ROGEN WAY, SOUTH MORANG (RIVERSIDE COMMUNITY ACTIVITY CENTRE) - AMEND PLANNING PERMIT TO ALLOW AN INCREASE IN THE NUMBER OF PEOPLE ON THE PREMISES AT ANY ONE TIME, A REDUCTION IN THE STANDARD CAR PARKING REQUIREMENTS AND TO EXTEND THE OPERATING HOURS

File No: 705556

Attachments: 1 Locality Maps ⇩
2 Development Plans ⇩

Responsible Officer: Director Planning & Major Projects

Author: Planning Officer

APPLICANT: Riverside Community Activity Centre Inc.

COUNCIL POLICY: Nil

ZONING: General Residential Zone

OVERLAY: Bushfire Management Overlay

Development Contributions Plan Overlay (Schedule3)

Vegetation Protection Overlay (Schedule 1)

REFERRAL: Nil

OBJECTIONS: Five (including a petition with 53 signatures)

RECOMMENDATION: That Council approve the application with conditions

REPORT

EXECUTIVE SUMMARY

It is proposed to amend the planning permit relating to the Riverside Community Activity Centre. The Centre was established in 2000 on a Council-owned reserve. The amendment request has been lodged by the operator in response to increased community need. The amendment seeks to allow an increase in patron numbers from 100 to 200. Based on the current car parking provisions this would require a reduction in the standard car parking requirements to facilitate this outcome. The application also requests that the current operating hours be increased.

Advertising of the proposal resulted in five objections being received including a petition with 53 signatures from the Friends of South Morang Inc. The grounds of objection relate to insufficient car parking, inadequate traffic flow within the surrounding road network, increase in noise and vandalism, poor facility management, inappropriate operating hours and property devaluation.

The matter was previously reported to Council on 9 May 2017 and deferred to enable further consultation to occur between the applicant and objectors to the proposal. A consultation meeting was held on Monday 19 June 2017 at the Riverside Community Activity Centre to inform objectors and the applicant of the issues and find a solution that satisfies all parties.
Following the meeting, general agreement was reached on a number of points which are detailed further in this report.

The proposal has been assessed under the provisions of the Whittlesea Planning Scheme and subject to conditions, found to be generally consistent with these provisions. Based on traffic engineering advice and amenity considerations, this report supports a modified increase in patron numbers to cater for strong community demand and although finds that parking provision for this increased number, both on and off site, can be reasonably accommodated without unreasonable impacts on the amenity and safety of residents, recommends further investigation be carried out. The request for an increase in hours was found to be excessive and a modified duration has been recommended based on consultation undertaken. Subject to these changes it is recommended that Council approve aspects of the application with conditions.

SITE AND SURROUNDING AREA

The subject site (a Council reserve) is located within an established residential precinct on the south side of Doreen Rogen Way approximately 450m south of Gorge Road, South Morang (see Attachment 1). The site is irregular in shape with a street frontage of approximately 28m along Doreen Rogen Way and a total site area of 2.32ha. The site contains the existing Riverside Community Activity Centre constructed in March 2000 (see Attachment 2), ancillary car parking with 31 on site car parking spaces and an adjacent public reserve used for recreational purposes which provides an additional 12 indented car spaces. Vehicular access is provided via two existing concrete crossings along Doreen Rogen Way.

The surrounding area is generally characterised by residential land uses comprising single dwellings some of which are directly opposite and adjacent to the community activity centre. The South Morang Primary School is located approximately 80m to the north of the subject site with frontages to Riverside Drive and Gorge Road, however no direct frontage to Doreen Rogen Way.

RESTRICTIONS AND EASEMENTS

The Certificate of Title for the property shows that the site is not affected by any restrictive covenants or Section 173 Agreements. The land is however encumbered by a number of service easements that traverse the south and southeast portion of the land.

BACKGROUND

Planning Permit No. 705556 was issued under delegation by planning officers on 7 December 1999 to allow the use and development of the land for the purpose of a place of assembly (community activity centre). The granting of a permit was necessary because the land had not, at that time, been placed in a Public Use Zone under which the use and development of land for Local Government purpose is generally exempt from the need to obtain a planning permit.

Advertising of the original proposal was carried out via way of written notice to adjoining and adjacent owner/occupiers and a sign placed on site. No objections were received at the completion of the advertising period and the planning permit was subsequently issued, which included conditions capping the total number of patrons to 100 based on car parking provision.

This application was presented to the Council meeting of 9 May 2017 where a decision was deferred pending a consultation meeting between the applicant and objectors.

DETAILS OF REQUEST FOR AMENDMENT TO PERMIT

It is proposed to amend the permit to allow an increase in the number of people on the premises at any one time from 100 to 200. The amendment seeks a reduction in the
standard car parking requirements to accommodate the proposed increase in patronage. The proposal also proposes an increase in the existing permitted operating hours (currently 8.00am to 10.00pm each day). The proposed operating hours are:

- **Monday to Thursday**: 7.00am to 10.00pm
- **Friday**: 7.00am to 12.30am (extending into Saturday morning)
- **Saturday**: 7.00am to 12.30am (extending into Sunday morning)
- **Sunday**: 8.00am to 10.00pm.

**PUBLIC NOTIFICATION**

Advertising of the application was undertaken in the form of a written notice to abutting and opposite property owners/occupiers. Three signs were also displayed along the site’s street frontages (along Doreen Rogen Way and Kangaroo Terrace). At the completion of the advertising period, five objections were received, including one petition with 53 signatures (see Attachment 1 for location of objectors and signatories). The grounds of objection can be summarised as follows:

1. Insufficient car parking and inadequate traffic flow.
2. Poor facility management.
3. Inappropriate operating hours including increase in noise and vandalism.
4. Property devaluation.

**Consultation**

Following the initial consideration at the Council meeting of 9 May 2017, a consultation meeting was held on Monday 19 June 2017 at the Riverside Community Activity Centre in relation to the proposed amendment. The purpose of the meeting was to inform objectors and the applicant of the issues and to seek a solution that satisfies all parties. The meeting was attended by Cr Desiato, the Manager of Development Assessment, two other planning officers, three representatives from the Riverside Community Activity Centre and eight people representing the objections received by Council.

At the conclusion of the consultation meeting, general agreement was achieved on the following points:

- **Hours of operation should be restricted to:**
  - **Sunday to Friday**: 7.00am to 10.00pm (staff and function setup only between 7.00am to 8.30am)
  - **Saturday**: 8.00am to 11.00pm (music off)
    - 11.00pm to 11.30pm (guests must leave)
    - 11.30pm to 12.30am (clean-up and vacate)

- **A maximum of 140 people on site at any one time is suitable subject to additional parking provision within the surrounding area. Secondary consent provisions should be provided via a condition on any permit that is issued to allow for the occasional large event/function (i.e. greater than 140 people) at the discretion of Council and on a case by case basis.**

- **Parking can occur within the surrounding road network however consideration should be given to further investigating:**
  - o additional indented parking along the east side of Kangaroo Terrace, or alternative locations within the immediate area;
o no parking signs to be displayed along the front of the site between the entry and exit points;
o a review of speeds and traffic volume along Doreen Rogen Way as well as a broader traffic audit of the surrounding area.

- Consideration should be given for further internal sound proofing between rooms within the community activity centre.
- The rear door to the main meeting/function area is to be closed during events to minimise noise pollution. This can be addressed via a condition on any permit that is issued.
- A review should be undertaken on lighting to the car parking area on site to address the existing tripping hazards particularly near the front entrance of the community activity centre.
- Greater enforcement of the existing car parking restrictions on site and on any proposed car parking within the surrounding area.

The above matters that are considered to be relevant to this application can be addressed via a condition on any permit that is issued. Matters relating to the design of the facility, the provision of additional parking and traffic control are dealt with outside of the planning process and will require further investigations and actions by the relevant departments of Council. They will be allocated accordingly for review.

**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. The responsible authority may approve an amendment to any endorsed plan or planning permit.

An assessment of the proposal has been undertaken as follows:

**State Planning Policy Framework**

Clause 19 (Infrastructure) requires that social infrastructure should be provided in a way that is efficient, equitable, accessible and timely. ‘Planning is to recognise social needs by providing land for a range of accessible community resources such as education, cultural health and community support facilities.’ State strategies relating to neighbourhood planning (Clause 11.06-5) seek to ‘plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.’

The community activity centre is existing and therefore consistent with State policy and the proposal seeks to increase utilisation of the site for the benefit of the community.

**Zoning**

The subject site is located within the General Residential Zone (Clause 32.08). One of the key purposes for this zone is to ‘allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations’. The existing place of assembly (community activity centre) is a permitted use under the zone provisions. It should be noted that there are no buildings and works proposed as part of this amendment application.

The increase in capacity is to continue to service the needs of the community, however this must be balanced with parking demand and provision, and the associated amenity impacts that can be caused on the surrounding residents. Additionally, the increase in hours
associated with increased capacity must also be carefully considered as the building is a primarily a community centre and not a function centre. It is also located within a residential area where amenity considerations are higher.

A response to these two critical aspects is included within the parking assessment and response to objectors concerns below.

**Overlay controls**

The subject land is affected by the Vegetation Protection Overlay (Schedule 1), Wildfire Management Overlay and Development Contributions Plan Overlay (Schedule 3). As no additional development is proposed as part of the amended application these overlay provisions are not relevant to the assessment of the application.

**Particular Provisions**

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 for a place of assembly under the proposed patron numbers:

<table>
<thead>
<tr>
<th>Clause 52.06 Car Parking Rate</th>
<th>Number of patrons</th>
<th>No. of spaces required</th>
<th>No. of spaces provided</th>
<th>Shortfall of spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.3 car spaces to each patron permitted</td>
<td>200</td>
<td>60</td>
<td>31</td>
<td>29</td>
</tr>
</tbody>
</table>

Based on the above assessment, the proposed patron numbers will generate a shortfall of 29 spaces. The subject site includes 31 car parking spaces (including two accessible spaces) on site. These spaces are solely for the use of the community activity centre.

Where the number of parking spaces required for a use is not provided on site, a planning permit may be granted to reduce the parking requirements.

Council’s traffic engineers have previously conducted investigations on parking availability at the community activity centre and surrounding area within a 150m radius of the centre. The investigations included car parking surveys that were conducted from Monday 17 August to Sunday 23 August 2015 using video recordings to count vehicles parking in the community activity centre and surrounding area. The following table shows the results of this survey.

<table>
<thead>
<tr>
<th>Parking Locations</th>
<th>No. of spaces available</th>
<th>% of Maximum occupancy rate as at 17/08/15 to 23/08/15</th>
<th>No. of unoccupied spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community activity centre car park</td>
<td>31 (including 2 accessible spaces)</td>
<td>97% ¹</td>
<td>1</td>
</tr>
<tr>
<td>On-street Car Park 2 Indented parking area on Doreen Rogen Way (north-south section)</td>
<td>5</td>
<td>100% ³</td>
<td>0</td>
</tr>
<tr>
<td>On-street Car Park 3 Indented parking area on Doreen Rogen Way (east-west section)</td>
<td>7</td>
<td>100% ³</td>
<td>0</td>
</tr>
<tr>
<td>Kerbside in Kangaroo Terrace</td>
<td>18</td>
<td>17%</td>
<td>15</td>
</tr>
<tr>
<td>Kerbside in Doreen Rogen Way</td>
<td>36</td>
<td>17%</td>
<td>30</td>
</tr>
</tbody>
</table>
Parking Locations

<table>
<thead>
<tr>
<th>Parking Locations</th>
<th>No. of spaces available</th>
<th>% of Maximum occupancy rate as at 17/08/15 to 23/08/15</th>
<th>No. of unoccupied spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kerbside in Stanley Jones Drive</td>
<td>28</td>
<td>36%</td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td>125</td>
<td>42%</td>
<td>67</td>
</tr>
</tbody>
</table>

Notes:
1. Sunday afternoon
2. Thursday afternoon
3. 3:30pm to 3:45pm school days – this parking within 100m of Morang South Primary School rear gate.

