



City of
Whittlesea

MINUTES

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 2 OCTOBER 2018

AT 6.49PM

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

COUNCILLORS

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

SENIOR OFFICERS

SIMON OVERLAND

CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

BEN HARRIES

ACTING DIRECTOR CITY TRANSPORT &
PRESENTATION

HELEN SUI

DIRECTOR CORPORATE SERVICES

LIANA THOMPSON

DIRECTOR PARTNERSHIPS, PLANNING &
ENGAGEMENT

MICHAEL TONTA

MANAGER GOVERNANCE

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

1. OPENING

1.1 MEETING OPENING AND PRAYER

CHIEF EXECUTIVE OFFICER EXPLANATORY NOTE

It is noted that a quorum was not present at the time fixed for the commencement of the meeting. The Mayor announced that the commencement of the meeting would be delayed for up to 30 minutes to allow for a quorum.

The Chief Executive Officer notes that the Mayor Cr Pavlidis, Cr Cox, Cr Joseph, Cr Kozmevski and Cr Alessi were present at 6.30pm.

It is also noted that Cr Desiato, Cr Lalios, Cr Kelly, Cr Kirkham, Cr Monteleone and Cr Sterjova were not present at 6.30pm.

Cr Desiato and Cr Monteleone entered the Council Chamber at 6:49pm

The Chief Executive Officer opened the meeting with a prayer at 6:49pm.

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 GROWING SUBURBS FUNDING

The Mayor, Cr Pavlidis announced that two projects in the City of Whittlesea have received funding in the latest round of the State Government's Growing Suburbs Fund.

The Harvest Home Road Community Pavilion has received \$2.8 million and the Urban Streetscape Improvements Project for High Street Thomastown has received \$1.45 million.

In the past two years Council has been successful in receiving more than \$20 million for 17 projects from this Fund.

1.4 VICTORIAN PLANNING AUTHORITY GRANTS FOR DIGITAL ENHANCEMENTS

The Mayor, Cr Pavlidis also announced that Council has received \$150,000 of State Government grants from the Victorian Planning Authority to develop an interactive online system for building and planning.

These changes will make the planning process a lot simpler for residents and developers who will for example be able to lodge planning applications online.

The Mayor, Cr Pavlidis congratulated all staff involved and Council looks forward to seeing the results.

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 Caz Monteleone	Councillor (South West Ward)
Cr Tom Joseph	Councillor (North Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Alahna Desiato	Councillor (South East Ward)

Officers:

Mr Simon Overland	Chief Executive Officer
Mr Russell Hopkins	Director Community Services
Mr Ben Harries	Acting Director City Transport & Presentation
Ms Helen Sui	Director Corporate Services
Ms Liana Thompson	Director Partnerships, Planning & Engagement
Mr Michael Tonta	Manager Governance

2. APOLOGIES

APOLOGY

Cr Alessi moved an apology for Cr Sterjova for this meeting.

COUNCIL RESOLUTION

MOVED: *Cr Alessi*
SECONDED: *Cr Joseph*

THAT the Councillor's apology be received.

CARRIED UNANIMOUSLY

APOLOGY

Cr Monteleone moved a leave of absence for Cr Lalios for this meeting.

MOTION

MOVED: *Cr Monteleone*

THAT Cr Lalios' request for leave of absence for this meeting be granted.

COUNCIL RESOLUTION

MOVED: Cr Cox
SECONDED: Cr Kozmevski

THAT Council resolve to defer consideration of Cr Lalios' apology to later in the meeting.

CARRIED

Chief Executive Officer Explanatory Note

Consideration of Cr Lalios' request for leave of absence took place after the meeting was re-opened to the public after consideration of Confidential business.

COUNCIL RESOLUTION

MOVED: Cr Monteleone
SECONDED: Cr Desiato

THAT Cr Lalios' request for leave of absence for this meeting be granted.

LOST

DIVISION

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

For	Against	Abstained
Cr Monteleone	Cr Cox	Cr Pavlidis
Cr Desiato		Cr Kozmevski
		Cr Alessi
		Cr Joseph

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

LOST

3. DECLARATIONS OF INTEREST

NIL

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

MOVED: *Cr Joseph*

SECONDED: *Cr Cox*

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

Ordinary Meeting of Council held 4 September 2018.

CARRIED

5. QUESTIONS, PETITIONS AND JOINT LETTERS

5.1 QUESTIONS TO COUNCILLORS

NIL

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

5.2 PETITIONS

5.2.1 PETITION 16 WOODRUFF ROAD SOUTH MORANG

Cr Joseph tabled a petition from 21 residents requesting Council investigate and where appropriate take action to ensure the conditions of the building permit issued for 16 Woodruff Road, South Morang and relevant municipal laws and codes are being met.

RECOMMENDATION

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

THAT Council resolve to receive the petition from 21 residents requesting Council investigate and where appropriate take action to ensure the conditions of the building permit issued for 16 Woodruff Road, South Morang and relevant municipal laws and codes are being met and a report be prepared for a subsequent meeting.

CARRIED UNANIMOUSLY

5.2.2 PETITION - OBJECTION TO DEVELOPMENT PROPOSED AT 40 DALTON ROAD, THOMASTOWN, PLANNING APPLICATION NUMBER 717726

Tabled a petition from 424 residents objecting to development proposed at 40 Dalton Road Thomastown, planning application number 717726.

COUNCIL RESOLUTION

MOVED: *Cr Alessi*
SECONDED: *Cr Desiato*

THAT Council resolve to receive the petition from 424 residents objecting to development proposed at 40 Dalton Road, Thomastown, planning application number 717726 and that this petition be considered in conjunction with the Council Report on this planning application at a subsequent meeting.

CARRIED UNANIMOUSLY

5.3 JOINT LETTERS

NIL REPORTS

6. OFFICERS' REPORTS

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

THAT Council resolve to adopt the Recommendations for items numbers 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 6.1.8, 6.2.1, 6.2.3, 6.4.1, 6.4.2, 6.4.3 and 6.4.4.

CARRIED

Group Adoption of Items En Bloc

Councillors may choose not to consider reports on the Notice Paper individually and to resolve to adopt, in one resolution, the recommendations listed on the Notice Paper for a number of reports. Such a resolution will have the effect of adopting the Officer's recommendation for each of the reports identified in the Council resolution. The remaining items of business are considered and voted on separately.

6.1 PARTNERSHIPS, PLANNING & ENGAGEMENT**6.1.1 1 CURRAJONG STREET THOMASTOWN - CONSTRUCTION OF SIX DWELLINGS**

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

Responsible Officer: **Director Partnerships, Planning & Engagement**

Author: **Senior Planner**

APPLICANT: **Hung Cam Thich**

COUNCIL POLICY: **22.11 - Development Contribution Plan Policy**

ZONING: **Residential Growth Zone**

OVERLAY: **Development Contributions Plan Overlay – Schedule 3; and
Special Building Overlay (partial)**

REFERRAL: **Melbourne Water**

OBJECTIONS: **Four Objections, including a Petition with 17 Signatories**

RECOMMENDATION SUMMARY

That Council resolve to approve Planning Application No. 717459 and issue a Notice of Decision to Grant a Planning Permit, for the construction of six dwellings, at 1 Currajong Street Thomastown.

KEY FACTS AND / OR ISSUES

- It is proposed to construct five triple storey and one double storey dwellings on the site. The proposal also sought to reduce the one required on-site visitor car parking space, however Planning Scheme Amendment VC148, gazetted on 31 July 2018, removed this requirement. The dwellings will be sited along the length of the site, with vehicle access to each associated garage from the unnamed road along the southern side boundary.
- Notification of the application was undertaken and four objections, including one petition with 17 signatories have been received. The main grounds of objection include; the excessive number of dwellings, the triple storey nature of the dwellings, which does not accord with the existing neighbourhood character, overlooking into the adjoining land to the north of the site, overshadowing the adjoining land to the north of the site, the lack of available on-street car parking, the lack of sufficient verge to accommodate waste collection, excessive noise and decreasing property values.
- The proposal is appropriately located within a Residential Growth Zone, where increased densities are encouraged, and accords with the purposes and design standards of Clause 52.06 – Car Parking as well as the objectives and standards of Clause 55 – ResCode of the Whittlesea Planning Scheme. The overall height of the development, number of car parking spaces and proposed waste collection are all acceptable, therefore the application should be approved.

REPORT**SITE AND SURROUNDING AREA**

The site is a residential property located on the western side of Currajong Street in Thomastown, 170m east of Thomastown train station and shopping precinct(see Attachment 1).

The site contains a 15.2m frontage to Currajong Street, a 42.7m frontage to the unnamed road and a total site area of 650.3m². The site is relatively flat.

The site currently contains a single storey rendered dwelling with a pitched tiled roof. Vehicle access to the dwelling is obtained from a single width crossover and accessway along the southern side boundary (R.O.W.). A low rendered front fence encloses the site, while landscaping within the front setback is sparse, consisting of mainly low shrubs.

The surrounding area is characterised by single storey dwellings, finished in brick veneer, render or weatherboards with pitched tiled roofs. Secondary additions and detached outbuildings are present along side and rear boundaries. Front fences, if present, are consistently low in overall height, however vary in transparency and construction materials. Landscaping is present within front setbacks and more significant in rear secluded private open spaces, including established canopy trees.

Directly to the north of the site is a two dwelling development. Directly to the east of the site is Currajong Street and a four dwelling development. Directly to the south of the site is an unnamed road and single dwelling developments fronting The Boulevard. Finally, directly to the west of the site is a single dwelling development fronting Fir Street.

Medium density developments are located at; 2, 3, 4, 5 and 16 Currajong Street, 36 and 74 The Boulevard, 8 Quandong Street and 3, 9 and 11 French Street.

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

- The Boulevard Strip Shopping Centre (100m south-west);
- Thomastown Train Station (170m west);
- Bus Route 570 – Thomastown to RMIT Bundoora (200m south);
- Lalor Shopping Centre (400m north);
- Thomastown Primary School (500m south-west);
- Main Street Reserve (800m west);
- Nick Ascenzo Reserve (900m east); and
- Lalor Secondary College (1.2km north-east).

RESTRICTIONS AND EASEMENTS

The site is formally described as Lot No. 115 on Plan of Subdivision No. 013478.

The site is not covered by any Section 173 Agreements, however is covered by Restrictive Covenant Nos. 2448748 and A607706.

Restrictive Covenant No. 2448748 prohibits excavation, except for the purposes of a building, and manufacturing. The proposal does not breach Restrictive Covenant No. 2448748.

Restrictive Covenant No. A607706 requires each dwelling to have a floor area of not less than 79.0m². All five dwellings will have floor areas in excess of 99.0m², therefore the proposal does not breach Restrictive Covenant No. A607706.

A 1.8m wide drainage and sewerage easement runs along the western rear boundary of the site.

PROPOSAL

The application seeks approval for the construction of six dwellings (see *Attachment 2*). The existing dwelling and associated structures will be demolished.

Further details of the proposal are outlined in the following table:-

Dwelling No.	Height / Scale	No. of Bedrooms	Setbacks	Secluded Private Open Space	Car Parking
Dwelling No. 1	Triple Storey	2	6.0m front (east) 3.4m side (north) 3.0m side (south)	10m ²	Single Garage
Dwelling No. 2	Triple Storey	2	3.4m side (north) 3.0m side (south)	9m ²	Single Garage
Dwelling No. 3	Triple Storey	2	3.4m side (north) 3.0m side (south)	9m ²	Single Garage
Dwelling No. 4	Triple Storey	2	3.4m side (north) 3.0m side (south)	9m ²	Single Garage
Dwelling No. 5	Triple Storey	2	3.4m side (north) 3.0m side (south)	9m ²	Single Garage
Dwelling No. 6	Double Storey	3	1.9m rear (west) 0m side (north) 3.4m side (south)	40m ²	Double Garage

PUBLIC NOTIFICATION

Advertising of the application has resulted in four objections, including one petition with 17 signatories, being received. The grounds of objection can be summarised as follows:-

1. The excessive number of dwellings;
2. The triple storey nature of the dwellings, which does not accord with the existing neighbourhood character;
3. Overlooking into the adjoining land to the north of the site;
4. Overshadowing the adjoining land to the north of the site;
5. The lack of available on-street car parking;
6. The lack of sufficient verge to accommodate waste collection;
7. Excessive noise; and
8. Decreasing property values.

A response to the grounds of objection will be provided later in this report.

HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) by Planning Scheme Amendment C181, gazetted on 22 October 2015. The HDS provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is a reference document in the Planning Scheme.

The site is within a Neighbourhood Renewal change area, which recognises areas close to services and facilities. In this instance the site is only some 100m north-east of The Boulevard commercial area and 170m to the Thomastown train station. The preferred housing types are noted as townhouses, multi-units, and small scale apartments.

The Neighbourhood Renewal change area has a number of Key Design Principles, including:

- A range of medium building heights;
- Building heights that achieve passive surveillance;
- Building heights that are of a human scale and integrate well with existing housing stock;
- Reduced front setbacks to encourage activation to the street while still allowing space for low level landscaping;
- Medium to higher site coverage to balance increased density and landscaping opportunities;
- Usable private open space, balconies and communal shared spaces; and
- Landscaping to complement medium to higher density built form.

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

- Must meet all of the objectives; and
- Should meet all of the standards.

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	<p>The existing neighbourhood character is dominated by single storey dwellings and consistently includes; attached built form, double or triple fronted facades, pitched roofs, minimal landscaping in front setbacks and canopy trees in rear secluded private open spaces.</p> <p>The preferred neighbourhood character for the area is addressed in Clause 21.09-2 – Housing Diversity of the Local Planning</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>Policy Framework and in Council's Housing Diversity Strategy as detailed earlier in this report.</p> <p>Elements of the proposal accord with both the existing and preferred neighbourhood character.</p> <p>The overall layout of the development is similar to the medium density development directly across the street at 2 Currajong Street, with Dwelling No. 1 fronting onto Currajong Street and subsequent dwellings fronting onto and having vehicle access from the side boundaries / unnamed road. The attached nature of the development is consistent with other medium density developments in the immediate area. Dwelling No. 1 will contain a double fronted façade and landscaping opportunities are present within the street setback and secluded private open space of Dwelling No. 6.</p> <p>The double and triple storey dwelling heights are inconsistent with the dominant single storey built form, however the development is well articulated. The development will have a flat roof, which varies from the pitched roofs in the immediate area; however this is a modern take on medium density developments.</p> <p>The double and triple storey dwelling heights are of a human scale, are a gradual transition from the dominant single storey form and will maintain passive surveillance of the area. A variation to the street setback requirements of Clause 55 is sought, however opportunities for the provision of a canopy tree have been maintained. Finally, the site coverage ratios, usability of the balconies / secluded private open space and landscaping opportunities within the rear easement are all acceptable and consistent with Council's Housing Diversity Strategy.</p>
B2	Residential Policy	✓	✓	<p>The site is located within a Residential Growth Zone and is within a Neighbourhood Renewal Change Area of Council's Housing Diversity Strategy.</p> <p>The number of dwellings, siting and massing of the built form and design of the dwellings is consistent with the zoning of the site and Council's Housing Diversity Strategy.</p>
B3	Dwelling Diversity	N/A	N/A	Only applicable in developments of ten or more dwellings.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B4	Infrastructure	✓	✓	
B5	Integration with the Street	✓	✓	
B6	Street Setback	✓	x	Standard B6 requires a street setback of 7.6m. Dwelling No. 1 will be setback 6.0m from Currajong Street, which will allow for the provision of several canopy trees and is consistent with the purposes of both the Residential Growth Zone and Council's Housing Diversity Strategy, therefore the proposed street setback is acceptable.
B7	Building Height	✓	✓	Dwelling Nos. 1 - 5 will have overall heights of 9.5m, while Dwelling No. 6 will have an overall height of 6.7m, both of which are well below the 13.5m overall height requirement for the Residential Growth Zone.
B8	Site Coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy Efficiency	✓	✓	
B11	Open Space	N/A	N/A	
B12	Safety	✓	✓	
B13	Landscaping	✓	Condition	A Landscape plan should be submitted as a condition should a permit be issued.
B14	Access	✓	x	One extra wide crossover will provide vehicle access to five single width garages and one double width garage. The width of this crossover exceeds 33.0% of the unnamed road frontage, however this is acceptable based on the zoning of the land and the interface with a laneway / fences.
B15	Parking Location	✓	✓	
B17	Side and Rear Setbacks	✓	✓	
B18	Walls on Boundaries	✓	✓	
B19	Daylight to Existing Windows	✓	✓	
B20	North-facing Windows	N/A	N/A	
B21	Overshadowing Open Space	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B22	Overlooking	✓	Condition	The use of planter boxes for the balconies of Dwelling Nos. 2 – 5 to address overlooking is a high quality design response, however a cross-section must be provided to demonstrate the height and width of the nominated planter boxes satisfies the requirements of Standard B22, which should form a condition should a permit be issued.
B23	Internal Views	N/A	N/A	
B24	Noise Impacts	✓	✓	The noise generated by the proposed development is considered acceptable for a residential zoned area.
B25	Accessibility	✓	✓	
B26	Dwelling Entry	✓	✓	
B27	Daylight to New Windows	✓	✓	
B28	Private Open Space	✓	✓	
B29	Solar Access to Open Space	✓	✓	
B30	Storage	✓	✓	
B31	Design Detail	✓	✓	
B32	Front Fences	N/A	N/A	
B33	Common Property	✓	✓	
B34	Site Services	✓	x	<p>Council's Waste Management and Resource Recovery Strategy (The Strategy) sets out the requirements for the storage and collection of waste for medium density development. The Strategy assesses medium density developments in four separate categories; between one and five dwellings, six or more dwellings, apartment buildings and mixed use developments. The Strategy also states developments of six or more dwellings are required to provide on-site waste collection services within the confines of the development, unless permitted otherwise by officers.</p> <p>The proposal seeks kerbside collection by Council given the corner nature of the site, direct access from the laneway and impracticality of requiring collection on-site. The Strategy states the placement of 120 -</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>240L bins on the kerbside for greater than 11.0m is discouraged as bins lined up next to each other on the kerbside create a sight distance and visibility issue for vehicles exiting the property.</p> <p>A length of 12.1m is required for the collection of waste and recycling bins for the proposal, which can be accommodated within the 15.2m Currajong Street frontage. This 12.1m length is marginally over the 11.0m requirement of the Strategy, however when you take into account that there is no crossover or driveway to the site due to the laneway and that vehicles will have to slow at the laneway before entering Currajong Street, adequate sight distance will be maintained through the ability of being able to use the entire 15m frontage. Additionally, it is noted that the site is within the Residential Growth Zone where increased densities are encouraged.</p> <p>The storage area of Garage No. 1 must also be increased to provide storage for waste and recycling bins, which should be addressed as a condition of permit.</p>

CAR PARKING

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

Dwelling No.	No. of Bedrooms	Car Spaces Required	Car Spaces Provided	Complies
1	2	1	1	Yes
2	2	1	1	Yes
3	2	1	1	Yes
4	2	1	1	Yes
5	2	1	1	Yes
6	3	2	2	Yes

The proposal must also comply with the following Design Standards:-

Requirements	Compliance	Comment
Number of Car Parking Spaces Required Under Table 1	✓	
Design Standard 1 – Accessways	✓	
Design Standard 2 – Car Parking Spaces (dimensions)	✓	
Design Standard 3 – Gradients	N/A	
Design Standard 4 – Mechanical Parking	N/A	
Design Standard 5 – Urban Design	✓	
Design Standard 6 – Safety	✓	
Design Standard 7 – Landscaping	✓	

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 3

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

SPECIAL BUILDING OVERLAY

The application was referred to Melbourne Water who offered no objection to the application and did not require any conditions should a permit be issued.

