



*City of*  
**Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 1 MAY 2018**

**AT 6.31PM**

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



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## COUNCILLORS

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KRIS PAVLIDIS                      MAYOR, SOUTH WEST WARD

LAWRIE COX                        SOUTH WEST WARD

STEVAN KOZMEVSKI                SOUTH WEST WARD

CAZ MONTELEONE                 SOUTH WEST WARD

EMILIA LISA STERJOVA            DEPUTY MAYOR, NORTH WARD

TOM JOSEPH                        NORTH WARD

RICKY KIRKHAM                    NORTH WARD

SAM ALESSI                        SOUTH EAST WARD

ALAHNA DESIATO                  SOUTH EAST WARD

NORM KELLY                        SOUTH EAST WARD

MARY LALIOS                        SOUTH EAST WARD



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## SENIOR OFFICERS

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SIMON OVERLAND

CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

STEVE O'BRIEN

DIRECTOR PLANNING AND MAJOR PROJECTS

NICK MANN

DIRECTOR CITY TRANSPORT & PRESENTATION

HELEN SUI

DIRECTOR CORPORATE SERVICES

LIANA THOMPSON

DIRECTOR PARTNERSHIPS & ENGAGEMENT

MICHAEL TONTA

MANAGER GOVERNANCE



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**Note:**

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



**1. OPENING****1.1 MEETING OPENING AND PRAYER**

The Chief Executive Officer opened the meeting with a prayer at 6:31PM.

**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 STATE BUDGET**

The Mayor Cr Pavlidis announced that today the State Government released its 2018/19 Budget and there are some fantastic wins for the City of Whittlesea with hundreds of millions of dollars of funding committed to improving our roads and infrastructure.

Council and our residents have been working hard to lobby for better roads so we are delighted that the State Government has committed so much money to easing congestion for residents.

Some of our major road priorities receiving funding include:

- Bridge Inn Road will be widened from two lanes to four between Plenty Road and Yan Yean Road
- Childs Road will be duplicated between Beaumont Crescent and Prince of Wales Avenue.
- Epping Road will be duplicated between Craigieburn Road East and Memorial Avenue including traffic lights at intersections including Craigieburn Road East and Harvest Home Road.

The Suburban Roads Upgrade also includes new shared paths for cyclists and pedestrians.

These are on top of existing transport projects including the Mernda Rail extension, Plenty Road duplication and construction of the O'Herns Road interchange.

Other budget wins including a land acquisition program for future schools and an increase in the Growing Suburbs Fund to \$50 million to fund community infrastructure in Melbourne's fast outer growing suburbs.

We thank the State Government and our local members of parliament for listening and investing in the City of Whittlesea and we look forward to helping to deliver these projects in a timely manner.

**1.4 ZIEBELL'S FARM ACCREDITATION BY MUSEUMS AUSTRALIA VICTORIA**

The Mayor Cr Pavlidis announced that Council was pleased to receive the news that the Council-owned Ziebell's Farm in the Westgarthtown heritage precinct has received Accreditation by Museums Australia, Victoria.

The accreditation was decided by a panel of professional museum experts, after The Friends of Westgarthtown worked hard to meet necessary criteria from the National Standards for Australian Museums and Galleries.

Ziebell's Farmhouse and the adjoining Thomastown Lutheran Church are landmark heritage sites.

I'm very proud that this local significant cultural heritage site has finally received the recognition it deserves.

It's thanks to the hard work and dedication from the Friends of Westgarthtown, who worked with Council to meet the standards and criteria of this accreditation.

**1.5 PRESENT**

**Members:**

Cr Kris Pavlidis	Mayor (South West Ward)
Cr Lawrie Cox	Councillor (South West Ward)
Cr Stevan Kozmevski	Councillor (South West Ward)
Cr Emilia Lisa Sterjova	Deputy Mayor (North Ward)
Cr Tom Joseph	Councillor (North Ward)
Cr Sam Alessi	Councillor (South East Ward)

**Officers:**

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

**2. APOLOGIES**

**APOLOGY**

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

**MOTION**

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

THAT the Councillor's apology be received and leave be granted.

**LAPSED FOR WANT OF A SECONDER**

**3. DECLARATIONS OF INTEREST**

NIL

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

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Cox*  
**SECONDED:** *Cr Joseph*

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

Ordinary Meeting of Council held 3 April 2018.

**CARRIED UNANIMOUSLY**

**5. QUESTIONS, PETITIONS AND JOINT LETTERS**

**5.1 QUESTIONS TO COUNCILLORS**

NIL REPORTS

**5.2 PETITIONS**

NIL REPORTS

**5.3 JOINT LETTERS**

NIL REPORTS



**6. OFFICERS' REPORTS**

<b>COUNCIL RESOLUTION</b>
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**MOVED:**                    *Cr Joseph*  
**SECONDED:**            *Cr Kozmevski*

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.3, 6.3.1, 6.4.1, 6.4.2, 6.4.4 and 6.5.2 .**

**CARRIED UNANIMOUSLY**

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***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.*

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**6.1 PLANNING AND MAJOR PROJECTS****6.1.1 PLANNING SCHEME AMENDMENT C204 - PLENTY VALLEY TOWN CENTRE STRUCTURE PLAN - PLANNING PANEL****File No:** 193260**Attachments:**  
1 **Site Context Plan** [⇒](#)  
2 **Plenty Valley Town Centre Structure Plan** [⇒](#)  
3 **Project Timeline** [⇒](#)  
4 **Amendment C204 Zoning Map** [⇒](#)  
5 **Submission Summary Table** [⇒](#)  
6 **Consultation Engagement and Findings Report** [⇒](#)  
7 **Local Street Access Options Evaluation Matrix** [⇒](#)  
8 **Submission 10- Subject Land** [⇒](#)**Responsible Officer:** Director Planning & Major Projects**Author:** Senior Strategic Planner**RECOMMENDATION SUMMARY**

1. Update the Structure Plan to identify that the proposed connections of Peyton Drive and Stillman Drive with the extension of Civic Drive should be restricted to a pedestrian and cycle connection only.
2. Resolve Council's position in respect to Transport for Victoria (TfV) submission and a late submission from HWL Ebsworth Lawyers for the purposes of presenting to the independent Planning Panel.
3. Authorise officers to continue discussions to seek resolution of unresolved submissions prior to an independent Planning Panel hearing and during the Panel hearing.

**KEY FACTS AND / OR ISSUES**

- In line with Council resolution on 21 November, 2017, further consultation has been undertaken in respect to local road connections and Civic Drive. A variety of views and opinions were presented from the community with an overall preference for a pedestrian and cycle connection only for both Peyton and Stillman Drive.
- A revised strategy has been drafted to resolve the TfV submission in relation to parking at the South Morang Train Station. If endorsed the matter will avoid being a matter for the Planning Panel.
- A late submission has been received from HWL Ebsworth Lawyers for Council consideration which requests for housing to be permitted in the employment precinct and is not supported.
- Further discussions have occurred to resolve submissions with a number of submitters since the report was presented to the 21 November, 2018 Council meeting (the content of the report is noted in the resolution of 6 February, 2018). The updated response and position are included in *Attachment 5* to this report.
- The Panel Hearing is set for the week commencing 25 June, 2018.

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**REPORT**

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**INTRODUCTION**

The Plenty Valley Town Centre Structure Plan (the *Structure Plan*) is an important strategic planning project identified in the Council Plan Year 1 Action Plan 2017/18.

The Structure Plan applies to the Plenty Valley Town Centre and provides a framework for the development of the Town Centre over the next 20 plus years (*refer to Attachment 1 and 2*). The plan aims to make the Town Centre a more vibrant, attractive and accessible place and identifies a number of transformative projects to deliver upon the vision.

The plan is the product of extensive background reporting and consultation with the community over a number of stages (*refer to Attachment 3*).

A key aim of the Structure Plan and Amendment C204 is to consolidate the existing range of planning controls and documents applying to parts of the Town Centre into an overarching statutory framework to provide for a consistent vision and co-ordinated approach to development in the Town Centre.

Amendment C204 was publicly exhibited from 30 June, 2017 to 7 August, 2017. The content of the submissions received and officer responses were outlined in the report presented to the 21 November, 2017, Council meeting.

The resolution of this meeting required further consultation with residents in respect to local street connections with the extension of Civic Drive. The further consultation has occurred with residents which outcomes are discussed in this report.

Further discussions have been held with submitters with the aim of resolving the issues raised in the submissions prior to the independent Planning Panel. The majority of issues have now been resolved.

Council resolved at its meeting on 6 February, 2018 to request appointment of an independent planning panel to hear the unresolved submissions. The Minister for Planning has appointed the Panel which has been scheduled for the week commencing 25 June, 2018.

Also, a late submission dated 7 March, 2018 has also been received which will be discussed as part of this report.

The purpose of this report is to resolve Council's final position in respect to the issues raised in the submissions and consultation ahead of the Panel Hearing.

**PROPOSAL**

Amendment C204 proposes changes to the Planning Scheme to enable the Structure Plan to be implemented into statutory planning controls in order to guide the future development of the area.

The Amendment rezones land in the Town Centre to Activity Centre Zone (ACZ) and introduces a new schedule (Schedule 2 to the ACZ) which outlines the land use and development controls for the Town Centre (*refer to Attachment 4 for Zoning Map*). The proposed schedule recognises the different precincts outlined in the Structure Plan and provides for specific land uses and development guidance for each precinct.

The Amendment also introduces a Development Contributions Plan Overlay to facilitate contributions towards infrastructure required to support the Town Centre and a Parking Overlay to manage parking in the Town Centre.

The exhibited Amendment also seeks to remove existing planning controls such as the Development Plan Overlays (DPO), Schedule 7 to the Design and Development Overlay and

Clause 22.15 (South Morang Major Activity Centre Policy) where they are redundant or conflict with the new provisions.

Overall, the Amendment will provide for a consistent and co-ordinated vision for development, greater certainty and clarity for investment, and facilitate additional housing and employment opportunities in the Plenty Valley Town Centre.

**NOTIFICATION AND CONSULTATION**

Amendment C204 was placed on public exhibition between 30 June, and 7 August, 2017 to affected landowners, prescribed Ministers and relevant government authorities. Notices were sent extensively to residents in, and surrounding, the Town Centre. Notice of the Amendment was also placed in the Whittlesea Leader and Victorian Government Gazette.

Drop-in information sessions were held for residents requiring further information and meetings with other stakeholders were undertaken upon request.

At the conclusion of the public exhibition period, nine submissions were received (a late submission has since been received) and are summarised in the table at *Attachment 5* with accompanying officer responses and recommendations. In order to address the concerns raised in the submissions a number of changes to the Amendment documents have been recommended in order to resolve as many submissions as possible.

Council resolved at its meeting on 21 November, 2017 to undertake further community consultation. This consultation was undertaken between 25 January, - 23 February, 2018. The outcomes of this consultation are summarised following in this report and in the Participation and Engagement Findings Report included at *Attachment 6*.

Submissions which cannot be resolved must be referred to an independent Planning Panel, convened by the Minister for Planning. The independent Planning Panel has been appointed and scheduled for June, 2018.

Whilst, the majority of issues have now been resolved, there are a number of submissions which have not been withdrawn at this stage and as such, this report recommends that the unresolved submissions be referred to the independent Planning Panel for consideration. Further, the report recommends that officers be authorised to continue discussions with submitters to resolve outstanding issues prior to the planning panel hearing, consistent with the strategic intent of the Structure Plan and the officer recommendations outlined in this report.

**CRITICAL DATES**

Date	Key Milestone
2013	Commencement of Project
May - June, 2014	Stage 1 Consultation
August, 2015	Background Report finalised
February, 2016	Draft Structure Plan endorsed for consultation
March - April, 2016	Stage 2 Consultation
February, 2017	Council resolve to note updated Structure Plan and commence Amendment C204
June - August, 2017	Exhibition of Amendment C204
October, 2017	Council meeting to consider submissions
November, 2017	Council meeting to consider submissions
January - February, 2018	Further consultation with residents
February, 2018	Council resolution to appoint planning panel
February, 2018	Independent planning panel appointed
June, 2018	Independent panel hearing scheduled to occur

**DISCUSSION**

Since the exhibition of the Amendment further discussions have been held with submitters in order to resolve the issues raised. The majority of issues have now been resolved as outlined in *Attachment 5*. These include some issues which were outstanding when a report was previously presented to the Council meeting on 21 November, 2017. This includes the Scentre Group submission which is now largely resolved. Council officers are continuing to work with Scentre Group to finalise the updated plans and wording which satisfies all parties.

Below are the discussion and officer recommendations in respect to the three remaining outstanding issues from all of the submissions received:

**1. Civic Drive Extension and Local Street Connections**

The exhibited Structure Plan provided for the extension of Civic Drive with local street connections with Peyton Drive and Stillman Drive. This reflected the direction of the approved existing plans of the South Morang Activity Centre Overall Development Plan, 1998 and the South Morang Development Plan, 2009.

The Friends of South Morang (FOSM) on behalf of residents raised concern with the proposed connections in their submission citing the impacts of additional traffic on the safety and amenity of residents in local streets.

Council resolved at its meeting on 21 November, 2017 to undertake further community consultation in respect to this matter. The consultation was conducted between 25 January - 23 February, 2018 and included a range of engagement activities including small group meetings and an online forum. The consultation included a survey for both the Peyton Drive and Stillman Drive connections which asked participants to rank their preference of the following three options:

- Full turn movement intersections
- Staggered or restricted intersection
- Pedestrian and cycle 'only' connections

An assessment matrix of the options is provided at *Attachment 7*.