In summary, the surveys concluded that during the peak community activity centre occupancy/usage period, the parking occupancy in the community activity centre car park and in the surrounding road network (within a 150m radius) reached a rate of 42% with at least 67 car parking spaces available. Although these surveys were undertaken approximately two years ago, Council’s traffic engineers have advised that the results of these surveys remain valid as there has been no significant change to the car parking conditions both on site and within the surrounding road network since the time the surveys were conducted.

These surveys were also conducted in response to previous requests from the committee of management for additional parking due to overlap demands associated with the school. It is noted that parking demand associated with a school is temporary in nature and restricted to drop off and pick up times.

While on-street parking availability may be prevalent and there is the potential for visitors to park lawfully within the surrounding road network, it is also reasonable that residential amenity be maintained and that opportunities for resident on-street visitor parking also be maintained. In this context it is considered more appropriate to take into consideration only the indented parking associated with the adjacent park which provides an additional 12 spaces that are approximately 100m from the Community Centre. Using the planning scheme rate of 0.3 spaces for each patron, these 12 spaces support an expansion of up to a further 40 patrons under the planning scheme. As these spaces are also shared with the park, there may at times be some overspill into available on-street parking in Doreen Rogen Way in the immediate vicinity of the community centre, however this would only be at peak times of use and is unlikely to extend further into the surrounding street network.

On this basis, it is considered appropriate to allow a modest increase in patron numbers by 40 to a total of 140 at any one time to achieve a balance between minimising the impact on the residential amenity of the area and ensuring access and utilisation of facilities that serve the community. The indented spaces are in close proximity of the building and do not significantly impede traffic flow. Notwithstanding this position, officers agreed at the consultation meeting to further investigations for opportunities for indented parking in close proximity of the site, which forms a secondary recommendation to this report. The operators of the CAC noted that numbers would rarely exceed 140 and it would only be by exception for a large event (i.e. a funeral), where numbers would be greater. Any condition restricting the numbers would contain a secondary consent mechanism so that the CAC could apply on a case by case basis for times when those events are expected.

When considering a reduction in required car parking provision, a responsible authority must have regard to the amenity of the locality and any increased noise or disturbance to dwellings and residents.
COMMENTS ON GROUNDS OF OBJECTION

1. **Insufficient car parking and inadequate traffic flow**

Concerns have been raised that there is insufficient car parking available on site to accommodate the proposed increase in people on the premises at any one time and that this would affect traffic flow within the surrounding road network. It is the view of Council traffic engineers that the potential impact in terms of increased demand for car parking on site and within the local road network will be minimal. Notwithstanding, amenity consideration is paramount in a residential area and a modest increase of an additional 40 patrons is considered more appropriate to ensure that there will not be any major traffic or car parking concerns. There may be occasions where this number needs to be exceeded and a secondary consent mechanism will allow for approval to be sought on a case by case basis.

2. **Poor facility management.**

Objectors have raised concerns that the community activity centre is being poorly run. It is alleged that user groups are leaving the facility due to their concerns not being addressed by the committee of management. Any allegations relating to the running of the centre are not directly relevant to the current application. Consideration is provided to patron numbers, parking impacts, amenity impacts and hours of operation irrespective of who is operating the centre.

3. **Inappropriate operating hours including increase in noise and vandalism.**

The community activity centre is currently permitted to operate between the hours of 8.00am to 10.00pm each day. The amendment application proposes that these hours be increased to meet community needs. This would involve an additional hour in the morning between Monday to Saturday and extended hours on weekends to allow for private functions to take place on Friday and Saturdays between the hours of 7.00am to 12.30am. While the additional hour in the morning was considered to be appropriate and unlikely to have a detrimental impact on the surrounding residential properties, the proposed additional two-and-a-half hours from 10.00pm to 12.30am on Friday to Saturdays were identified as a concern and were not supported given the sensitive residential interface between the community activity centre and residential properties.

Following these initial concerns, the hours of operation were discussed at length at the consultation meeting, where it was clarified that the early start was for staff and set-up only and did not include events commencing. Moreover, the operators were willing to compromise to retaining the close time for Friday evenings and only seek additional hours for a Saturday night. This also included clarifying that the intention was not to have events run until 12:30, rather they would end by 11pm, guests were to leave by 11:30 and the final hour was for the hirers only to clean up. There was some more comfort around this clarification and as such, these revised hours would be included as a condition of any permit issued.

4. **Property devaluation.**

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that property devaluation is 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 relevant provisions of the Whittlesea Planning Scheme. An increase in the number of patrons and hours of operations is supported and has been revised, following consultation between all interested parties. It is recommended that the application be conditionally approved subject to the limitations set out in this report.

RECOMMENDATION

A. THAT Council resolve to approve the request to amend Planning Permit No. 705556 relating to the Riverside Community Activity Centre at 8 Doreen Rogen Way, South Morang and issue a Notice of Decision to Grant a Permit for:

1. The permit preamble to include a reduction in the standard car parking requirements.

2. Condition No. 2 of the permit to be reworded to read:

   Unless with the prior written consent from the Responsible Authority, the total number of people on the premises at any one time must not exceed 140.

3. Condition No. 6 of the permit amended to read:

   The use hereby permitted may only operate between the following hours:

   Sunday to Friday 7.00am to 10.00pm (staff & function setup only between 7.00am to 8.30am)

   Saturday 8.00am to 11.00pm (music off)

   11.00pm to 11.30pm (music off)

   11.30pm to 12.30am (clean-up & vacate).

4. A new condition to be included to read:

   The operators must ensure that the rear door to the main meeting/function area of the facility remains closed during events.

B. THAT Council officers investigate additional opportunities for indented parking and parking management in the immediate vicinity of the Riverside Community Activity Centre and subject to suitability and consultation with adjoining residents, refer any preferred construction to the next available new works budget process.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Cox

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

CARRIED
Ordinary Council Minutes

Tuesday 18 July 2017

6.1.5 50 CRAIGIEBURN ROAD AND 44 - 55 BOUNDARY ROAD, WOLLERT - REMOVAL OF NATIVE VEGETATION

File No: 716608

Attachments: 1 Locality Plan ⇢ 2 Tree Removal Plan ⇢ 3 Tree Removal Photographs ⇢

Responsible Officer: Director Planning & Major Projects
Author: Growth Area Development Planner

APPLICANT: Tract Consulting
COUNCIL POLICY: 22.10 River Redgum Protection Policy
ZONING: Urban Growth Zone (Schedule 5)
OVERLAY: Development Contributions Plan Overlay (Schedule 16)
                      Public Acquisition Overlay (Schedule 2)
REFERRAL: EXTERNAL
                      Department of Environment, Land, Water and Planning (DEWLP)
                      Victorian Planning Authority (VPA)
INTERNAL
OBJECTIONS: Nil
RECOMMENDATION: That the application be approved.

REPORT

EXECUTIVE SUMMARY

The subject site is located within the Wollert Precinct Structure Plan (PSP) area and the North Growth Corridor Plan. The PSP identifies the site for residential use. A permit for development or use may be granted if it is consistent with the PSP and if it will not prejudice the future use or development of the land for the purpose of the zone as intended by the PSP. Planning Application No. 716420 is being assessed concurrently by Council and seeks permission for the multi-lot subdivision of the land. This application for subdivision is yet to be determined, however is well advanced and is generally consistent with the PSP.

Of the 11 trees proposed for removal, three are nominated for retention on Plan 7b of the PSP and therefore require a permit for removal. Of these three trees, two have a Diameter at Breast Height (DBH) in excess of 60cm therefore contributing to the 80% retention rate required by the PSP. The remaining eight trees are identified as medium to very large in the PSP and also contribute towards the 80% retention rate. Although 11 trees are being removed, only 10 contribute to the 80% retention rate resulting in a retention rate of 70.6%. A planning permit is required for the removal of any trees which will result in a retention rate less than 80%.
The removal of the identified trees is supported as the proposed subdivision layout achieves the retention of 24 significant River Red Gums within tree reserves and/or public spaces. Additionally, the removal of 11 less significant trees (generally classified as being in fair condition) is required in order to deliver critical infrastructure within the PSP area. Furthermore, an appropriate balance has been struck in order to retain as many significant River Red Gums on the site as possible while facilitating a positive subdivision layout plan and road network for the site and locality which is generally in accordance with the PSP.

In accordance with Council’s pre-application advice, the applicant amended the subdivision layout plan to retain an additional tree, identified as Tree 86 on the plan. Accordingly, it is recommended that Planning Permit No. 716608 be approved to allow for the removal of 11 River Red Gums from the land. Conditions on any permit that Council may issue will require the provision of native vegetation offsets in accordance with the provisions of the ‘Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Gain Scoring Manual (DEPI 2013)’.

SITE AND SURROUNDING AREA

The subject site is located on the northern side of Craigieburn Road, Wollert approximately 405m to the west of Epping Road, is rectangular in shape and incorporates two separate titles identified as 50 Craigieburn Road and 44-55 Boundary Road, Wollert. The two parcels cover an area of approximately 41.77 hectares (see Attachment 1). The site has a frontage to Craigieburn Road (south) of approximately 266m and approximately 255m to Boundary Road (north). Topographically, the site slopes from west to east and the site has largely been cleared for farming purposes. However, mature native vegetation (River Red Gums) is scattered throughout the site.

The locality has undergone significant change over the past few years from rural living and agricultural uses to urban development. The land to the south of Craigieburn Road has been zoned for urban use since 2007 via the Aurora Development Plan, with the land north of Craigieburn Road recently being rezoned to allow urban development via the Wollert Precinct Structure Plan (2017). Currently, the land directly to the south accommodates a residential subdivision, while the land to the east and west is utilised for farming purposes with dwellings and associated outbuildings.

The site is currently occupied by a single dwelling, with ancillary garage, dry stone wall and wire fence around the boundary and a stand of native and exotic vegetation. A flora and fauna assessment of the site was undertaken which identifies the following:

- A total of 196 trees were inspected on site. Only trees 5m in height or greater were surveyed.
- 57 River Red Gums (*Eucalyptus camaldulensis*) are located on the site, with the largest cluster located toward the southern boundary and dispersing towards the north.
- A small patch of Native Grassland (2,341 m$^2$) is located centrally within the site.

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 3 on LP 86656 of Volume 08807 Folio 340 and Lot 4 on LP 89571 of Volume 08857 Folio 981. There are no restrictions on Title that preclude Council from determining this application.
BACKGROUND

The subject site is located within the PSP area and the North Growth Corridor Plan area, on the northern side of Craigieburn Road, Wollert, approximately 405m to the west of Epping Road (see Attachment 1). According to the PSP, the site is identified predominantly for residential development, with an area nominated for a local convenience centre centrally within the site. A permit for development or use may be granted if it is consistent with the PSP and if it will not prejudice the future use or development of the land for the purpose of the zone.

Planning Application No. 716420 is being assessed concurrently by Council and seeks permission for the multi-lot subdivision of the same land (50 Craigieburn Road and 44-55 Boundary Road, Wollert). This application for subdivision is yet to be determined, however is well advanced and is generally consistent with the PSP. In order to facilitate the proposed subdivision of the land 11 River Red Gums, identified as medium to very large, and nominated for retention in the PSP, require removal.