COMMENTS ON GROUNDS OF OBJECTION

1. The excessive number of dwellings;

Six dwellings is an appropriate response for a Residential Growth Zone and Neighbourhood Renewal Change Area. The site is well located in close proximity to commercial and community infrastructure as well as the Thomastown train station and surrounding bus network.

2. The triple storey nature of the dwellings, which does not accord with the existing neighbourhood character;

Double and triple storey dwellings within an area dominated by single storey dwellings is an acceptable level of change. The Residential Growth Zone contains an overall height limit of 13.5m, which can accommodate up to four storeys. The Victorian Civil and Administrative Tribunal (VCAT) have consistently upheld this position.

3. Overlooking into the adjoining land to the north of the site;

The use of planter boxes for the balconies of Dwelling Nos. 2 – 5 to address overlooking is a high quality design response, however a cross-section must be provided to demonstrate the height and width of the nominated planter boxes satisfies the requirements of Standard B22 – Overlooking of Clause 55 - ResCode, which should form a condition should a permit be issued.

All other first and second floor windows along the northern façade will be screened with obscure glazing or windows sill heights of 1.7m in accordance with Standard B22 – Overlooking of Clause 55 – ResCode.

4. Overshadowing the adjoining land to the north of the site;

The shadow diagrams submitted as part of the application indicate that the proposed development will not cast any shadows on the adjoining land to the north of the site. It is also noted shadows on land to the north is not possible in the southern hemisphere.

5. The lack of available on-street car parking;

The required number of car parking spaces for residents and visitors has been provided in accordance with the Whittlesea Planning Scheme.

Planning Scheme Amendment VC148, gazetted on 31 July 2018, amended the number of car parking spaces required for visitors to the site. As the site is located within the Principal Public Transport Network, i.e. within walking distance to Thomastown train station, no visitor car parking is required to be provided on site.

The lack of sufficient verge to accommodate waste collection;

Council's Waste Management and Resource Recovery Strategy (The Strategy) sets out the requirements for the storage and collection of waste for medium density development. The Strategy assesses medium density developments in four separate categories; between one and five dwellings, six or more dwellings, apartment buildings and mixed use developments. The Strategy also states developments of six or more dwellings are required to provide on-site waste collection services within the confines of the development, unless permitted otherwise by Council's relevant Department's (Planning, Transportation and Waste Management).

The proposal seeks kerbside collection by Council. The Strategy states the placement of 120 - 240L bins on the kerbside for greater than 11.0m is not acceptable as bins lined up next to each other on the kerbside create a sight distance and visibility issue for vehicles exiting the property.

A length of 12.1m is required for the collection of waste and recycling bins, which can be accommodated within the 15.2m Currajong Street frontage. This 12.1m length is marginally over the 11.0m requirement of the Strategy, which is acceptable for a Residential Growth Zone.

6. Excessive noise;

The noise generated by the proposal is acceptable for a residential zoned area.

7. Decreasing property values.

VCAT has determined on many occasions that property values are not a relevant planning consideration.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application has been assessed against the Whittlesea Planning Scheme and in particular the objectives and standards of Clause 44.05, Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks, including the Housing Diversity Strategy. The proposal demonstrates a satisfactory level of compliance, subject to minor modifications. While the proposal will significantly change the existing character of the area, it is considered that the proposal will not have a detrimental impact on the character of the neighbourhood and on existing surrounding residential properties. Accordingly, approval of the application is recommended.

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 717459 and issue a Notice of Decision to Grant a Permit, for the construction of six dwellings in accordance with the endorsed plans, at 1 Currajong Street Thomastown, and subject to the following conditions:-

Payments Required

1. Prior to the endorsement of the plans required under Condition No. 2 of this Permit, the Permit Holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.

Plans Required

2. Before the development hereby permitted starts, one (1) digital copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be generally in accordance with Ref. No. 17-1498, Revision No. A, dated 11.05.18, by Beyond Design Group, but modified to show:-
 - (a) A cross-section to demonstrate the planter boxes for the balconies of Dwelling Nos. 2 – 5 comply with Standard B22 – Overlooking of the Whittlesea Planning Scheme;
 - (b) An area for the storage of waste and recycling bins within the garage associated with Dwelling No. 1; and
 - (c) A Landscape Plan in accordance with Condition No. 3 of this Permit.
3. Concurrent with the endorsement of plans under Condition No. 2 and before the development hereby permitted commences, one (1) digital copy of a Landscape Plan,

prepared by a suitably qualified (or experienced) Landscape Designer, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this Permit. The Landscape Plan must show:-

- (a) A survey of all existing vegetation and natural features;
- (b) The area or areas set aside for landscaping;
- (c) A schedule of all proposed trees, shrubs / small trees and ground cover;
- (d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
- (e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
- (f) Appropriate irrigation systems;
- (g) The provision of canopy trees within the front and rear setbacks.

Layout Not Altered

- 4. The development allowed by this Permit and shown on the plans and / or schedules endorsed to accompany this Permit must not be amended for any reason without the consent of the Responsible Authority.
- 5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

- 6. Prior to the occupation of the dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.

Actions Before Use Commences

- 7. Prior to the occupation of the dwellings hereby approved, the car parking areas and access ways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.

In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.

- 8. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
- 9. The Permit Holder must be responsible to meet all costs associated with reinstatement and / or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The Permit Holder shall be responsible for obtaining prior specific written approval for any works involving the

alteration of Council or other Public Authority assets.

10. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority must be provided for each dwelling.
11. At all times during the construction phase of the development, the Permit Holder must take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
12. Upon completion of all buildings and works authorised by this Permit, the Permit Holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.

Infrastructure

13. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
14. Prior to the occupation of the dwellings hereby approved, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
15. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.

General Amenity – Construction Works

16. Prior to commencement of any works, a Construction Management Plan must be submitted to and approved by the Responsible Authority. The plan must include details in relation to:-
 - (a) Vehicle access to the site;
 - (b) Parking of construction vehicles; and
 - (c) Storage of materials / goods.
17. Prior to commencement of any works, the permit holder must contact Council's Infrastructure Protection Unit on 9401 5532 to arrange a site inspection to ensure all requirements of the Construction Management Plan have been completed to the satisfaction of the Responsible Authority.
18. Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.
19. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles

leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.

Permit Expiry

20. In accordance with the Planning and Environment Act 1987, a permit for the development expires if:-

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

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

Notes

Advanced Trees

An advanced tree under this Permit shall generally constitute the following:-

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

Easements

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

Property Numbering

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

Dwelling No. 1 – 1/1 Currajong Street Thomastown;

Dwelling No. 2 – 2/1 Currajong Street Thomastown;

Dwelling No. 3 – 3/1 Currajong Street Thomastown;

Dwelling No. 4 – 4/1 Currajong Street Thomastown;

Dwelling No. 5 – 5/1 Currajong Street Thomastown;

Dwelling No. 6 – 6/1 Currajong Street Thomastown.

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

COUNCIL RESOLUTION

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

THAT Council resolve to refuse Planning Application No. 717459 and issue a Notice of Refusal to Grant a Planning Permit, for the construction of six dwellings at 1 Currajong Street, Thomastown on the following grounds:

- 1. The proposal does not appropriately balance and achieve consistency with the relevant objectives of the State and Local Planning Policy Frameworks, in particular through the response to urban design, neighbourhood character and the context in which the site sits.**
- 2. The proposal does not comply with clause 21.09-4 (and Clause 55.02-2 'Residential Policy') in that it does not achieve an appropriate design response for medium and higher density housing in Neighbourhood Renewal Change Areas that is appropriate in its neighbourhood context.**
- 3. The proposal does not comply with the following sections of Clause 55:**
 - a. Clause 55.02-1 (Standard B1) in relation to Neighbourhood Character, resulting in a poor response to the existing and preferred character of the area.**
 - b. Clause 55.02-5 (Standard B5) due to the poor integration with the street.**
 - c. Clause 55.03-1 (Standard B6) due to the inappropriate setback provided to the street.**
 - d. Clause 55.03-7 (Standard B12) due to the poor response provided to safety.**
 - e. Clause 55.03-8 (Standard B13) due to the poor response to landscaping opportunities on site.**
 - f. Clause 55.04-6 (Standard B22) due to the lack of detail to demonstrate that overlooking will not occur from the balconies.**
 - g. Clause 55.05-5 (Standard B29) due to the poor solar access to the balconies as a result of necessary screening.**
- 4. The proposal does not comply with Clause 55.03-9 (Standard B14) and Clause 52.06 due to the poor vehicle access arrangements and conflict points along a narrow laneway.**
- 5. The proposed development makes inadequate provision for waste management on-site, has not demonstrated an appropriate potential for a private waste collection and it is inappropriate to resolve waste storage and management through the provision of a condition, failing to response to Clause 55.06-4 (Standard B34).**
- 6. The proposal will result in an overdevelopment of the site and will have an adverse impact on neighbourhood character and onsite amenity.**

CARRIED UNANIMOUSLY

6.1.2 SOUTH MORANG EAST DEVELOPMENT PLAN PROPOSAL

Attachments:	1	Locality & Zoning Plan ⇒
	2	Exhibited Development Plan Layout ⇒
	3	Post-Exhibition Development Plan Layout ⇒
	4	Comparison of Development Plans ⇒
	5	Proposed Retail Development at 975 Plenty Road ⇒
	6	Revised Development Plan Proposal 975 and 985 Plenty Road ⇒

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Strategic Planner

RECOMMENDATION SUMMARY

That Council resolve to approve the post exhibition revision of the *South Morang East Development Plan* dated August 2018, as contained in *Attachment 3* of this report in accordance with Schedule 6 to Clause 43.04 of the Whittlesea Planning Scheme.

KEY FACTS AND / OR ISSUES

- The proposed *South Morang East Development Plan* has been prepared in line with the requirements of the relevant Development Plan Overlay (Schedule 6).
- The proposed Development Plan will allow for the properties at 33 - 37 Old Plenty Road and 955 – 985 Plenty Road to be developed for residential purposes.
- The Development Plan incorporates a road layout that responds to the existing network to the east and south of the site, and provides the opportunity for a direct link from Stagecoach Boulevard to Middle Gorge train station.
- The proposed Development Plan was placed on non-statutory exhibition and 7 submissions were received.
- Changes have been made to the exhibited Development Plan in response to some of the submissions received, as shown in *Attachment 3*.

REPORT

INTRODUCTION

The purpose of this report is to consider the *South Morang East Development Plan* (SMEDP), dated August 2018, prepared by Whiteman Property and Accounting. The objective of the SMEDP is to provide greater certainty about the future use and development of five parcels of land in South Morang.

The submitted SMEDP has been prepared in accordance with the provisions of Schedule 6 to the Development Plan Overlay. A Development Plan must be in place before any application for subdivision and/or development can be considered.

This report will discuss the background and the merits of the SMEDP proposal in the context of the applicable statutory framework and the submissions received from the exhibition process.

SITE DESCRIPTION & CONTEXT

The SMEDP area incorporates five properties, 33 Old Plenty Road, 37 Old Plenty Road, 955 Plenty Road, 975 Plenty Road and 985 Plenty Road, South Morang, which have a combined area of approximately 4.9 hectares. The subject site is surrounded by existing residential development to the south, and is bound by Plenty Road to the east and the Mernda Rail Corridor to the west (see *Attachment 1*).

The subject site is generally flat with a gradual slope to the central west of the site. The area is also largely vacant with limited vegetation; however parts of 975 and 985 Plenty Road currently provide a temporary base for construction workers as part of the Mernda Railway Extension Project.

The subject site is located in a predominantly residential area, where allotments are between 400-800m², and generally contain single dwellings. The Mernda Railway Extension Project and the development of the Plenty Valley Town Centre to the south has resulted in higher densities being established (particularly along Old Plenty Road).

Beyond the site, immediately south-west is the Middle Gorge railway station precinct. The railway station serves as the immediate transport hub for the area, servicing Marymeade College, Fairview Manor Estate and the northern portion of the Plenty Valley Town Centre.

BACKGROUND

A Development Plan was prepared and lodged with Council for the study area in December 2011, along with a concurrent application for the development of 46 dwellings at 33 Old Plenty Road, South Morang. It was considered that a considerable amount of work was needed for the Development Plan to be assessed and approved.

Subsequently the planning application was reviewed by the Victorian Civil and Administrative Tribunal (VCAT) in the absence of a finalised Development Plan. VCAT in April 2012 determined to refuse the proposal insisting that a Development Plan needs to be prepared and approved before development can be suitably considered.

The position of VCAT for the requirement of a Development Plan was affirmed in relation to its refusal of a unit development and a medical centre for land at 985 Plenty Road. VCAT identified the need to create a holistic vision for the broader development area.

Since the VCAT decisions, ongoing negotiation between Council and various landowners within the Development Plan area has occurred, resulting in a number of iterations of the Development Plan.

The key revisions of the Development Plan sought to address issues related (but not limited) to:

- Housing densities;
- Access to/from Plenty Road (having controlled access points along Plenty Road); and
- Lack of certainty around the extension of the rail to Mernda and future train stations in close proximity to the study area.

Commitment from the State Government to extend the South Morang railway line to Mernda has provided longer term certainty for the area and the preparation of a Development Plan that appropriately responds to the new context of the subject area.

Following this, in May 2017, consultants, on behalf of the landowner at 33 Old Plenty Road, submitted the SMEDP subject of this report for Council consideration.

STRATEGIC POLICY

The subject site is affected by the *South Morang Local Structure Plan* (SMLSP) which is an incorporated document within the Whittlesea Planning Scheme, developed in 1997 to guide the future allocation of land uses and key infrastructure items within South Morang. The SMLSP nominates all of the subject land for residential development.

STATUTORY PLANNING FRAMEWORK

Zoning

The subject land is affected by the General Residential Zone – Schedule 1 (GRZ1) (Clause 32.01). The primary purpose of the zone is to provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.

Additionally, the land is adjacent to Plenty Road, a road in a Road Zone Category 1 (RDZ1) (Clause 36.04) and the Mernda Rail Corridor in a Public Use Zone 4 (PUZ4) (Clause 36.01).

Overlays

The subject land is covered by 2 planning scheme overlays:

- Vegetation Protection Overlay – Schedule 1 (VPO1) (Clause 42.02); and
- Development Plan Overlay – Schedule 6 (DPO6) (Clause 43.04).

Of specific interest in the context of this report is the DPO6, as prior to any subdivision, use and development on the land, a Development Plan must be approved in accordance with the provisions of the DPO6.

The purpose of the VPO1 is to protect and retain native vegetation. A discussion regarding the extent of native vegetation on site is undertaken in detail later in this report.

A Heritage Overlay (HO125) (Clause 43.01) applies to 41 Old Plenty Road, South Morang. While not within the Development Plan area, the small parcel directly adjoins the site and the future impacts on the interface issues must be considered.

Development Contributions are collected under the SMLSP at a rate of \$42,566 per hectare.

DEVELOPMENT PLAN PROPOSAL

The SMEDP, which includes an overarching Development Concept Plan and accompanying text document, has been prepared in accordance with DPO6.

Attachment 2 shows the proposed layout forming part of the submitted SMEDP.

In essence, the proposed development parcels are structured around the signalised intersection of Stagecoach Boulevard that provides access from Plenty Road, and an internal road network connecting to Middle Gorge train station.

Specifically, the exhibited SMEDP proposes:

- The extension of the signalised intersection of Stagecoach Boulevard and an internal local road network that services the area;
- Access to the site via Stagecoach Boulevard and Old Plenty Road;
- Potential for Stagecoach Boulevard to extend to Middle Gorge Station;
- Medium density and high density housing nominated in proximity to the future train station precinct;
- A pocket park for passive recreation;
- Landscape interface treatment with Plenty Road;
- A retarding basin for the sites drainage; and
- Pedestrian and bicycle links through the SMEDP area.

CONSULTATION AND NON-STATUTORY EXHIBITION

Since the formal submission of the SMEDP in May 2017, there have been ongoing officer discussions with the proponent and relevant Council departments over various iterations of the proposal.

During this time, a range of changes were made to the SMEDP relating to the location of the Stagecoach Boulevard extension, the size of the development parcels and the internal road layout. Consideration was also given to appropriate requirements necessary at the planning permit application stage.

Following these discussions, the SMEDP (as shown in *Attachment 2*) was placed on non-statutory exhibition over a four week period between 2 March 2018 and 30 March 2018.