The findings from the consultation are outlined in the Participation and Engagement Findings Report included at *Attachment 6*.

In summary, the outcome of the surveys are outlined below in Table 1.

**Table 1: Survey Results (first preference)**

Option	Peyton Drive		Stillman Drive	
	Number	Per cent	Number	Per cent
Full turn movement	53	46.1%	36	37.1%
Staggered intersection	7	6.1%	5	5.2%
Pedestrian and Cycle Access Only	55	47.8%	56	57.7%
<b>Total responses</b>	115	100%	97	100.0%

In addition to the survey, feedback was also provided from residents in respect to a range of issues such as traffic, safety, access, connectivity and noise. The consultation revealed that there is a diversity of views and opinions in the community in respect to this issue.

Analysis of the survey responses indicates that residents in the immediate vicinity of the connections were more likely prefer the pedestrian and cycle connection (refer to Engagement and Findings Report at Attachment 6). Residents who supported this option referred to the narrowness of the local streets and raised concerns in respect to potential safety and amenity issues associated with vehicular movements. It is

acknowledged that the streets are narrow with the existing 7m wide carriageway (approximate) of Peyton Drive and Stillman Drive less than the 10.6m wide carriageway required for similar roads under current standards.

It is considered that whilst restricting the connections to pedestrian and cycle connectivity only would limit local road network permeability it would not have significant effect on the broader road network. Further, the option would maintain the existing amenity of residents and be consistent Council strategies to provide a safe urban environment for walking and cycling.

Therefore, although there was not overwhelming support for one particular option, it is recommended that the final Structure Plan identify that the connection of Peyton Drive and Stillman Drive should be restricted to pedestrian and cycle only and be monitored given proposed changes to the movement network in the precinct and to ensure that they continue to meet the needs of local residents.

The consultation also reiterated support for other elements in the Structure Plan including the extension of Civic Drive, improvements to the road network and additional pedestrian and cycle connections and infrastructure in the town centre.

**Officer Recommendation:**

- **Update the Structure Plan to identify that the proposed connections of Peyton Drive and Stillman Drive with the extension of Civic Drive should be restricted to a pedestrian and cycle connection only.**

## **2. Commuter Parking at the South Morang Train Station**

Council at its meeting on 27 March, 2017 provided a policy direction for the provision of 800 car parking spaces at the South Morang Train Station and for it to be stipulated in Schedule 2 to the Parking Overlay. The exhibited documents included the following policy direction:

*A minimum of 800 parking spaces for commuters is to be provided by Public Transport Victoria in proximity to the South Morang Train Station.*

Transport for Victoria (TfV) objected to the inclusion of this policy direction and requested that the requirement be deleted from Schedule 2 to the Parking Overlay. TfV noted that at this stage they cannot commit to the provision of 800 car parking spaces and will continue to monitor the demand for parking at South Morang Train Station following with the Mernda Rail project becoming operational and investigate the potential for additional commuter car parking in the future.

Representatives from TfV met with Council on 5 December, 2017 to further discuss this matter.

Following this meeting Council officers have explored options and made every effort to work with TfV to resolve their submission. Officers suggested the following revised wording as a strategy to be included in Clause 21.13 Local Areas rather than a policy direction in the Parking Overlay:

*Support the provision of adequate car parking (minimum of 800 parking spaces) and infrastructure encouraging sustainable transport for commuters at the South Morang Train Station.*

The inclusion of the strategy in Clause 21.13 is a better fit than the Parking Overlay as the overlay does not apply to public transport parking. 'Planning Practice Note 5: The Parking Overlay (PPN5)' provides guidance in respect to using the Parking Overlay. In accordance with PPN5, it is considered that the Parking Overlay is not the correct tool to use to implement this requirement as the Parking Overlay applies to variations to parking rates outlined in s52.06 of the Victoria Planning Provisions. Commuter parking

is not covered by this section. Therefore, a policy direction for commuter parking in the Parking Overlay is not relevant and has no statutory weight. Officers do not believe that the inclusion of the direction in the Parking Overlay would be supported by the Planning Panel or subsequently the Minister for Planning.

Clause 21.13 forms part of Council's Local Planning Policy Framework and identifies Council's key strategies in respect to the Plenty Valley Town Centre and can include broader strategies around issues such as transport, housing, jobs and the natural environment.

TfV were generally supportive of the revised wording except requested that the reference to a specific number car parking spaces be deleted. It is recommended that this request from TfV be accepted in order to resolve the submission and avoid the issue being a matter for the Panel. This will streamline the amendment and save resources from having the matter submitted to the Planning Panel.

It should be noted, that the following action will be retained in the Structure Plan document which will be an adopted Council strategy and reference document:

*Work with Transport for Victoria to ensure the provision of at least 800 commuter car parking spaces in proximity to the South Morang Train Station.*

Should, the reference to 'minimum of 800 parking spaces' or the original policy direction as exhibited be retained in the planning scheme, then the matter will need to be referred to the independent Planning Panel.

**Officer Recommendation:**

**Replace the policy direction in the Parking Overlay with the following strategy in Clause 21.13: "Support the provision of adequate car parking and infrastructure encouraging sustainable transport, for commuters at the South Morang Train Station."**

**3. Late Submission - Properties at 530 McDonalds Road, 40B Murdoch Road, 855W Plenty Road and 843 Plenty Road, South Morang**

A late submission dated 7 March, 2018 has been received.

The submission was received by HWL Ebsworth Lawyers and is in relation to land at 530 McDonalds Road, 40B Murdoch Road, 855W Plenty Road and 843 Plenty Road, South Morang (refer to *Attachment 8*).

In respect to late submissions, section 22 of the Planning and Environment Act 1987 states:

- a) *A planning authority must consider all submissions made on or before the date set out in the notice.*
- b) *The planning authority **may** consider a late submission and must consider one if the Minister directs.*

It is recommended that given Council has sufficient time to consider the submission ahead of the Planning Panel, that the submission be accepted.

The submission argues that accommodation (housing) should be permitted and supported on the subject land. The submission states that this is on the basis of:

- The land is well serviced by four existing bus stops and two planned bus stops.
- The land is within walking distance of railway stations.
- Findon Road is being constructed, which will connect Danaher Drive through to Plenty Road.

- The land to the south, if developed for residential and mixed use purposes, would form a good synergy with Masons Point residential development.
- The land could readily be included in the 'Live and Work' precinct.
- Land that is zoned for mixed use purposes generally has a capacity to provide for higher job density than land is zoned for light industry.

The subject land is currently zoned Commercial 2 Zone. The purpose of this zone is to: *To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services.*

Accommodation (housing) is not permitted in this zone.

The Structure Plan and Amendment C204 identifies the land being in the 'Employment' precinct, reflective of its current zone. Key objectives of the precinct are to:

- *To promote the intensification of commercial land uses to provide greater employment opportunities.*
- *To support a range of employment generating land uses such as office, small scale manufacturing, services.*

Accommodation (housing) is not permitted in this precinct. Extensive provision has been made for additional housing opportunities in all other precincts in the Town Centre.

It is recommended that the proposed change to the Amendment not be supported for the following reasons:

- The precinct is identified as an employment precinct with the primary objective of providing land for commercial and employment land uses. The permission of accommodation in the precinct conflicts with this objective for the following reasons:
  - Use of the land for accommodation would reduce the amount of land used for commercial or employment land uses.
  - The precinct supports a range of existing commercial uses such as: car sales, vehicle repairs, concrete supplies, office, retail and bulky goods. Some of these commercial land uses are generally not considered compatible with a high amenity residential or mixed use precinct. Housing in the precinct may conflict with these existing commercial uses.
  - Housing in the precinct may discourage future businesses from establishing in the precinct due to the potential land use conflict (i.e. noise, traffic, odour).
- This is the only employment focused precinct in the Plenty Valley corridor (Mill Park, South Morang, Mernda). There are limited other opportunities for employment/commercial focused businesses to establish in the corridor.
- There are significant opportunities for mixed use development including housing, office and retail in all other precincts in the Structure Plan area.
- The precinct is bordered by arterial roads (Plenty Road, Findon Road, McDonalds Road), the Mernda Railway and Yan Yean pipetrack which separates the land from other residential or neighbourhood land uses. The land is separated from the 'live and work' precinct by clear boundaries including the Heath Court Drain and Yan Yean Pipetrack.
- The precinct is located further away from the South Morang train station than other precincts in the Structure Plan area where housing is encouraged.

- The precinct is separated from the future Middle Gorge train station by Findon Road and approximately a 800m walking distance from the edge of the precinct. There are other housing opportunities located closer and more convenient to the proposed station.

**Officer Recommendation:**

- **Accept and consider the late submission.**
- **Do not support the change requested by this submission to the Amendment.**
- **Refer the submission to the independent Planning Panel.**

## **NEXT STEPS**

The Minister for Planning has appointed an independent Planning Panel to hear unresolved submissions. The directions hearing for the Panel will be held on 6 June, 2018. The Panel is scheduled to be held on the week commencing 25 June, 2018.

The report from the Panel will be due within 20 business days from the last day of the hearings. The report will make recommendations to Council to consider as part of finalising the Amendment.

A report will be presented to Council outlining the outcomes of the Panel and provide a response to the recommendations of the Panel.

## **POLICY STRATEGY AND LEGISLATION**

The Amendment is being processed in accordance with Ministerial Direction 15: The Planning Scheme Amendment Process. An exemption was sought since Council did not request the appointment of a panel within 40 days since the close of the exhibition period on 7 August, 2017 as required by the direction.

The Amendment implements the following Council policies and strategies:

- Council Plan - Shaping Our Future
- Social and Affordable Housing Policy and Strategy
- Environmental Sustainability Strategy
- Open Space Strategy.

The Amendment also implements State and Local planning policies and strategies in respect to Activity Centre planning and the development of the Plenty Valley Town Centre (*South Morang Activity Centre*). In particular, the Amendment implements the objective to:

*To establish Plenty Valley Town Centre as a higher order centre servicing the existing and future population growth in the south-eastern half of the City.*

The Amendment is consistent with *Plan Melbourne 2017-2050*. Plenty Valley is identified as an activity centre (South Morang) in this plan. The implementation of the Plenty Valley Town Centre Structure Plan supports a number of policies identified in *Plan Melbourne 2017-2050* including:

- Policy 1.2.1 Support the development of a network of activity centres linked by transport
- Policy 1.2.2 Facilitate investment in Melbourne's outer areas to increase local access to employment
- Policy 2.1.2 Facilitate an increased percentage of new housing in established areas to create a city of 20-minute neighbourhoods close to existing services, jobs and public transport



- Policy 2.5.2 Provide a range of housing types in growth areas
- Policy 3.2.1 Improve roads in growth areas and outer suburbs
- Policy 3.2.2 Improve outer-suburban public transport
- Policy 3.3.1 Create pedestrian-friendly neighbourhoods
- Policy 3.3.2 Create a network of cycling links for local trips
- Policy 4.3.1 Promote urban design excellence in every aspect of the built environment
- Policy 5.1.1 Create mixed-use neighbourhoods at varying densities
- Policy 5.1.2 Support a network of vibrant neighbourhood activity centres.

The Amendment is supportive of State and local policies and strategies in respect to Activity Centre planning and the development of the Plenty Valley Town Centre (*South Morang Activity Centre*).

The Amendment has been prepared in accordance with State Government requirements for activity centre planning. The planning scheme controls have been prepared in accordance with the State Government Planning Practice notes which are designed to provide ongoing advice about planning schemes, as well as a range of planning processes and topics.

In particular, the Structure Plan and amendment is consistent with the requirements of:

- PPN5: The Parking Overlay
- PPN4: Writing a Municipal Strategic Statement
- PPN56: Activity Centre Zone
- PPN58: Structure Planning for Activity Centre Zone
- PPN60: Height and Setback Controls for Activity Centres.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Planning and Infrastructure</b>
<b>Future Direction</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Planning our space</b>
<b>Strategic Objective</b>	<b>Urban design helps build our connection to place, the natural environment and the community</b>

The Structure Plan and Amendment C204 provides a strategic plan consistent with the objectives of the Council Plan to guide the development of the Town Centre over the next 20 years including additional retail, employment and housing. The plan aims to improve the design and amenity of the Town Centre and provide the infrastructure required to support it. Features such as River Red Gums, viewlines to Quarry Hills, open space areas and civic spaces are incorporated into the plan to build the connection to place and community. The plan focuses on using good urban design to improve the public realm and to create places where people want to live, work and visit.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

## CONCLUSION

The Plenty Valley Town Centre Structure Plan project is an important strategic planning project which has been subject to a comprehensive development and consultation process.

Council resolved at its meeting on 6 February, 2018 to request the appointment of an independent Planning Panel to hear unresolved submissions. The Minister for Planning has appointed the Panel which has been scheduled for the week commencing 25 June, 2018.

In the meantime Council officers have continued to negotiate outstanding issues with submitters which have resulted in the resolution of many issues.

Specific consultation was conducted with residents in respect to the local street connections of Peyton Drive and Stillman Drive.

Although there was not overwhelming support for one particular option, it is recommended that the final Structure Plan identify that the connection of Peyton Drive and Stillman Drive be restricted to pedestrian and cycle only but continued to be monitored to ensure that they meet the needs of local residents.