PROPOSAL

The application proposes the following:

- The removal of three (3) River Red Gums (Eucalyptus camaldulensis) identified for retention on Plan 7b of the Wollert PSP.
- The removal of eight (8) River Red Gums (Eucalyptus camaldulensis), including two (2) trees identified for retention on Plan 7b of the PSP, nominated above. These trees are classified as ‘medium, large and very large’ and identified as ‘trees subject to 80% retention policy’ on Plan 7b of the Wollert PSP.

(see Attachment 2)

Details of the 11 River Red Gums (see Attachment 3) proposed to be removed from the site are outlined in the following table:

<table>
<thead>
<tr>
<th>Tree Identification No.</th>
<th>Common Name (Species)</th>
<th>Diameter at Breast Height (cm)</th>
<th>Height and Width (m)</th>
<th>Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 21*</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>98</td>
<td>14/12</td>
<td>Mature</td>
</tr>
<tr>
<td>Tree 29*</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>134</td>
<td>17/20</td>
<td>Fair</td>
</tr>
<tr>
<td>Tree 40*</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>56</td>
<td>15/13</td>
<td>Good</td>
</tr>
<tr>
<td>Tree 52</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>100</td>
<td>17/15</td>
<td>Fair</td>
</tr>
<tr>
<td>Tree 57</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>68</td>
<td>8/7</td>
<td>Fair to Poor</td>
</tr>
<tr>
<td>Tree 65</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>107</td>
<td>12/13</td>
<td>Good</td>
</tr>
<tr>
<td>Tree 66</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>128</td>
<td>10/5</td>
<td>Fair</td>
</tr>
<tr>
<td>Tree 67</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>72</td>
<td>10/3</td>
<td>Very Poor</td>
</tr>
<tr>
<td>Tree 87</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>131</td>
<td>12/13</td>
<td>Fair</td>
</tr>
<tr>
<td>Tree 88</td>
<td>River Red Gum (Eucalyptus camaldulensis)</td>
<td>100</td>
<td>17/19</td>
<td>Fair</td>
</tr>
</tbody>
</table>
Tree Identification No. | Common Name (Species) | Diameter at Breast Height (cm) | Height and Width (m) | Health
---|---|---|---|---
Tree 94 | River Red Gum (*Eucalyptus camaldulensis*) | 122 | 6/2 | Fair

Trees marked with a * are identified as to be retained and require a permit. Tree 40 does not count towards the 80% retention policy.

The Vegetation Retention and Removal Plan submitted with the application also identifies the removal of three River Red Gums to allow for road widening and the provision of critical infrastructure, as well as the removal of Native Grassland with an area of 2,341m² and located centrally within the site, however a planning permit is not required to remove this vegetation as it has been identified for removal within the PSP.

<table>
<thead>
<tr>
<th>Tree Identification No.</th>
<th>Common Name (Species)</th>
<th>Diameter at Breast Height (cm)</th>
<th>Height and Width (m)</th>
<th>Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tree 24°</td>
<td>River Red Gum (<em>Eucalyptus camaldulensis</em>)</td>
<td>95</td>
<td>20/15</td>
<td>Fair</td>
</tr>
<tr>
<td>Tree 25°</td>
<td>River Red Gum (<em>Eucalyptus camaldulensis</em>)</td>
<td>111</td>
<td>20/12</td>
<td>Fair</td>
</tr>
<tr>
<td>Tree 26°</td>
<td>River Red Gum (<em>Eucalyptus camaldulensis</em>)</td>
<td>122</td>
<td>12/12</td>
<td>Dead</td>
</tr>
</tbody>
</table>

Trees marked with a # are identified as to be removed and do not require a permit.

PUBLIC NOTIFICATION

Pursuant to Clause 37.07-13, an application that is generally in accordance with the Precinct Structure Plan applying to the land is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

PLANNING CONTEXT

State Planning Policy Framework

Clause 12.01-1 Protection of Biodiversity

Clause 12.01 of the Whittlesea Planning Scheme relates to biodiversity and the protection of Victoria’s natural habitat. The objective of this clause is to assist the protection and conservation of Victoria’s biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Clause 12.01-2 Native Vegetation Management

This clause seeks to ensure that the permitted clearing of native vegetation results in no net loss in the extent and quality of native vegetation. The strategy to achieve this is to apply the risk-based approach to managing native vegetation as set out in Permitted clearing of native vegetation – Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013). These are:

- **Avoid the removal of native vegetation that makes a significant contribution to Victoria’s biodiversity.**
- **Minimise impacts on Victoria’s biodiversity.**
Where native vegetation is permitted to be removed, ensure that an offset is provided in a manner that makes a contribution to Victoria’s biodiversity that is equivalent to the contribution made by the native vegetation to be removed.

LOCAL PLANNING POLICY FRAMEWORK

Clause 22.10 River Red Gum Protection Policy

Clause 22.10 of the Whittlesea Planning Scheme relates to Council’s River Red Gum Protection Policy. This policy applies to the protection of River Red Gums located in urban and rural areas. The objective of this policy is “to ensure that the development of urban and rural areas takes into account the presence, retention, enhancement and long term viability of Red Gums in urban areas.” The key policy directions are to:

- Recognise the intrinsic value of River Red Gums in establishing character and identity in urban and rural areas.
- Request a comprehensive site analysis and arborist’s report with any planning proposal for development on land which contains one or more remnant River Red Gums.
- Encourage that the majority of River Red Gums proposed for retention are sited in public open space reserves and/or road reserves.
- Ensure that, where a tree is to be located in a lot, the lot is large enough to accommodate a suitable development envelope that does not disturb the tree or its root system.
- Ensure that, where feasible, areas of significant River Red Gum regeneration are protected in any development proposal.
- Encourage tree removal to be generally limited to only those trees independently assessed as presenting a danger to people and property.
- Appropriately protect trees identified for retention during the construction phase, and thereafter ensure that their health is regularly monitored by an appropriate environmental consultant where located on public land.
- Ensure that any tree nominated on a development and/or subdivision plan for protection is located within an appropriate tree protection zone. The protection zone must be large enough to ensure that the trunk and canopy remain intact and that the root system is not severely damaged or destroyed during the construction phase.

When assessed against the relevant decision guidelines of this policy and in the context of the level of remnant River Red Gums being retained across the site as a whole, the proposed removal of 11 River Red Gums is considered acceptable.

Furthermore, the alignment of the connector road is largely set and required under the PSP. The retention of this vegetation would significantly compromise the efficient development of the site and surrounding area. Consequently, the removal of 11 River Red Gums resulting in a 70.6% retention rate on site is considered to be an appropriate outcome as it will facilitate a subdivision and road layout which is generally in accordance with the provisions of the PSP. Therefore, it is considered that the removal of these trees is consistent with the overarching objectives and decision guidelines of Clause 22.10 of the Whittlesea Planning Scheme.

ZONE AND OVERLAY DECISION GUIDELINES

The subject site is located within the Urban Growth Zone (Schedule 5 – Wollert PSP). The land is also affected by the Development Contributions Plan Overlay (Schedule 16) and the Public Acquisition Overlay (Schedule 2). Pursuant to Schedule 5 of the Urban Growth Zone the General Residential Zone (Clause 32.08) applies to all residential land within the site, therefore a planning permit is not required to remove native vegetation from land. Likewise, the requirements of the Development Contributions Plan Overlay and the Public Acquisition
Overlay do not trigger the requirement for a planning permit for the removal of native vegetation.

**Particular Provisions**

**Clause 52.16 – Native Vegetation Precinct Plan**

The schedule to Clause 52.16 does not identify the site as falling within a Native Vegetation Precinct Plan, therefore a permit is not required under Clause 52.16-3.

**Clause 52.17 – Native Vegetation**

Pursuant to Clause 52.17 of the Whittlesea Planning Scheme, planning approval is required to remove, destroy or lop native vegetation, including dead vegetation, on land that together with all contiguous land in one ownership, has an area greater than 0.4 hectares. This does not apply:

- *If the table to Clause 52.17-6 specifically states that a permit is not required.*
- *To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.*
- *To an area specified in the schedule to this clause.*

Clause 52.17-6 identifies the following:

- *All native vegetation shown on Plan 7b in the incorporated Wollert Precinct Structure Plan, December 2016 where the removal, destruction or lopping which is required for any development that is subject to and carried out in accordance with the following approval made pursuant to section 146B of the Environment Protection and Biodiversity Conservation Act 1999 (Cth):*

  - ‘Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013’.

  This does not apply to:

  - Native vegetation or scattered trees identified as ‘to be retained’ on Plan 7b in the incorporated Wollert Precinct Structure Plan, December 2016.
  - Trees shown as ‘tree subject to 80% retention policy’ on Plan 7b in the incorporated Wollert Precinct Structure Plan, December 2016 where the removal, destruction or lopping does not comply with R3 in the incorporated Wollert Precinct Structure Plan, December 2016.

Therefore, under the provisions of Clause 52.17-1, a planning permit is required for the removal of native vegetation identified as ‘to be retained’ on Plan 7b in the PSP. Additionally, a planning permit is required for the removal of trees shown as ‘tree subject to 80% retention policy’ on Plan 7b in the PSP where the removal does not comply with Requirement 3 (R3) within the PSP, which states:

*Except with the written consent of the responsible authority, a minimum of 80 per cent of river red gums classified as Medium, Large, or Very Large (per DSE publication ‘Guide for Assessment of Referred Planning Permit Applications’) must be retained on each parcel for their landscape and amenity value. The retention of trees on Plan 7b shown as ‘tree to be retained’ and ‘tree subject to 80% retention policy’ will contribute to the attainment of this requirement. Where multiple contiguous parcels are owned or controlled by a single entity and planned to be developed in an integrated manner, this requirement may be applied and met across those contiguous parcels.*
Note: trees shown as ‘tree to be removed’ on Plan 7b are excluded from the total number of trees used to determine tree retention calculations by parcel. However, where voluntarily retained, these trees will contribute to retention percentage.

REFERRALS

Internal

The application was referred internally to Council’s Parks and Open Space Department who consider that the application retains a high number of River Red Gums on the site when considered in conjunction with the subdivision layout plan and the need to accommodate a road network that is generally in accordance with the road network identified by the Future Urban Structure Plan (Plan 2) within the PSP.

Additionally, negotiations between the applicant and Council to achieve as close as possible to the 80% retention rate must be acknowledged, with the removal of residential lots surrounding Tree 86 resulting in its retention within a pocket park.

Furthermore, the removal of three trees identified for retention on the Native Vegetation Retain/Remove Plan (Plan 7b), is supported as the removal of these trees will enable the alignment of the Connector Road to create a full signalised intersection at Craigieburn Road connecting to Highpark Drive to the south.

External

The application was referred to the following authorities:

<table>
<thead>
<tr>
<th>External</th>
<th>Conditions</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Environment, Land, Water and Planning</td>
<td>No</td>
<td>No objection to issue of permit.</td>
</tr>
<tr>
<td>Victorian Planning Authority</td>
<td>No</td>
<td>No objection to issue of permit.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Additionally, the VPA has indicated that it is currently working with Council to review Plan 7b of the PSP to ensure its accuracy.</td>
</tr>
</tbody>
</table>

PLANNING COMMENTS

Council acknowledges the importance of native vegetation, and in particular River Red Gum trees, as a visual and environmental feature within the municipality. The removal of the three River Red Gums identified for retention on Plan 7b of the PSP is required to facilitate the location of the Craigieburn Road and Connector Road intersection. The removal of these trees will enable the alignment of the Connector Road to create a full signalised intersection at Craigieburn Road connecting to Highpark Drive to the south. Of these three trees, two trees (Trees 21 and 29) have a Diameter at Breast Height (DBH) over 60cm and therefore also contribute to the 80% retention rate policy.