Whilst there is no statutory requirement to advertise the SMEDP document, in accordance with Council practice, a copy of the SMEDP land use plan was sent to all owners and occupiers of land adjacent to the subject site affected by the proposal, as well as relevant external authorities for comment.

At the conclusion of the exhibition period three landowner and four referral authority submissions were received.

SUBMISSIONS

Following the close of the exhibition period, Council Officers have reviewed each of the submissions.

Where changes have been suggested and supported, these have been shown on a revised SMEDP submission (See *Attachment 3*), and earmarked with a corresponding reference number.

Attachment 4 provides a side by side comparison between *Attachment 2* and *Attachment 3*.

The following table details the submissions received, the officer responses to them, and where appropriate a reference letter for *Attachment 3*.

Submission Summary	Officer Response
1. 985 Plenty Road, South Morang	
Requests the SMEDP be updated in order to remove the internal loop road from the subject land and to allow for the creation of direct access to Plenty Road.	<p>VicRoads, who are the statutory authority for declared arterial roads, have advised that they would not support any additional direct access points from Plenty Road other than the Stagecoach Boulevard intersection.</p> <p>This is discussed in more detail in the ‘Discussion – Road Network’ section below.</p> <p><u>Officer Recommendation</u></p> <p>No change recommended.</p>

Submission Summary	Officer Response
Requests the removal of the 10 metre landscape buffer interface to Plenty Road.	<p>A 10 metre landscape buffer across the frontage of the site where a loop road is not provided is consistent with the buffer provided on the eastern side of Plenty Road and further south of this precinct.</p> <p>The buffer is required to allow for appropriate separation distances between residential development and potential amenity impacts (such as noise and pollution from passing traffic), whilst also improving the streetscape amenity.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
2. 975 Plenty Road, South Morang	
<p>Objects to the proposed Development Plan in the current form as it contradicts with the landowners re-development visions including:</p> <p>Interim - Use and development of a Service Station and associated carwash facility.</p> <p>Ultimate - Use and development of a supermarket and fast food facility subject to a future rezoning of the land</p>	<p>The development of this land for the purposes of a Service Station or a Supermarket is not supported.</p> <p>The Mernda Rail extension presents the opportunity to locate medium and high density residential dwellings in proximity to the Middle Gorge train station consistent with the existing General Residential Zone.</p> <p>This is discussed in more detail in the ‘Discussion – Service Station and Supermarket – 975 Plenty Road’ section below.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
Stagecoach Boulevard extension conflicts with the currently proposed development vision of the site.	<p>The proposed development vision of this land for the purposes of a Service Station or a Supermarket is not supported.</p> <p>The Stagecoach Boulevard extension is required as part of the local road network for the entire SMEDP area.</p> <p>This is discussed in more detail in the ‘Discussion – Road Network’ section below.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
The sewer and drainage requirements on the land conflict with the currently proposed development vision of the site.	<p>The proposed development vision of this land for the purposes of a Service Station or a Supermarket is not supported.</p> <p>The drainage requirements are indicative only and can be refined at the detailed design stage if appropriate.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
Internal road layout conflicts with proposed development vision of the site.	<p>The proposed development vision of this land for the purposes of a Service Station or a Supermarket is not supported.</p> <p>The internal road layout provides a logical road network to service the SMEDP area for residential purposes.</p> <p>This is discussed in more detail in the ‘Discussion – Road Network’ section below.</p> <p><u>Officer Recommendation</u> No change recommended.</p>

Submission Summary	Officer Response
Requests the removal of the 10 metre landscape buffer interface to Plenty Road.	<p>A 10 metre landscape buffer across the frontage of the site where a loop road is not provided is consistent with the buffer provided on the eastern side of Plenty Road and further south of this precinct.</p> <p>The buffer is required to allow for appropriate separation distances between residential development and potential amenity impacts (such as noise and pollution from passing traffic), whilst also improving the streetscape amenity.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
The currently indicated land uses in the proposed Development Plan conflicts with proposed development vision of the site.	<p>The proposed development vision of this land for the purposes of a Service Station or a Supermarket is not supported.</p> <p>The land use identified in the proposed SMEDP is consistent with the existing General Residential Zone and the provisions of the SMLSP.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
The location and configuration of the pocket park creates a space that will be unused, poorly maintained, and ultimately conflicts with proposed development vision of the site.	<p>Although it is noted that a pocket park provides an area of passive recreation for the future community. The narrow and irregular shape of the land is unlikely to be conducive for informal recreational use.</p> <p>The removal of the pocket park provides the opportunity to regularise the allotment/block whilst not impacting upon the function of the retarding basin.</p> <p>It is considered that it would be more appropriate for landowners to make a monetary contribution to Council in accordance with the SMLSP for the upgrade of other open space in the immediate area, including Grange Park and Songbird Reserve.</p> <p><u>Officer Recommendation</u> Remove the designated 'Pocket Park' from the <i>South Morang East Development Plan</i> and insert a footnote to the effect that: "A monetary payment equivalent to 8% land contribution to be paid by each landholding in lieu of the provision of land for public open space, in accordance with the <i>South Morang Local Structure Plan</i> and Clause 52.01 of the Whittlesea Planning Scheme". These changes are shown as "A" in <i>Attachment 3</i>.</p>
3. 955 Plenty Road, South Morang	
The Development Plan layout should be amended to reflect the layout proposal submitted for the parcel.	<p>The development proposal intended is for a mix of medium density and high density with a slight change in the road layout only within 955 Plenty Road. The east-west road is shifted north to provide a development pod on the boundary.</p> <p>The proposal offers a similar road connection and the provision of the 10m landscape buffer from Plenty Road maintains views towards the 41 Old Plenty Road. The proposed change will not result in altering the</p>

Submission Summary	Officer Response
	<p>development potential for other subject sites nor does it change the overall intent of the SMLSP. Therefore the change can be supported.</p> <p><u>Officer Recommendation</u> Amend the <i>South Morang East Development Plan</i> to reflect the proposed development layout for 955 Plenty Road. This change is shown as “B” in <i>Attachment 3</i>.</p>
<p>The proposed height controls of the Development Plan and description for apartment buildings conflict with the existing zoning. While re-zoning may be progressed in the future, the Development Plan must be assessed under the existing controls. The references to building heights and apartments should be removed and the built form references remained as medium and high density housing.</p>	<p>Any proposal to change the height controls would require a rezoning. This would be subject to a separate process in the future if the change is to be advanced.</p> <p>It is agreed the references to the height controls in the SMEDP conflict with the existing planning controls and therefore all height references must be removed and allow the description of medium and high density housing to determine the land use and built form outcomes.</p> <p><u>Officer Recommendation</u> Remove the references to the height controls from the <i>South Morang East Development Plan</i> and allow the description of medium and high density housing to determine the built form allowable under the existing General Residential Zone. This change is shown as “C” in <i>Attachment 3</i>.</p>
<p>It is requested that the ‘pocket park’ is removed from the development plan, as it does not provide a usable area of open space. Prefer for all land holders to provide cash contributions in lieu of public open space.</p>	<p>Although it is noted that a pocket park provides an area of passive recreation for the future community. The narrow and irregular shape of the land is unlikely to be conducive for informal recreational use.</p> <p>The removal of the pocket park provides the opportunity to regularise the allotment/block whilst not impacting upon the function of the retarding basin.</p> <p>It is considered that it would be more appropriate for landowners to make a monetary contribution to Council in accordance with the SMLSP for the upgrade of other open space in the immediate area, including Grange Park and Songbird Reserve.</p> <p><u>Officer Recommendation</u> Remove the designated ‘Pocket Park’ from the <i>South Morang East Development Plan</i> and insert a footnote that: “A monetary payment equivalent to 8% land contribution to be paid by each landholding in lieu of the provision of land for public open space, in accordance with the South Morang Local Structure Plan and Clause 52.01 of the Whittlesea Planning Scheme”. These changes are shown as “A” in <i>Attachment 3</i>.</p>
<p>The current preference is for the extension of Stagecoach Boulevard to connect through to the VicTrack land to the west as far north as practical. This will reduce traffic flows from the residential land precinct.</p>	<p>The location of the 21 metre cross section continuation of Stagecoach Boulevard is restricted by the Mernda Rail corridor and the available surplus VicTrack Land. It is unlikely that there is enough surplus land available to locate this connection north of this parcel.</p> <p>The SMEDP provides an alignment for Stagecoach Boulevard in a location which provides greatest</p>

Submission Summary	Officer Response
	<p>opportunity to connect with the potential road link on VicTrack land.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
<p>Preference to remove the retarding basin dimension requirements from the Development Plan considering further detailed design work is being undertaken. Request a notation to be added to the Development Plan advising the size of the retarding basin is 'indicative only.'</p>	<p>Given that the dimensions and size of the retarding basin will be determined at the detailed design stage, a notation will be included on the Development Plan stating 'the size and shape of the retarding basin is indicative only.' The design is flexible enough to accommodate any increase or decrease in size as a result of subsequent detailed design assessment.</p> <p><u>Officer Recommendation</u> Include a footnote on the <i>South Morang Development Plan</i> stating to the effect that: "Retention Basin indicative dimensions subject to detailed design and satisfaction of Council". This change is shown as "D" in Attachment 3.</p>
4. Melbourne Water	
<p>Council must review and accept the proposed retarding basin including future ownership and on-going maintenance responsibilities.</p> <p>Melbourne Water intends to impose additional requirements and conditions in response to any future proposal(s) to develop this site.</p>	<p>It is acknowledged that the future retarding basin will be a Council asset. Any conditions provided by Melbourne Water through the formal planning application referral will be included on any permit issued.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
5. VicTrack	
<p>Generally supportive of the interface to VicTrack land, however recommends that the Development Plan does not rely on the VicTrack land for future access and must designed to be able to function independent of this proposed future road.</p>	<p>Noted. The internal road network does not rely on any road on VicTrack land to be delivered, however locates the 21 metre cross section in a position to provide flexibility for future connection through this surplus rail corridor land should it become possible in the future.</p> <p>This proposed road link will help to provide the provision of a future bus capable connection to Middle Gorge train station.</p> <p>This is discussed in more detail in the 'Discussion – Road Network' section below.</p> <p><u>Officer Recommendation</u> No change recommended.</p>
6. Transport for Victoria	
<p>With regard to the bus capable roads, if the southern section of the local road network connecting with Old Plenty Road was upgraded from a 16m cross section to a 21m cross section, this would allow for a future bus route to operate within the subject site.</p>	<p>Noted. The potential to provide a bus capable 21 metre cross section within VicTrack land has been preserved and accounted for in the design of the SMEDP.</p> <p>This is discussed in more detail in the 'Discussion – Road Network' section below.</p> <p><u>Officer Recommendation</u> No change recommended.</p>

Submission Summary	Officer Response
7. VicRoads	
<p>In reviewing the Traffic and Transport Assessment, VicRoads advise that there are some issues that need to be addressed within the report that impact the external road network including the signalised intersection of Plenty Road and Stagecoach Boulevard as well as Plenty Road and Old Plenty Road.</p> <p>It is important that the footprint of the intersection of Plenty Road / Stagecoach Boulevard is agreed to, such that the land requirement from the subdivision can be established and any planning permit application for the subdivision reflects accordingly.</p>	<p>Noted. The Traffic Impact Assessment has been updated to incorporate the VicRoads feedback prior to the approval of the SMEDP.</p> <p>In addition, a notation must be included on the SMEDP at the intersection of Plenty Road and Stagecoach Boulevard stating that 'all land requirements for the design of the Stagecoach Boulevard intersection need to be set aside and finalised as part of any future planning permit application', where this will be assessed the satisfaction of VicRoads.</p> <p><u>Officer Recommendation</u></p> <p>Include a notation on the <i>South Morang East Development Plan</i> that all land requirements for the design of the Stagecoach Boulevard intersection need to be set aside and finalised as part of any future planning permit application stage.</p> <p>This change is shown as "E" in <i>Attachment 3</i>.</p>
<p>Vic Roads also provided an additional submission that clarifies their position on access to and from Plenty Road.</p> <p>The advice indicates that the only access permissible from Plenty Road is the construction of a fourth leg to the signalised intersection of Plenty Road / Stagecoach Boulevard, due to safety grounds.</p> <p>The access from Old Plenty Road to the site is also supported.</p>	<p>Noted and supported.</p> <p>This is discussed in more detail in the 'Discussion – Road Network' section below.</p>

DISCUSSION

This section provides a more detailed discussion on the key themes arising from the submissions as well as other matters of clarity raised by Council Officers in finalising the SMEDP. These relate to the road network, the development proposal at 975 Plenty Road, an alternative development plan layout and the extent of vegetation across the site; these are discussed in turn below.

Road Network

Amongst the issues raised in the submissions, the most significant relate to the road network and land parcel accessibility.

Stagecoach Boulevard is considered the key road link for the development cell. It already has a signalised intersection built with Plenty Road and the cross-section of Stagecoach Boulevard on the opposite side of Plenty Road is bus capable. To unlock the precinct, Stagecoach Boulevard to the west of Plenty Road will need to be constructed to become a four way signalised intersection. Acting as the 'spine' of the precinct, Stagecoach Boulevard will draw traffic from the site and from Plenty Road (north of the site) and Fairview Manor Estate (east of the site) towards Middle Gorge station. The ultimate location of Stagecoach Boulevard will set the framework for the layout of future development parcels.

The SMEDP has acknowledged this by identifying a 21m access street from the Stagecoach Boulevard and Plenty Road intersection running through the southern central portion of the site, terminating at the south-western corner of 955 Plenty Road South Morang (next to Vic Track land). A 16m local street/loop road extending from Stagecoach Boulevard provides access to the north of the precinct and a 16m local street provides a connection from Stagecoach Boulevard through the far south of the site to Old Plenty Road. The large development parcels created as a result of this network are flexible to allow for likely medium and high density residential development, which is considered appropriate given the context of the site proximate to a train station.

The opportunities for alternative access arrangements to the subject Development Plan area are limited given the physical constraints of the railway corridor, Plenty Road and existing development to the south. Vic Roads have provided advice that does not support the creation of direct access from 985 Plenty Road or any other adjoining land to Plenty Road due to safety concerns and have advised that access should be provided from the internal road network, specifically the Stagecoach Boulevard intersection. This position is also affirmed in a VCAT decision relating to 985 Plenty Road.

To this end, the SMEDP limits access to the Development Plan area from Plenty Road to the Stagecoach Boulevard intersection. Furthermore to ensure that Stagecoach Boulevard maximises the opportunity afforded by the constructed signalised intersection, the road is bus capable. A 21m cross section is provided from Stagecoach Boulevard through the boundary of the site where it will potentially connect to Vic Track land in the future to access Middle Gorge Station. Transport for Victoria has requested the extension of this 21m cross-section through to Old Plenty Road in the south to cater for bus traffic. This is considered undesirable given the existing development and the overall intent to minimise traffic using Old Plenty Road.

Now that the construction Mernda Rail Extension Project is completed, it is noted that there is likely to be surplus VicTrack land available. This land will be reviewed as part of a future masterplanning of the Middle Gorge Station precinct with the aim of an ultimate provision of a road link from Middle Gorge Station to Stagecoach Boulevard.

Vic Track were provided the opportunity to comment on the extension of Stagecoach Boulevard on surplus rail reserve land, however were unable to commit to supporting a road at the current time, and requested that the SMEDP be designed to not rely on Vic Track land for future access. The layout as designed can function without the link but preserves the opportunity for its future prioritisation.

Service Station and Supermarket Proposal – 975 Plenty Road

The submission in relation 975 Plenty Road essentially objects to the SMEDP on the basis of a potential future development outcome they are seeking to pursue for the land. This parcel is one of the critical central landholdings within the Development Plan precinct and contains the location for the direct westerly extension of Stagecoach Boulevard through the site.

In summary they are seeking to provide a service station as a first stage in the northern part of the parcel and then ultimately a supermarket on the southern section.

With respect to the service station approval is required for the subdivision of the land, as for a service station to be considered on land zoned GRZ the site must be adjacent to an arterial road and have a maximum lot size of 3600 square metres. For a supermarket the use is currently prohibited under the GRZ and, as such, would require a future rezoning via an amendment process which would require Council support to advance.

Officers have already refused an application (Planning Permit application 717546) comprising the service station with the balance notionally set aside for a supermarket (concept at *Attachment 5*). This was generally on the basis that there was no Development Plan approved for the site and that the parcel set aside for the service station did not comply with the maximum lot size under the provisions of the GRZ. The applicant has requested that

VCAT Review the decision of Council, with a directions hearing scheduled for 5 October 2018.

In light of the above, the applicant also lodged a subsequent application (Planning Permit application 717652) to address this zone requirement (by subdividing the site). This proposal was also refused by Council Officers on the basis that there was no approved Development Plan, the proposal will unreasonably compromise the orderly development of the land and the proposed access is inappropriate for safety reasons.

A critical issue of concern with this general proposal relates to the treatment of Stagecoach Boulevard. The importance of Stagecoach Boulevard's extension through the site as a key spine integrating the landholdings and its strategic significance as a future connection (including bus) to Middle Gorge Station is a key structural element of the SMEDP. This key point has been identified as such in the previous VCAT matters relating to individual sites within the precinct.

The submitter's proposal has the effect of truncating the Stagecoach Boulevard extension and limits it essentially to an access for their development only with no regard to connectivity to the south and future connection to the train station.

Setting aside the important structural issues of the proposal, it is considered that there is no strategic justification for the provision of a supermarket. Its location is not supported in the SMLSP which identifies the site for residential and it is located away from any nominated activity centre, noting that Plenty Valley Town Centre is an appropriate location for these uses. Locating an isolated highway based centre in this location is considered undesirable and not strategically justified.

The SMEDP specifically identifies the development cells for a mix of medium to high density residential, which provides clear direction to the development outcomes envisaged.

Revised Development Plan Proposal – 975 Plenty Road and 985 Plenty Road

Subsequent to the non-statutory exhibition period, and refusal of both planning permit applications, the landowner at 975 Plenty Road has submitted an alternative Development Plan layout (dated 6 September 2018) for the SMEDP (see *Attachment 6*), focussing on 975 and 985 Plenty Road.