With respect to the South Morang Train Station commuter car parking issue, it is recommended that the direction be included in local policy rather than the Parking Overlay which would not provide any statutory weight. This ensures that a strategy in respect to commuter parking is included in Whittlesea Planning Scheme. TfV do not support a reference to a specific number of car parking spaces (i.e. 800 spaces) being referenced in the planning scheme. Although, an action to work with TfV to provide a minimum 800 commuter car parking spaces will be retained in the Structure Plan document.

Should, the reference to a specific number of parking spaces or the original policy direction as exhibited be retained in the planning scheme, then the matter will need to be referred to the Planning Panel.

A late submission has also been received. The submission requests that mixed use development including housing, be supported in the 'Employment Precinct'. Whilst, it is considered appropriate that the submission be accepted for consideration as part of this process, the requested change should not be supported as the precinct is not considered an appropriate or desired location for housing.

Attachment 5 contains the current status of officer recommendations on the submissions received incorporating the issues above. Of the ten submissions, five have been completely resolved and a further four submissions could potentially be resolved on the basis of the recommendations contained in this report and Attachment 5.

It is recommended that Council adopt the officer recommendation in respect to each of these submissions contained in Attachment 5 and that this form the basis of Council's formal position on the Amendment in its submission to the Planning Panel.

It is also recommended Council authorise officers to continue to negotiate unresolved submissions consistent with intent of the Structure Plan and *Attachment 5*.

## RECOMMENDATION

THAT Council resolve to:

1. Update the Structure Plan to identify that the proposed connections of Peyton Drive and Stillman Drive with the extension of Civic Drive should be restricted to a pedestrian and cycle connection only.

2. Update the Council response to the submission from Transport for Victoria in accordance with a) below:
  - a) Replace the policy direction in the Parking Overlay with the following strategy in Clause 21.13: "Support the provision of adequate car parking and infrastructure encouraging sustainable transport, for commuters at the South Morang Train Station."
3. In respect to the late submission from HWL Ebsworth Lawyers and dated 7 March, 2018:
  - a) accept and consider the late submission;
  - b) do not support the change requested to the Amendment; and
  - c) refer the submission to the independent Planning Panel.
4. Make changes to the Amendment documentation to reflect the resolutions of 1. 2. and 3. above and in accordance with the specific officer recommendations contained *Attachment 5* of this report and present the amended Amendment documentation as Council's formal position on the Amendment to the Planning Panel.
5. Authorise officers to continue discussions to seek resolution of any unresolved submissions prior to an independent Planning Panel Hearing and during the Panel Hearing, consistent with the strategic intent of the Structure Plan and officer recommendations contained in *Attachment 5*.

<b>COUNCIL RESOLUTION</b>
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**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Cox*

**THAT Council resolve to:**

1. Update the Structure Plan to identify that the proposed connections of Peyton Drive and Stillman Drive with the extension of Civic Drive should be restricted to a pedestrian and cycle connection only.
2. Update the Council response to the submission from Transport for Victoria in accordance with a) below:
  - a) Replace the policy direction in the Parking Overlay with the following strategy in Clause 21.13: "Support the provision of at least 800 car parking spaces and infrastructure encouraging sustainable transport, for commuters at the South Morang Train Station."
3. In respect to the late submission from HWL Ebsworth Lawyers and dated 7 March, 2018:
  - a) accept and consider the late submission;
  - b) do not support the change requested to the Amendment; and

- c) refer the submission to the independent Planning Panel.
- 4. Make changes to the Amendment documentation to reflect the resolutions of 1. 2. and 3. above and in accordance with the specific officer recommendations contained Attachment 5 of this report and present the amended Amendment documentation as Council's formal position on the Amendment to the Planning Panel.
- 5. Authorise officers to continue discussions to seek resolution of any unresolved submissions prior to an independent Planning Panel Hearing and during the Panel Hearing, consistent with the strategic intent of the Structure Plan and officer recommendations contained in *Attachment 5*.

**CARRIED UNANIMOUSLY**

**6.1.2 PLANNING SCHEME AMENDMENT C213- EPPING RENEWAL SITE- EXHIBITION OUTCOMES****File No:** 192273**Attachments:**  
1 **Location Plan** [⇨](#)  
2 **Site Plan** [⇨](#)  
3 **Proposed Zoning Plan** [⇨](#)**Responsible Officer:** Director Planning & Major Projects**Author:** Senior Strategic Planner**RECOMMENDATION SUMMARY**

1. Request the Minister for Planning appoint an independent Planning Panel to consider unresolved submissions made in relation to proposed Amendment C213 to the Whittlesea Planning Scheme.
2. Authorise officers to continue discussions to seek resolution of unresolved submissions prior to the Panel Hearing, consistent with the officer recommendations contained in the body of this report.
3. Note that a further report will be presented to Council prior to the Panel Hearing to provide an update on the response to submissions and resolve a position in respect to the issues raised in any submission to be referred to the Panel Hearing.
4. Advise the proponent, submitters and Planning Panels Victoria of the above.

**KEY FACTS AND / OR ISSUES**

- Planning Scheme Amendment C213 seeks to rezone the subject land to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including employment (commercial, health and retail) and housing (including social and affordable) development.
- The Amendment was exhibited from 22 February - 22 March, 2018.
- Seven submissions were received of which six were from agencies. Key agencies including Environmental Protection Agency and Melbourne Water support / do not object to the Amendment subject to minor changes. Only one submission has objected to the Amendment.
- In line with statutory requirements, Council must consider the submissions within 40 business days of the closing date of submissions, which is 23 May, 2018.
- It is recommended that Council request the Minister for Planning appoint an independent Planning Panel to consider unresolved submissions and also authorise officers to continue to negotiate resolution of unresolved submissions prior to Panel Hearing.

**REPORT****BACKGROUND**

Council resolved at its meeting on 30 May, 2017 to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C213 to the Whittlesea Planning Scheme.

Amendment C213 applies to land at 215, 315W and 325C Cooper Street, Epping and adjoining land (refer to *Attachments 1 and 2*). The Amendment seeks to rezone the subject land to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including employment (commercial, health and retail) and housing development.

The resolution was subject to a number of conditions which were satisfied by the proponent prior to authorisation to prepare and exhibit the amendment being requested. Authorisation was granted under delegation from the Minister for Planning on 28 December, 2017.

The Amendment was publicly exhibited between 22 February - 22 March, 2018.

The purpose of this report is to consider the outcomes of the public exhibition process and provide for the next steps. The report recommends that Council request the appointment of an independent Planning Panel to consider the unresolved submissions. The independent Planning Panel has been tentatively scheduled for July, 2018.

**PROPOSAL**

The proposed Planning Scheme Amendment seeks to amend the planning controls in the Whittlesea Planning Scheme to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including commercial, retail and housing development. This includes:

- Rezone the subject land from the Urban Floodway Zone, Industrial 3 Zone, Public Use Zone 3 and Priority Development Zone 1 to Commercial 1 Zone, Special Use Zone, Mixed Use Zone, Public Conservation and Resource Zone, Urban Floodway Zone and Public Use Zone 3 to facilitate the redevelopment of the land (see *Attachment 3*)
- Rezone part 183-189 Cooper Street, Epping, from Industrial 3 Zone to Public Use Zone 3 to correct a zoning anomaly whereby land owned by the Northern Hospital is currently in an Industrial zone
- Apply the Environmental Audit Overlay (EAO) to the former landfill part of the land (Environmental Audit Area 2) and any other contaminated land to ensure that no 'sensitive uses' can occur on potentially contaminated land until a Statement or Certificate of Environmental Audit has been issued
- Apply the Development Plan Overlay (DPO) to the subject land to require a Development Plan to be prepared for the subject land
- Revise the flood provisions mapping (Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO), to reflect revised flood mapping and characteristics as agreed to by Melbourne Water.

**NOTIFICATION**

Amendment C213 was placed on public exhibition between 22 February - 22 March, 2018 to affected landowners, prescribed Ministers and relevant government authorities. A notice appeared in the Whittlesea Leader on 20 February, 2018 and Government Gazette on 22 February, 2018. Letters were sent to affected and surrounding owners and occupiers.

A drop-in information session was held for residents on 7 March, 2017.

Seven submissions were received of which six were from agencies. A summary of the submissions and an officer response is included in Table 1.

**Table 1: Submission Summary Table**

Submitter	Officer Response
<b>Agency Submissions</b>	
<b>1. Melbourne Water</b>	
<ul style="list-style-type: none"> <li>• Melbourne Water support retention of Urban Floodway Zone (UFZ) over the current alignment of Edgars Creek</li> <li>• No objection to removal of Urban Floodway Zone over Epping Drain, subject to changes in the Schedule 6 to the Development Plan Overlay (DPO)</li> <li>• Land Subject to Inundation Overlay (LSIO) is used as the overlay in areas subject to flooding in a 100-year Average Recurrence Interval (1 in 100 year) storm event</li> <li>• Schedule 6 of the proposed Development Plan Overlay (DPO) must be updated to include Melbourne Water (track) changes as submitted.</li> </ul>	<p>Agree. These changes are supported. There may be the need to slightly alter the wording suggested by Melbourne Water, to provide consistency with the format of the schedule however this will be done with the agreement of Melbourne Water.</p> <p><b><u>Officer Recommendation</u></b>  <b>Support the change to the amendment generally consistent with the manner requested.</b></p> <p><b>This submission is resolved.</b></p>
<b>2. Environmental Protection Authority</b>	
<p>EPA supports the amendment subject to the recommended changes outlined in their submission. Comments provided in respect to:</p> <ul style="list-style-type: none"> <li>• The process for surrendering the EPA landfill licence.</li> <li>• The process for responding to the findings of the Environmental Audits.</li> <li>• Support of the Site Remediation Strategy and request a minor update to the wording.</li> <li>• Support the application and extent of the Environmental Audit Overlay.</li> <li>• Recommended changes to the Development Plan Overlay Schedule 37 in respect to complying with a Statement of Environmental Audit.</li> <li>• Acknowledgement of the proposed treatment of Landfill Buffer within the Development Plan schedule.</li> </ul>	<p>Noted. The feedback and comments provided by the EPA are supported. This will ensure that the site contamination issues are assessed and responded to in the most thorough and comprehensive manner in accordance with EPA and other guidelines. The recommended changes to Schedule 37 to Clause 43.04 are supported to ensure that the development of the land accords with any Statement of Environmental Audit issued for the site.</p> <p><b><u>Officer Recommendation</u></b>  <b>Support the change to the amendment in the manner requested.</b></p> <p><b>This submission is resolved.</b></p>
<b>3. Transport for Victoria (TfV)</b>	
<ul style="list-style-type: none"> <li>• Development Plan Overlay Schedule 37 should be updated to reflect existing and future public transport and to promote active transport connections.</li> </ul>	<p>These comments are supported in principle. The comments in respect to public transport infrastructure and active transport connections are supported. The updates to Schedule 37 to Clause 43.04 will be drafted in consultation with TfV and the proponent. The recognition of the</p>

<ul style="list-style-type: none"> <li>• The Amendment should recognise the potential ultimate role of Deveny Road as an arterial road transport corridor and finalise its cross section.</li> <li>• The VicRoads SmartRoads Network Operating Plan should be updated to consider this amendment as well as changes in the network and uses.</li> <li>• Consideration should be given to active transport connections between the amendment site and the potential future station and Pacific Epping Shopping Centre.</li> </ul>	<p>potential ultimate role of Deveny Road is supported however it is recommended that its cross section and intersections with access roads not be finalised until the Development Plan stage. This has been agreed to by TfV.</p> <p><b><u>Officer Recommendation</u></b>  <b>Support the change to the amendment generally consistent with the manner requested.</b>  <b>This submission is resolved.</b></p>
<p><b>4. DEWLP (Environment)</b></p>	
<p>The Department has considered the proposal has no objection to the proposed amendment.</p> <p>The Department is satisfied that matters of interest in respect to waterway design, Growling Grass Frog habitat, waterway setbacks and infrastructure can be adequately addressed through the development plan approval process</p> <p>The Department fully supports the recommended changes by Melbourne to the proposed Development Plan – Schedule 37 in relation to waterway enhancement of Edgars Creek and development setbacks.</p>	<p>Noted.</p> <p><b><u>Officer Recommendation</u></b>  <b>This submission is resolved.</b></p>
<p><b>5. Northern Health</b></p>	
<p>No objection to the rezoning of land as provided in the Amendment.</p>	<p>Noted.</p> <p><b><u>Officer Recommendation</u></b>  <b>This submission is resolved.</b></p>
<p><b>Other Submitters</b></p>	
<p><b>6. A joint submission on behalf of Bevendale Pty Ltd, which forms part of Pacific Shopping Centres Australia Pty Ltd (“Pacific Group”), Queensland Investment Corporation (“QIC”) and Costco Wholesale Australia (“Costco”) Pacific Shopping Centres Australia Pty Ltd (Pacific Group)</b></p>	
<p>Object to the Amendment in its current form.</p> <p>The submission outlines a number of planning, transport, economic and access issues.</p> <p>The submitter considers that the Amendment in its present form fails to provide sufficient detail to enable this strategic analysis to take place and therefore it is considered that the Amendment:</p>	<p>The Amendment was exhibited with supporting information including:</p> <ul style="list-style-type: none"> <li>• Explanatory Report</li> <li>• Transport Evaluation</li> <li>• Site Remediation Strategy.</li> </ul> <p>The Amendment has been prepared in accordance with relevant Ministerial Directions and Planning Practice Notes. The Explanatory Report responds to the Strategic Assessment Guidelines.</p> <p>The Amendment supports state and local</p>