The PSP has been written in such a way as to retain as many medium, large and very large River Red Gums within the area as possible. Although 11 trees are being removed, only 10 are identified as medium, large and very large and therefore contribute to the 80% retention policy in the PSP. The retention of 70.6% of medium, large and very large River Red Gums on site is considered acceptable in this instance as it allows for a positive subdivision outcome in accordance with the PSP and maximises the retention of 24 other significant River Red Gums on site.

Furthermore, the removal of the 11 River Red Gums is required to facilitate an appropriate subdivision and road layout in accordance with the provisions of the PSP. It is extremely
problematic to achieve a development layout that maximises tree retention whilst providing a subdivision layout which ensures appropriate integration, lot size, diversity, efficient open space provision, movement, critical infrastructure items and appropriate streetscape design. In this instance, it is considered that the proposed subdivision layout makes efficient use of the site and produces a positive design outcome which includes the:

- Retention of 70.6% of River Red Gums identified as medium, large and very large on the subject site.
- Protection of the most significant trees within the public realm within an open space tree reserve rather than in a body corporate area.
- Provision of a range of residential lot sizes.
- Provision of a subdivision layout which promotes allotment frontage to roads (rather than side/rear fences).
- Provision of a subdivision layout which integrates with the surrounding area.
- Provision for public road connectivity and permeability within and external to the subject site.

The alignment of the connector road that runs north-south through the site, as identified within the PSP, results in a number of conflicts between the proposed road alignment and the location of River Red Gums. Therefore, in order to achieve an appropriate balance between the alignment of the connector road, River Red Gum retention and an efficient subdivision layout, the removal of trees outside the desired 80% retention rate is required.

Finally, a number of trees proposed to be removed are located within proposed residential allotments. These trees will be significantly impacted by earthworks, road works, crossovers and filling. Even if these trees could be retained, they will invariably grow very large and may represent a significant hazard to private property and people in the future. The fact that these trees appear to be located in private lots would also mean Council would not be able to access the trees to undertake maintenance, including hazard reduction, pruning etc.

It is considered that the relevant policy objectives relating to Clauses 22.10 (River Red Gum Protection Policy), 42.02 (Vegetation Protection Policy Overlay Schedule 1), and 52.17 (Native Vegetation Removal) of the Whittlesea Planning Scheme have been appropriately addressed in the planning assessment. Offsets in accordance with the provisions of the ‘Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Gain Scoring Manual (DEPI 2013)’ may be required as a condition on any permit that issues.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

It is considered that the removal of 11 River Red Gums is in accordance with the relevant provisions of the Whittlesea Planning Scheme. The removal of these trees is supported by Council’s Parks and Open Space Department and is required in order to facilitate the construction of the subdivision and road network that is envisaged by the Wollert PSP and to provide for efficient access to a planned community.

Accordingly, it is recommended that the application for the removal of native vegetation be supported subject to appropriate conditions.
RECOMMENDATION

THAT Council resolve to approve Planning Application No. 716608 and issue a Planning Permit for the Removal of Native Vegetation at 50 Craigieburn Road and 44-55 Boundary Road, Wollert in accordance with the endorsed plans and subject to the following conditions:

1. No native vegetation may be removed until such time as a planning permit has been issued for the multi-lot subdivision of land at 50 Craigieburn Road, Wollert (Application No. 716420).

2. In order to offset the removal of native vegetation (habitat hectares and scattered tree) approved as part of this permit, the applicant must provide a native vegetation offset that is in accordance with the Permitted Clearing of Native Vegetation – Biodiversity assessment guidelines and the Native Vegetation Gain Scoring Manual. The offset must contribute a gain of the required general biodiversity equivalence units, be located within the boundary of the Whittlesea municipality or the Port Phillip and Westernport Catchment Management Authority area, and have a strategic score of at least 80 per cent of the strategic biodiversity score of the native vegetation approved for removal. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority.

3. No trees, dead or alive, or remnant vegetation, other than that shown on the endorsed plan, shall be destroyed, felled, lopped, ring barked or uprooted, without the consent of the Responsible Authority.

4. Prior to the commencement of the tree removal works, all scattered trees and remnant vegetation to be retained must be protected in the following manner:
   a) Trees are to be protected in accordance with the Tree Protection Zone (TPZ) to the standards requirements by the City of Whittlesea (SDL.2.01) and areas of native vegetation to be retained must be temporarily fenced. Fencing must comply with the Australian Standard for the protection of trees/native vegetation on development sites (AS4970-2009).
   b) Fencing must be signposted as ‘Tree Protection Zone’ or “No Go Zone” and must remain in place for the entire construction period.

5. The applicant must contact Council’s Parks and Open Space Department to arrange for an appropriate officer to be present on site to supervise the removal of the trees.

6. No works are to be undertaken within a Tree Protection Zone unless:
   a) Council determines that the works proposed within the Tree Protection Zone will not adversely impact on the tree or damage any part of the tree including its canopy, branches, trunk and roots; or
   b) Council determines that the variation is required to minimise risk to the public and/or property; or
   c) Council otherwise consents.
All works located in or in close proximity to a Tree Protection Zone must be supervised by a suitably qualified and experienced consulting arborist.

7. All works proposed to occur within a Tree Protection Zone must be documented in the civil infrastructure drawings and landscape plans, or otherwise approved in writing, to the satisfaction of the responsible authority.

8. The Tree Protection Zone as calculated by the consulting arborist must be clearly identified on site by an appropriately qualified person.

Temporary Tree Protection Zone fencing (refer to SDL.2.02) must be erected around the perimeter of all Tree Protection Zones and must be inspected by and approved by Council prior to the commencement of any buildings, works or demolition.

Tree Protection Zone fencing must be to the satisfaction of the responsible authority and should comprise:

a) Treated pine posts with a minimum height of 1.8 metres (total post length) at every corner or at a maximum interval of 9.0 metres. These posts shall be sunk 450mm into the ground. Concrete may affect the soil pH level and shall not be used to secure posts;

b) Treated pine stays shall be fixed to all corner posts;

c) Steel star pickets with a minimum height of 1.8 metres (total picket length) shall be installed between the treated pine posts at a maximum interval of 3.0 metres. These pickets shall be sunk 450mm into the ground and shall include high visibility safety caps;

d) Ring lock wire mesh fencing with a minimum height of 1.2 metres shall be securely fixed at each post with wire ties. The fence shall completely enclose the tree protection zone;

e) High visibility hazard marker tape shall be securely fixed to the top of the ring lock mesh fencing with wire ties;

f) Signage must be attached to the fence at regular intervals. Signage must read “TREE PROTECTION ZONE. NO ENTRY EXCEPT TO AUTHORISED PERSONNEL. FINES SHALL BE IMPOSED FOR REMOVAL OR DAMAGE OF FENCING AND/OR TREES” (refer to SDL.2.03).

Tree Protection Zone fencing must be regularly maintained and may only be removed after the landscape pre-commencement meeting has occurred or until such date as is approved by the responsible authority in writing.

With the agreement of the responsible authority, Tree Protection Zone fencing may not be required where permanent fencing is introduced prior to construction. The specification of the permanent fencing must be to the satisfaction of Council.

Prior to the removal of Tree Protection Zone fencing, any required landscape planting below existing tress must be completed. The landscape planning must be designed to act as a deterrent to pedestrian access into the Tree Protection Zone, to minimise weed establishment, encourage habitat values and generally improve the visual amenity, to the satisfaction of the responsible authority.
Alternative permeable mulching (e.g. oversized gravel) below existing trees may be considered where appropriate.

9. The area within the Tree Protection Zone must be modified to enhance the growing conditions of the tree to help reduce stress or damage to the tree as a direct result of adjacent construction works to the satisfaction of the responsible authority.

Specific improvements may include one or a combination of the following:

a) Ground surfaces within tree protection zones must be left intact and a Glyphosate based herbicide mixed in accordance with the manufacturer's recommendations used to remove any weeds or unwanted vegetation;

b) The area within the exclusion zone must be mulched with wood chips to a depth of 150mm;

c) If required or as directed by the responsible authority, trees are to receive supplementary water. The amount of water is to be determined by the consulting arborist and will be determined by the amount of disturbance the tree has sustained and/or climatic conditions; and

d) Where severing of roots (greater than 50mm in diameter) is required directly adjacent to tree protection zones, the roots must be cleanly cut. Where possible this is to be completed at the beginning of the development of the site. Roots are not to be left exposed, they are to be back filled or covered with damp hessian.

The health of retained trees will be recorded prior to the commencement of works and periodically monitored by the consulting arborist and the responsible authority.

10. Prior to any works commencing in proximity to Tree Protection Zone, a consulting arborist must induct all personnel involved in construction in close proximity to and/or involved in works that may impact tree protection zone.

Construction Personnel must be advised:

a) Unless authorised by the consulting arborist or as directed by the responsible authority, no party must enter into a tree protection zone or modify the tree protection zone fencing in any way;

b) No buildings or works (including loading and unloading, storage of materials, dumping of waste, vehicle access and parking or other construction activity) are to occur in the tree protection zone without the written consent of and to the satisfaction of the responsible authority;

c) The storing or disposal of chemicals or toxic material must not be undertaken within 10 metres of any exclusion zone. Where the slope of the land suggests that these materials may drain towards an exclusion zone, the storing or disposal of these materials is strictly forbidden; and

d) Any trees that are to be removed next to exclusion zones are to be done so manually under the direct supervision of the consulting arborist (ie. cut not pushed). Stumps are to be ground and not excavated to prevent damage to
trees in close proximity.

11. Prior to commencement of the subdivision, a bank guarantee or other security to the satisfaction of the responsible authority for the total amount of $100,000.00 (or otherwise determined by the responsible authority) must be submitted to the responsible authority as security for the satisfactory observance of the conditions in relation to Tree Protection Zones within that subdivision;

Upon completion of any buildings or subdivision works to the satisfaction of the responsible authority, the bank guarantee or other security will be returned to the person providing the bank guarantee or security; and

Where the responsible authority determines that the tree covered by the Tree Protection Zone has been damaged as a result of buildings and works by the applicant or its contractors to an extent that it affects detrimentally the life, health and appearance of the tree or its contribution to the landscape, an amount from the security is to be paid by the developer for the purchase of trees for planting on the land or the pruning or other arboricultural works to rehabilitate and improve existing trees, all to the satisfaction of the responsible authority.

12. Prior to the issue of Practical Completion of the landscaping works, all trees that are to be retained must have hazard reduction pruning undertaken by a suitably qualified and experienced arborist to ensure the tree does not present an unreasonable risk. If necessary, pruning works shall include:

a) Removal of all dead and diseased branches. Specifically, dead branches greater than 40mm in diameter (measured at the base of the branch) shall be removed from the canopy unless they contain hollows that are clearly being used for habitat. Due care shall be given to ensure the integrity of the tree as habitat for native fauna is not compromised (larger material shall be left on site for its habitat value);

b) Weight reduction and canopy thinning (especially for branches overhanging trafficable areas and fixed infrastructure). No live branches greater than 200mm in diameter shall be removed from the tree without authorisation from the responsible authority. Remove no more than 20% of live foliage from any tree; and

c) Removal of epiphytic plant material, wire and any attached debris/rubbish.

Prior to any pruning works being undertaken, the arborist engaged to undertake the works shall arrange a site meeting with a representative from Council’s Parks and Open Space Department.

All pruning works shall be to approved arboricultural practices and have regard to AS4373–2007.