The submission is different to earlier proposals, whereby it removes a level of detail from the northern two parcels north of Stagecoach Boulevard, and leaves the decision on the ultimate development to the planning permit application stage.

The area shown red (encompassing 985 Plenty Road and the far northern end of 975 Plenty Road) is to allow for a service station with a left in – left out access treatment. The area shown blue (remaining land north of Stagecoach Boulevard) is identified as a future development parcel providing a range of dwelling types and associated lots, with access via Stagecoach Boulevard or the service station lot to the north.

It is considered that the revised submission is limited in detail with respect to the ultimate development intent and function of the two northern parcels. The removal of the road network from the Development Plan is not supported, as a road network is required for the parcels to demonstrate the connectivity and accessibility and identify the general form and shape of future development parcels; to this end the proposal only includes a westerly road connection terminating at the Mernda rail corridor. Furthermore, in this instance the road network is particularly important considering the relationship of the site to a new train station and Vic Roads comments that direct access to Plenty Road for the whole development area is to be limited to Stagecoach Boulevard. Noting again, that these positions and matters have previously been before VCAT.

The lack of detail regarding the internal road network does not clarify or provide any certainty on what can be developed. The proposal in its current form is limited details on proposed

uses, with the exception of the service station on the northern parcel, noting that Vic Roads do not support left in – left out access arrangements for that site.

The proposal nominates a “diverse range of dwelling types” which could be considered to be in accordance with the SMLSP, but it does not identify what type of housing is to be used, i.e. if it is medium or high density housing and the supporting road network. The purpose of the Development Plan is to specify this greater level of detail to allow Council to be confident in the type of development that can be realised. As presented, the proposal is essentially deferring all application requirements to the planning permit stage, which is not supported.

It is considered that the SMEDP proposal tabled in *Attachment 3* still provides a more appropriate and complete representation of a planning outcome for an area adjacent to a new train station. The certainty is given by the proposed road network and the size of the development parcels. The land use designations of high density housing and medium density housing demonstrate the compliance of the proposal with an incorporated document within the Whittlesea Planning Scheme.

Vegetation

The exhibited SMEDP showed vegetation across the development cell, with significant extents at the north-east corner of 975 Plenty Road and the north-west corner of 955 Plenty Road.

The majority of the trees at 955 and 975 Plenty Road were removed as part of the site occupation by the Level Crossing Removal Authority for the Mernda Rail Extension Project. The vegetation was not native and therefore was exempt from the requirement of a planning permit under the Vegetation Protection Overlay.

With respect to the removal the two trees at 33 Old Plenty Road. These trees are required for removal to allow for the road extension into the site from Old Plenty Road. Whilst the preference would be to retain trees wherever possible, the location of the trees central to the frontage of the site means there is no opportunity to deliver the critical road connection without impacting upon the trees. The arborist report submitted with the SMEDP has identified the trees as Sugar Gums, which are not native to Victoria, and as such do not require a planning permit for their removal.

Furthermore, the arborist report has identified a number of indigenous species which can be replanted to provide amenity in the future. These changes are reflected in *Attachment 3*.

Officer Recommendation

- **Update the *South Morang East Development Plan* to reflect current vegetation extent.**
- **Identify the two Sugar Gum trees on the southern boundary of the precinct as suitable for removal.**

This change is shown as “F” in *Attachment 3*.

CRITICAL DATES

- **August 2011** – Application for 46 dwellings at 33 Old Plenty Road refused by Council.
- **December 2011** – An application for a Development Plan encompassing 33 Old Plenty Road and 955-985 Plenty Road is lodged.
- **April 2012** – The application for the 46 dwellings is reviewed by VCAT who determine the refusal of the application in the absence of an approved Development Plan.
- **August 2012** – Application for 32 dwellings, a medical centre and creation of an access to a Road Zone 1 at 985 Plenty Road is refused.

- **August 2013** – The application for 32 dwellings, a medical centre and creation of an access to a Road Zone 1 is reviewed by VCAT who determine the refusal of the application in the absence of an approved Development Plan.
- **June 2014** – Revised *South Morang East Development Plan* submission received.
- **January 2015** – Applicant advised to consider the role of the future Mernda Railway Extension Project in the SMEDP layout.
- **May-September 2015** – Ongoing discussions with respect to the SMEDP undertaken with Vic Roads and Public Transport Victoria.
- **June 2017** – Revised SMEDP submitted by Whiteman Property & Accountants.
- **March 2018** – SMEDP (*Attachment 2*) placed on Non-Statutory Exhibition.
- **August 2018** – Revised SMEDP (*Attachment 3*) taking into consideration submissions raised during the Non-Statutory Exhibition period prepared and submitted for Council consideration.

POLICY STRATEGY AND LEGISLATION

It is considered that the SMEDP, as shown in *Attachment 3*, is generally consistent with the objectives and general provisions of the State Planning Policy Framework and the Local Planning Policy Framework.

Clause 11 – Settlement

The SMEDP is consistent with this clause by contributing to a number of facets of planning (including housing diversity, transport links and good urban design).

Clause 15 – Built Environment & Heritage

The SMEDP is generally consistent with this clause. The design of the development layout satisfactorily responds to the site features and constraints. The residential development includes elements which will assist in making it attractive, liveable, walkable and cyclable. Adjoining infrastructure features including Plenty Road and the Mernda Rail Corridor constrain the development from providing a high level of diversity and have affected the design parameters.

Clause 16 – Housing

The SMEDP is generally consistent with this clause. The development increases the supply of housing in an existing urban area on an under-utilised site adjacent to a future train station. The SMEDP ensures the site is connected to the broader area.

Clause 18 – Transport

The SMEDP is consistent with this clause. The SMEDP includes significant walking and cycling infrastructure and public transport connections to a future train station and major activity centre.

Clause 19 – Infrastructure

The SMEDP is generally consistent with this clause. The development makes provision for appropriate infrastructure to service the development and contributes to the provision of community infrastructure in proximity to the site.

Clause 21.09 – Housing

The SMEDP is consistent with the objectives of this clause by providing the opportunity for a diversity of housing options.

Clause 21.11 – Transport

The SMEDP is consistent with the objectives of this clause by providing the opportunity for a diversity of transportation options.

Clause 21.12 – Community Infrastructure

The SMEDP is consistent with this clause and includes a contribution towards transport, community infrastructure and open space.

LINKS TO THE COUNCIL PLAN

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

The SMEDP will ensure that the residential development of the site will be well designed and respond to the constraints affecting the site. The development will help build connection to place and community through a number of key elements including; permeable street network, cycle and pedestrian links to a future train station and contribution to community infrastructure and open space.

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 *South Morang East Development Plan* has been developed in consultation between Council Officers and the consultants of the proponent. The plan itself has been the subject of a planning process which has resulted in refinements to the plan.

The uncertainty regarding the delivery of the Mernda Railway Extension has delayed the progression of the Development Plan. However given that the project has now been delivered it is important to ensure that an appropriate Development Plan is in place to provide firm direction on the overall strategic intent of the area and to guide assessment of future planning applications for the precinct. The medium and high density residential development identified on the plan is consistent with the provisions of the *South Morang East Local Structure Plan* and is supported.

Council should continue to advocate for the extension of Stagecoach Boulevard (as identified in the plan), to further strengthen the position and connectivity of the Middle Gorge station within the broader South Morang East area and beyond, and ensure that the new Middle Gorge precinct is activated as soon as possible.

Accordingly it is recommended that the *South Morang East Development Plan* as contained in *Attachment 3* of this report is approved by Council in accordance with Schedule 6 of the Development Plan Overlay (Clause 43.04) of the Whittlesea Planning Scheme.

RECOMMENDATION

THAT Council resolve to approve the post exhibition revision of the *South Morang East Development Plan* dated August 2018, as contained in *Attachment 3* of this report in accordance with Schedule 6 to Clause 43.04 of the Whittlesea Planning Scheme.

COUNCIL RESOLUTION

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

THAT Council resolve to defer consideration of this item to later in the meeting.

CARRIED UNANIMOUSLY

Chief Executive Officer Explanatory Note

Consideration of item 6.1.2 South Morang East Development Plan Proposal took place following consideration of item 6.1.9 Review of Participation - Municipal Association of Victoria and Victorian Local Government Association.

MOTION

MOVED: *Cr Desiato*
SECONDED: *Cr Monteleone*

THAT Council resolve to

1. Approve the post exhibition revision of the South Morang East Development Plan dated August 2018, as contained in Attachment 3 of this report in accordance with Schedule 6 to Clause 43.04 of the Whittlesea Planning Scheme, subject to the provision of a small scale pocket park within the Development Plan area; and
2. Authorise the Chief Executive Officer to endorse the South Morang East Development Plan dated August 2018 following the amendment of the Development Plan to provide for the change in 1. above.

COUNCIL RESOLUTION

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

THAT Council resolve to defer consideration of this item to a future Council Meeting.

CARRIED

6.1.3 AMENDMENT C200 - HOUSING DIVERSITY AND DESIGN POLICY - ADOPTION

Attachments:	1	Housing Diversity and Design Policy ⇒
	2	Clause 32.07 Schedule 1 ⇒
	3	Clause 32.08 Schedule 4 ⇒
	4	Clause 32.08 Schedule 5 ⇒
Responsible Officer:	Director Partnerships, Planning & Engagement	
Author:	Senior Strategic Policy Planner	

RECOMMENDATION SUMMARY

1. Adopt Amendment C200 to the Whittlesea Planning Scheme as contained in *Attachments 1-4* of this report.
2. Submit Amendment C200 to the Whittlesea Planning Scheme as proposed in 1. above to the Minister for Planning for approval.

KEY FACTS AND / OR ISSUES

- Amendment C200 to the Whittlesea Planning Scheme represents the second stage of implementation of Council's *Housing Diversity Strategy 2013-2033*. The Amendment introduces:
 - a local planning policy to set out Council's expectations for the quality, diversity and location of housing; and
 - preferred character objectives and revised residential zone provisions to address the quality of residential development.
- Following public exhibition of the Amendment, one submission was received. The submission related to issues that were beyond the scope of the Amendment.
- At its meeting on 7 August 2018, Council resolved to refer the unresolved submission to an independent Planning Panel and endorsed the exhibition version of Amendment C200 as Council's position to the Panel.
- The submission was subsequently withdrawn prior to the appointment of a Panel. As such, no Panel process will be undertaken and the Amendment may be adopted in its exhibited form as contained in *Attachments 1-4*.
- In line with statutory requirements, Council must make a decision within 60 business days of the closing date for submissions, being 21 September 2018. Notwithstanding Council's decision to request a Panel, this requirement applies retrospectively. Consent has been sought from the Department of Environment, Land, Water and Planning to extend the time to make a decision to **2 October 2018**.

REPORT**INTRODUCTION**

The purpose of this report is to make recommendations on the next steps in the Amendment process.

The exhibition outcomes for this Amendment were reported to Council on 7 August 2018, including that one out-of-scope submission had been received. At the meeting, Council resolved to refer the submission to a Panel and to endorse the exhibition version of Amendment C200 as its position to the Panel. However, the submission has been subsequently withdrawn prior to the Panel's appointment.

Given the submission has been withdrawn and a Panel is no longer required, this report will recommend that Council adopt the exhibited version of Amendment C200 (as shown in *Attachments 1-4*) and submit Amendment C200 to the Minister for Planning for approval.

BACKGROUND

Amendment C200 represents the second stage of implementation of Whittlesea City Council's *Housing Diversity Strategy 2013-2033* (HDS) in the Whittlesea Planning Scheme, a 2017/18 initiative of the Council Plan – *Shaping Our Future 2017-2021*.

City of Whittlesea's HDS applies to the established suburbs of the municipality. It was adopted in December 2013 following extensive community consultation and seeks to:

- Guide the highest levels of housing change to areas that are well serviced by public transport, services and employment;
- Increase the diversity of housing stock to better respond to the community's changing housing needs; and
- Establish a preferred neighbourhood character to maintain and improve the liveability of our suburbs.

Stage 1 of the HDS implementation (Amendment C181) introduced the suite of new residential zones and was approved in October 2015.

Stage 2 focussed on identifying the appropriate statutory tools to achieve the strategic objectives above, and on the subsequent preparation of Amendment C200 which introduces:

- a new local planning policy (*Housing Diversity and Design*) to set out Council's expectations for the quality, diversity and location of multi-dwelling housing development; and
- residential zone schedules that include preferred character objectives for the respective Housing Change Areas and that supplement the zone provisions to address the quality of residential development.

The expected development outcomes of the Amendment would include:

- A clearer transition in housing typologies from areas where the highest level of housing change would be expected to areas of lowest level of change, as identified in the *Housing Diversity Strategy 2013-2033*;
- Canopy trees would be provided in front and rear setbacks of new development in areas zoned General Residential Zone; and
- An increase in the minimum dimensions for secluded private open space would improve landscaping opportunities and functionality for future residents.

Council resolved at its 7 August 2018 meeting to endorse the exhibited version of Amendment C200 as its position to the Planning Panel (which ultimately did not proceed).

SUBMISSIONS AS A RESULT OF STATUTORY EXHIBITION

Amendment C200 was placed on public exhibition for four weeks between 31 May 2018 and 2 July 2018. Following the exhibition process, one submission relating to a common interest in specific land in the Shire of Nillumbik was received, and raised the following issues:

1. Concern that the current zoning of specific land parcels at Diamond Creek and Yarrambat (in Nillumbik Shire) is rural, and requesting that it be changed to General Residential Zone; and
2. An historic water infrastructure contribution said to have been paid by the landowners/submitters, which they consider is wrongfully benefitting urban development elsewhere.

The submissions were considered to be beyond the scope of Amendment C200 for the following reasons:

- Amendment C200 makes no changes to the zoning of land and, in particular, does not apply to land in the Shire of Nillumbik. The scope of the Amendment is confined to policy and provision changes relating to assessment of residential development in the established suburbs of City of Whittlesea, including Bundoora, Thomastown, Lalor, Mill Park, and parts of Epping and South Morang.
- It is beyond the power of City of Whittlesea, as the planning authority for this Amendment, to rezone land parcels in Shire of Nillumbik.
- Amendment C200 does not relate to water infrastructure contributions.

PLANNING PANEL PROCESS

Pursuant to Section 23(1)(b) of the *Planning and Environment Act 1987*, Council resolved at its meeting on 7 August 2018 to refer the single, unresolved submission to an independent Planning Panel.

On 16 August 2018, a request to appoint a Panel was submitted and the submitter was formally notified of Council's resolution.

Subsequently, on 21 August 2018, the submission was withdrawn. Planning Panels Victoria was immediately notified and confirmed that, as a Panel had not yet been appointed, Council's request to appoint a Panel would be disregarded and that it has no further interest in the Amendment.

FINANCIAL IMPLICATIONS

There are no financial implications for Council in relation to the Amendment. The avoidance of a Planning Panel process reduces procedural and legal costs for Council.

CRITICAL DATES

Amendment C200 received authorisation from the Minister for Planning on 7 May 2018 and was subsequently exhibited from 31 May 2018 to 2 July 2018.

In accordance with *Ministerial Direction No. 15: The Planning Scheme Amendment Process*, if no submissions are referred to a Panel, Council must make a decision within 60 days of the closing date of submissions, being 21 September 2018.

Council had formally referred the submission to a Panel, prior to the subsequent withdrawal of the submission. However, the above requirement on the timing for a decision applies retrospectively.

Given the particular circumstances, consent has been sought from the Department of Environment, Land, Water and Planning to extend the time within which Council must make a decision to **2 October 2018**.

POLICY STRATEGY AND LEGISLATION

Plan Melbourne 2017 – 2050

Plan Melbourne 2017-2050 adopts an approach to housing with multiple objectives. The document provides strong policy support for facilitating 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 2.1.2). At the same time, policy support is provided for “certainty” about the scale of growth in the suburbs (Policy 2.1.4). This policy cites mandatory height provisions and site coverage requirements (introduced as part of the March 2017 zone reforms) as promoting this certainty.

Importantly, the policy states that “local government and the community also need confidence that the built form objectives they sign up to will be adhered to.” Accordingly, Amendment C200 seeks to ensure the key design principles of the HDS are reflected in the design of new residential development.

The intention from the HDS to include canopy trees in front and rear setbacks of new development is strongly supported by Outcome 5 of Plan Melbourne (*Melbourne is a city of inclusive, vibrant and healthy neighbourhoods*) and Outcome 6 (*Melbourne is a sustainable and resilient city*), both of which seek to increase urban greening.

State Planning Policy Framework

Clause 11.06-2 (Housing Choice) seeks to provide housing choice close to jobs and services. Strategies that are supported by this Amendment are:

- to support housing growth and diversity in defined housing change areas and redevelopment sites.
- direct more housing closer to jobs and public transport.
- identify and plan for greyfield areas to deliver a greater mix and diversity of housing, particularly through opportunities for land consolidation.
- facilitate diverse housing that offers choice and meets changing household needs through:
 - provision of a greater mix of housing types.
 - adaptable internal dwelling design.
 - universal design.

Clause 16.01-2 (Location of residential development) seeks to locate new housing in or close to activity centres and in urban renewal precincts and sites that offer good access to jobs, services and transport. Strategies that are supported by this Amendment are:

- Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.
- Identify opportunities for increased residential densities to help consolidate urban areas.

Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies that are supported by this Amendment are:

- Encourage the development of well-designed medium-density housing which:
 - Respects the neighbourhood character
 - Improves housing choice
 - Makes better use of existing infrastructure
 - Improves energy efficiency of housing.
- Support opportunities for a wide range of income groups to choose housing in well serviced locations.

Local Planning Policy Framework (including the Municipal Strategic Statement)

The Stage One implementation introduced policy content from the HDS to the Municipal Strategic Statement, including the following:

Clause 21.09-4 Change Areas in the Established Suburbs

Objective 1: To accommodate varying levels of housing growth and change in the established residential areas of the municipality by implementing the identified Housing Change Areas in the Housing Diversity Strategy.

Strategy 1.2 - Encourage medium and higher density in a Neighbourhood Renewal Change Areas that is appropriate in a neighbourhood context.