<ul style="list-style-type: none"> <li>• is premature; and</li> <li>• should be abandoned.</li> </ul> <p>Further to the above, the submitter suggests that the following further information is required to be provided prior to the Amendment progressing:</p> <ul style="list-style-type: none"> <li>• details about the mix of proposed commercial and retail uses (including the affordable housing requirement);</li> <li>• development contributions proposed (including any works-in-kind intended to upgrade the existing and planned road network); and</li> <li>• analysis of impact of the Amendment on wider Epping region.</li> </ul>	<p>planning policy and supports a range of Council strategies and plans.</p> <p>The Amendment will deliver a range of beneficial outcomes including employment land to support jobs, a diversity of housing (incorporating a component of social and affordable housing, the rehabilitation of contaminated land and enhancement of Edgars Creek.</p> <p>The exhibited Schedule 37 Development Plan Overlay outlines the further reports and information to be prepared as part of the preparation of Development Plan to guide the development of the site.</p> <p>It is considered that the Amendment is strategically justified and will deliver a net community benefit. Therefore, the Amendment should be pursued.</p> <p>It is recommended that the submission be referred the independent Planning Panel. Prior to the Panel Hearing, discussions will be held with the submitter and proponent with the aim of resolving as many issues as possible.</p> <p>A further report will be presented to Council prior to the Panel Hearing to resolve Council's position in response to the range of issues outlined in the submission.</p> <p><b><u>Officer Recommendation</u></b></p> <p><b>Do not support the request that the Amendment be abandoned.</b></p> <p><b>Refer the submission to the independent Planning Panel should the matter not be resolved prior to the Panel Hearing.</b></p> <p><b>Council resolve its position for the purposes of submission to the independent Planning Panel, following further consideration of the issues raised in the submission.</b></p>
<p><b>7. Riverlee Caruso Epping Pty Ltd</b></p>	
<p>Supports the Amendment and retains its right to amend or update this submission as the Amendment process advances. Requests minor changes consisting of:</p> <ul style="list-style-type: none"> <li>• Wording on Plan 7 in Clause 21.10 to include "proposed commercial / employment / housing area" to reflect the purposes of the proposed zones which are to be applied to the land.</li> <li>• Delete references to the Epping Drain</li> </ul>	<p>Noted. Further, discussions have been held with the submitter and Melbourne Water in respect to the changes requested and these have now been resolved.</p> <p><b><u>Officer Recommendation</u></b></p> <p><b>This submission is resolved.</b></p>

<p>in the Framework Plan in Schedule 37 to the Clause 43.04.</p> <ul style="list-style-type: none"> <li>• Wording in Clause 3.0 of DPO37 in respect to drainage infrastructure.</li> </ul>	
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**DISCUSSION**

The exhibition of the Amendment resulted in seven submissions. Six of the submissions were from agencies that generally supported the Amendment and provided relevant comments.

As a key agency, the EPA have been engaged throughout the process in respect to critical issues such as the remediation of the subject site, the Environmental Audit process and landfill gas risks. The EPA indicated their support for the amendment subject to minor changes which are agreed. The EPA support the application and extent of the Environmental Audit Overlay and other measures implemented for the Amendment process to appropriately address land contamination and landfill gas matters. In particular, the EPA support the resolution not to finalise the Amendment until a Statement or Certificate of Environmental Audit has been issued for the site.

The submissions from Melbourne Water, DELWP (Environment) and TfV have requested changes to the Schedule to the Development Plan Overlay to ensure that key issues are covered by this process. These changes are supported.

The remaining submission from was the sole objecting submission. The objecting submission was a joint submission made on behalf of Bevendale Pty Ltd, Queensland Investment Corporation and Costco Wholesale Australia and requests that the Amendment be abandoned. This request is not supported as it is considered that the Amendment is strategically justified, supported by state and local policy, the proposed planning framework (zone and overlay controls) is appropriate and the development will deliver a range of social, economic and environmental benefits. It is recommended that the Amendment be pursued and that Council request the Minister for Planning to appoint an independent Planning Panel to hear this submission. The Panel Hearing is tentatively scheduled for July 2018.

The submission outlines a number of issues which require further consideration in consultation with the submitter and the proponent. Officers will work with the submitter and the proponent with the aim of resolving as many issues as possible. Prior to the Panel Hearing, a further report will be presented to Council to provide an update on the submission and to resolve Council’s position in respect to the issues outlined in the submission for the purposes of Council’s submission to the Panel Hearing.

**NEXT STEPS**

In accordance with the *Planning and Environment Act 1987*, Council must consider the submissions received and either change the Amendment in the manner requested, refer the submission to an independent Planning Panel or abandon the Amendment.

In line with statutory requirements, Council is required to request the appointment of a Panel within 40 business days of the closing date for submissions (23 May, 2018).

It is recommended that Council resolve to request the Minister for Planning to appoint an independent Planning Panel to consider the unresolved submission. The role of a Planning Panel is to provide an independent forum for submitters to be heard in an informal, non-judicial manner.

The cost of conducting the Panel Hearing will be borne by the proponent. In accordance with the *Planning and Environment Act 1987* the proponent is also required to pay Council a fee to assist with the resources required to consider submissions.

Council officers will continue to work with the submitter and proponent to reach a resolution on outstanding issues. To this end, it is recommended that Council authorise officers to

negotiate with submitters to resolve issues where possible to limit the matters to be considered at a Panel Hearing.

Tentative dates for the Panel Hearing were pre-set for July, 2018. Following the hearing, the planning panel will prepare a report with recommendations for the Planning Authority (Council) to consider.

**CRITICAL DATES**

Date	Key Milestone
May, 2017	Council resolve to commence planning scheme amendment subject to conditions
December, 2017	Conditions satisfied by proponent
December, 2017	Authorisation granted by Minister for Planning
February-March, 2018	Exhibition of Amendment C213
May, 2018	Consideration of Submissions
June, 2018	Direction Hearing
July, 2018	Planning Panel

**POLICY STRATEGY AND LEGISLATION**

**Ministerial Directions**

The Amendment has been prepared considering the following ministerial directions:

- Ministerial Direction No.1 Potentially Contaminated Land
- Ministerial Direction No.9 Metropolitan Planning Strategy
- Ministerial Direction No.11 Strategic Assessment of Amendments

The application of the Environmental Audit Overlay (EAO) to the contaminated part of the site and completion of the Environmental Audit prior to the completion of the Amendment satisfies Ministerial Direction No.1

**Planning Practice Notes**

The Amendment documents have been prepared considering the following practice notes:

- PPN02: Public Use Zones
- PPN3: Applying the Special Use Zone (SUZ)
- PPN12: Applying the flood provisions in planning schemes
- PPN23: Applying the Incorporated Plan and Development Plan Overlays
- PPN30: Potentially Contaminated Land
- PPN46: Strategic Assessment Guidelines

**State Planning Policy Framework**

The amendment will implement the SPPF, particularly the following:

- facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development;
- facilitate development that increases the supply of affordable and social housing in suburbs across Melbourne;
- support new housing in activity centres and other places that offer good access to jobs, services and public transport;
- facilitate regional health and community wellbeing precincts through the co-location of hospitals, allied health services and not-for-profit health providers;

- facilitate investment in Melbourne's outer areas to increase local access to employment; and
- plan for and facilitate the development of urban-renewal precincts as high amenity mixed use neighbourhoods that offer a range and choice of housing and other services.

### **Local Planning Policies and Strategies**

The proposed amendment considers and implements Councils local planning policies and strategies including:

- Council Plan - Shaping Our Future
- Whittlesea Municipal Strategic Statement (MSS)
- City of Whittlesea Economic Development Strategy - Growing our economy together
- City of Whittlesea Open Space Strategy
- City of Whittlesea Housing Diversity Strategy
- City of Whittlesea Social and Affordable Housing Policy and Strategy.

The strategies and requirements of these plans are reflected in the Amendment documents including the Schedule to the Development Plan Overlay which will require them to be implemented as part of the preparation of a Development Plan for the site.

### **ENVIRONMENTAL, SOCIAL AND ECONOMIC EFFECTS**

The subject land contains a number of environmental characteristics including significant habitat and contaminated land. It is considered the Environmental Audit process and EPBC Act approval process will satisfactorily address these issues. The proposed planning controls provide a 'safety net' to ensure that the issues are effectively resolved and response measures are implemented as part of the development of the land. Importantly, the EPA are supportive of the approach being undertaken by Council to appropriately address land contamination and landfill gas issues.

The facilitation of the development through a planning scheme amendment process aims to deliver a number of environmental, social and economic benefits including:

- remediation of a contaminated site
- enhancement of Edgars Creek and riparian corridor
- additional employment and jobs in an established activity centre / employment precinct
- opportunity for additional health facilities and services in proximity to the Northern Hospital
- provision of a diversity of housing in proximity to jobs, services and public transport
- opportunity for social and affordable housing to be integrated into the residential development, and,
- contribution to community infrastructure in Epping Central.

It is considered that there is a community benefit in progressing the planning scheme amendment to facilitate the remediation and redevelopment of the land and to encourage the environmental, social and economic benefits outlined above.

### **FINANCIAL IMPLICATIONS**

The cost of conducting the Panel Hearing will be borne by the proponent. In accordance with the *Planning and Environment Act 1987*, the proponent is also required to pay Council a fee to assist with the resources required to consider submissions.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Planning and Infrastructure</b>
<b>Future Direction</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Planning our space</b>
<b>Strategic Objective</b>	<b>Urban design helps build our connection to place, the natural environment and the community</b>

The proposed planning scheme amendment will support the implementation of the Council plan. The proposed planning scheme controls will ensure a well-designed mixed use development that will deliver a number of significant benefits to the community. The development will provide a diversity of housing in close proximity to jobs, services and transport. The development will create an expanded health precinct and additional quality employment areas which will generate a significant number of jobs. The design will contain significant ‘green spaces’ including the rehabilitation of the Edgars Creek and riparian corridor and retention of the historic quarry hole as an urban lake. This will contribute positively to the public realm and prosperity of the broader Epping Metropolitan Activity Centre.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

Amendment C213 to the Whittlesea Planning Scheme has been prepared and exhibited in accordance with Councils resolution from May, 2017. The Amendment seeks to rezone the subject land to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including employment (commercial, health and retail) and housing development.

Amendment C213 was publicly exhibited from 22 February - 22 March, 2018. A total of seven submissions were received to the Amendment. Two submissions are currently unresolved. It is hoped that the submission from DELWP (Environment) will be able to be resolved following further discussions. The remaining submission request that the Amendment be abandoned which is not supported.

Therefore, it is recommended that Council request that the Minister for Planning appoint an independent Planning Panel to consider the unresolved submissions made in relation to the proposed Amendment.

It is anticipated that the Planning Panel will be conducted in July, 2018 with the proponent covering the cost.

Council officers will continue to work with the submitter and proponent to reach a resolution on outstanding issues. To this end, it is recommended that Council authorise officers to negotiate with submitters to resolve issues where possible to limit the matters to be considered at a Panel Hearing.

Prior to the Panel Hearing, a further report will be presented to Council to provide an update on the unresolved submission and to resolve Council’s position in respect to the issues outlined in the submission to be referred to the Panel Hearing.

**RECOMMENDATION**

THAT Council resolve to:

1. Request the Minister for Planning appoint an independent Planning Panel to consider unresolved submissions made in relation to proposed Amendment C213 to the Whittlesea Planning Scheme.
2. Authorise officers to continue discussions to seek resolution of unresolved submissions prior to the Panel Hearing, consistent with the officer recommendations contained in the body of this report.
3. Note that a further report will be presented to Council prior to the Panel hearing to provide an update on the response to submissions and resolve a position in respect to the issues raised in any submission to be referred to the Panel Hearing.
4. Advise the proponent, submitters and Planning Panels Victoria of the above.

**COUNCIL RESOLUTION**

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

THAT Council resolve to adopt the Recommendation.

**CARRIED UNANIMOUSLY**

**6.1.3 EDEN PARK BUSHFIRE EROSION MITIGATION PLAN****File No:** 195489**Attachments:**  
1 Brush-tailed Phascogale photographed in Eden Park by local resident Suzi Duncan [⇨](#)  
2 Eden Park Bushfire - Erosion Mitigation Plan [⇨](#)**Responsible Officer:** Director Planning & Major Projects**Author:** Team Leader Land Management & Biodiversity**RECOMMENDATION SUMMARY**

That Council note the Eden Park Bushfire Erosion Mitigation Plan.

**KEY FACTS AND / OR ISSUES**

- Eden Park contains areas with steep topography that supports native vegetation on erosion prone soils.
- In the event of a bushfire, there is a high risk of substantial erosion effects with a significant environmental impact both for Eden Park and areas downstream.
- An evidence based plan that assists land managers to prioritise and plan recovery works after a bushfire will reduce uncertainty and guide efficient use of resources.
- The plan will be an important tool to engage with the Eden Park community and increase community resilience in a high fire risk area.

**REPORT****BACKGROUND**

Eden Park has been identified as an area at high risk of bushfire within the City of Whittlesea by the Municipal Fire Management Planning Committee (MFMP). It is covered by the Wildfire Management Overlay and the Victorian Fire Risk Register rates the area as Extreme Risk to Very High Risk. Eden Park contains areas with steep topography that supports native vegetation on erosion prone soils.