13. Where a tree is permitted to be removed:

a) Each tree nominated for removal shall be suitably marked prior to its removal and an inspection arranged with an appropriate Council Officer to verify that the tree marked accords with the permit and/or endorsed plans;

b) Prior to removal, the tree to be removed shall be inspected by an appropriately qualified and experienced zoologist to determine the presence of any native animals living or nesting in the tree. Should any
native animals be detected they must be caught and relocated to a site deemed appropriate by the zoologist;

c) Tree removal is to be undertaken in a safe manner;

d) All services either above or below ground are to be located prior to the commencement of any works;

e) Stumps and any surface roots are to be ground down below ground level. Ground and chipped material to a depth of 50mm is to be removed from site at the direction of the project manager. The project manager must supply and place suitable topsoil and seed the area making certain that the reinstated ground surface is level, even and safe;

f) Stumps shall be removed within 14 days of removal of the tree. All stumps not removed immediately after removal of the tree are to be paint marked with a suitable bright yellow reflective marking paint;

g) Where ever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or reused in open space as urban art, park furniture and/or other use determined appropriate by the responsible authority;

h) After a tree has been fallen, the tree must be protected from firewood harvesting via temporary fencing and signage to the satisfaction of Council until such time as the tree has been relocated for habitat or mulched;

i) All timber greater than 300mm in diameter that cannot be reused as habitat, furniture or another use determined appropriate by the responsible authority shall be hammer milled and shredded for reuse as mulch within the site; and

14. All timber less than 300mm in diameter and branch/leaf material shall be shredded for reuse as mulch within the subject site.

15. At the completion of the works, the applicant is to arrange for an appropriate Council officer to inspect the site to ensure compliance with the planning permit.

At the completion of the works, the applicant is to arrange for an appropriate Council officer to inspect the site to ensure compliance with the planning permit.

16. The permit for tree removal expires if it is not commenced and completed within two years after the issue of the permit. Before the permit expires or within three months afterwards, the owner or 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 use or development or any stage of it may be started or any stage of it is to be completed.

Notes:

Prior to the removal of the trees, the permit holder must notify all adjacent landholders that the trees are to be removed with Council consent.

A consulting arborist must be employed to supervise works which may impact upon trees marked for retention on the approved plan.
The consulting arborist must conduct an induction of all personnel involved in construction that may impact on tree protection zones.

Any works within the tree protection zone should be completed or supervised by the consulting arborist.

The area inside the tree protection zone should, where considered relevant by the consulting arborist, be modified in the following manner to enhance the growing environment of the tree and to help reduce stress or damage to the tree:

- the area within the tree protection zone may require mulch with wood chips or compost matter to a depth of 150 millimetres.
- trees may require supplementary watering, with the amount to be assessed by the consulting arborist and determined by the extent of disturbance to the trees roots and climatic conditions.
- where severing of roots (greater than 50 millimetres in diameter) is required directly adjacent to the exclusion zone they must be cut cleanly. Where possible this is to be completed at the beginning of development of the site. Roots are not to be left exposed, but back-filled or covered with damp hessian.

The storing or disposing of chemicals or toxic materials must not be undertaken within 10 metres of any tree protection zone. Where the slope of the land suggests these materials may drain towards a tree protection zone, the storing or disposing of these materials is strictly forbidden.

Tree protection envelope fencing is to be constructed to the following requirements:

- Ring lock wire mesh (or equivalent) no less than 1.2 metres high.
- Main posts 100mm treated pine (TP).
- Intermediate posts steel star pickets (SP).
- The corner posts are to be TP with TP stays.
- Every third post is to be TP.
- SP to be placed intermediately between the TP at 3m intervals.
- The ring lock mesh to encircle the structure and be firmly secured at each post.
- Posts must be sunk into the ground by 450mm (there is to be no concrete to secure posts as this may affect p.H. levels).
- The tree protection zone is to be clearly sign posted in accordance with the condition titled Tree Protection Zone fencing.

With the agreement of the responsible authority, tree protection zone fencing may not be provided where permanent reserve fencing is introduced prior to construction. The specification of the permanent fencing must be to the satisfaction of the Responsible Authority.
COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Cox

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

CARRIED
6.2 COMMUNITY SERVICES

NIL REPORTS

6.3 CITY TRANSPORT AND PRESENTATION

NIL REPORTS
6.4 CORPORATE SERVICES

6.4.1 LEASE - YARRA PLENTY REGIONAL LIBRARY SERVICE - STAFF ACCOMMODATION

File No: 162306
Attachments: 1 Site Plan
Responsible Officer: Director Corporate Services
Author: Senior Property Officer

REPORT

EXECUTIVE SUMMARY

Our local, industrial and regional business communities are supported to thrive in our City.

This report seeks Council approval to invite public submissions on the proposed lease with Yarra Plenty Regional Library Service (‘YPRLS’), for the exclusive use of part of Council’s Plenty Ranges Arts and Convention Centre (known as PRACC North office space) located at 35A Ferres Boulevard, South Morang (see Attachment 1 – Site Plan).

The proposal seeks to continue on from the existing lease granted to YPRLS in 2016 for their use of part of the office space at the premises.

BACKGROUND

The current lease held by YPRLS, expiring on 11 September 2017, was executed for a period of six months at an annual rental of $80,000 per annum (plus GST) and with provision of 20 unmarked car-parking bays for staff and access to suitable loading docks for deliveries.

Both parties have recently met in good faith to review the on-going nature of the occupancy arrangement and Council’s requirement for office space under its staff accommodation strategy and review of its heating, ventilation and air-conditioning (‘HVAC’) upgrade.

It was agreed that the existing office space created within PRACC North was not immediately required for accommodation of Council staff and could continue to accommodate YPRLS. Both parties have agreed that a new lease be drawn for period of one year (with an option of a further term of one year) whilst long term office accommodation is sourced.

The proposal to award a new lease would still enable Council officers to review and terminate its staff accommodation lease held at 5/1 Danaher Drive, South Morang which is due to expire on 31 August 2018.

PROPOSAL

To seek Council’s recommendation and invite public submissions on the proposed lease with YPRLS, for use of part of PRACC North office space. The premises will be made exclusively available to YPRLS for a period of one year with a provision of a further term of one year at a commencement date rental of $85,000 per annum (plus GST).
CONSULTATION
Consultation has been held between Council officers and representatives of YPRLS to ensure that the proposed lease is drawn in the appropriate manner and is beneficial to all parties involved. The lease will enable YPRLS to continue its occupation of PRACC North office space, whilst mechanical upgrades continue to be undertaken within Council’s Civic Centre. The proposal also supports the staff accommodation requirements of the YPRLS whilst a long term alternative is sourced.

PUBLIC SUBMISSIONS
Council will invite public submissions from the community regarding the proposed lease for 28 days under Section 223 of the Local Government Act 1989. An advertisement will be placed in the Whittlesea Leader newspaper and Council’s website on Tuesday 25 July 2017 requesting that public submissions be received by Wednesday 23 August 2017 (12 noon).

FINANCIAL IMPLICATIONS
Following discussions with YPRLS, Council’s Manager Property, Rates & Valuation Services has agreed that the annual rental of $85,000 per annum (plus GST) be applied for the initial term secured under lease.

POLICY STRATEGY AND LEGISLATION
Council must seek public submissions on the proposed lease under Section 190 and 223 of the Local Government Act 1989. Submissions will be invited for a period no less than 28 days and referred on to an appointed Committee of Council for consideration. The appointed Committee will consider and report all findings to Council for its final recommendation at their next available meeting.

LINKS TO THE COUNCIL PLAN
Council Priority: Jobs and Investment
Future Direction Growing our economy
Theme Economic development
Strategic Objective Our social enterprise and business initiatives are supported

The proposal seeks to continue YPRLS’s use of office space within PRACC North for the provision of back office accommodation to support regional libraries operating in the Cities of Whittlesea and Banyule and the Shire of Nillumbik.

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 lease to YPRLS for the exclusive use of part of PRACC North office space (235m²), will enable YPRLS to continue its operations as back office accommodation support for regional libraries operating in the Cities of Whittlesea and Banyule and the Shire of Nillumbik and will not adversely impact on Council staff accommodation requirements.
RECOMMENDATION

THAT Council resolve to:

1. Invite public submissions in accordance with Section 190 and 223 of the Local Government Act 1989, of its intentions to lease part of the office space (235m²) located within Council’s Plenty Ranges Arts and Convention Centre (known as PRACC North office space), located at 35A Ferres Boulevard, South Morang to Yarra Plenty Regional Library Service. The lease will be drawn under the following terms and conditions –
   a) The Tenant will be offered a lease for an initial period of one year with a provision of a further term of one year.
   b) The Tenant will pay a lease commencement date rental of $85,000 per annum (plus GST).

2. Establish an advisory Committee of Council comprising of South-East Ward Councillors, to consider any written submissions received on the proposal and make recommendations to Council on any such submissions.

3. Authorise the Chief Executive Officer to carry out administrative procedures necessary to enable Council to carry out its functions under Section 223 of the Local Government Act 1989.

4. Receive a further report on the proposed lease following the close of the submission period.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Cox

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

CARRIED
6.5 PARTNERSHIPS & ENGAGEMENT

6.5.1 EARLY ACTIVATION POLICY

File No:  
Attachments: 1 Early Activation Policy

Responsible Officer: Acting Director Partnership and Engagement

Author: Community Planning and Projects Officer

REPORT

EXECUTIVE SUMMARY

This report presents the Early Activation Policy for Council consideration and adoption. The Early Activation Policy will support the City of Whittlesea to facilitate collaboration and advocate to the development community for the early provision of flexible community spaces, services and/or programs in new growth areas to reduce the negative social impact caused or exacerbated by isolation in new communities.

BACKGROUND

There is substantial evidence that communities in growth areas are experiencing poor social conditions. In particular, it is has become clear that in the period between first residents moving into a new estate and the full development maturity of that estate, a significant short fall in liveability exists and can persist for many years. Specifically, first residents experience social isolation that is compounded by a number of factors such as distance to services and facilities, lack of transport options, weak social capital and long travel times for commuters.

There is a substantial role for Council to play in facilitating opportunities for the development sector to establish early activation spaces to address the issues affecting the first residents of a new growth area. It is the intent of the policy to strengthen Council’s own resources and collaborative processes to better approach and encourage the development sector to make a significant contribution to early activation.

It is envisaged that council will not make any substantial capital investments. In most cases it is expected that a developer will see the marketing value of the provision of a space, whether this is part of a sales office or preferably a stand-alone facility.

If such spaces can be established, there is likely to be an impact on recurrent costs to council for additional community development capacity. This could be provided by a third party and jointly contracted by the developer and/or council. A broad spectrum of financial support arrangements are possible and will be explored while cognisant of existing financial constraints. The City of Whittlesea has already explored and implemented such innovation in the form of the Lend Lease small café and community space model in Epping North.

CURRENT OPPORTUNITIES

It is an inevitable that development companies competing for attention in close proximity, and with not dissimilar products, should explore other avenues of differentiation. Recent academic and popular press discussion regarding isolation and feedback from pioneer residents has prompted a number of developers to pursue their own ideas around the notion of early activation. This interest is increasing and currently Council has received a number of proposals and has identified several more sites where such ideas would have significant merit.
PROPOSAL

This report seeks Council adoption of The Early Activation Policy, which will guide the development of early activation initiatives in new estates that is consistent with Community Building Strategy and utilising the Growth Area Social Planning Package as the implementation framework.

The Policy Objectives are to:

- Improve timely access to community spaces, services and/or programs in new communities.
- Reduce negative social impacts caused, or exacerbated by, isolation in new communities

These objectives will be achieved by Council through:

- Establishing a broader relationship with the development community by building on the existing relationships various Council departments.
- Extending the scope of these relationships into the realm of community building and applying the principles of the Growth Area Social Planning Tool to work with developers to improve the social outcomes as early in the life of a new development as possible.