Strategy 1.3 - Encourage medium and standard density in Neighbourhood Interface Change Areas that provides a suitable transition between more intensive change areas and standard density housing.

Strategy 1.4 – Encourage standard density housing that maintains and enhances the amenity of the surrounding neighbourhood in Suburban Residential Change Areas.

Objective 2: To ensure the housing types and design of residential development is appropriate in each of the Housing Change Areas.

Strategy 2.1 Ensure residential developments have regard to the Preferred Housing Types and the Key Design Principles in the Housing Diversity Strategy 2013-2033.

Disability Action Plan 2017-2021

Council's *Disability Action Plan* includes priority areas that reflect the concerns of people across the community living with a disability. One priority area that is of relevance to this Amendment is the availability of affordable, accessible, high quality housing for people with disabilities.

Social and Affordable Housing Strategy 2012-2016

The *Social and Affordable Housing Strategy* states that elements impacting housing affordability are:

- the location of housing,
- the quality and type of housing in relation to diverse households, and
- the quality and type of housing provided by the housing industry.

The Amendment directly addresses these elements by encouraging a diverse range of housing in proximity to services and transport. The Amendment also supports housing that incorporates universal housing standards and adaptable housing standards to ensure housing is appropriate for older persons and people with a disability.

LINKS TO THE COUNCIL PLAN

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

Amendment C200 represents the second stage of implementation of Whittlesea City Council's *Housing Diversity Strategy 2013-2033* (HDS) in the Whittlesea Planning Scheme, a 2017/18 initiative of the Council Plan – *Shaping Our Future 2017-2021*.

The Amendment will result in new residential development that provides a diverse range of housing types, and enhances the appearance of our established suburbs.

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 C200 represents the second stage of implementation of Whittlesea City Council's *Housing Diversity Strategy 2013-2033* in the Whittlesea Planning Scheme. Amendment C200 seeks to introduce a local planning policy to set out Council's expectations for the quality, diversity and location of housing. The Amendment also revises residential zone schedules to include preferred character objectives and zone provisions that address the quality of residential development.

Following exhibition of the Amendment, one submission relating to a common interest in land in the Shire of Nillumbik was received which was outside the scope of the Amendment and was unable to be resolved. Council referred the unresolved submission to an independent Planning Panel at its meeting on 7 August 2018, however, the submission was subsequently withdrawn and the Panel process was cancelled.

On this basis, it is recommended that Council adopt Amendment C200 (as contained in *Attachments 1-4* of this report) and submit it to the Minister for Planning for approval.

RECOMMENDATION

THAT Council resolve to:

- 1. Adopt Amendment C200 to the Whittlesea Planning Scheme as contained in *Attachments 1-4* of this report.**
- 2. Submit Amendment C200 to the Whittlesea Planning Scheme as proposed in 1. above to the Minister for Planning for approval.**

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

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

CARRIED

6.1.4 8 BURWOOD COURT, THOMASTOWN - CONSTRUCTION OF TWO DWELLINGS

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

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Planning Officer

APPLICANT: Mr V Khanna

COUNCIL POLICY: Clause 22.11 – Development Contributions Plan Policy

ZONING: General Residential Zone

OVERLAY: Development Contributions Plan Overlay

REFERRAL: Nil

OBJECTIONS: Six

RECOMMENDATION SUMMARY

That Council resolve to approve Planning Application No. 717405 and issue a Notice of Decision to Grant a Permit for a multi-dwelling development comprising the construction of two dwellings at 8 Burwood Court, Thomastown.

KEY FACTS AND / OR ISSUES

- An application has been lodged to construct two dwellings on the subject land. One dwelling is double storey and the second dwelling is single storey.
- The application was advertised, which resulted in six objections being received. The concerns raised were related to neighbourhood character, overlooking and privacy concerns, noise impacts, traffic concerns, and property devaluation.
- The proposal demonstrates a satisfactory level of compliance with the relevant provisions of the Whittlesea Planning Scheme, particularly in relation to Clause 55 (ResCode) and Council's Housing Diversity Strategy.

REPORT

SITE AND SURROUNDING AREA

The subject site is a residential property located on the north side of Burwood Court, Thomastown, approximately 60m east of Edgars Road (see *Attachment 1*).

The site is irregular in shape and has a curved frontage of approximately 14.0m and a maximum depth of 40.5m. The site has a total site area of 671m² and is generally flat.

The site currently contains a detached single storey dwelling constructed of brick with a pitched and tiled roof. The presentation to the street comprises the existing driveway and landscaping across a narrow frontage. There is a nature strip tree immediately adjacent to the driveway.

The surrounding area is largely characterised by a variety of detached dwellings. The adjoining properties immediately to the north, east, west, and south of the site are all single storey dwellings with pitched and tiled roofs.

Examples of medium density development in the general area include 134 Edgars Road and 8 McKinnon Street.

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

- Bus Route 557 – Thomastown via West Lalor anti-clockwise loop (105m south)
- Bus Route 554 – Thomastown via West Lalor clockwise loop (120m south)
- Bus Route 357 – Wollert West to Thomastown Station (185m northwest)
- Thomastown West Primary School (200m northeast)
- Thomastown Shopping Centre (250m northwest)
- Thomastown Secondary College (300m northeast)
- Main Street Recreation Reserve / Thomastown Recreation & Aquatic Centre / Thomastown Library (500m northeast)

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot 239 on Plan of Subdivision 079757. Covenant D188105 affects the subject land and requires any building to be built of brick, stone, concrete, or brick veneer.

A 2.44m wide easement traverses the rear of the property and contains Yarra Valley Water infrastructure. An insignificant small area (0.1m²) associated with a concrete step area encroaches onto this easement and will be subject to building over easement approval from the relevant authorities. There will be no impact on the overall development with respect to whether the step is retained or removed.

PROPOSAL

It is proposed to construct two dwellings on the subject land (see *Attachment 2*).

Dwelling 1 will contain an open plan kitchen/meals/living area, four bedrooms, amenities and an attached double garage.

Dwelling 2 will similarly contain an open plan kitchen/meals/living area, two bedrooms, amenities, and an attached single garage.

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

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double storey	4	6.2m front boundary (south) 3.8m side boundary (west) 1.5m side boundary (east) 10.0m rear boundary (north)	143m ² including 37.8m ² of secluded private open space	Double garage with dimensions of 5.5m x 6.0m	7.3m
Dwelling No. 2	Single storey	2	25.0m front boundary (south) 0m side boundary (west, garage wall on boundary) 1.1m side boundary (east) 3.0m rear boundary (north)	116m ² including 81.5m ² of secluded private open space	Single garage with dimensions of 3.5m x 6.0m	4.5m

PUBLIC NOTIFICATION

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

1. Neighbourhood character
2. Overlooking and privacy concerns
3. Traffic concerns
4. Noise impacts
5. Property devaluation

HOUSING DIVERSITY STRATEGY

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) via Planning Scheme Amendment C181, gazetted on 22 October 2015. The Strategy provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

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

ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	
B2	Residential Policy	✓	✓	The HDS nominates this site as being within the Suburban Residential Change Area. The proposed development is consistent with the preferred density and key design principles outlined in the HDS, including standard building heights, provision of sufficient area to allow for the planting of a large canopy tree in the front setback, and minimal site coverage, private open space areas with dimensions that allow usability, and compliant setbacks.
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	x	Due to the layout of the court and the form of the frontages of the subject and abutting land, the proposed setback in its current form is considered to meet the objective in maintaining the character of the court and making efficient use of the site. The setback is slightly less than that required by the standard, however the front dwelling will sit behind the dwelling to the east and will be generally in line with the dwelling to the west due to the curvilinear nature of the court bowl.
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B10	Energy efficiency	✓	✓	Opportunities exist to improve northern light access to the kitchen and some bedrooms within Dwelling 1. This will be required as a condition on permit.
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	✓	
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	Bedrooms 2 and 3 of Dwelling 1 technically comply with the requirements of Standard B22 in that the windows are located more than 9.0m from any habitable room window/secluded private open space area. To ensure that no adverse amenity impacts are caused to 10 Burwood Court, a condition on permit requiring the screening of these windows in accordance with Standard B22 will be required.
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B30	Storage	✓	✓	
B31	Design detail	✓	✓	
B32	Front fences	N/A	N/A	No front fence proposed
B33	Common property	✓	✓	
B34	Site services	✓	✓	

CAR PARKING

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

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

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements and all vehicles are able to exit the site in a forwards direction.

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing.

Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

COMMENTS ON GROUNDS OF OBJECTION

1. Neighbourhood character

It is noted that a double storey dwelling does not default to 'neighbourhood character non-compliance' solely for the reason that it is double storey. The shape, siting, form, and scale of the dwellings are assessed to be site and context responsive. Appropriate setbacks have been established, the dwellings are of an appropriate height, entries are easily identifiable and differentiated, usable space for private open space activities have been allowed for, site coverage is conventional, and meaningful landscaping opportunities are available throughout the development. Accordingly, the overall proposal is considered to be in keeping with the existing character of the area and is envisaged to not have a detrimental impact on the character of the court.

2. Overlooking and privacy concerns

As discussed above, the proposal is compliant with the objective of Clause 55.04-6 'Overlooking' and the associated requirements of Standard B22. Further, a condition requiring the bedrooms 2 and 3 of Dwelling No. 1 to be appropriately screened will be included on any permit issued.

3. Traffic concerns

It is considered that the general area is capable of accommodating a limited increase in density as part of any further development of the site for two dwellings. The proposal complies with Clause 52.06 'Car parking' in the provision of the correct number of car parking spaces. In addition, Council's City Design & Transport Department have commented that:

- *The additional traffic impact and parking demand created by this development is negligible.*
- *Council have no records relating to parking issues from school traffic or otherwise from CRMs in Burwood Court or Simpson Street.*
- *Traffic and Transport Engineering have recently conducted a study in this area as part of LATM 9 which included an extensive consultation process and thorough investigation as part of the study with the following results:*
 - a. *Parents dropping off/picking up children for school were not observed to park as far as Burwood Court frequently.*
 - b. *Every property within Burwood Court and Simpson Street was prompted to comment on any issues in the area, especially in relation to traffic. 2 properties responded from Burwood Court, one of which raised a concern relating to parents parking in Simpson Street.*
- *In relation to emergency vehicle access issues caused by extra parking occupancy, the road is 7m wide which allows for vehicle parking on both sides of the street with one lane available for through traffic.*

4. Noise impacts

The development as proposed complies with Standard B24 of the Whittlesea Planning Scheme which seeks to contain noise sources in developments that may affect existing dwellings and to protect residents from external noise. The proposal is for residential use of the land in a residential area and the development will not require external mechanical plant or any other inappropriate source of noise. While some additional noise will be generated by virtue of the greater number of residents on the land, this is acceptable in a residential area. In terms of the impact of noise generated during the construction period, it can be expected that there will be some level of amenity loss due to noise generated by on-site building activities. These activities will be required to comply with the Environment Protection (Residential Noise) Regulations 2008.

5. Property devaluation

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that loss of property values are not relevant planning considerations.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application provides a satisfactory response to the requirements of the Whittlesea Planning Scheme and in particular Clause 52.06, Clause 55, and Council's Housing Diversity Strategy. The proposal meets the preferred density and key design principles of Clause 21.09-4 of the Whittlesea Planning Scheme (Suburban Residential Change Area).

It is considered that the proposal will not result in unreasonable impacts on the character of the neighbourhood and surrounding residential properties. It is therefore recommended that Council approve the application.

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 717405 and issue a Notice of Decision to Grant a Permit for the Construction of Two Dwellings in accordance with the endorsed plans and subject to the following conditions:

Payments Required

1. Prior to the endorsement of plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.

Plans Required

2. Before the development and/or use hereby permitted starts, one (1) digital copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans dated 19 June 2018 and prepared by Xpress Building Design Group but modified to show:
 - a) A north facing window with a sill height of 1.7m above floor level to bedrooms 2 and 3 of Dwelling No. 1;
 - b) The northern kitchen wall to Dwelling No. 1 set back 1.0m away from the accessway
 - c) A north facing window with a sill height of 1.4m above floor level to the kitchen of Dwelling No. 1;
 - d) Landscaping as required by Condition 4 of this permit; and
 - e) Schedule of external materials, finishes and colours.
3. Concurrent with the endorsement of plans under Condition 3 and before the development hereby permitted commences, three copies of a landscape plan prepared by a suitably qualified (or experienced) landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
 - a) Details of landscaping for the front setback including a schedule of all proposed trees, shrubs and ground covers;
 - b) The provision of a canopy tree with a (minimum) mature height of 9.0m planted at a semi-advanced state within the front setback of Dwelling 1;
 - c) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill; and

- d) Consistency with the City of Whittlesea Landscape Guidelines (Residential Development).

Layout Not Altered

4. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

6. Prior to the occupation of the dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.

Actions Before Occupation of the Dwellings

7. Prior to the occupation of the dwellings hereby approved, the car parking areas and access ways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
8. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
9. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
10. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
11. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority shall be provided for each dwelling.
12. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
13. Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.
14. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
15. Prior to the occupation of the dwellings hereby approved, the permit holder is

required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.

16. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.

General Amenity – Construction works

17. Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.
18. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.

Permit Expiry

19. In accordance with the Planning and Environment Act 1987 a permit for the development expires:
 - a) the approved development does not start within 2 years of the date of this permit; or
 - b) the approved development is not completed within 4 years of the date of this permit.

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

NOTES

Advanced Trees

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

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

Easements

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

Property Numbering

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

Dwelling 1 1/8 Burwood Court, Thomastown

Dwelling 2 2/8 Burwood Court, Thomastown

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

COUNCIL RESOLUTION

MOVED: *Cr Joseph*

SECONDED: *Cr Monteleone*

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

CARRIED

6.1.5 84 - 86 DALTON ROAD, THOMASTOWN - USE AND DEVELOPMENT OF A CHILD CARE CENTRE AND AN ALTERATION OF ACCESS TO A ROAD IN A ROAD ZONE CATEGORY 1

Attachments:	1 Locality Maps ⇒
	2 Development Plans ⇒
Responsible Officer:	Director Partnerships, Planning & Engagement
Author:	Planning Officer
APPLICANT:	Tamvakis Group Pty Ltd.
COUNCIL POLICY:	22.05 Child Care Centre Policy
ZONING:	General Residential Zone Road Zone, Category 1
OVERLAY:	Development Contributions Plan Overlay
REFERRAL:	VicRoads
OBJECTIONS:	15

RECOMMENDATION SUMMARY

That Council resolve to Refuse Planning Application No. 717050 and issue a Refusal to Grant a Planning Permit for the use and development of a child care centre and an alteration of access to a road in a road zone category 1 at 84-86 Dalton Road, Thomastown.

KEY FACTS AND / OR ISSUES

- The applicant proposes to develop and use the site as an 88 place childcare centre. The proposal includes the provision of 20 parking spaces at a basement level within the site, with one vehicle access point for ingress and egress.
- Advertising of the application resulted in 15 objections being received. The grounds of objection relate to a commercial use within a residential area, traffic impacts and associated safety concerns, noise impacts, oversupply and lack of demand for child care centres, and the associated impacts, loss of sunlight, waste concerns, structural damage in association with the construction works, and property devaluation.
- The proposal demonstrates poor compliance with the provisions of 'Clause 22.05 Child Care Centre Policy' in that it is located on a main road and does not fulfil a demonstrated need.

REPORT

SITE AND SURROUNDING AREA

The subject site consists of two lots and is located on the eastern side of Dalton Road (See *Attachment 1*). Dalton Road is a major north-south arterial road with two lanes in each direction, separated by a sizeable median strip. There are also dedicated bicycle lanes on both sides of the road. The site is regular in shape, generally flat, and measures 1092m² in area. Overall, there is a combined frontage to Dalton Road of 30.6m.

Each site currently contains a single-storey dwelling and associated outbuildings, and is directly accessed from Dalton Road by existing crossovers. Immediately surrounding the site are single storey dwellings. The broader area includes some commercial uses.

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

- CNH Nursing Home (40m west).
- Bus Route 556 Epping Plaza SC to Northland SC (95m south).
- Bus Route 559 Thomastown via Darebin Drive (235m northwest).
- Nick Ascenzo Park (280m northwest).
- Thomastown Learning Centre (Childcare) (430m north).
- Thomastown East Primary School (660m northwest).
- Dalton Road Preschool (820m north).
- Lalor Secondary College (1.1km North).
- St John Primary School (1.3km northeast).
- Lalor Living and Learning Centre – Occasional care (2.2km northwest).

RESTRICTIONS AND EASEMENTS

The Certificate of Title for the property shows that the site is not affected by any encumbrances or restrictions.

There is a 2.44m wide existing easement at the rear of both sites, with no buildings proposed to be constructed over this easement.

PROPOSAL

It is proposed to construct and use a childcare centre with a capacity for 88 children, aged 0-6 years old (See *Attachment 2*). The existing dwellings are proposed to be removed to allow for the construction of a purpose built building that will occupy both sites.

The building proposed is of a contemporary design, two storeys in form and a flat roof. It has a maximum building height of 7.5m. Architectural features are provided to the façade of the site facing Dalton Road by way of vertical metal trims. The proposed centre will consist of 5 rooms and will have play areas at both ground and first floor levels.

A 1.8m high steel fence and sliding gate is proposed to front the development.

The proposal includes a basement car park for 20 vehicles with a single ingress and single egress point onto Dalton Road. One of these spaces will be allocated for accessible car

parking. The front setback of the site will also provide for pedestrian access and a separate access path for bin relocation (for kerbside collection).

The childcare centre is proposed to operate between the hours of 7.00am and 6.30pm Monday to Friday and will have a maximum of 15 staff at any given time.

PUBLIC NOTIFICATION

Advertising of the application has resulted in 15 objections being received. The grounds of objection can be summarised as follows:

1. Commercial use within a residential area
2. Traffic impacts and associated safety concerns
3. Noise impacts
4. Oversupply and lack of demand for child care centres, and the associated impacts
5. Loss of sunlight to property
6. Waste management concerns
7. Structural damage in association with the construction works
8. Property devaluation

PLANNING ASSESSMENT

Clause 22.05 – Child Care Centre Policy

Currently, the objective of this policy is to ensure appropriately located and well-designed child care centres have a minimal impact on the amenity of the area and serve the needs of the community.