In the event of a bushfire, there is a high risk of substantial erosion effects with a significant environmental impact both for Eden Park and areas downstream. The area also supports native animals including the threatened Brush-tailed Phascogale (refer photo: Appendix 1.). There is currently a significant gap between the level of risk exposure and coordinated mitigation and recovery planning.

The combination of many different land managers, fragile landscapes and infrastructure creates an area that is particularly vulnerable to the impacts of bushfire. The effective land management of Eden Park pre- and post-fire will determine how well the land as well as the fauna and flora recovers. Better management can be achieved through the development of strategies and practices that are underpinned by an environmental assessment of the area and the development of a knowledge base to be shared with relevant stakeholders that prioritises both mitigation and recovery activities.

The area of Eden Park is made up of private properties ranging in size from 0.75 hectares to >200 hectares. It currently falls within the oversight of a number of departments and agencies, including Melbourne Water, Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Department of Environment Land Water and Planning (DELWP), Port Phillip and Westernport Catchment Management Authority, City of Whittlesea, CFA, and VICSES.

The City of Whittlesea aims to build on the experiences following the 2009 Victorian Bushfires to increase knowledge and improve efficiencies to the recovery program. A Burned Area Emergency Response (BAER) Report commissioned in March 2009 clearly showed the impact of the Victorian Bushfires on areas affected by the Kilmore-Murrindindi fire complex. This study contained a number of recommended treatments and list of priorities. Having a similar environmental assessment in place before a bushfire event will ensure that an effective mitigation and recovery program can be put in place.

The Eden Park Bushfire Mitigation Plan was created as a resource to be utilised in a post bushfire recovery environment. Underpinning the plan was a mapping exercise (Appendix B of the plan) to map the natural and manmade assets and model the impacts of a bushfire on them.

Outputs from the mapping exercise were:

1. Eden Park Erosion Likelihood
2. Asset erosion risk
  - a. Infrastructure asset erosion risk
  - b. Natural asset erosion risk
3. Biodiversity mapping
  - a. Core habitat area
  - b. Significant roadside trees

In a post bushfire environment, these maps will assist landowners and agency staff prioritise recovery efforts.



Based on the erosion modelling and assessment of Eden Park, a plan and erosion treatment catalogue have been prepared to tailor the available information to the most likely scenarios for the subject area. Factsheets have been prepared to summarise key information in a more accessible targeted format.

While the main function of the plan is to provide a ready resource post bushfire, the plan also provides guidance on works that can be undertaken to mitigate the potential effects of a fire should one occur.

Relevant legislation was reviewed to identify roles and responsibilities in a bushfire context.

The purpose of combining the different information into a single plan is to provide a resource to land managers, agency staff and personnel involved in recovery efforts. By having a single point of reference it is hoped that this will save time and effort and alleviate some uncertainty during a stressful time.

## **PROPOSAL**

That Council note the Eden Park Bushfire Erosion Mitigation Plan.

## **PARTICIPATION AND ENGAGEMENT**

Two public consultation workshops were held in the Whittlesea township. Participation in these workshops was open to the general public and advertised through fliers, email and Rural News. Specific invites were sent to local police, CFA, state agencies and other Council departments.

Workshops were attended by a representative from Victoria Police, CFA brigade members, Eden Park residents, farmers and residents who had experience following the February 2009 bushfires.

At the first workshop, the results of the mapping and erosion modelling were presented for inspection and discussion. Discussion from participants was supportive of the aims of the plan but most people expressed confusion about reference to 'bushfire mitigation' in the title of the report.

The final report title is now *Eden Park Bushfire Erosion Mitigation Plan (A Pre and Post-Bushfire Land Management Guide)* to more accurately reflect the broad subject matter contained within it.

Between workshops, draft copies of the plan were available on the City of Whittlesea website. Very little feedback was received on the plan but through the process of engaging a range of residents and the CFA early in the process a positive momentum was created around the project and people were keen to be updated on its progress.

The final plan was provided to the Whittlesea CFA at a brigade meeting in December 2017 and the brigade have expressed their interest in using it to meet their responsibilities for relief and recovery under part VII of the Emergency Management Manual Victoria.

The key maps (significant trees and erosion risk areas) will be built into the CFA's Whittlesea Fire Management Plan which will aid the CFA planning where to put containment lines.

The Municipal Emergency Management Planning Committee (MEMPC) was supportive of the project and the consensus from the committee was that it should be rolled out in other areas and in particular Whittlesea-Yea Rd.

The plan will be periodically reviewed and updated as legislation and roles change in relation to bushfire. The plan will also be updated when knowledge of natural and man-made assets increases. The process of review will ensure the plan continues to be relevant to the people most likely to need it.

**FINANCIAL IMPLICATIONS**

Nil.

The Plan was prepared through a Federal Government grant and the project was managed internally through existing resources. The plan contains information to assist land managers to prioritise and plan works. It is hoped that this will assist Council and others to apply for funding if it is available in a bushfire recovery situation.

**POLICY STRATEGY AND LEGISLATION**

Council is responsible for the coordination of recovery efforts through the Emergency Management Manual Victoria produced by Emergency Management Victoria. The Manual complies with the requirements of the Emergency Management Act 1986.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Community Safety</b>
<b>Future Direction</b>	<b>Health and wellbeing</b>
<b>Theme</b>	<b>Safety</b>
<b>Strategic Objective</b>	<b>We have access to disaster, community safety and resilience programs</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

The Responsible Officer reviewing this report, having made enquiries with the relevant members of staff, notes that James Booth has a direct interest with a member of the AECOM ecology team in relation to this report.

**CONCLUSION**

The Eden Park Bushfire Erosion Mitigation Plan is available to landowners and recovery agencies in the event of a bushfire in Eden Park. It contains locally relevant mapping and a catalogue of treatments to assist to prioritise resources and adapt to individual circumstances.

**RECOMMENDATION**

**THAT Council note the Eden Park Bushfire Erosion Mitigation Plan.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Joseph*  
**SECONDED:** *Cr Kozmevski*

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

**CARRIED UNANIMOUSLY**

**6.2 COMMUNITY SERVICES****6.2.1 LAURIMAR COMMUNITY CENTRE NAME CHANGE****File No:** .**Responsible Officer:** Director Community Services**Author:** Manager Leisure & Community Facilities**RECOMMENDATION SUMMARY**

This report seeks Council's consideration of:

1. Renaming the Laurimar Community Centre, located at 25 Hazelglen Drive, Doreen to the '*Brookwood Community Centre*'.
2. Invite public submissions in accordance with the Guidelines for Geographic Names 2010.
3. Appoint a Councillor Advisory Committee to consider any written submissions and report back to Council.

**KEY FACTS AND / OR ISSUES**

- Council's owned and operated Laurimar Community Centre is situated approximately 1km from Council's Laurimar Community Activity Centre. The naming similarity and proximity between these two Council operated community centres causes significant confusion for local residents and emergency services.
- It is proposed to formally rename the Laurimar Community Centre to '*Brookwood Community Centre*' as it is located on the corner of Brookwood Avenue and Hazelglen Drive, Doreen.

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**REPORT****INTRODUCTION**

This report seeks Council's consideration and decision of a proposed name change for the Laurimar Community Centre (LCC), located at 25 Hazelglen Drive Doreen. LCC is an existing Council owned and operated community space for hire. The centre is situated approximately 1km from Council's Laurimar Community Activity Centre (LCAC), located at 110 Hazelglen Drive, Doreen. The naming similarity between these two Centres has historically and recently caused confusion for local residents and emergency services in locating either centre. It is proposed to formally name the Centre '*Brookwood Community Centre*' as the centre is on the corner of Brookwood Avenue, Doreen.

**BACKGROUND**

Originally utilised as a sales office for the Laurimar Estate, since 1 March 2010 the LCC has been managed by the City of Whittlesea as a bookable community space.

The Laurimar Community Centre contains:

- Main Hall – seats up to 80
- Community Space – seats up to 50 people
- Meeting Room – seats up to 10 people
- Kitchen facilities
- Private café.

LCC is currently well utilised with over 30 regular users and many casual bookings, therefore, providing a valuable cost-effective facility for the residents of Doreen and the surrounding areas.

LCC sustained fire damage on 11 January 2018 resulting in a full closure of the centre and significant refurbishment works. Whilst communicating the fire damage and associated recovery measures to all stakeholders the confusion regarding which centre was fire affected due to the similarity in names and locations between LCC and LCAC was apparent. Compounding this recent emergency, casual centre users frequently arrive at the incorrect centre for a group session causing frustration for community groups and programming schedules.

Over the last two months an internal Project Working Group (PCG) of Council Officers has been established to coordinate the refurbishment works and stakeholder communications, this PCG was consulted on the proposed name and provided agreement.

**PROPOSAL**

This report seeks Council's consideration to rename the Laurimar Community Centre to Brookwood Community Centre.

To allow residents, emergency services and other users to easily identify the Centre, formally renaming the Centre will see it included in electronic mapping systems and will aid in the formal identification and location of the Centre. Council has received support from a vast majority of current user groups to rename the centre to the '*Brookwood Community Centre*'.

**PARTICIPATION AND ENGAGEMENT**

Throughout January to March 2018 Council Officers engaged a range of local user groups in discussion regarding a potential name change. Groups engaged include;

- Doreen PROBUS
- Doreen Senior Group
- Laurimar Calisthenics
- Doreen Baptist Church
- Whittlesea U3A
- Zumba with Zoe
- Dance Power
- Doreen CFA
- Mummy and Me Playgroup
- Melbourne City Mission

All users engaged agreed with the necessity to change the name and to avoid future confusion, the vast majority of groups also supported the adoption of *Brookwood Community Centre* as the proposed name.

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

The Guidelines state that the proposed name must conform to 13 Principles. Council is required to provide a detailed assessment against each Principle. A preliminary assessment indicates that the proposed name generally conforms to the 13 Principles.

The Guidelines state that naming authorities must consult with the public on any naming proposal and must invite comments on the proposal from local residents, ratepayers and business in the immediate area. In this instance, the level of consultation would be restricted to the immediate and extended community through Council's website and letters to affected user groups.

### **CRITICAL DATES**

The process of approving and registering a name or renaming for a building or feature typically takes three to four months to complete. The steps required include:

1. Advisory Committee of Council to be appointed.
2. Public notices placed on Council's website inviting public submissions on 25 May 2018.
3. Consultation period open for at least four weeks closing on 22 June 2018.
4. Advisory Committee of Council meets late July 2018 to review submissions and make recommendations.
5. Advisory Committee's recommendations to be tabled for consideration and final decision by Council at the Council Meeting on 7 August 2018.
6. Following the Council Meeting, advise the Office of Geographic Names of the proposed name.
7. The Office of Geographic Names decides on the proposal.

### **FINANCIAL IMPLICATIONS**

The costs associated with advertising the proposed name change can be covered within existing budget allocations.

**POLICY STRATEGY AND LEGISLATION**

The naming process is governed by State Government Guidelines and there is a requirement for the proposed name to be assessed against specific criteria set out in the Guidelines for Geographic Names 2010.

**LINKS TO THE COUNCIL PLAN**

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

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

It is recommended that Council endorse the naming proposal for the purposes of public consultation.

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

1. Endorse the proposal to rename the centre located at 25 Hazelglen Drive Doreen, 'Brookwood Community Centre'
2. Invite written public submissions on the proposed renaming, in accordance with the Guidelines for Geographic Names 2010
3. Appoint an Advisory Committee of Council comprising Cr ....., Cr ..... and Cr ..... to hear and consider any written submissions
4. Have the Advisory Committee report back to Council with recommendation/s on the proposal at the close of the submission period.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Sterjova*

**SECONDED:** *Cr Joseph*

**THAT Council resolve to:**

1. **Endorse the proposal to rename the centre located at 25 Hazelglen Drive Doreen, 'Brookwood Community Centre'**
2. **Invite written public submissions on the proposed renaming, in accordance with the Guidelines for Geographic Names 2010**
3. **Appoint an Advisory Committee of Council comprising Cr Sterjova, Cr Joseph and Cr Cox to hear and consider any written submissions**
4. **Have the Advisory Committee report back to Council with recommendation/s on the proposal at the close of the submission period.**

**CARRIED UNANIMOUSLY**





**6.3 CITY TRANSPORT AND PRESENTATION****6.3.1 REVIEW OF TREE PRUNING PROCESSES TO REDUCE THE RISK OF FALLING BRANCHES NEAR PARKS AND HOMES**

**File No:** xx

**Attachments:** 1 **Map of 18 Harmony Drive, South Morang showing significant River Red Gums** [⇒](#)

**Responsible Officer:** Director City Transport & Presentation

**Author:** Manager Parks and Open Space

**RECOMMENDATION SUMMARY**

1. Note that significant River Red Gums in proximity to 18 Harmony Drive, South Morang are proactively and reactively managed to mitigate risk to people and property;
2. Note that the proactive and reactive programs to inspect and maintain significant River Red Gums across the municipality are industry best practise;
3. Note that a review of the tree maintenance specification including Council's tree pruning processes is occurring as part of the formation of a new maintenance contract. This accords with the petitioners request; and
4. Write to all residents and owners of properties at 18 Harmony Drive South Morang advising them of Council's decision and include information on the assessment of issues raised in the petition.