PRINCIPLES

The Early Activation Policy is consistent with the principles of the Growth Area Social Planning Tool which are as follows:

- **Partnership approach.** Broad and deep collaboration across all levels of government, community service providers, developers and residents is essential.
- **Community involvement.** Residents to be involved as soon as possible in all decision-making processes.
- **Innovative.** 'Thinking outside the box' encourages the development of creative and often more relevant and affordable local solutions addressing specific community need and requiring the partners to share knowledge, resources and funding.
- **Asset-based place making.** The provision of dedicated place makers to gather community aspirations, strengths and capacities and to facilitate the development of community building initiatives.
- **Flexible and inclusive.** Communities are diverse and change over time, which requires flexible and inclusive responses and one size does not fill all communities.
- **Prevention focus.** Prevention-focused programs delivered with universal services arrests the development of issues that can become entrenched and therefore difficult and costly to reverse.
- **Early delivery of community building initiatives.** Early delivery of community building initiatives ensures the prevention of issues arising as well as early intervention and resolution when they do.
- **Sustainable.** Sustainable models of partnership and delivery to be developed to ensure the process continues over the long-term.
- **Evaluation.** Ongoing monitoring and evaluation is essential to ensure that communities are benefiting from the processes established and that those processes continue to be relevant.
CONSULTATION

This policy has been informed by consultations with internal and external stakeholders.

CRITICAL DATES

N/A

FINANCIAL IMPLICATIONS

It is envisaged that there will be no additional financial implications as a result of this policy except for current costs to the Council.

POLICY STRATEGY AND LEGISLATION

State Government Policy

Plan Melbourne is the State Government’s key urban development direction setting document. The latest version of Plan Melbourne released in March 2017 specifically acknowledges the challenges faced by rapid development. In particular, Plan Melbourne Direction 5.3 encourages early delivery of social infrastructure in growth areas in partnership public and private sectors.

City of Whittlesea Policies:

- Council’s Community Plan 2013 - 2017
- Council Plan 2017-21, Shaping Our Future
- Municipal Public Health and Wellbeing Plan
- Wellbeing Framework and Indicators 2017
- Community Building Policy and Strategy 2016

LINKS TO THE COUNCIL PLAN

Council Priority: Planning and Infrastructure
Future Direction: Places and spaces to connect people
Theme: Community hubs
Strategic Objective: We have public spaces and community hubs that bring people together

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 Council adoption of the Early Activation Policy will support the City of Whittlesea to facilitate collaborations with relevant stakeholders and advocate to the development community for the early provision of flexible community spaces, services and/or programs in growth areas to reduce the negative social impact caused or exacerbated by isolation in
these new communities. These facilities represent over and above the community infrastructure items that are covered by existing development contribution obligations.

**RECOMMENDATION**

THAT Council resolves to adopt the Early Activation Policy.

**COUNCIL RESOLUTION**

MOVED: Cr Kelly  
SECONDED: Cr Cox

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

CARRIED
6.5.2 EPPING COMMUNITY SERVICES HUB-SUB TENANCIES

File No: 193865

Responsible Officer: Acting Director Partnership and Engagement

Author: Team Leader Social Policy & Planning

REPORT

EXECUTIVE SUMMARY

Wellways Australia Limited 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 this requirement is met.

In accordance with Council’s resolution on 24 February 2015 to formally endorse tenancy applicants, this report recommends that Council endorse Wellways Australia Limited as a tenant at the Hub. This organisation has requested to commence their operations at the Hub in July/August 2017 pending approval from Council.

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. Currently, there are 83 desks that have been leased with a total capacity of 110.

PROPOSAL

Wellways Australia Limited has requested approval from Council to locate their services at the Hub and occupy three desks.

This service is new to the municipality and provides family and carer support for those families, friends and carers of people with a mental illness. This support includes psychoeducation, individual one on one support and mentoring, peer support and access to respite. The service partners with allied organisations to support family and carer groups with specific needs, including young carers, people from culturally and linguistically diverse backgrounds, and people caring for an aged person.

Wellways Australia Limited also assists people with disability to connect with the supports and services that they need to live a good life within their communities. The Support Coordinators assist NDIS participants to imagine a good life, identify the supports and services that they would benefit from connection to, and maintain an ongoing role in ensuring that these supports and services continue to meet the needs of NDIS participants.
CONSULTATION
Consultations have been undertaken with relevant Council officers, BSL as well as other agencies located at the Hub.

CRITICAL DATES
This agency plans to commence operations at the Hub in July/August 2017 pending Council endorsement.

FINANCIAL IMPLICATIONS
The current model at the Epping Community Services Hub, endorsed by Council on 24 February 2015, involves a lead agency (the BSL) leasing the building from Council and then sub-leases being developed with individual agencies (subject to Council approval).

POLICY STRATEGY AND LEGISLATION
The Hub is intended to respond to gaps in service provision and infrastructure and is consistent with Council priorities and plans. The Epping Central Structure Plan (2011), the South Morang Civic Precinct Community Infrastructure Analysis (2013), the Human Services Needs Analysis (2014) and the Council Plan identify substantial demand for additional infrastructure and community services in the municipality, particularly those targeting the needs of young people, families, new migrants, CALD communities, seniors and people with disabilities. The Hub will provide an opportunity to meet the current needs of the community and respond to the evidence of significant population growth.

LINKS TO THE COUNCIL PLAN
Council Strategy Health and Wellbeing
Future Direction Health and Wellbeing
Theme Healthy community
Strategic Objective There is a focus on preventative approaches to health issues and health policy

The Hub provides a range of services for the Whittlesea community representing a significant increase in support 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
Wellness Australia Limited will provide much needed services for Whittlesea residents. The agency is fully committed to the vision for the Hub as an integrated service model and has been deemed to be an important service to contribute to community wellbeing.
RECOMMENDATION

THAT Council resolve to endorse Wellness Australia Limited as a sub-tenant of the Epping Community Services Hub (713 High Street, Epping)

COUNCIL RESOLUTION

MOVED:  Cr Kelly
SECONDED:  Cr Cox

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

CARRIED
6.5.3 LIFELONG LEARNING POLICY

File No: .

Attachments: 1 Lifelong Learning Policy ➡ 2 Lifelong Learning - Outcomes Report ➡

Responsible Officer: Acting Director Partnership and Engagement

Author: Community Planning and Projects Officer

REPORT

EXECUTIVE SUMMARY

This report presents the Lifelong Learning Policy for Council’s consideration and adoption. The Lifelong Learning Policy articulates Council’s role in facilitating and advocating for the creation of a strong and positive learning culture across the municipality and improving the learning outcomes for local communities.

BACKGROUND

The development of the Lifelong Learning Policy stems from the City of Whittlesea’s Lifelong Learning Strategy and Action Plan 2013-16. In 2012, Municipal Lifelong Learning (LLL) Strategy and Action Plan was developed to guide Council in the development of a strong and positive learning culture within the City of Whittlesea and to improve learning outcomes for its community members. The attached Outcomes Report summarises the achievements under the Action Plan and examines the extent to which the objectives of the Strategy have been met or incorporated in other Council Activities.

Lifelong learning encompasses all learning endeavours, formal and informal, over an individual’s lifespan which improve knowledge, skills and competence. Council recognises that learning is a driver of positive change. By improving the individual and collective learning opportunities in our community, we can improve community connections, skills for life and work, employment outcomes, confidence, wellbeing and health.

Lifelong learning is an extensive area of policy that intersects with strategic and operational activities of Council, learning providers and other levels of government. The Lifelong Learning Policy will facilitate a stronger learning focus within all areas of City of Whittlesea and is designed to add value to existing Council policy directions. Council works in partnership, as facilitator, provider and advocate to embed lifelong learning and strengthen learning outcomes in the City of Whittlesea.

PROPOSAL

This report seeks Council adoption of the Lifelong Learning Policy, which will guide Council’s role in facilitating and advocating for the creation of a strong and positive learning culture across the municipality. This policy affirms the value of:

- learning throughout all life stages
- having access to local opportunities to learn for life and work
- sharing knowledge, expertise and experiences with others
- participating in collective learning and community governance
The Policy Objectives are to:

- Deliver innovative and timely services and programs that are responsive through all life stages of residents.
- Strengthen equity and equality of service provision in response to emerging vulnerabilities including social isolation, growth impacts and family violence
- Lead and facilitate local partnerships to strengthen and build the local service system
- Advocate and guide collaborations to secure resources.

These objectives will be achieved through Council’s partnership with key stakeholders and Council’s role;

As a provider of physical and social infrastructure, and financial support to enable equitable community engagement and lifelong learning opportunities, in growth and established communities;

As a facilitator of professional development, partnership and networks for more streamlined and accessible services, improved quality, innovation and access to funding opportunities;

As an advocate for high quality education and employment service provision and for increased early investment and partnerships to deliver social and physical infrastructure for established, emerging and new communities.

Principles

This Lifelong Learning Policy is consistent with the principles of the Community Building Policy which are as follows:

- Equity, access and inclusion
- Place-based approach
- Community and civic participation
- Collaboration and partnerships
- Shared advocacy
- Community leadership
- Community outcomes approach

FINANCIAL IMPLICATIONS

It is envisaged that there will be no additional financial implications as a result of this policy except for current costs to the Council as a service provider.

POLICY STRATEGY AND LEGISLATION

The vision for the City of Whittlesea, “Creating vibrant self-sustaining communities together” provides a strong mandate to focus on lifelong learning as a key development platform.

Lifelong learning intersects with a number of significant policies and plans across different areas within the City of Whittlesea.

Policies and Plans

- Shaping Our Future Whittlesea 2030 Strategic Community Plan
- City of Whittlesea, Council Plan 2017-21, Shaping Our Future
- Community Building Policy 2016
• Multicultural Plan 2014-18, Many faces, one community: valuing cultural diversity
• The City of Whittlesea Municipal Public Health and Wellbeing Plan 2013-2017
• Connect: A Municipal Plan for Children, Young People and their Families 2013-18
• Disability Action Plan 2013-16
• Yarra Plenty Regional Library Strategic Plan 2013-17, Creating out future; reading, learning, meeting.
• Early Activation Policy (in development)

Strategies, reports and tools
• Community Building Strategy
• Family Violence Strategy 2014-18
• Recreation Strategy 2012-17
• Place Profiles: Demographic Profiles of Precinct Areas in the City of Whittlesea
• Growth Areas Social Planning Tool

Legislation
Charter of Human Rights and Responsibilities Act 2006
Equal Opportunity Act 2010
Disability Discrimination Act 1992

Commonwealth and State Policy and Frameworks
Australia’s Human Rights Framework
Australian Government’s National Volunteering Strategy
National Anti-Racism Strategy
Victorian Government’s Indicators of community strength in Victoria: framework and evidence
Building on our Strengths: A Framework to Reduce Race-Based Discrimination and Support Diversity

LINKS TO THE COUNCIL PLAN

<table>
<thead>
<tr>
<th>Council Priority</th>
<th>Jobs and Investment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Future Direction</td>
<td>Growing our economy</td>
</tr>
<tr>
<td>Theme</td>
<td>Skill development</td>
</tr>
<tr>
<td>Strategic Objective</td>
<td>Initiatives that develop workforce training and skill development are encouraged and supported</td>
</tr>
</tbody>
</table>

The vision for the City of Whittlesea, “Creating vibrant self-sustaining communities together” provides a strong mandate to focus on lifelong learning as a key development platform.