At its meeting on 7 August 2018, Council adopted Amendment C223, which relates to a revised child care centre policy. This amendment is now 'seriously entertained' and is a consideration in the assessment of all child care centre proposals. This revised policy includes clearer and further guidance regarding need, location, siting, and design considerations. Of particular significance, the 'Policy Basis' states:

...Council is experiencing unprecedented numbers of applications for child care centres particularly within the growth areas. Analysis undertaken by Council indicates that in some areas the supply of such facilities exceeds demand...

...Given the proliferation of child care centres, it is also important that the establishment of these facilities responds to a genuine demand in the community in order to compliment broader land use objectives and support the timely and economic establishment of facilities in the locations that are identified in development plans and other incorporated documents.

The 'Policy' section includes:

Need and preferred location of centres

- *Require applications to demonstrate a need for that facility in the local community having regard to the economic operation of the facility and other existing or planned facilities located, or to be located, as part of a community hub.*

- *Provide for child care centres that are:*
 - o *Within at least a 400m walkable distance (measured by the shortest route reasonably accessible on foot) to an existing or proposed activity centre or recognised community activity cluster.*
 - o *Co-located with similar appropriate non-residential uses (i.e. retail, education facilities, active open space facilities etc.).*
 - o *Within at least a 200m walkable distance (measured by the shortest route reasonably accessible on foot) from an existing or future planned public transport spot or train station.*
 - o *In locations that are readily and safely accessible by road, public transport, bicycle and pedestrian networks.*
- *Encourage child care centres on collector roads but avoid child care centres on, or within proximity to, arterial roads.*
- *Provide for flexibility and discretion in allowing child care centres that serve catchments beyond the local level in established or establishing residential areas, where they are located in or adjacent to activity centres or sited on collector roads that avoid extra generation of traffic on residential streets.*
- *Discourage the co-location of child care centres with non-compatible uses (i.e. service stations and convenience restaurants).*

It is considered the proposed childcare centre is not generally in accordance with the Child Care Centre Local Planning Policy both in its current form and even more so in the revisions made through Amendment C223.

An assessment against the requirements of the existing policy is provided below.

- *Encourage child care centres to locate adjacent to or in proximity to other community support facilities such as schools, pre-schools, open space, medical centres, and recreational facilities.*

The subject site is located in proximity to the following services:

- o Nick Ascenzo Park (280m northwest).
- o Thomastown Learning Centre (child care) (430m north).
- o Thomastown East Primary School (600m northwest).
- o Dalton Road Preschool (820m north)

On balance, it is considered that the site is not well located to the services recommended by the Clause.

- *Encourage child care centres to locate in proximity to public transport routes.*

The subject site is located in proximity to the following public transport routes:

- o Bus route 556 which runs along Dalton Road, running between Lalor and Northland Shopping Centre.
- o Bus route 559 which runs along Darebin Drive (160m north of the site), circular route through Thomastown.

- *Minimise impacts on residential amenity and enhance access, corner sites are preferred locations for child care centres. Establishment of child care centres within cul-de-sacs and on main roads is discouraged.*

The subject site is located on a main road, Dalton Road. There is a risk to children who may alight from vehicles on the main road given that basement car parking may be burdensome to parents/carers who are in a rush, along with disrupting the flow of traffic flow along Dalton road (these concerns were raised by VicRoads).

Additionally, there may be an impact on neighbouring residents through the repeated vehicular access and waste collection arrangement as the bins are located in proximity to residential properties.

- *Ensure that the scale and appearance of purpose built child care centres is consistent with surrounding land use, site characteristics, and site location. In residential areas child care centres should have a residential scale, height and building form, which is sympathetic to the character of adjoining dwellings and the streetscape.*

The scale of the built form is considered acceptable and in keeping with the surrounding built form of the area. The site is not a conventional residential street in that it is located on a main road where some commercial uses exist.

- *Ensure that access to and from the site is to be designed in such a way as to allow for the safe and efficient movement of vehicle and pedestrian traffic, including safe set down areas.*

As noted above, there is some concern in relation to the usability and practicality of basement car parking as it may encourage on-street drop offs, disturbing traffic flow on Dalton Road and posing a safety risk.

- *Ensure proposals fulfil a demonstrated need.*

There is no evidence to show a need for a childcare service in this area. Council's Family, Children & Young People Department has communicated that there is currently an oversupply and no demand.

Based on the assessment above, it is considered that the proposal responds poorly to the child care policy in terms of its site location and demand.

Clause 32.08 - General Residential Zone

The subject site is located within the General Residential Zone (GRZ1). Pursuant to Clause 32.08-1 of the Whittlesea Planning Scheme, a Child Care Centre is a section 2 use, therefore a planning permit is required. Additionally, the proposed buildings and works require planning approval.

There are a number of decision guidelines provided for non-residential uses and development that form part of the consideration, as outlined below:

- *Whether the use or development is compatible with residential use.*

It is considered that the proposed use and development are both compatible with residential uses. It is anticipated that there will be an increase in noise brought about by the use. This is considered to be conventional in the general operations of child care centres, and the peak times of noise (i.e. outdoor play) will not be during sensitive hours. It is noted that the site already experiences a level of noise due to its

location on a main road. The design of the building is considered to be in keeping with other built form within the area.

- *Whether the use generally serves local community needs.*

As assessed above, there is no demonstrated need for an additional childcare centre in this area.

- *The scale and intensity of the use and development.*

The scale and intensity of the use and development is assessed to be proportionate to the overall size of the land. The child care centre will operate from 7.00am to 6:30pm, Monday to Friday which are conventional hours for child care centres.

- *The design, height, setback and appearance of the proposed buildings and works.*

It is considered that the design, overall height, setbacks and general appearance of the building is an acceptable outcome consistent with the built form found within the area.

- *The proposed landscaping.*

A concept Landscape Plan was submitted as part of the application. Substantial landscaping is proposed within the front setback with provision for medium size trees and landscaping treatments within the play areas.

- *The provision of car and bicycle parking and associated accessways.*

Details of car parking and access are discussed within later sections of this report. There are no requirements for the provision of bicycle parking pursuant to Clause 52.34 'Bicycle Facilities'.

- *Any proposed loading and refuse collection facilities.*

Waste storage is proposed to be within a landscaped enclosure. Private kerb side collection is proposed on alternative days to Council collection. This arrangement raises some concern as it is in proximity to a residential use, with the bin being constantly located less than 10m to the dwelling at 88 Dalton Road.

- *The safety, efficiency and amenity effects of traffic to be generated by the proposal.*

As detailed above, VicRoads have raised some concern in relation to the practicality of the basement car parking arrangements.

Clause 45.06 – Development Contributions Plan (Schedule 3)

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage infrastructure for commercial development at a current rate of \$4.02 per square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

Clause 52.06 – Car Parking

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this clause, 19 car spaces are required. As the proposal includes basement car parking of 20 spaces, this requirement has been

appropriately met. All cars will be able to exit the site in a forward direction onto Dalton Road and the dimensions of the spaces and accessway comply with the requirements of Clause 52.06-9 'Design standards for car parking'.

Clause 52.29 – Alteration of Access to a Road Zone, Category 1

Dalton Road is a 'Road Zone Category 1'. The proposal includes alteration of access to the road, which is required to be referred to VicRoads as the road manager. VicRoads raised the following relevant concern:

VicRoads notes that the formal car park for the development has been provided within the basement and it may discourage parents to drop kids in the basement car park. Accordingly, parking along the kerbside will be increased and that may cause a disruption the traffic flow along Dalton Road.

Ultimately, there was no objection to the proposal subject to the following permit condition:

Prior to the commencement of the use of the building hereby approved, the proposed crossover and driveway must be constructed at no cost to VicRoads and to the satisfaction of the Responsible Authority.

COMMENTS ON GROUNDS OF OBJECTION

1. Commercial use within a residential area

A number of non-residential uses exist along Dalton Road and within this broader area of Thomastown. The use has been assessed to be compatible within surrounding land uses.

2. Traffic impacts and associated safety concerns

As discussed above there are some concerns in relation to traffic impacts and associated safety concerns, particularly issues identified by VicRoads.

3. Noise impacts

It is acknowledged that there would be noise that would come from the site due to the nature of the proposed use. As noted above, peak outdoor play times are conventionally during midday hours. Further, children are also generally indoors for the start and end of the day. This concern could be further addressed through a condition requiring acoustic treatments if a permit were to be issued.

4. Oversupply and lack of demand for child care centres, and the associated impacts

As discussed above, the proposal does not fulfil a demonstrated need.

5. Loss of sunlight to property

This objection relates to loss of sunlight to the side of one property due to the double storey nature of the building. The shadow diagrams indicate that while private open space areas are generally unaffected by shadows caused by the proposed building, the dwelling at 82 Dalton Road will experience reduced access to sunlight as the shadows will consistently shadow the north facing side windows of the dwelling on this site.

6. Waste concerns

This objection relates to the amenity impacts, particularly offensive smells, associated with the commercial scale of waste that will be produced and stored on site. This

concern could be addressed by way of a condition on permit that requires a waste management plan that includes appropriate storage and location to ensure that impacts associated with the generated waste is mitigated, if a permit was to be issued.

7. Structural damage in association with the construction works

Structural damage in association with future construction works is a matter that is addressed through the building permit process by the relevant Building Surveyor.

8. Property devaluation

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that loss of property values are not relevant planning considerations.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application has been assessed against the planning zone provisions including 'non-residential uses' decision guidelines of the General Residential Zone (Clause 32.08), and the Child Care Centre Policy (Clause 22.05) of the Whittlesea Planning Scheme. It is considered that the application has not demonstrated satisfactory levels of compliance with the relevant provisions and as such, refusal of this application is recommended.

RECOMMENDATION

THAT Council resolve to Refuse Planning Application No. 717050 and issue a Refusal to Grant a Planning Permit for the use and development of a child care centre and alteration of access to a road in a road zone category 1 on the following grounds:

- 1. The proposal fails to appropriately respond to the decision guidelines of 'non-residential use and development' within the General Residential Zone.**
- 2. The application fails to demonstrate satisfactory compliance with the Local Planning Policy Clause 22.05 Child care centre policy 9 and the amended version forming part of planning scheme amendment C223), in particular:**
 - a) The site is not located in close proximity to community facilities such as schools, preschools, open space, medical centre and recreational facilities, as encouraged by the policy.**
 - b) The site is located on a main road which is discouraged by the policy.**
 - c) There is not a demonstrated need for a child care centre in this location.**

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

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

CARRIED

6.1.6 ANNUAL REPORT 2017-2018

Attachments:	1	City of Whittlesea Annual Report 2017-2018 (distributed separately - refer to p.7) ⇒
Responsible Officer:		Director Partnerships, Planning & Engagement
Author:		Acting Manager Advocacy, Communications & Economic Development

RECOMMENDATION SUMMARY

THAT Council resolve to receive and note the 2017-2018 Annual Report in accordance with Section 134(1) of the *Local Government Act 1989*.

KEY FACTS AND / OR ISSUES

The Annual Report 2017-2018 contains the following:

- A report of Council's operations during the financial year (Part 1);
- An audited performance statement for the financial year of results achieved against the prescribed performance indicators and measures and includes a copy of the Auditor-General's Report on the Performance Statement (Part 2);
- Audited financial statements, prepared in accordance with the Australian Accounting Standards and a copy of the Auditor-General's Report on the Financial Statements (Part 3).
- In accordance with the Local Government Act 1989, public notice has been given that the Annual Report has been prepared and is available for inspection.

REPORT**BACKGROUND**

Council's performance for the 2017-18 Annual Report has been reported against each Council priority to demonstrate how Council is performing in achieving the 2017-21 Council Plan. Performance has been measured as follows:

- Results achieved in relation to the strategic indicators in the Council Plan;
- Progress in relation to the major initiatives identified in the budget;
- Services funded in the budget and the persons or sections of the community who provided those services; and
- Results against the prescribed service performance indicators and measures.

Highlights include:

- Council successfully lobbied the State Government to upgrade the City's arterial road network. In mid-2018, the State Government announced funding for the upgrade of Epping Road, Bridge Inn Road and Childs Road;
- In collaboration with the City of Darebin and City of Moreland, the City of Whittlesea opened the new \$13 million Epping Animal Welfare Facility. The RSPCA (Vic) manages the day to day services including impounding, shelter and adoption services for domestic animals and livestock brought into the facility from the three municipalities;
- Council adopted the Economic Development Strategy which aims to boost local economic activity and attract 10,000 new jobs to the City of Whittlesea over the next five years;
- A number of planning processes were streamlined to improve customer service. These included FastLane and Priority Development Process, Functional Layout Plan simplification and digital transformation of services such as Trapeze, Sharepoint overhaul, online payment and lodgement of property information requests and secondary consents;
- Mill Park Leisure Centre redevelopment process commenced. The complete rebuild will include the addition of new fully accessible pools and water play features, enlarged gym and fitness program areas, outdoor fitness, family play and BBQ areas; and
- Council adopted the 2018-19 New Works Program that will deliver a record \$80 million of public infrastructure and community facilities.

PROPOSAL

The Annual Report provides an overview of Council's performance in the 2017-18 financial year against the seven Council Priorities set out in our Council Plan 2017-21 and Annual Budget 2017-2018.

The Report also highlights achievements and challenges faced and includes statutory reporting and legislative information as required under the *Local Government Act 1989* and other legislation.

It is recommended that the 2017-2018 Council Annual Report be received and noted.

CONSULTATION

Copies of the Annual Report will be made available at Council Offices and at the Yarra Plenty Regional Library branches of Lalor, Thomastown, Mill Park, and Whittlesea. A copy will also be published on Council's website at whittlesea.vic.gov.au.

CRITICAL DATES

Public notice has been given that copies of the Annual Report are available for inspection and that it will be considered by Council at this meeting.

FINANCIAL IMPLICATIONS

The Annual Report was produced within approved budget allocations.

POLICY STRATEGY AND LEGISLATION

A copy of the Annual Report including the Audited Performance Statement and Financial Statements has been forwarded to the Minister for Local Government in accordance with Section 131 (6) of the Local Government Act 1989.

The Annual Report promotes open and transparent government by reporting Council's operations.

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

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 City of Whittlesea 2017-2018 Annual Report is an integral part of Council's commitment to open and accountable governance. It provides the community with an overview of Council's performance and achievements during the 2017-2018 financial year in delivering against the seven Council priorities set out in the 2017-21 Council Plan and Annual Budget. It also provides detailed financial statements relating to Council's financial position which continues to remain sound.

RECOMMENDATION

THAT Council resolve to receive and note the 2017-2018 Annual Report in accordance with Section 134(1) of the *Local Government Act 1989*.

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

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

CARRIED

6.1.7 ASSEMBLIES OF COUNCILLORS REPORT - 2 OCTOBER 2018

Responsible Officer: Director Partnerships, Planning & 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 28 June 2018	Cr Cox	ALC MCCD TLACD	<ol style="list-style-type: none"> Public Safety Infrastructure Fund New member appointed Aboriginal Liaison Officer Report WRG End of Financial Year Budget Report Annual Program – new priorities Change the Date Stretch RAP 2017 – 2020; Aboriginal Gathering Place Feasibility Study update <p><i>Nil disclosures</i></p>
Arts Cultural and Sporting Grants Program for Young People 1 August 2018	Cr Pavlidis (Mayor) Cr Cox Cr Desiato	CDGO MCBP TLCI	<p>The advisory committee made a recommendation to the delegate regarding the following application via a virtual meeting: Billie Gifford – Sporting Grant – Overseas – Successful</p> <p><i>Nil disclosures</i></p>
Municipal Emergency Management Planning Committee Meeting 7 August 2018	Cr Cox	D/MERO MERO MFPO MRM TLREM	<ol style="list-style-type: none"> Resilience and Emergency Management Operational Review Update Terms of Reference Emergency Management Reform Working Group Tiered response and on call SES Flood Plan Illegal Waste Dumping Workshop meetings of EMVs Community Resilience Framework for Emergency Management working with Communities, Government, Agencies and Business Other Business: <ol style="list-style-type: none"> City of Whittlesea Local Laws MFB DHHS DEJTR Red Cross <p><i>Nil disclosures</i></p>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum 14 August 2018	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor) Cr Alessi Cr Cox Cr Joseph Cr Kirkham Cr Kozmevski Cr Monteleone	CEO DCS DCRS DCTP DPPE MCBP TLSP	<ol style="list-style-type: none"> LaTrobe University City of the Future Externals in attendance: <ul style="list-style-type: none"> Professor John Dewar, Vice-Chancellor; Natalie MacDonald, Vice-President (Development) Whittlesea 2040 Update on the Draft Local Laws and City Amenity Service Review Confidential Item: CEO and Councillor Time <p><i>Nil disclosures</i></p>
Council Forum 21 August 2018	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor) Cr Alessi Cr Cox Cr Desiato Cr Joseph Cr Monteleone	CEO/A CPPO DCRS DCTP DPPE/A TLCI TLSP	<ol style="list-style-type: none"> Community Development Workshop External in attendance: <ul style="list-style-type: none"> Peter Kenyon <p><i>Nil disclosures</i></p>
Council Forum 28 August 2018	Cr Sterjova (Deputy Mayor) Cr Alessi Cr Cox Cr Desiato Cr Joseph Cr Kirkham	CEO/A DCRS DCS DCTP DPPE/A TLPD TLYS	<ol style="list-style-type: none"> Hume Whittlesea Local Learning and Employment Network (HWLEN) and Whittlesea Youth Commitment (WYC) Briefing around WYC's Activities All Abilities Play Space, Mill Park Mill Park Leisure Centre Redevelopment Progress Report Councillor Questions for Upcoming Council Meeting Confidential Item: CEO and Councillor Time <p><i>Nil disclosures</i></p>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
ALC	Aboriginal Liaison Coordinator – Donna Wright	MCBP	Manager Community Building and Planning – Belgin Besim
CDGO	Community Development Grants Officer – Caitlin Armstrong	MCCD	Manager Community Cultural Development – Catherine Rinaudo
CEO/A	Acting Chief Executive Officer - Liana Thompson	MERO	Municipal Emergency Management Resource Officer – Nick Mann
CEO	Chief Executive Officer – Simon Overland	MFPO	Municipal Fire Prevention Officer – Pat Carra
CPPO	Community Planning & Project Officer – Neela Konara	MRM	Municipal Recovery Manager – Russell Hopkins
DCS	Director Community Services – Russell Hopkins	TLACD	Team Leader Aboriginal & Cultural Diversity – Nick Butera
DCRS	Director Corporate Services – Helen Sui	TLCI	Team Leader Community Inclusion – Kelisha Nikitas
DCTP	Director City Transport and Presentation– Nick Mann	TLPD	Team Leader Parks Development – Adrian Napoleone
DPPE/A	Acting Director Partnerships, Planning and Engagement – Julian Edwards	TLREM	Team Leader Resilience and Emergency Management – Justin Justin
DPPE	Director Partnerships, Planning and Engagement – Liana Thompson	TLSP	Team Leader Social Policy & Planning – Joanne Kyrkilis
D/MERO	Deputy Municipal Emergency Management Resource Officer – Ben Harries	TLYS	Team Leader Youth Services – Khan Churchill

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 – 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.