**KEY FACTS AND / OR ISSUES**

- A petition was received from eight residents of 18 Harmony Drive, South Morang in August 2017 requesting a review of Council's tree pruning process so as to reduce the risk of falling branches near parks and homes.
- The intent of the Whittlesea Planning Scheme Local Planning Policy Clause 22.10 River Red Gum Protection Policy is to protect significant River Red Gums.
- Standards for tree management are documented in policy documents and operationalized in the Parks and Gardens Maintenance contract (CT080901).
- Significant River Red Gums adjacent to 18 Harmony Drive have been inspected proactively and reactively and required works undertaken.
- The tree maintenance specification is currently being reviewed prior to advertising for a new contract which accords with the petitioners requests.

**REPORT****BACKGROUND**

A petition was received on 27 August 2017 from eight residents of 18 Harmony Drive, South Morang requesting that Council review its tree trimming process so as to reduce the risk of falling branches near parks and homes. The petition was tabled at the Council meeting held on 29 August 2017 and it was resolved to receive the petition and that a report be prepared for a future meeting.

The development at 18 Harmony Drive is comprised of nine units and is adjacent to Red Gum Grove Reserve with 36 significant River Red Gum trees which are in close proximity to residents' property. See attachment 1 for a map of 18 Harmony Drive and the adjacent Red Gum Grove Reserve showing the location of significant Red Gums as well as the location of street trees.

**Management of significant Red Gum trees**

Council has committed to protecting significant remnant River Red Gums in the River Red Gum Protection Policy, Local Planning Policy Clause 22.10 of the Whittlesea Planning Scheme.

There are currently 2539 proactively managed significant River Red Gum trees in the municipality. These iconic River Red Gum trees are a defining landscape feature of the City of Whittlesea. They contribute significantly to the character and environmental values of the City. With new development, the significant tree population of the City is growing at between one and five percent per year as they are transferred to Council for ongoing management.

While trees provide a multiplicity of benefits, they are living things which means they grow; are affected by environmental conditions; have the potential for disease and will ultimately die. There are risks associated with trees in open spaces where they interact with people, buildings and utilities. For this reason Council has a proactive risk management approach to tree maintenance to ensure that, as far as practicable, tree risks are mitigated. Trees will always pose a residual risk even after mitigation works are completed.

There is an annual proactive program to inspect significant River Red Gum trees and a works program to rectify any issues to enhance the health of the trees and to mitigate any potential risk of failure.

**Tree management programs**

In total, Council has management programs for more than 110,000 trees.

In order to maintain tree health and mitigate risk, Council has a number of tree management programs from developer hand over through to mature and significant tree management. These programs ensure that street and park trees are selected, planted and maintained to a high standard. This standard has been developed to deliver urban trees that provide amenity and environmental value and also enables Council to deal with the risks associated with the interaction between trees and other open space uses.

There are a number of proactive and reactive maintenance programs for established trees including:

- The proactive street tree cyclic maintenance program ensures that City of Whittlesea street trees are inspected and pruned if required, at least once every two years.
- An annual proactive program for identified trees in parks and streets requiring higher frequency maintenance to meet the standard. This more frequent pruning may be due to electric line clearance requirements or the growth habit of the tree.
- An annual proactive program to inspect park trees in close proximity to facilities such as childcare centres, picnic shelters, playgrounds, barbeques and a works program to

rectify any issues to enhance the health of the trees and to mitigate any potential risk of failure.

- A reactive program to respond to issues as they arise which includes responding to urgent tree risks within two hours, inspecting non urgent tree matters within 28 days and actioning works either immediately if urgent or within three months.

In addition, trees planted in streets and parks in new subdivisions must meet the required standard in the Landscape Specification to ensure that tree stock is of high quality; that it is well established and without defect prior to hand over to Council.

Council’s Parks and Gardens Maintenance contract (CT080901) specification requires the same Landscape Specification standard for all replacement trees in streets and parks.

Council’s Street Tree Management Plan 2016 documents the maintenance standard for all works in relation to street trees and park tree maintenance also conforms to this standard.

Despite this range of management programs, residual risk relating to trees will always remain. A measure of residual risk is provided by the number of tree related insurance claims and whether the claims were accepted. The following table provides information about the last three years of tree related claims regarding falling limbs and branches.

**Table 1: Number of claims received regarding falling limbs and branches**

	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Total number of claims</b>	39	23	23
<b>Number of claims accepted</b>	10	8	9
<b>Total amount paid</b>	\$13,564	\$13,052	\$13,907
<b>Average cost per claim</b>	\$1,356	\$1,632	\$1,545

Claims information demonstrates that while the population of trees managed by Council is increasing along with the increase in population and built assets, there is no corresponding increase in claim numbers.

**Proactive Red Gum management at Red Gum Grove Reserve, South Morang**

The Red Gums in Red Gum Grove Reserve are inspected annually by an independent arborist and recommended works are carried out by arborists employed by Council’s Parks and Gardens Maintenance contractor. The following provides a summary of the last three years inspection and pruning works:

2015 – Pruning undertaken for eleven trees.

2016 – No pruning works required

2017 – No pruning works required, four possum guards installed.

**Customer requests relating to significant Red Gums at 18 Harmony Drive, South Morang**

Since 2010, Council has received 9 requests about the Red Gums on Council property from 3 residents of 18 Harmony Drive.

One was received in January 2010 asking for the Red Gum overhanging their property to be inspected. There is no record of works.

Three relate to a branch falling from a Red Gum onto the fence in January 2018. One request was to remove the branch and the others relate to reinstating the damaged boundary fence. This event has resulted in an inspection of the tree and recommendations for further works.

Four other requests have been received including two in 2013, and two in 2017, relating to Red Gums overhanging property and concerns about the safety of the trees.

As a result of these requests, Red Gum trees in the reserve were inspected in August 2013 and were found to conform to council standards. There were no branches within two metres of a built structure and no structural defects were observed. In January 2014, a further inspection was undertaken resulting in weight reduction pruning and cabling of one tree.

In May 2017, staff inspected trees and undertook minor pruning. In addition, the annual inspection of the significant Red Gums in June 2017 found no structural or health issues with the group of trees.

## **PROPOSAL**

Council has comprehensive tree management programs, to manage risks. This includes a proactive and reactive maintenance program for significant River Red Gums, which are protected by Council's River Red Gum Protection Policy, which is independently acknowledged as being industry best practice. There is evidence that the annual inspection program together with reactive maintenance of River Red Gums in Red Gum Grove Reserve has successfully maintained the health and stability of the tree population. Notwithstanding, a residual risk remains as trees are living things affected by a range of inherent as well as environmental factors.

The current Parks and Gardens Maintenance contract (CT080901) expires on 31 March 2019. This has required review of the existing specification to identify opportunities for improvement. The key changes relevant to improved pruning programs are summarised as follows:

- Inclusion of proactive management of rural roadside trees
- Expanding the park tree management program to include all park trees
- Improving the response to non-urgent customer requests from 28 to 21 days
- Improved quality monitoring of contractor works

In addition to Council's proactive risk programs, residents may also report concerns about any tree and further inspections will be carried out as well as any resulting works.

## **PARTICIPATION AND ENGAGEMENT**

The review of the tree maintenance specification has incorporated benchmarking with other councils and extensive internal consultation.

## **CRITICAL DATES**

There are no critical dates.

## **FINANCIAL IMPLICATIONS**

The improved specification for tree maintenance will result in higher maintenance costs with the new contract commencing in 2018-19.

## **POLICY STRATEGY AND LEGISLATION**

The tree protection, levels of service and works carried out are consistent with the Whittlesea Planning Scheme, Council's Street Tree Management Plan (2016), Environmental Sustainability Strategy (2013) and the Natural and Built Shade Policy (2016).

In addition tree maintenance conforms to the Electricity Safety Act 1998.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Planning and Infrastructure</b>
<b>Future Direction</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Open space</b>
<b>Strategic Objective</b>	<b>We have open spaces that are welcoming and safe for public gathering</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The petition requesting that Council review its tree trimming process so as to reduce the risk of falling branches near parks and homes has been assessed in the context of Council’s current standards for tree management and maintenance, the Street Tree Management Plan 2016 and the review of the specification for Parks and Open Space Maintenance Services. Residual risk relating to trees has been quantified using the number and value of claims presented to Council in relation to falling tree limbs and branches.

The petition has also been assessed in relation to the history of requests from 18 Harmony Drive residents about the significant Red Gums at Red Gum Grove Reserve adjacent to their property. Council has proactively managed the risks associated with Red Gums in the reserve, has also responded to residents’ requests for further inspections and carried out any works required.

It is not possible to completely eliminate the risk of trees losing limbs. The recent claims history demonstrates the low number and value of claims in relation to the whole population of managed trees.

It is considered that the petitioners request for a review of Council’s tree pruning process so as to reduce the risk of falling branches near parks and homes has been undertaken as a consequence of the current review of the Parks and Gardens Maintenance contract (CT080901) tree maintenance specification. The review has found that annual proactive inspection of Significant River Red Gums is industry best practise and in addition, residents may request further reactive inspections if they have concerns regarding specific trees.

**RECOMMENDATION**

**THAT Council resolve to:**

1. Note that significant River Red Gums in proximity to 18 Harmony Drive, South Morang are proactively and reactively managed to mitigate risk to people and property;
2. Note that the proactive and reactive programs to inspect and maintain significant River Red Gums across the municipality are industry best practise;
3. Note that a review of the tree maintenance specification including Council's tree pruning processes is occurring as part of the formation of a new maintenance contract. This accords with the petitioners request; and
4. Write to all residents and owners of properties at 18 Harmony Drive South Morang advising them of Council's decision and include information on the assessment of issues raised in the petition.

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Joseph*  
**SECONDED:**              *Cr Kozmevski*

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

**CARRIED UNANIMOUSLY**

**6.4 CORPORATE SERVICES****6.4.1 PANEL CONTRACT EXPENDITURE DISTRIBUTION****File No:** 171650**Attachments:**  
1 **Explanatory Notes** [⇒](#)  
2 **Panel Contract Expenditure Tables - Confidential****Responsible Officer:** Director Corporate Services**Author:** Team Leader Procurement**RECOMMENDATION SUMMARY**

That Council note the report.

**KEY FACTS AND / OR ISSUES**

At Council's request a report is presented biannually detailing the comparative distribution of expenditure to contractors engaged to deliver works, goods and services under current panel contract arrangements.

- These reports have been presented since 20 March 2012.
- The attached tables and supporting material explain the various methods of work order allocation and provide commentary on each panellist.
- The data indicates that panel contract expenditure is currently being allocated according to processes which enable fairness, transparency and best value.

**REPORT****INTRODUCTION**

Council undertakes tender processes to establish contracts for the provision of works, goods and services. In accordance with approved procedures, the tenders received are evaluated against four standard criteria: price, capability, capacity and impact.

Depending on the nature of the contract, Council will either award it to a single company or appoint a panel of contractors to meet the organisation's needs. Panel contractors are usually selected due to their particular capacity or specialty.

Schedule of Rates (SoR) panel contracts are established to expedite the engagement of contractors where works or services are needed repeatedly over a period of time and where the total value of the contract is unknown at the time it is established. This enables achievement of better value by:

- Leveraging economies of scale
- Minimising administration
- Ensuring efficient, responsive and continuous service.

The expenditure data for this report was prepared on 5 March 2018 for 13 active SoR panel contracts in use throughout the organisation. Expenditure to every contractor on all of these panels is addressed in the attachments.

**BACKGROUND**

Expenditure is drawn from budgets which have previously been approved by Council. Efficiency is achieved because the terms and conditions of SoR contracts are only established once at the beginning of the contract and apply throughout the whole contract term (generally a period of three to five years). In accordance with the Council's Procurement Policy the allocation, variation and finalisation of individual orders made under panel contracts may be approved by the CEO or under delegated authority.

Some key points to note include:

1. The even distribution of spend across panel members is not an objective of the order allocation process. If more than one panel member is able to satisfy the stated requirements then an evaluation is conducted to identify which contractor is available, has the most appropriate skills and resources, etc, and ultimately offers best value.

This means that the value of work allocated to individual contractors over the life of the contract may vary substantially.

2. The approved Procurement Procedures require that individual SoR contract orders for significant projects:
  - Are limited to a maximum value of:
    - \$500,000 including GST for civil works, or
    - \$100,000 including GST for all other works, goods and services.
  - Will predominantly consist of items that are listed in the contract schedules. Non-scheduled items will only constitute a maximum of 20% of the total order value.



**PROPOSAL**

Explanatory Notes (Attachment 1) and Panel Contract Expenditure Tables (Confidential Attachment 2) are provided for Council’s information. The tables detail payments made under all current panel contracts from the contract commencement date through to 5 March 2018. It is proposed that Council reviews and notes this information.

**PARTICIPATION AND ENGAGEMENT**

Contract Managers responsible for each contract were consulted for comment in relation to the expenditure. Relevant commentary is included in Confidential Attachment 2.

**FINANCIAL IMPLICATIONS**

Expenditure under panel contracts is drawn from operational budgets which have previously been approved by Council. The estimated total expenditure under each panel contract is also approved by Council (or an appropriate Delegate) when the contract is awarded and again whenever it is extended or varied.

**POLICY STRATEGY AND LEGISLATION**

Regular financial monitoring and reporting of panel contract expenditure is consistent with section 2.2.4 of Council’s Procurement Policy (Responsible Financial Management), and item 10 of the Procurement Development Plan (Supplier Performance Management).

Wherever required, the panel contracts were established in accordance with the requirements of section 186 of the *Local Government Act 1989*.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Organisational Sustainability</b>
<b>Future Direction</b>	<b>Good governance</b>
<b>Theme</b>	<b>Continuous improvement</b>
<b>Strategic Objective</b>	<b>Our Council monitors and evaluates all of its operations</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The attached tables and supporting material indicate that panel contract expenditure is currently being allocated according to processes which enable fairness, transparency and best value.