Lifelong learning is a community priority that is articulated across many Future Directions within the Shaping Our Future Whittlesea 2030 Strategic Community Plan. The Lifelong Learning Policy is aligned to the principles of the Community Building Policy & contributes to the achievement of Council’s vision for ‘Creating vibrant self-sustaining communities together’.
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 Council adoption of the Lifelong Learning Policy will support the Council’s commitment to creating a strong and positive learning culture within the municipality and to improve learning outcomes for community members. This provides an improved platform for the Council to work together with its range of stakeholders to embed lifelong learning in the City of Whittlesea in its role as a provider, facilitator and advocate.

RECOMMENDATION

THAT Council resolve to adopt the Lifelong Learning Policy.

COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Cox

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

CARRIED
6.5.4 HOPE STREET - REQUEST FOR COUNCILLOR REPRESENTATION

File No: .

Attachments: 1 Request from Hope Street for Councillor Representative ⇒
  2 Hope Street Advisory Committee Terms of Reference ⇒

Responsible Officer: Acting Director Partnership and Engagement
Author: Governance Officer

REPORT

EXECUTIVE SUMMARY
This report considers a request from Hope Street Youth and Family Services for the appointment of a Councillor and officer representative to the Hope Street: Hope to Home in Whittlesea Advisory Committee.

BACKGROUND
Hope Street Youth and Family Services (Hope Street) is a registered corporation which provides support services to young people at risk of homelessness and/or are homeless.

This year Hope Street received funding from the Lord Mayors Charitable Fund for a pilot project (Hope to Home) in the City of Whittlesea. The funding was for a 12 month pilot which will conclude January 2018 unless further funding is obtained.

PROPOSAL
It is proposed that Council appoint a Councillor and officer representative to the Hope to Home in Whittlesea Advisory Committee.

City of Whittlesea is currently experiencing one of the fastest population growths in Victoria, with an increased incidence of youth homelessness.

The Hope to Home in Whittlesea program aims to prevent young people from entering or re-entering into homelessness. The program will work with up to 30 young people currently in the supported housing market to make a successful transition into the private rental market.

As part of the initiative, Hope Street is required by the funding body to establish a Hope to Home in Whittlesea Advisory Committee. The role of the Advisory Committee is to provide advice, input and strategic direction.

The terms of reference of the Committee provides that representatives from key stakeholders be appointed as members of the Advisory Committee.

CONSULTATION
Council’s Team Leader Youth Services endorses the pilot program and has represented Council at previous meetings of this group and proposes to continue to represent Council for the duration of the pilot program as the officer representative.

CRITICAL DATES
The Committee meets bi-monthly with the next scheduled meeting to be held on Thursday 27 July 2017. Further meeting dates are still to be confirmed.
FINANCIAL IMPLICATIONS

The cost of Councillor and officer attendance at these meetings is covered by existing budgets.

POLICY STRATEGY AND LEGISLATION

The appointment of a Councillor representative to community organisations and committees provides an opportunity for Council to keep informed on the activities of these groups and to influence their strategic direction.

LINKS TO THE COUNCIL PLAN

Council Priority:  Health and Wellbeing
Future Direction  Inclusive & Engaged Community
Theme  Participation & decision making
Strategic Objective  Community decision making is inclusive

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

Nominations are sought from interested Councillors for representation and to confirm the Officer representative to the Hope to Home in Whittlesea Advisory Committee for the year ending 31 December 2017.

RECOMMENDATION

THAT Council resolve to:

1. Nominate Cr ________________ as the Councillor Representative and the Team Leader Youth Services as the Officer Representative to the Hope to Home in Whittlesea Advisory Committee for the year ending 31 December 2017; and

2. Inform Hope Street Youth and Family Services of the appointments.

COUNCIL RESOLUTION

MOVED:  Cr Sterjova
SECONDED:  Cr Alessi

THAT Council resolve to:

1. Nominate Cr Sterjova as the Councillor Representative and the Team Leader Youth Services as the Officer Representative to the Hope to Home in Whittlesea Advisory Committee for the year ending 31 December 2017; and

2. Inform Hope Street Youth and Family Services of the appointments.  CARRIED
6.5.5 ASSEMBLIES OF COUNCIL REPORT - 18 AUGUST 2017

File No:                          

Responsible Officer: Acting Director Partnership and Engagement

Author: Governance Officer

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:-

<table>
<thead>
<tr>
<th>Assembly Details</th>
<th>Councillor attendees</th>
<th>Officer attendees</th>
<th>Matters discussed</th>
</tr>
</thead>
</table>
### Assembly Details

**Council Forum** 16 May 2017

- Cr Kirkham (Mayor)
- Cr Kelly (Deputy)
- Cr Alessi
- Cr Desiato
- Cr Cox
- Cr Kozmevski
- Cr Monteleone
- Cr Pavlidis
- Cr Sterjova

**Matters discussed**

1. Native Vegetation Offset Plan Implementation: Stage 1 – Acquittal of Council’s Offset Liability
2. City of Whittlesea Participation and Engagement Policy and Framework: Draft Proposals
3. CEMAC Update

Nil disclosures

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**Arts Cultural and Sporting Grants 18 May 2017**

- Cr Desiato
- Cr Monteleone
- Cr Sterjova

**Matters discussed**

1. Background
2. General Overview and Conditions of the Program
3. Councillor Inquiries
4. Other Business

Nil disclosures

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**Council Forum 23 May 2017**

- Cr Kirkham (Mayor)
- Cr Alessi
- Cr Desiato
- Cr Cox
- Cr Kozmevski
- Cr Monteleone
- Cr Larios
- Cr Sterjova

**Matters discussed**

2. Community Development Grants Program 2017-189 Round 1 - - Confidential Section 89(2)
3. LXRA Mernda Rail Extension Update for Council

Nil disclosures

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**Council Forum 13 June 2017**

- Cr Kirkham (Mayor)
- Cr Alessi
- Cr Desiato
- Cr Cox
- Cr Kozmevski
- Cr Monteleone

**Matters discussed**

1. Aquatic and Indoor Sports Centre in Mernda Feasibility Study Options Councillor Workshop
2. Economic Development Strategy “Growing our Economy Together”
3. People Strategy

Nil disclosures

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The table below represents an Index of Officer titles:

<table>
<thead>
<tr>
<th>Initials</th>
<th>Title of Officer</th>
<th>Initials</th>
<th>Title of Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>BP</td>
<td>Biodiversity Planner – Ruth Marr</td>
<td>EOSP</td>
<td>Executive Officer Sustainability Planning – Felicity Ayers</td>
</tr>
<tr>
<td>CEO-A</td>
<td>Acting Chief Executive Officer – Liana Thompson</td>
<td>MCB - A</td>
<td>Acting Manager Community Building and Planning – Kerryn Adams</td>
</tr>
<tr>
<td>DCS</td>
<td>Director Community Services – Russell Hopkins</td>
<td>C&amp;ESO</td>
<td>Consultation and Engagement Support Officer – Paul Kooperman</td>
</tr>
<tr>
<td>DCS - A</td>
<td>Director Community Services – Catherine Rinaudo</td>
<td>PUD</td>
<td>Principal Urban Designer – Fiona Henningsen</td>
</tr>
<tr>
<td>DCRS</td>
<td>Director Corporate Services – Helen Sui</td>
<td>SLA</td>
<td>Senior Landscape Architect – Adrian Napoleone</td>
</tr>
<tr>
<td>DCTP</td>
<td>Director City Transport and Presentation– Nick Mann</td>
<td>SSP</td>
<td>Senior Strategic Planner – Liam Wilkinson</td>
</tr>
<tr>
<td>DE</td>
<td>Development Engineer – Vesna Pismanovska</td>
<td>SSPP</td>
<td>Senior Strategic Policy Planner - Linda Martin - Chew</td>
</tr>
<tr>
<td>DPE-A</td>
<td>Acting Director Partnerships and Engagement – Belgin Besim</td>
<td>TLSP</td>
<td>Team Leader Statutory Planning - Matthew Metaxas</td>
</tr>
<tr>
<td>DPE-A</td>
<td>Acting Director Partnerships and Engagement – Steve Ward</td>
<td>TLSPPP</td>
<td>Team Leader Strategic Planning Policy</td>
</tr>
</tbody>
</table>

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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:

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

LINKS TO THE COUNCIL PLAN
Council Priority: Organisational Sustainability
Future Direction: Good Governance
Theme: Community Centred Operations
Strategic Objective: Our Council services are transparent, equitable and accessible

The provision of this report is in line with the Future Direction – Organisational Sustainability in the Council Plan and ensures that Council’s decision making processes are open and transparent.
DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

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

COUNCIL RESOLUTION

MOVED:       Cr Kelly
SECONDED:    Cr Cox

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

CARRIED
6.6 EXECUTIVE SERVICES

NIL REPORTS
7. NOTICES OF MOTION

7.1 COST OF REDUNDANCY PAYMENTS

File No:  Notice of Motion 827

Responsible Officer:  Acting Chief Executive Officer

Author:  Councillor Cox

REPORT

It is proposed that this item be considered in closed session.

COUNCIL RESOLUTION

MOVED:  Cr Cox
SECONDED:  Cr Sterjova

THAT Council resolve to consider Notice of Motion 827 in that section of the meeting closed to the public.

CARRIED
7.2 RESCISSION OF COUNCIL RESOLUTION FROM 27 JUNE 2017 COUNCIL MEETING - ITEM 6.5.1- COMMUNITY DEVELOPMENT GRANTS PROGRAM 2017-2018 ROUND ONE

File No: Notice of Motion 826
Author: Cr Lawrie Cox

Councillor Lawrie Cox of South West Ward has given notice that it is his intention to move the following Motion at the Ordinary Meeting of Council to be held on Tuesday 18 July 2017 at 6:30pm:

Cr Lalios entered the Council Chamber at 7.04PM.

MOTION

THAT Council resolve to rescind the resolution made at the Council meeting held on 27 June 2017 in relation to Item 6.5.2 Community Development Grants Program 2017-2018 Round One which reads:

THAT Council resolve to approve the allocation of Community Development Grants Program 2017-2018 Round One as detailed in Attachment 1 of this report with the exception of Project Respect $5000 and adding funding for the following projects;

1. Mill Park Blue Light Disco - Love Bites $4000;

2. North Eastern Greek Elderly Citizens Club 35 Year Celebration $4000; and

3. Cultural and Theatrical Centre Paradise Saturday Night Social Evenings $4000.

COUNCIL RESOLUTION

MOVED: Cr Cox
SECONDED: Cr Sterjova

THAT Council resolve to adopt the Motion.

EXTENSION OF SPEAKING TIME

MOVED: Cr Pavlidis
SECONDED: Cr Sterjova

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

CARRIED
EXTENSION OF SPEAKING TIME

MOVED: Cr Pavlidis
SECONDED: Cr Sterjova

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

CARRIED

ADJOURNMENT

The Mayor adjourned the meeting at 7.30PM.

RESUMPTION

The meeting resumed at 7.36PM.

MOTION

MOVED: Cr Cox
SECONDED: Cr Sterjova

THAT Council resolve to rescind the resolution made at the Council meeting held on 27 June 2017 in relation to Item 6.5.2 Community Development Grants Program 2017-2018 Round One which reads:

THAT Council resolve to approve the allocation of Community Development Grants Program 2017-2018 Round One as detailed in Attachment 1 of this report with the exception of Project Respect $5000 and adding funding for the following projects:

1. Mill Park Blue Light Disco - Love Bites $4000;
2. North Eastern Greek Elderly Citizens Club 35 Year Celebration $4000; and
3. Cultural and Theatrical Centre Paradise Saturday Night Social Evenings $4000.