RECOMMENDATION

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

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

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

CARRIED

6.1.8 WHITTLESEA 2040: A PLACE FOR ALL

Attachments: 1 [Whittlesea 2040: A place for all](#) ➡

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Team Leader Social Policy & Planning

RECOMMENDATION SUMMARY

Endorsement of *Whittlesea 2040: A place for all* (attached) as Council's long term strategic vision for the municipality that will guide Council's work.

KEY FACTS AND / OR ISSUES

- *Whittlesea 2040: A place for all* commenced in December 2017 and was developed over a period of ten months
- Research was undertaken by *SGS Economics and Planning* to determine the likely challenges and opportunities for the municipality to 2040 and was made available to the councillors and community to help inform their input into the vision development.
- Extensive councillor and community consultation was undertaken with over 4200 responses received. These were carefully analysed and themed and a Community Engagement Report was produced and informed a first Draft of the vision document.
- The Draft was circulated to councillors and community to ensure that the analysis had captured their shared aspirations. Feedback was received and incorporated into the final document, *Whittlesea 2040: A place for all*.
- *Whittlesea 2040: A place for all* consists of four interconnected goals: *Connected Community; Liveable Neighbourhoods; Strong Local Economy; Sustainable Environment*. To achieve each of these goals, Council will focus on three key directions within each goal. Our achievement in each will be measured by priority indicators.
- Once adopted by Council, *Whittlesea 2040: A place for all* will be Council's long term strategic vision for the municipality and will be the strategic guide for future Council planning and how we work in partnership with the community to achieve the desired outcomes.

REPORT

BACKGROUND

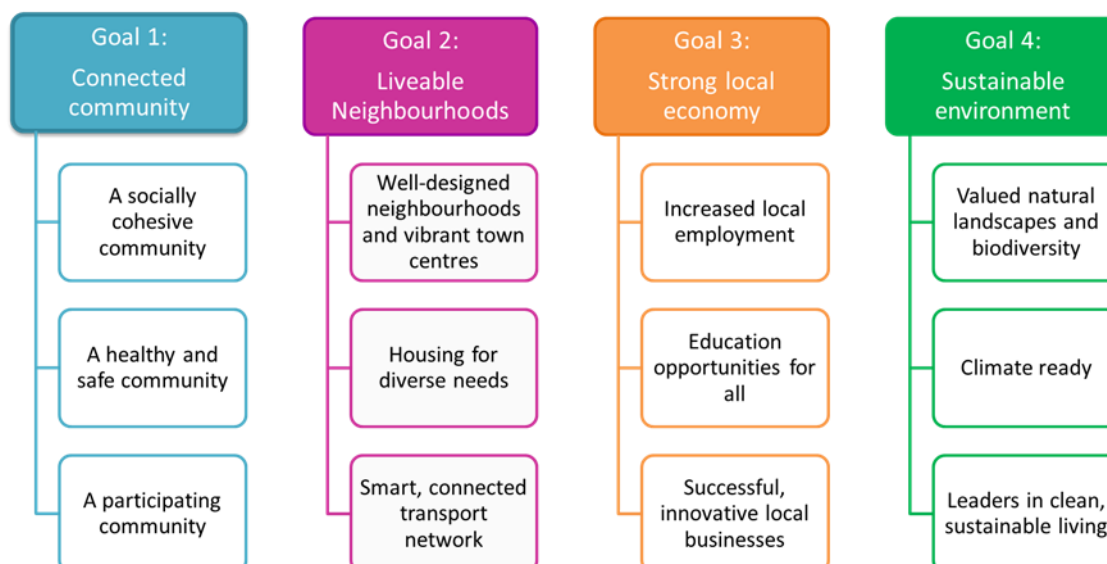
The Whittlesea 2040 project commenced in December 2017 with the commissioning of the *Whittlesea 2040: Background Paper* by SGS Economics and Planning. This identified the scale of change expected in the next 20 years across five key themes: *services and infrastructure; employment; climate change; transport; and, the community*. The SGS report was then made available to councillors and community to inform their input into the development of the vision document.

Extensive community consultation was undertaken with over 4200 responses from the community. The consultation was wide-ranging and the method of collection of community input included an online survey, postcards, forums, meetings and workshops. The data received from the councillor and community consultation was analysed, themed and presented in the Community Engagement Report.

This report informed the development of a first Draft Whittlesea 2040 Vision. Further consultation was undertaken with both councillors and community to ensure that their shared aspirations were accurately represented in this Draft. Feedback from this second round of consultation was incorporated and *Whittlesea 2040: A place for all* was developed.

PROPOSAL

It is proposed that Council endorse *Whittlesea 2040: A place for all* as Council's long term vision for the municipality that will guide Council's work. The vision consists of the following goals and key directions:



All of Council's future planning, services and projects will be aligned to contribute to the achievement of the goals and key directions. Council will work in partnership with the community to achieve this shared vision for the future. Council will measure progress towards this long term vision using priority indicators.

CONSULTATION

Community consultation was undertaken with over 4200 responses received from the community reflecting the diverse profile of the community who participated through surveys, workshops, meetings and forums over a three month period between March and June 2018.

This was followed by key word testing with community to ensure appropriate use of language. In addition, consultation of the Draft vision was conducted over a two week period in mid-August 2018 to obtain community feedback.

CRITICAL DATES

A Launch event is planned for 8 October 2018.

FINANCIAL IMPLICATIONS

Financial implications arising from this report will be dealt within established budgetary processes.

POLICY STRATEGY AND LEGISLATION

Once endorsed *Whittlesea 2040: A place for all* will provide the overarching strategic direction for Council's work. All future plans, policies and strategies including the Council Plan, will align with the *W2040 Vision*.

LINKS TO THE COUNCIL PLAN

Council Priority	Organisational Sustainability
Future Direction	Good governance
Theme	Continuous improvement
Strategic Objective	Our Council explores and adopts best practice models

It is a measure of good governance that Council has a clearly articulated strategic vision and priorities that have been developed with the community. The Vision is intended to guide the work of Council in its mission to support and enhance community wellbeing by working closely with the community.

Whittlesea 2040: A place for all represents the shared aspirations of the community and council for the municipality. Council will work in partnership with the community to achieve this shared vision for the future.

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

Whittlesea 2040: A place for all will be Council's long term strategic vision for the municipality. It is informed by the shared aspirations of the community and council, and responds to the challenges and opportunities the municipality will face, ensuring that the City of Whittlesea is a great place for all, now and into the future.

RECOMMENDATION

THAT Council resolve to endorse the *Whittlesea 2040: A place for all* as the long term vision for the City of Whittlesea.

COUNCIL RESOLUTION

MOVED: Cr Joseph
SECONDED: Cr Monteleone

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

CARRIED

6.1.9 REVIEW OF PARTICIPATION - MUNICIPAL ASSOCIATION OF VICTORIA AND VICTORIAN LOCAL GOVERNMENT ASSOCIATION

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Team Leader Governance

RECOMMENDATION SUMMARY

That Council consider membership of the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA) for the 2018-2019 year, after the outcome of the invitation to the respective organisation CEO's to present at Council Forum on the benefits of membership to the City of Whittlesea.

KEY FACTS AND / OR ISSUES

- At the Special Council meeting held on 26 June 2018, Council resolved that a report be prepared considering the benefits gained by Council from being a member of the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA) and, where possible, avoiding duplication between the two Associations.
- Council also resolved that the report be submitted to the 2 October 2018 Council meeting.
- The membership fee for MAV is \$55,628.21 and for the VLGA is \$37,760.00 (both excluding GST.)
- Council makes use of the '*privileges and benefits*' of MAV membership including nominating a delegate to participate and vote at the State Council, participating in MAV procurement activities and attending meetings and advocacy activities relating to a range of Council services. Council's past delegate Cr Lalios was also able to nominate and was successful in election as MAV President.
- Council makes little use of the benefits of VLGA membership, with use confined to activities relating to children and youth.
- There is little duplication between the MAV and VLGA primarily due to the very limited benefit Council receives from VLGA membership.

REPORT

INTRODUCTION

The purpose of this report is to review Council's participation with the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA).

BACKGROUND

At the Special Council meeting held on 26 June 2018, Council resolved that a report be prepared considering the benefits gained by Council from being a member of the MAV and the VLGA and, where possible, avoiding duplication between the two Associations.

Council also resolved that the report be submitted to the 2 October 2018 Council meeting.

PROPOSAL

The MAV was created by an Act of the Victorian Parliament in 1908 with the MAV Rules being adopted in 2013. Only a Local Government body may be a member of the MAV. From its website 'the MAV is a membership association and the legislated peak body for local government in Victoria.' The membership fee for MAV is \$55,628.21 plus GST.

The VLGA is an Incorporated Association, formed in 1994 at the time of municipal amalgamations. Membership is open to individuals, organisations and Local Governments. The role of the VLGA is, from its website, to '*support councils, councillors and communities in good governance.*' The membership fee for VLGA is \$37,760.00 plus GST.

Municipal Association of Victoria

The table below summarises the benefits gained by Council from being a member of the Municipal Association of Victoria.

Function	Description	Benefit or loss if not a member
MAV Governance	A financial member Council nominates a delegate to vote at the Annual State Council. The delegate is also eligible to stand for election to the MAV Board and also to the office of President.	A non-financial Council is unable to participate in the activities of the MAV which includes participation at State Council and as a member of the MAV Board, including the office of President.
MAV Insurance	Council currently has its Public Liability/Personal Indemnity insurance and its Commercial Crime insurance covered under the MAV insurance scheme until 30 June 2019.	Council is planning to tender all of its insurance arrangements in the open market regardless of its MAV membership status. Financial implications will be driven by market competitiveness as well as Council's claim history. Past experience with both the City of Melbourne and City of Greater Geelong also suggests that non-participating member councils were able to stay in the MAV Insurance Scheme.

Function	Description	Benefit or loss if not a member
MAV Procurement	<p>Council currently has access to around 10 active contracts/panels that were arranged through MAV Procurement.</p> <p>One contract (Mobile & Data Communication Services) expires Nov 2018.</p> <p>SAI Global LG Australian Standards annual subscription. Current arrangement expires May 2019.</p> <p>After Hours contract with Oracle CMS is via the MAV.</p>	<p>MAV Procurement is not the only local government procurement aggregator. Other procurement options include Procurement Australia, State government tendering panels and social procurement organisations.</p> <p>Being a non-participating member council does not affect Council's access to existing signed contracts; however, Council would not have access to new panels. This may affect the cost of Council's Energy Efficiency Street Lighting Bulk Changeover project. The additional cost for the 2018/2019 program is estimated as \$25,000 for the year.</p> <p>For the Mobile & Data Communication Services, Council can also access the State Purchasing Contracts and Procurement Australia panels at comparable prices.</p> <p>SAI Global provides up-to-date standards that are relevant to Council. Council can choose direct subscription with SAI Global. Current financial year is mostly covered.</p> <p>For the After Hours telephone service, MAV Procurement managed a group procurement on behalf of a number of Councils. The current contract runs through 31 May 2020 and prior to expiry Council would have the option of tendering as a single organisation or in conjunction with other Local Governments.</p>
MAV Planning	Planning Committee	Collective discussion and information sharing on planning across the State.
MAP Procurement	<p>Council currently subscribes to the MAV LEAP program at a fee of \$9,000 p.a. plus GST.</p> <p>The LEAP program annual subscription fee covers procurement data capturing and reporting, as well as providing assistance on the development and review of Council's Procurement Development Plan.</p> <p>The program also provides fee-paying training services for procurement officers.</p>	<p>Current subscription expires November 2018.</p> <p>Being a non-participating member council, Whittlesea will not be able to renew its LEAP subscription and therefore no longer able to access data and training.</p> <p>An alternative way of data capturing, reporting and staff training can be sourced. It is anticipated that the saving of LEAP subscription fee (\$9,000) in 2018/2019 is sufficient to cover the cost of alternative sourcing arrangements.</p>

Function	Description	Benefit or loss if not a member
Training, Workshops & Conferences	<p>Councillors Development Training Program</p> <p>Numerous events and professional development opportunities for Council officers.</p> <p>Maternal & Child Health Conference</p> <p>Annual Conference</p> <p>Insurance and Risk</p> <p>Environment Conference</p> <p>Sustainable Communities Conferences</p>	<p>Although some of these L&D opportunities are fee based, if Council is unable to participate in these activities there would be a financial impact as Council would possibly need to independently source and fund the cost of relevant presenters/forums.</p> <p>Benefits include consistency of practice for officers across the State.</p> <p>Allows co-sharing of information, keeping abreast of industry trends, access to case studies and networking opportunities.</p> <p>Loss of important professional development sessions and networking opportunities for both Councillors and staff.</p>
LGFV	<p>The Local Government Funding Vehicle (LGFV) provides loan funding directly from capital market investors including super funds, insurers and asset managers.</p> <p>Council currently has one loan parcel (\$2.9m) with LGFV which expires May 2019.</p>	<p>Being a non-participating member council, Whittlesea may not be able to participate in the renewal of the current LGFV Bond that expires May 2019.</p> <p>This is however not expected to have a material financial implication due to the competitiveness of the current financial market. Council can choose to either redeem the loan principal or re-finance the loan with the Banks at comparable interest rate.</p>
Advisory Committees	<p>MAV Human Services Advisory Committee</p> <p>Multicultural Committee</p> <p>Early Years Strategy Meeting</p> <p>Early Years Interface Councils Working Group</p>	<p>Allows consideration of a range of issues related to community and human services, an exchange of ideas and information and networking. Includes presentations from key State and Federal Government Departments.</p> <p>Attendance is not for professional development but does allow Whittlesea to influence the agenda and keep up to date with policy developments across all levels of government.</p> <p>Opportunity to inform and input into Victorian government reform/funding programs and initiatives to ensure Whittlesea's perspective is considered.</p> <p>Sharing of evidence based policy and practice between Local Governments in relation to MCH and early years services and programs</p>

Function	Description	Benefit or loss if not a member
Forums	<p>MAV Human Services Directors' Forum</p> <p>Local Government Gambling Alcohol and Other Drugs Issues Forum</p> <p>Workshops to inform Council stakeholders about ongoing developments within the waste management industry and information on MAV's advocacy positions on such issues.</p> <p>Development Contributions Officer Forum (Note: not a MAV Forum – MAV have been invited by the group to participate)</p>	<p>These are important forums for the exchange of ideas and industry best practice and trends.</p> <p>The implications of non-membership are mitigated in part due to the fact that there are other state agencies that provide updates on waste management issues (namely the Metropolitan Waste and Resource Recovery Group).</p> <p>MAV will gain an improved understanding of the issues to assist with advocacy.</p>
Working Groups	<p>Environmental Health Group gather concerns and issues across a range of environmental health domains</p> <p>Disability Parking Permit Working Group</p> <p>PSP Guidelines Reference Group</p>	<p>The MAV develops advocacy messages and approaches to State Government.</p> <p>The MAV also manage funding agreements with local government to deliver on state government programs (i.e. tobacco funding).</p> <p>This Group was formed to assist VicRoads in clarifying the eligibility criteria for a disability parking permit which will the apply to all 79 Victorian Councils.</p> <p>Representing and advocating Councils' collective position on proposed reforms.</p>
Networks	<p>MAV Disability Planners Network</p> <p>Preventing Violence Against Women Network + an annual forum/conference</p>	<p>Allows networking and collaboration opportunities with other councils and early information provision from key State Government departments and specialist family violence services.</p> <p>It provides opportunities to input into key submissions to State Government policy and projects (for example the Royal Commission into Family Violence, establishment of key bodies such as Family Safety Victoria and Respect Victoria - the prevention of family violence agency, and Gender Equality Legislation).</p> <p>MAV receive funding from the State Government to administer PVAW&GE grants to local governments. City of Whittlesea received a grant through the MAV for the Gender Equity in Community Facility Design Guide and has recently applied for another grant for a project looking into women's employment locally.</p>

Function	Description	Benefit or loss if not a member
Access to other resources. <i>(MAV auspices these groups. There is no alternative)</i>	Council Alliance for a Sustainable Built Environment Built Environment Sustainability Scorecard	Non-membership will affect the provision of best practice information for Environmental Sustainable Design practices for infrastructure projects. Non-membership will affect the ability to analyse the environmental sustainable design elements as part of planning applications.
Awards and Scholarships	Various awards and scholarships which recognise outstanding achievements in local government	Some of the awards and scholarships include Cranlana Colloquium Scholarship, MAV Technology Awards for Excellence, McArthur Local Government Fellowship and the Victorian Councillor Service Awards.

Summary of MAV Benefits

The State government utilise the MAV as a medium to consult and gather input from the sector to inform the development and implementation of government programs and initiatives. Not having access to these networks and forums would mean that the interests of Council may not be fully represented to State government.

The MAV is an effective channel for advocacy directed at State government and allows the development of a common local government advocacy position on issues.