<b>RECOMMENDATION</b>
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THAT Council resolve to note the report.

<b>COUNCIL RESOLUTION</b>
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**MOVED:**                    *Cr Joseph*  
**SECONDED:**            *Cr Kozmevski*

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

**CARRIED UNANIMOUSLY**

**6.4.2 PART 49 SACKVILLE STREET, MERNDA - ROAD DISCONTINUANCE -  
COMMITTEE OF COUNCIL RECOMMENDATION**

**File No:** 190731

**Attachments:** 1 [Site Plan](#) ⇨  
2 [Advertising Plan](#) ⇨

**Responsible Officer:** Director Corporate Services

**Author:** Senior Property Officer

**RECOMMENDATION SUMMARY**

1. Note that no public submissions were received in response to the proposed discontinuance and transfer of road (11.2m<sup>2</sup>) to the adjoining landowner at 49 Sackville Street, Mernda.
2. Formally discontinue and transfer a section of road (marked 'red' in Attachment 1) to the adjoining landowner at 49 Sackville Street, Mernda. The road will be exchanged for one section of land (marked 'yellow' in Attachment 1), and enable the construction and widening of Sackville, William and Wellington Streets, Mernda, and the connecting intersections.

**KEY FACTS AND / OR ISSUES**

- The discontinuance will allow Council to transfer the section of road reserve to the adjoining landowner at 49 Sackville Street, Mernda, in exchange for one section of land that is currently owned by the owner of 49 Sackville Street.
- The proposal removes the inconsistencies in the width of existing road reservations that prohibit the desired 20.6m road width from being achieved under the Mernda West Development Plan.
- This proposal has no financial impact to Council as it is in effect an exchange of land only. All additional costs associated with the transfer, i.e. surveying, advertising and transfer, will be borne by the Applicant under planning permit 716913.
- No submissions were received at the close of the advertising period (14 March 2018). A memo was sent to the Committee of Council on Wednesday 14 March 2018, advising that no public submissions were received and the Committee of Council hearing would not be required.

**REPORT**

**BACKGROUND**

Council, at its meeting held on 6 February 2018, formally resolved to discontinue a section of road reserve (11.2m<sup>2</sup>) and transfer it to the adjoining landowner at 49 Sackville Street, Mernda, in exchange for one section of land to Council (also shown on *Attachment 1 – Site Plan and Attachment 2 – Advertising Plan*).

The exchange would remove inconsistencies in road reservations widths and enable the construction and widening of Sackville, William and Wellington Streets, Mernda, and the connecting intersections.

**PROPOSAL**

To seek Council’s final recommendation in consideration of the public submissions received (none).

The proposal facilitates the removal of inconsistencies in the width of existing road reservations that prohibit the desired 20.6m road width from being achieved under the Mernda West Development Plan.

**COMMITTEE OF COUNCIL**

A Committee of Council, comprising of Cr Emilia Lisa Sterjova, Cr Ricky Kirkham and Cr Tom Joseph, was appointed to consider any written submissions received in response to Council’s public notice advertised in the Whittlesea Leader on Tuesday 13 February 2018.

No submissions were received at the close of the advertising period (14 March 2018, 12 noon). A memo was sent to the Committee of Council on Wednesday 14 March 2018, advising that no public submissions were received and the Committee of Council hearing would not be required.

**FINANCIAL IMPLICATIONS**

This proposal has a nil financial impact to Council as it is in effect an exchange of land only.

All additional costs associated with the transfer, i.e. surveying, advertising and transfer, will be borne by the Applicant.

**POLICY STRATEGY AND LEGISLATION**

Council has sought public submissions on the proposed discontinuance under Section 206 and 223 of the *Local Government Act 1989*. Submissions were invited for a period of no less than 28 days and referred on to an appointed Committee of Council for consideration. The appointed Committee has been advised that no submissions were received.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Planning and Infrastructure</b>
<b>Future Direction</b>	<b>Accessibility in, out and around our City</b>
<b>Theme</b>	<b>Built environment</b>
<b>Strategic Objective</b>	<b>Our neighbourhoods are designed to be well-connected and create cohesive communities</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The proposed discontinuance and transfer of a section of road reserve (11.2m<sup>2</sup>) to the adjoining landowner at 49 Sackville Street, Mernda, in exchange for one section of land would remove inconsistencies in road reservations widths and enable the construction and widening of Sackville, William and Wellington Streets, Mernda, and the connecting intersections.

**RECOMMENDATION**

**THAT Council resolve to:**

1. **Note that no public submissions were received in response to the proposed discontinuance and transfer of road to the adjoining landowner at 49 Sackville Street, Mernda.**
2. **Formally discontinue and transfer a section of road (marked 'red' in Attachment 1) to the adjoining landowner at 49 Sackville Street, Mernda. The road will be exchanged for one section of land (marked 'yellow' in Attachment 1), and enable the construction and widening of Sackville, William and Wellington Streets, Mernda, and the connecting intersections.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Joseph*  
**SECONDED:** *Cr Kozmevski*

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

**CARRIED UNANIMOUSLY**



**6.4.3 73 MCDONALDS ROAD EPPING - SALE OF COUNCIL LAND - AMBULANCE VICTORIA**

**File No:** 172954

**Attachments:** 1 **Site Plan & Photo** [⇒](#)  
2 **Section 24A Plan** [⇒](#)

**Responsible Officer:** Director Corporate Services

**Author:** Senior Property Officer

**RECOMMENDATION SUMMARY**

That Council:

1. Sell the land located at 73 McDonalds Road, Epping (1,376m<sup>2</sup>) to Ambulance Victoria for a negotiated price of \$1,000,000 plus GST for the construction and delivery of a new state-of-the-art ambulance facility.
2. Request Ambulance Victoria to pay a 10% deposit upon signing of the contracts with a settlement term of 60 days.
3. Offset the projected costs (approximately \$43,000 plus GST) of works associated with creating an independent title for transfer of the land to Ambulance Victoria against the proposed purchase price.

**KEY FACTS AND / OR ISSUES**

- Ambulance Victoria has occupied the premises under successive leases, since its construction in 1991.
- The station was originally constructed and funded locally through the community. Ambulance Victoria presently has three teams stationed at Epping and attends to 500 callouts each month. Demand for services, are now at a premium and the present staff have outgrown the facility.
- The existing station will be demolished in place of a new state-of-the-art facility (\$1.74 million) that will be funded under the State Government.
- Proposal to enter into a new peppercorn lease (30 years with a 10 year further term) was revoked with Ambulance Victoria in favour of suitable funding being obtained to enable the acquisition of Council's land for the construction of the new facility.
- Council and Ambulance Victoria surrender the existing lease which will expire on 30 September 2018.

**REPORT****BACKGROUND**

Council, at its meeting held on 18 April 2017, formally resolved to enter into negotiations with AV for the proposed sale of land known as 73 McDonalds Road, Epping (see *Attachment 1 – Site Plan & Photo and Attachment 2 – Section 24A Plan*).

The report had originally proposed that the current lease held between Council and AV (expiring 30 September 2018) be surrendered in favour of a long term lease to enable the establishment of a larger, more modern facility that will accommodate an increased number of paramedics and vehicles, as well as updating the facilities to improve response rates to medical emergencies.

The existing station would be demolished in place of a new state-of-the-art facility (\$1.74 million) that will be funded under the State Government.

The proposal is part of a \$27.3 million boost to rebuild and upgrade ambulance stations and medical vehicles and meet the on-going needs of a rapidly growing community within Epping.

Council officers have since advised AV representatives that the proposal to enter into a new peppercorn lease (30 years with a 10 year further term) was no longer proposed and that suitable funding be obtained to enable the acquisition of Council's land for the construction of the new facility.

The terms of the sale would also include that the land be subdivided given that part of the land is presently used for car-parking for the Greenbrook Community House. Council officers will undertake all surveying works to create an independent title for the transfer of land to AV and ensure that it is fully serviced by the relevant statutory authorities. The projected costs would be approximately \$43,000 plus GST) and be offset against the proposed purchase price. The services are presently shared with the adjoining Greenbrook Community House.

AV has submitted a formal offer to acquire the land under the following terms which Council officers have reviewed:

- Sale price       \$900,000
- Terms            10% deposit / 60 day settlement
- Conditions      That the land be subdivided by Council to form its own title and all service connections are made available.

Following discussions with AV, Council's Manager Property, Rates & Valuations has negotiated that the land be sold for a price of \$1,000,000 plus GST, which will be inclusive of all subdivision costs. The proposed sale price is supported by the Valuer General Victoria who confirmed a valuation of \$1,000,000 on 23 March 2018. Funding for the proposed purchase has also been approved through DHS.

Council officers are presently finalising Planning Permit 716422 for the decommissioning and construction of the new ambulance station. A temporary facility will be located within Miller Street, Epping whilst the works are undertaken.

**PROPOSAL**

It is proposed that Council and AV enter into a contract of sale for Council's land known as 73 McDonalds Road, Epping (1,376m<sup>2</sup>) for a negotiated price of \$1,000,000 plus GST, which will be inclusive of all sub-division costs. .

The terms of the sale will be made via private treaty and require a 10% deposit upon signing of the contracts. Settlement will remain payable within 60 days of the contract signing date. The land will be utilised for the construction and delivery of a new state-of-the-art ambulance facility.



Council officers arrange for all surveying works to create an independent title for the transfer of land to AV and ensure the property is fully serviced by the relevant statutory authorities. The projected costs would be approximately \$43,000 plus GST and be offset against the proposed purchase price.

**CRITICAL DATES**

Council officers and AV representatives have noted that the current lease will expire on 30 September 2018 which provides both parties with an opportunity to negotiate the terms of a contract of sale in conjunction with the establishment of a larger, more modern facility. A Heads of Agreement will be drawn up to recognise that all improvements on the land remain in the ownership of AV and will be removed following the settlement of the contract of sale and surrender of lease.

**FINANCIAL IMPLICATIONS**

Following discussions with AV, Council’s Manager Property, Rates & Valuations has negotiated that the land be sold for a price of \$1,000,000 plus GST, which will be inclusive of all subdivision costs.

Council officers have confirmed that all costs, associated with the decommissioning of the existing ambulance station and the establishment of a new facility, will be borne by AV. A media release, dated 27 May 2016, confirmed that the total funding allocated to the project would be \$1.74 million.

Surveying/servicing works to create an independent title for the transfer of land to AV (approximately \$43,000 plus GST) will be offset against the proposed purchase price.

All funds generated from the sale of the land will be reinvested into Council’s land banking reserve.

**POLICY STRATEGY AND LEGISLATION**

Council is not required to seek public submissions on the proposed contract of sale under Section 191 of the *Local Government Act 1989*. A Council may transfer, exchange or lease any land to the Crown, Minister or public body without the requirement to invite public submissions under Section 189 of the *Local Government Act 1989*.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Planning and Infrastructure</b>
<b>Future Direction</b>	<b>Accessibility in, out and around our City</b>
<b>Theme</b>	<b>Built environment</b>
<b>Strategic Objective</b>	<b>Our neighbourhoods are designed to be well-connected and create cohesive communities</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The proposed contract of sale and surrender of the existing lease will enable the establishment of a larger, more modern facility that will accommodate an increased number of paramedics and vehicles, as well as updating the facilities to improve response rates to medical emergencies.

**RECOMMENDATION**

**THAT Council resolve to:**

1. Enter into a contract of sale and surrender of lease with Ambulance Victoria in accordance with Section 191 of the *Local Government Act 1989*, under the following terms and conditions -
  - a) Ambulance Victoria purchase Council’s land located at 73 McDonalds Road, Epping (1,376m<sup>2</sup>) for the construction and delivery of a new state-of-the-art ambulance facility.
  - b) Sell the land to Ambulance Victoria for an agreed price of \$1,000,000 plus GST and request a 10% deposit upon signing the contracts and settlement within 60 days.
  - c) Engage a land surveyor to undertake all surveying works to create an independent title for the transfer of land to Ambulance Victoria and ensure that it is fully serviced by the relevant statutory authorities. The projected costs would be approximately \$43,000 plus GST and be offset against the proposed purchase price.
2. Authorise the Chief Executive Officer to negotiate all other terms and conditions, including the signing of the contract of sale and transfer of land document.
3. Reinvest all funds generated from the sale of the land into Council’s land banking reserve.

**COUNCIL RESOLUTION**

**MOVED:** Cr Cox  
**SECONDED:** Cr Joseph

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

**CARRIED UNANIMOUSLY**

**6.4.4 FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 31 MARCH 2018**

**File No:** 146746

**Attachments:** 1 **Financial Performance Report - March 2018** [⇒](#)

**Responsible Officer:** Director Corporate Services

**Author:** Team Leader Management Accounting

**RECOMMENDATION SUMMARY**

1. Note the Financial Performance Report for the period ended 31 March 2018.

**KEY FACTS AND / OR ISSUES**

Quarter 3 Financial Performance Report:

- Income statement in the Quarter 3 report shows a favourable year to date variance of Council's underlying surplus of \$4.58 million.
- Favourable income variances have occurred in operating grants (\$1.51 million) and capital grants (\$3.48 million) and developer contributions (\$2.70 million); Major expenditure variations predominately due to the early repayment of one loan parcel which will bring significant interest savings over the coming years.