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

<table>
<thead>
<tr>
<th>Absent</th>
<th>For</th>
<th>Against</th>
<th>Abstained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Butler</td>
<td>Cr Pavlidis</td>
<td>Cr Kirkham</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>Cr Kozmevski</td>
<td>Cr Kelly</td>
<td></td>
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<tr>
<td></td>
<td>Cr Alessi</td>
<td>Cr Larios</td>
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<tr>
<td></td>
<td>Cr Cox</td>
<td>Cr Desiato</td>
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<td></td>
<td>Cr Monteleone</td>
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<td></td>
<td>Cr Sterjova</td>
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</tbody>
</table>

Based on the votes cast during the Division, the motion was CARRIED.
7.3 QUESTIONS FROM THE PUBLIC

File No: NOM 828
Author: Cr Emilia Sterjova

Councillor Emilia Sterjova of North Ward has given notice that it is her intention to move the following Motion at the Ordinary Meeting of Council to be held on Tuesday 18 July 2017 at 6:30pm:

That Council:

1. Amend the Standing Orders in the Procedural Matters Local Law to consider ‘Questions to Councillors’ before the section dealing with ‘Petitions and Joint letters’ to enable the asking of questions by the public earlier in the meeting;

2. Put this measure in place from the 8 August 2017 Council meeting to improve accessibility and transparency in Council’s decision making process.

MOTION

MOVED: Cr Sterjova
SECONDED: Cr Pavlidis

That Council resolve to:

1. Amend the Standing Orders in the Procedural Matters Local Law to consider ‘Questions to Councillors’ before the section dealing with ‘Petitions and Joint letters’ to enable the asking of questions by the public earlier in the meeting;

2. Put this measure in place from the 8 August 2017 Council meeting to improve accessibility and transparency in Council’s decision making process.

ADJOURNMENT

The Mayor adjourned the meeting at 8.18PM.

RESUMPTION

The meeting resumed at 8.23PM.
AMENDMENT

MOVED: Cr Alessi
SECONDED: Cr Cox

THAT Council resolve to add item 3 to the Motion as follows:

3. Commence a statutory process to review Council's Procedural Matters Local Law to ensure meetings run efficiently and transparently and for a report to be prepared for Council.

CARRIED

The AMENDMENT was put and carried and became the Substantive Motion.

SUBSTANTIVE MOTION

MOVED: Cr Sterjova
SECONDED: Cr Pavlidis

That Council resolve to:

1. Amend the Standing Orders in the Procedural Matters Local Law to consider 'Questions to Councillors' before the section dealing with 'Petitions and Joint letters' to enable the asking of questions by the public earlier in the meeting and that the Officers advise Council on the process and timing for lodging questions.

2. Put this measure in place from the 8 August 2017 Council meeting to improve accessibility and transparency in Council's decision making process.

3. To commence a statutory process to review Council's Procedural Matters Local Law to ensure meetings run efficiently and transparently and for a report to be prepared for Council.

The SUBSTANTIVE MOTION was put and CARRIED

DIVISION

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

<table>
<thead>
<tr>
<th>For</th>
<th>Against</th>
<th>Abstained</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cr Pavlidis</td>
<td>Cr Kelly</td>
<td>Cr Lalios</td>
</tr>
<tr>
<td>Cr Kozmevski</td>
<td>Cr Monteleone</td>
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<td>Cr Kirkham</td>
<td>Cr Desiato</td>
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<td>Cr Alessi</td>
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<tr>
<td>Cr Cox</td>
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<tr>
<td>Cr Sterjova</td>
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</tbody>
</table>

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

CARRIED
8. QUESTIONS TO OFFICERS

8.1 COUNCILLOR ATTENDANCE AT COUNCIL MEETINGS

Cr Alessi to the Acting Chief Executive Officer

It has now been 4 meetings since Cr Butler attended a Council meeting. Can Councillors be updated on Cr Butler’s welfare?

The Mayor clarified that Cr Butler has not been in attendance for 3 Council Meetings. Councillors will be updated privately on this matter.
9. URGENT BUSINESS

9.1 COMMUNITY DEVELOPMENT GRANTS PROGRAM 2017-2018 ROUND ONE

Cr Alessi raised an item of urgent business regarding the Community Development Grants Program 2017-2018 Round One recommendation from the 27 June 2017 Council meeting.

COUNCIL RESOLUTION

MOVED: Cr Alessi
SECONDED: Cr Cox

That the item be accepted as an item of urgent business.

CARRIED

MOTION

MOVED: Cr Alessi
SECONDED: Cr Cox

THAT Council resolve to approve the allocation of Community Development Grants Program 2017-2018 Round One as detailed in Attachment 1 of the 27 June 2017 report.

AMENDMENT

MOVED: Cr Lalios

THAT Council resolve to approve the allocation of Community Development Grants Program 2017-2018 Round One as detailed in Attachment 1 of the 27 June 2017 report with the exception of Project Respect $5000 and adding funding for the following projects;

1. Mill Park Blue Light Disco - Love Bites $4000;
2. North Eastern Greek Elderly Citizens Club 35 Year Celebration $4000; and
3. Cultural and Theatrical Centre Paradise Saturday Night Social Evenings $4000.

THE AMENDMENT WAS WITHDRAWN BY CR LALIOS

ADJOURNMENT

The Mayor adjourned the meeting at 8.44PM.
RESUMPTION

The meeting resumed at 8.55PM.

AMENDMENT

MOVED: Cr Alessi
SECONDED: Cr Cox

THAT Council resolve to:

1. Approve the allocation of Community Development Grants Program 2017-18 Round One as detailed in Attachment 1 of Item 6.5.1 Community Development Grants Program 2017 2018 Round One held on 27 June 2017 with the exception of Project Respect; and

2. Refer the following projects to the Community Development Grants Program 2017-2018 Round Two:
   1. Project Respect - $5000
   2. Mill Park Blue Light Disco - Love Bites $4000
   3. North Eastern Greek Elderly Citizens Club 35 Year Celebration - $4000
   4. Cultural and Theatrical Centre Paradise Saturday Night Social Evenings - $4000

The AMENDMENT was put and carried and became the Substantive Motion.

SUBSTANTIVE MOTION

MOVED: Cr Alessi
SECONDED: Cr Cox

THAT Council resolve to:

1. Approve the allocation of Community Development Grants Program 2017-18 Round One as detailed in Attachment 1 of Item 6.5.1 Community Development Grants Program 2017 2018 Round One held on 27 June 2017 with the exception of Project Respect; and

2. Refer the following projects to the Community Development Grants Program 2017-2018 Round Two:
   1. Project Respect - $5000
   2. Mill Park Blue Light Disco - Love Bites $4000
   3. North Eastern Greek Elderly Citizens Club 35 Year Celebration - $4000
   4. Cultural and Theatrical Centre Paradise Saturday Night Social Evenings - $4000

The SUBSTANTIWE MOTION was put and CARRIED

In accordance with Section 69 of the Procedural Matters Local Law, Cr Lalios requested that her opposition to the Council resolution be recorded.
10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES

NIL REPORTS

11. QUESTIONS TO COUNCILLORS

11.1 RELOCATION OF WHITTLESEA COMMUNITY FESTIVAL FROM WHITTLESEA PUBLIC GARDENS

ARIANNA POWER

1. Why was the community not consulted about the proposal to move the Whittlesea Community Festival from the Whittlesea Public Gardens?
   a) Why was the community not informed of the change?
   b) What will Council offer the residents in this area if there is no Festival at the Whittlesea Gardens?
   c) How does Council communicate with people in the community who speak English as a second or other language?

2. When will the new Master Plan for the Whittlesea Gardens be available for community consultation? Council had promised that I would be invited to participate in the consultation but this has not occurred yet.

RESPONSE FROM THE MAYOR

It was a Council resolution to move the Whittlesea Community Festival to a different location. Relocating Council’s biggest community event to a location that is accessible by public transport will allow many more residents in our community to be able to attend this wonderful annual festival. Once the final venue has been confirmed, the community will be informed and as with all our community events there will be a comprehensive communication plan undertaken to ensure everyone has plenty of notice and information about it.

Council runs an extensive calendar of events across the municipality and our written response to you will outline other events taking place in or around Lalor that local residents can enjoy. We are also very committed to ensuring that our large and diverse multicultural community are able to access Council services and events. We provide a free interpreter service, have translators available and run a multilingual telephone information. In addition, Council translates information about events and services in our municipality’s top ten languages that are made available at libraries, community centres and through our extensive multicultural network. We also ensure that information is widely available through ethnic newspapers and the multicultural radio station Plenty Valley FM.

Council is still developing a master plan for Whittlesea Public Gardens. The community will certainly be invited to provide feedback on the master plan in the near future.

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

12.1 PLANNING AND MAJOR PROJECTS
NIL REPORTS

12.2 COMMUNITY SERVICES
NIL REPORTS

12.3 CITY TRANSPORT AND PRESENTATION

12.3.1 PROVISION OF PARKS AND GARDENS SERVICES - CONTRACT NO: CONTRACT CT080901 - VARIATION

12.3.2 PROVISION OF POOL PLANT MAINTENANCE SERVICES - CONTRACT NO: 2014-55 - VARIATION AND EXTENSION

12.3.3 FIRE SERVICES MAINTENANCE - CONTRACT NO: 2014-64 - VARIATION AND EXTENSION

12.3.4 PROVISION OF MAINTENANCE SERVICES TO EXIT AND EMERGENCY LIGHTING - CONTRACT NO: 2016-13 - VARIATION

12.3.5 DAREBIN CREEK TRAIL STAGES 4-8 - CONTRACT NO: 2016-86 - VARIATION

12.4 CORPORATE SERVICES

12.4.1 QUARTERLY CONTRACT FINALISATION REPORT - JULY 2017

12.5 PARTNERSHIPS & ENGAGEMENT

12.5.1 OPERATION OF ANIMAL POUND SERVICES RSPCA - CT000105 CONTRACT EXTENSION

12.6 EXECUTIVE SERVICES

12.6.1 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT JULY 2017

13 NOTICE OF MOTION

13.1 COST OF REDUNDANCY PAYMENTS
COUNCIL RESOLUTION

MOVED: Cr Kelly
SECONDED: Cr Cox

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

12.3.1 PROVISION OF PARKS AND GARDENS SERVICES - CONTRACT NO: CONTRACT CT080901 - VARIATION
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.3.2 PROVISION OF POOL PLANT MAINTENANCE SERVICES - CONTRACT NO: 2014-55 - VARIATION AND EXTENSION
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.3.3 FIRE SERVICES MAINTENANCE - CONTRACT NO: 2014-64 - VARIATION AND EXTENSION
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.3.4 PROVISION OF MAINTENANCE SERVICES TO EXIT AND EMERGENCY LIGHTING - CONTRACT NO: 2016-13 - VARIATION
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.3.5 DAREBIN CREEK TRAIL STAGES 4-8 - CONTRACT NO: 2016-86 - VARIATION
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.4.1 QUARTERLY CONTRACT FINALISATION REPORT - JULY 2017
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.5.1 OPERATION OF ANIMAL POUND SERVICES RSPCA - CT000105 CONTRACT EXTENSION
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.

12.6.1 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT JULY 2017
Confidential in accordance with Section 89(2)(a),(d) of the Local Government Act 1989.

13.1 COST OF REDUNDANCY PAYMENTS
Confidential in accordance with Section 89(2)(a),(b) of the Local Government Act 1989.

CARRIED
ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 9.17 PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 11.08PM.

13. CLOSURE

THE MAYOR DECLARED THE MEETING ADJOURNED AT 11.08PM TO RECONVENE AT 8.10PM ON TUESDAY 25 JULY 2017.

CONFIRMED THIS 8TH DAY OF AUGUST 2017.

CR RICKY KIRKHAM
MAYOR