**REPORT**

**INTRODUCTION**

The Financial Performance Report for the period ended 31 March 2018, is presented for consideration by Council, in accordance with the *Local Government Act 1989*.

**BACKGROUND**

The Financial Performance Report includes the following financial statements:

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

A detailed analysis of income and expenditure in the comprehensive income statement is included in the report. The statement shows a favourable year to date variance of Council’s underlying surplus of \$4.58 million.

Favourable income variances have occurred in operating grants (\$1.51 million) and capital grants (\$3.48 million) and developer contributions (\$2.70 million); Major expenditure variations predominately due to the early repayment of one loan parcel which will bring significant interest savings over the coming years.

**CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

The financial implications are detailed in the report.

**POLICY STRATEGY AND LEGISLATION**

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

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Organisational Sustainability</b>
<b>Future Direction</b>	<b>Good governance</b>
<b>Theme</b>	<b>Resource management</b>
<b>Strategic Objective</b>	<b>Our Council strives to achieve long term financial sustainability</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

For the nine month period ending 31 March 2018, Council's underlying surplus shows a favourable year to date variance of \$4.58 million against budget.

**RECOMMENDATION**

**THAT Council resolve to:**

1. **Note the Financial Performance Report for the period ended 31 March 2018.**

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Joseph*  
**SECONDED:**                *Cr Kozmevski*

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

**CARRIED UNANIMOUSLY**



**6.5 PARTNERSHIPS & ENGAGEMENT****6.5.1 EPPING COMMUNITY SERVICES HUB - SUB TENANCIES****File No:** 193865**Responsible Officer:** Director Partnerships & Engagement**Author:** Social Policy and Projects Officer**RECOMMENDATION SUMMARY**

THAT Council resolve to endorse Banyule Community Health, African Australian Welfare Bureau, Ermha Ltd, Interact Australia (Victoria) Ltd, Youth Projects and MAS National Limited as sub-tenants of the Epping Community Services Hub (713 High St, Epping).

**KEY FACTS AND / OR ISSUES**

- Council's establishment of the Epping Community Services Hub (ECSH): facilitates the expansion of much needed human service provision to the municipality; responds to the current needs of the community and gaps in service provision and infrastructure.
- Council's resolution on 24 February 2015 requires formal endorsement of all sub-tenancies of ECSH.
- The six (6) agencies presented for endorsement will provide much needed services for Whittlesea residents. The agencies are fully committed to the vision of the Hub as an integrated service model and are deemed to be important services to contribute to community wellbeing.

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**REPORT**

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**INTRODUCTION**

Council has received applications from five agencies: Banyule Community Health; African Australian Welfare Bureau; Ermha Ltd, Interact Australia (Victoria) Ltd, Youth Projects Ltd and MAS National Limited; to locate their services from the Epping Community Services Hub (the Hub) and provide services to Whittlesea residents. The total capacity of the Hub is 110 desks. Currently there are 80.6 desks being leased. There is, therefore, capacity for the thirteen (13) desks being required from these six agencies. More importantly, these agencies are responding to identified needs in the community for additional mental health care, support for African migrants, disability services and employment services for young people (CALD and those with a disability).

The lead tenant, Brotherhood of St Laurence (BSL) and Council officers are satisfied that these agencies will provide much needed services for Whittlesea residents and that the agencies are fully committed to the vision for the Hub as an integrated service model, as stipulated by Council

In accordance with Council's resolution on 24 February 2015 this report recommends that Council formally endorse Banyule Community Health, African Australian Welfare Bureau, Ermha Ltd, Interact Australia (Victoria) Ltd, Youth Projects Ltd and MAS National Limited; as sub-tenants of the Epping Community Services Hub (713 High St, Epping)

**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 Community 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, to 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.

**PROPOSAL**

The following six (6) services have requested approval from Council to locate their services at the Hub and occupy a total of thirteen (13) desks;

- **Banyule Community Health - LIFT Mental Health Stepped Care** to occupy 2 desks.

LIFT will provide accessible mental health care for marginalised people of all ages and support to their families. The LIFT model of care is highly integrated with other services and works holistically within a strengths-based, recovery orientated framework.

- **African Australian Welfare Bureau – Northern Local Drugs and Alcohol Team** to occupy 1 Desk.

This service is new to the municipality and works in partnership to provide welfare, support and resources to make a difference in the lives of African Migrants in Australia. African Australian Welfare Bureau's location at the Hub will enhance service delivery to people of African background in the north, and support self-reliant, integrated and flourishing migrant communities in the City of Whittlesea.



- **Ermha Ltd- Client Directed Care** to occupy 4 desks.

This service is new to the municipality and provides individually tailored services including NDIS, Targeted Care packages and Traffic Accident Commission cases. Ermha's location at the Hub will enhance service delivery in the north and enable more people to access to Client Directed Care services.

- **Interact Australia (Victoria) Ltd – Disability Employment Service** to occupy 2 desks.

This service will provide a comprehensive range of employment services to people experiencing disability issues, including mental health, neurological, psychological, learning and injury. Interact Australia works actively with local industry, employers, schools and education providers.

- **Youth Projects Ltd –Disability Employment Services** to occupy 2 desks.

This service is new to the municipality and provides immediate access to tailored services for youth job seekers who have a disability, injury or health condition. Youth Projects location at the Hub will enhance service delivery in the north and support more youth jobseekers to access secure employment in the open market.

- **MAS National Ltd – Australian Apprenticeship Support Services** to occupy 2 desks.

MAS National Limited will provide quality apprenticeship support services aimed to improve successful completion outcomes for trainees, apprentices and employers. MAS National works closely with partners; such as Victorian Multicultural Commission, Hume Whittlesea LLEN and local secondary and tertiary education providers; to engage and support young people, particularly those from culturally and linguistically diverse backgrounds, into supported apprenticeships.

Discussions have been held with Council officers and the lead tenant, BSL, to ensure the services are required by the local community and the agencies support the integrated service provision model stipulated by Council. BSL and Council officers are satisfied that this requirement is met by all six agencies.

## **PARTICIPATION AND ENGAGEMENT**

Consultations have been undertaken with relevant Council officers, BSL as well as other agencies located at the Hub.

## **CRITICAL DATES**

The agencies plan to commence operations at the Hub as soon as possible 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 (BSL) leasing the building from Council and then developing sub-leases with individual agencies (subject to Council approval). There are no financial implications for Council.

**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 2017) 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 provides an opportunity to meet the current needs of the community and respond to the evidence of significant population growth.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Health and Wellbeing</b>
<b>Future Direction</b>	<b>Health and wellbeing</b>
<b>Theme</b>	<b>Healthy community</b>
<b>Strategic Objective</b>	<b>Health and human services are accessible and responsive to the needs and aspirations of all people</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

Banyule Community Health, African Australian Welfare Bureau, Ermha Ltd, Interact Australia (Victoria) Ltd, Youth Projects Ltd and MAS National Limited will provide much needed services for Whittlesea residents. The agencies are fully committed to the vision for the Hub as an integrated service model and are deemed to be important services to contribute to community wellbeing.

**RECOMMENDATION**

**THAT Council resolve to endorse Banyule Community Health, African Australian Welfare Bureau, Ermha Ltd, Interact Australia (Victoria) Ltd, Youth Projects Ltd and MAS National Ltd as sub-tenants of the Epping Community Services Hub (713 High St, Epping).**

**COUNCIL RESOLUTION**

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

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

**CARRIED UNANIMOUSLY**

**6.5.2 ASSEMBLIES OF COUNCIL REPORT - 1 MAY 2018**

**File No:** 188199

**Responsible Officer:** Director Partnerships & Engagement

**Author:** Governance Officer

**RECOMMENDATION SUMMARY**

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

**KEY FACTS AND/OR ISSUES**

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

**REPORT**

**BACKGROUND**

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

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

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

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

**PROPOSAL**

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

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Whittlesea Reconciliation Group Meeting <b>22 February 2018</b>	Cr Cox	ALC MCCD TLACD	1. Membership 2. Acceptance of 7 December Minutes 3. 2018 Councillor appointments 4. Aboriginal Liaison Officer Report 5. WRG Budget 6. Annual Program 7. Stretch RAP 2017 – 2020; Aboriginal Gathering Place Feasibility Study Update 8. Conversations with Mayor & CEO Meeting 9. Discussion: Change the Date 10. Community Festival Update 11. St Damian’s Primary School  <i>Nil disclosures</i>
Council Forum <b>27 February 2018</b>	Cr Pavlidis (Mayor) Cr Alessi Cr Cox Cr Desiato Cr Joseph Cr Kirkham Cr Kozmevski Cr Monteleone	AO CEO DCS DCRS DCTP DPE DPMP MACED MMP TLBS	1. Land Capability Assessment 2. 18/19 Draft 4 Year New Works Plan  <i>Nil disclosures</i>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Arts Cultural and Sporting Grants Program for Young People <b>1 March 2018</b>	Cr Cox Cr Desiato	CDGO MCBP TLCI	The advisory committee made a recommendation to the delegate regarding the following application via a virtual meeting:  Matt Hall – Sporting Grant – Overseas – Withdrawn  <i>Nil disclosures</i>
Council Forum <b>20 March 2018</b>	Cr Pavlidis (Mayor) Cr Alessi Cr Desiato Cr Kelly Cr Kozmevski Cr Lalios Cr Monteleone	CEO DCS DCRS DCTP DPE DPMP MG	1. Review of Procedural Matters Local Law 2. Community Council Meeting 2018 3. CEO Financial Delegations 4. Chief Executive Officer Employment Matters Advisory Committee – Terms of Reference 5. Councillor Retreat Update  <i>Nil disclosures</i>
Council Forum <b>27 March 2018</b>	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor) Cr Alessi Cr Cox Cr Desiato Cr Kozmevski Cr Lalios Cr Monteleone	ADCS CEO DCRS DCTP DPMP DPE MFA MMP TLBS TLMA	1. 2018/2019 Proposed Budget  <i>Nil disclosures</i>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
ADCS	Acting Director Community Services – Neville Kurth	MACED	Manager Advocacy Communications and Economic Development – Sean McManus
AO	Agribusiness Officer – Annemaree Docking	MCBP	Manager Community Building and Planning – Belgin Besim
ALC	Aboriginal Liaison Coordinator – Donna Wright	MCCD	Manager Community Cultural Development – Catherine Rinaudo
CEO	Chief Executive Officer – Simon Overland	MFA	Manager Finance & Assets – Amy Montalti
CDGO	Community Development Grants Officer – Caitlin Armstrong	MG	Manager Governance – Michael Tonta
DCS	Director Community Services – Russell Hopkins	MMP	Manager Major Projects – Nick Mazarella
DCRS	Director Corporate Services – Helen Sui	TLACD	Team Leader Aboriginal & Cultural Diversity – Nick Butera
DCTP	Director City Transport and Presentation– Nick Mann	TLBS	Team Leader Business Support – Rod Cann
DPE	Director Partnerships and Engagement – Liana Thompson	TLCI	Team Leader Community Inclusion – Kelisha Nikitas

Initials	Title of Officer	Initials	Title of Officer
DPMP	Director Planning & Major Projects – Steve O'Brien	TLMA	Team Leader Management Accounting – Graham Haylock

**CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

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

**POLICY STRATEGY AND LEGISLATION**

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

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

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

**LINKS TO THE COUNCIL PLAN**

- Council Priority**            **Organisational Sustainability**
- Future Direction**        **Good Governance**
- Theme**                      **Continuous improvement**
- Strategic Objective**    **Our Council monitors and evaluates all of its operations**

The provision of this report is in line with the Council Priority 5 – Organisational Sustainability - Good Governance of Council's Council Plan by ensuring Council monitors and evaluates all of its operations.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

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

<b>RECOMMENDATION</b>
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THAT Council note the record of the Assemblies of Councillors meetings in the table set out in the report.

<b>COUNCIL RESOLUTION</b>
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**MOVED:**                      *Cr Joseph*  
**SECONDED:**                *Cr Kozmevski*

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

**CARRIED UNANIMOUSLY**





**6.6 EXECUTIVE SERVICES**

**NIL REPORTS**



**7. NOTICES OF MOTION**

**NIL REPORTS**

**8. QUESTIONS TO OFFICERS**

**NIL**

**9. URGENT BUSINESS**

**NIL**

**10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES**

**NIL**

**11. CONFIDENTIAL BUSINESS**

**11.1 PLANNING AND MAJOR PROJECTS**

**NIL REPORTS**

**11.2 COMMUNITY SERVICES**

**NIL REPORTS**

**11.3 CITY TRANSPORT AND PRESENTATION**

**NIL REPORTS**

**11.4 CORPORATE SERVICES**

**NIL REPORTS**

**11.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**

**11.6 EXECUTIVE SERVICES**

**11.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 26 MARCH 2018 TO 20 APRIL 2018**

**11.7 NOTICES OF MOTION**

**NIL REPORTS**

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**COUNCIL RESOLUTION**

**MOVED:** Cr Joseph  
**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:**

**11.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 26 MARCH 2018 TO 20 APRIL 2018**  
*Confidential in accordance with Section 89(2)(h) of the Local Government Act 1989.*

**CARRIED UNANIMOUSLY**

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**ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7.06 PM.**

**THE MEETING WAS RE-OPENED TO THE PUBLIC AT 7.47 PM.**

**12. CLOSURE**

**THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 7.47PM.**

**CONFIRMED THIS 5 JUNE 2018**

**CR KRIS PAVLIDIS  
MAYOR**