One impact of non-membership is in relation to procurement where additional costs of approximately \$25,000 would be incurred in the 2018/2019 financial year.

Victorian Local Governance Association

The table below summarises the benefits gained by Council from being a member of the VLGA.

Activity	Description of Activity	Benefit to Council
Networks	Child Friendly Cities and Communities Working Group Child and Youth Network	Benefit to sector of promoting and encouraging commitment to Child Friendly Cities approach and priorities by other LGAs Networking and learning from other LGAs about services and programs for children and young people
Working Groups	Local Government Working Group on Gambling	This Group was formed to assist local governments responding to the proliferation of gambling venues and machines within their communities.

Summary of VLGA Benefits

It is clear that Council makes very limited use of the membership of VLGA and the use it does make would appear to be partly covered by the work of the MAV.

CONSULTATION

Council Officers have provided advice on their involvement with both the MAV and VLGA and this is contained within the body of this report.

CRITICAL DATES

Based on the MAV rules, a council which fails to pay in full its annual subscription within two months of a notice requiring payment being given or by 31 August in every year *"is not entitled to avail itself of the privileges and benefits of any of the functions or services performed or carried on by the Association"*.

Therefore, at the time of preparation of this report, Council is a non-financial member of the MAV and is limited in what *'privileges and benefits'* it can enjoy from the MAV. As noted above, some *'privileges and benefits'* continue as they relate to contractual matters that were entered into when Council was a financial member of MAV.

In regard to the office of President, currently held by Cr Lalios, the Supreme Court heard *Lake v MAV* on 10 September and the decision is pending.

FINANCIAL IMPLICATIONS

The 2018/2019 membership fee for VLGA is \$37,760.00 plus GST.

The 2018/2019 membership fee for MAV is \$55,628.21 plus GST. There is an additional optional payment of \$5,000.00 plus GST to access Councillor Development Credit Points.

The 2018/2019 membership fees to VLGA and MAV have not been paid in accordance with Council's resolution on 26 June 2018.

Funds are available in the 2018-2019 budget to pay the membership fees.

POLICY STRATEGY AND LEGISLATION

The primary benefit of MAV membership is the ability to input into the development and implementation of State (and Federal) legislation and policy as it relates to the services provided by local government. It is not apparent that VLGA membership provides the same opportunity.

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

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 is a life member of the VLGA and was also a founding member and the inaugural President in 1994.

CONCLUSION

It is recommended that the Chief Executive Officers of the MAV and VLGA be invited to present at the Council Forum on 23 October 2018 to outline the benefits of membership to the City of Whittlesea. Following presentations from the two CEO's, Council to consider the value of membership and inform the organisations of Council's decision.

RECOMMENDATION

THAT Council resolve to consider membership of the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA) for the 2018-2019 year, after the outcome of the invitation to the respective organisation CEO's to present at Council Forum on the benefits of membership to the City of Whittlesea.

MOTION

MOVED: *Cr Cox*

SECONDED: *Cr Joseph*

THAT Council resolve to consider membership of the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA) for the 2018-2019 year, after the outcome of the invitation to the respective organisation CEO's to present at Council Forum on the benefits of membership to the City of Whittlesea.

EXTENSION OF SPEAKING TIME

MOVED: *Cr Desiato*

SECONDED:

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

LAPSED FOR WANT OF A SECONDER

COUNCIL RESOLUTION

MOVED: *Cr Cox*

SECONDED: *Cr Joseph*

THAT Council resolve to adopt the Recommendation.

CARRIED

DIVISION

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

For	Against	Abstained
Cr Pavlidis	Cr Monteleone	Nil
Cr Kozmevski	Cr Desiato	
Cr Alessi		
Cr Cox		
Cr Joseph		

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

CARRIED

6.2 COMMUNITY SERVICES**6.2.1 ADVOCACY TO THE STATE GOVERNMENT TO FUND A DISABILITY FOCUSED COMMUNITY CAPACITY BUILDING PROGRAM**

Responsible Officer: Director Community Services

Author: Team Leader Access

RECOMMENDATION SUMMARY

That Council write to the Premier, the Hon Daniel Andrews, relevant Ministers and Local State Members of Parliament seeking support for the retention of funding to local government for a dedicated disability focused Community Capacity Building Program, and engage with the Whittlesea Disability Network on this issue.

KEY FACTS AND / OR ISSUES

- Local Government has been working in partnership with the State Government since 2002 under the Building Inclusive Communities Program (BIC). This Program has made a significant contribution to the inclusion of people with disabilities across the State.
- The \$7 million that the State historically allocated towards this program State wide (approx. \$130,000 annually to the City of Whittlesea) will now form part of the State Government contribution to the National Disability Insurance Scheme (NDIS).
- Council has been informed that this funding will cease as of June 2019. The loss of these funds will significantly reduce the ability of Council to build the capacity of the local community to be inclusive of the needs of people with disabilities and their carers.
- Many residents with disabilities now have NDIS funding to support their individual care needs, however if the BIC fund ceases there will be less community capacity building support in the community, which will limit the development of new inclusion opportunities.
- Council's Disability Action Plan 2017-21 closely aligns with the objectives of the State Disability Action Plan and the withdrawal of these funds will significantly impact on Council's ability to deliver on the outcomes of these Plans.

REPORT**BACKGROUND**

Since its inception in 2002 the State Government funded Building Inclusive Communities (BIC) Program, known as either the Rural, Metro or Deaf Access Programs, has made a significant contribution to the inclusion of people with disabilities across the state.

The City of Whittlesea has received annual funding of approx. \$130,000 since 2002 for the BIC Program which has been used to employ a MetroAccess Officer and support various access initiatives over the past 16 years.

Over the past three years Councils and the Municipal Association of Victoria (MAV) with support from the Victorian Local Government Disability Planners Network have advocated to State Government for the retention of the BIC Program. This advocacy has included:

- Forums, meetings with and letters to the Minister for Housing, Disability and Ageing and Mental Health from Councils and the MAV,
- MAV meetings with senior State Government advisors.

The advocacy has put the case to retain the uniquely Victorian BIC program as a significant contributor to the outcomes of the State Disability Plan. This Program is a resource that supports grassroots community initiatives and builds the capacity of a broad range of businesses and organisations within the community to be more accessible and inclusive of people with disabilities.

In February 2017, the Mayors of Whittlesea, Banyule, Yarra, Darebin and Nillumbik wrote to the Premier Daniel Andrews seeking clarification of the funding beyond June 2017. Assurances were subsequently received that the Program would be funded for the 2017/18 and 2018/19 financial years.

Formal advice has now been received that funding for this Program now forms part of the State Government's NDIS commitment to the Commonwealth and will not be continued post the 2018/19 financial year.

The NDIS model replaces the BIC Program with an annual grant program for community groups, organisations and individuals. There is an abundance of evidence demonstrating that the outcomes of the Building Inclusive Communities Program are broader than the NDIS funding model, however advocacy to retain the Victorian BIC Program in addition to the NDIS has not resulted in a positive outcome.

In May 2018, the MAV State Council resolved to write to Minister Foley to advocate to retain the Program. The MAV has been advised that the BIC program funding was committed to be part of Victoria's contribution to the National Disability Insurance Scheme at the time of the negotiation of the bilateral arrangements and therefore the funding is no longer available at the State level and will need to be reallocated in 2019/20 to the NDIS.

Officers believe that the program is necessary to support a state-wide architecture as the NDIS rolls out and that it cannot be replicated with the grants based program that will be commissioned by the NDIA in 2019.

The City of Whittlesea MetroAccess Program has led some significant projects that have had ongoing positive impacts in the community to support the inclusion of people with disabilities. Some of these include:

- Establishing and supporting the Whittlesea Disability Network (WDN) - now with over 600 members.
- "Don't Park in the Blue Spots" - a pro-active community awareness program with local schools educating them about the Disabled Person Parking scheme.

- Whittlesea Accessible Futures - established guidelines on how footpaths are built so they are accessible for people with disabilities.
- Whittlesea Service Providers Expo - supporting residents to have a better understanding of the disability services that are located in our municipality. In 2017 over 500 people attended with over 50 local service providers.
- Whittlesea Trail access gate - designed for local parks so that people who use wheelchairs can access the park but still restrict motor bikes from accessing the open space. The gate was designed at Whittlesea but has now been installed across the State.
- Input into Thomastown and Mill Park Leisure Centres to be best practise for the inclusion of people with disabilities.
- Working with WDN on advocating for a number of changes that make the South Morang and Mernda Rail extension more inclusive for people with disabilities.
- Working with local hospitals, Neighbourhood Houses, Leisure Centres, Shopping centres, local libraries, sports clubs and others to develop disability actions plans that focused on increasing opportunities for people with disabilities in the local community.
- Developing Accessible Event guides for Council and Non-Council Events.
- Working in partnership with Whittlesea Funfields to hold the Sensitive Friendly Day that gave residents with Autism and their families a chance to access the park which they normally would not be able to.

The State Government released the State Disability Action Plan *Absolutely Everyone* in 2017, and the key objectives (inclusion, wellbeing and housing, contributing lives, respect and equity) of this Plan have been mirrored in the City of Whittlesea Disability Action Plan 2017-21 and translated to local actions. The MetroAccess officer is vital resource in implementing these actions locally and in assuring that Council supports the State Plan as well as meeting our obligations under the Victorian Disability Act 2006.

It is proposed to advocate to the Minister and to seek the support of WDN members in this advocacy campaign.

PROPOSAL

That Council advocates for the retention of a State Government funded disability focused Community Capacity Building Program in local government, and engage with the Whittlesea Disability Network (WDN) in relation to this advocacy.

CRITICAL DATES

The Building Inclusive Communities State Government funding to local government will cease in June 2019.

FINANCIAL IMPLICATIONS

The ceasing of BIC funding from the State Government (\$130,000 per annum) will have an impact on Council's capacity to deliver on actions in the State and Council Disability Action Plans that support an accessible and inclusive community.

POLICY STRATEGY AND LEGISLATION

The City of Whittlesea Disability Action Plan 2017-21 details how Council will work with the community to meet the vision of an inclusive municipality where people of all abilities are encouraged and enabled to lead satisfying, fulfilling and contributory lives. The Building Inclusive Communities State Government funded program contributes to initiatives that promote inclusion.

LINKS TO THE COUNCIL PLAN

Council Priority	Health and Wellbeing
Future Direction	Inclusive and engaged community
Theme	Social inclusion
Strategic Objective	We are socially inclusive of all ages, abilities, gender, race, ethnicity, sexuality, religion, culture and heritage

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

Local Government has been working in partnership with the State Government since 2002 under the Building Inclusive Communities Program. This Program has made a significant contribution to the inclusion of people with disabilities across the State.

Council has been informed that this funding will cease as of June 2019. The loss of these funds will impact on the ability of Council to focus on building the capacity of the local community to be inclusive of the needs of people with disabilities and their carers.

Council's Disability Action Plan 2017-21 closely aligns with the objectives of the State Disability Action Plan and the withdrawal of these funds will significantly impact on Council's ability to deliver on the outcomes of these Plans.

RECOMMENDATION

THAT Council resolve to:

- 1. Write to the Premier, the Hon Daniel Andrews, relevant Ministers and Local State Members of Parliament seeking support for the retention of funding to local government for a dedicated disability focused Community Capacity Building Program.**
- 2. Engage with the Whittlesea Disability Network in relation to this advocacy.**

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

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

CARRIED

6.2.2 RESPONSE TO PETITION RECEIVED - BAN THE USE OF HELIUM BALLOONS

Responsible Officer: Director Community Services

Author: Team Leader Arts, Heritage and Events

RECOMMENDATION SUMMARY

It is recommended that Council receive and note this petition and inform the head petitioner that Council currently does not use balloons of any type at Council's major community events. It is also recommended that Council continues to support the removal of balloons from all other Council-delivered events.

KEY FACTS AND / OR ISSUES

In keeping with Council's commitment to environmental sustainability, the four major community events delivered by Council have been balloon-free since 2016 promoting a 'greener' approach to local festivals.

Further, Council discourages the use of balloons at events through its advice to organisations providing events on Council land, as well as event planning guidelines on Council's website.

REPORT

INTRODUCTION

A petition from 470 signatories in total including 338 residents, 59 non-residents and 73 children was tabled at Council on Tuesday 4 September 2018. This petition requested that Council ban the use or release of helium balloons in all Council events held at the Council premises or other venues.

BACKGROUND

The petition states that “balloon pollution is a growing problem with deadly consequences. This litter is totally preventable, yet millions of balloons are intentionally released each year”.

In keeping with Council’s commitment to environmental sustainability, the four major community events delivered by Council have been balloon-free since 2016 promoting a ‘greener’ approach to local festivals.

Currently all private or community event organisers delivering events on Council land are advised that balloons should not be used and information suggesting use of alternatives, such as bubbles and bunting, is provided.

Sustainable event planning advice is also provided for community groups on Council’s website page *Hold Your Event in the City of Whittlesea*: “...balloons, plastic bags and plastic straws should not be used”.

PROPOSAL

It is proposed that Council continues to not use balloons at any Council-delivered events held at the Council premises or other venues.

CONSULTATION

Council’s Festivals and Events team has worked closely with the Sustainability team to reduce the footprint of Council’s major community events. This has included working with food vendors and local community groups to also improve their sustainable approaches. Local community event providers will be consulted with over the next year to assess any additional training or guidance they might need.

FINANCIAL IMPLICATIONS

There are no financial implications to the recommendation.

POLICY STRATEGY AND LEGISLATION

The proposal contained in this report is strongly supported by Council’s adopted Environmental Sustainability Strategy, linking particularly to management of waste: *The City of Whittlesea aims to advocate and educate the community to be more sustainable through considering the whole lifecycle of a product when purchasing – from its creation out of natural resources to its disposal.*

LINKS TO THE COUNCIL PLAN

Council Priority	Environmental Sustainability
Future Direction	Living sustainably
Theme	Sustainable communities
Strategic Objective	We support our community to be environmentally aware and active

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

In keeping with Council's commitment to environmental sustainability Council does not use or provide balloons at major Council events and will continue to educate the community to be more sustainable in this regard.

RECOMMENDATION

THAT Council resolve to:

- 1. Continue not to use balloons at any Council-delivered events held at Council premises or other venues.**
- 2. Write to the Head Petitioner advising of Council's decision.**

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED UNANIMOUSLY

6.2.3 SENIOR CITIZENS CLUBS' GRANTS 2018-2019

Attachments: 1 **Recommended Senior Citizens Clubs' Grants 2018_2019** [⇒](#)

 2 **2018_2019 New Applicants** [⇒](#)

Responsible Officer: **Director Community Services**

Author: **Team Leader Positive Ageing**

RECOMMENDATION SUMMARY

Council provides annual grants to recognised senior citizens' groups in order to support them to provide opportunities for older residents to be socially connected. The grant amounts are based on an entitlement to a minimum grant for clubs with average weekly attendance of up to 20 residents plus an additional amount for each extra older resident attending. It is proposed that for 2018-2019 Council resolve to:

1. Award Senior Citizens Clubs' Grants as recommended in Attachment 1
2. Inform all applicants in writing of the outcome of their grant application.

KEY FACTS AND / OR ISSUES

In 2017-2018 an average of 5,096 residents attended a seniors' club on a weekly basis to maintain social connections and engage in a range of enjoyable activities. This is an increase of 225 over the previous year. In addition:

- 75 existing clubs have applied for a grant and four new clubs having met the eligibility requirements are seeking to be recognised and receive a grant.
- Pursuant to the Council resolution of 8 August 2017 all 79 clubs have a Code of Conduct in place.
- Total allocation to be \$173,872.95 if all recommended applicants are awarded a grant. This is \$6,556.95 above the adopted budget of \$167,316. The grants program is entitlement based and any over spend will be offset by adjusting expenditure within other seniors support programs.
- The Senior Citizens Clubs' Grants will be presented at a function to be held at Plenty Ranges Arts and Convention Centre on 18 October 2018.

REPORT**BACKGROUND**

Council makes annual provision for grants to recognised Senior Citizens Clubs.

In 2018-2019 the following guidelines and funds allocation formula has been used incorporating a 2% CPI increase.

- The base grant will be \$1,224.65 for a club with an average weekly attendance of up to 20 resident members and newly recognised clubs.
- Clubs with an average weekly attendance of more than 20 resident members will receive the base grant plus an additional \$21.20 per extra resident member.

The eligibility guidelines for Senior Citizens Clubs' Grants state that clubs must:

- Be incorporated with the purpose of offering a range of social, recreational and educational activities for their members.
- Have Public Liability Insurance.
- Be linked to Council support programs (i.e. participate in seniors' liaison programs).
- Provide an annual report to Council's Aged and Disability Department.
- Use funds for normal activities of the group, not for the payment of subsidy or rental costs.
- Have 95% of members over 55 years of age.
- Be based in the City of Whittlesea.
- Have a Code of Conduct.

For a new club to receive support it is expected that in addition to the above criteria, the club should also be meeting unmet need and not be duplicating the operations of existing clubs. Attention continues to be paid to ensuring that each club has been able to provide solid evidence of the number of members residing in the Municipality and in particular to the average weekly attendance figures of these resident members. All clubs recommended to receive a grant have complied with the resolution of Council adopted 8 August 2017 that Clubs seeking to receive a Senior Citizens Clubs' Grant must have a Code of Conduct.

PROPOSAL**Existing Clubs**

The number of formally recognised Senior Citizens Clubs is currently 75. This is one less than the number formally recognised through the 2017/2018 grants process as the Association of Macedonian Refugee Children has wound up. All 75 recognised groups, with a total of 5,096 residents attending weekly, lodged grant applications. It is proposed that all existing clubs receive a grant.

Attachment 1 – Recommended Senior Citizens Clubs' Grants 2018-2019 details the proposed allocation of grants to currently recognised clubs for this financial year which total \$168,974.35.

New Clubs

This year four clubs have applied to be recognised as a Senior Citizens Club within the City of Whittlesea. Based upon the ability of these clubs to meet the eligibility guidelines, it is proposed that all four be recommended for recognition and therefore a Senior Citizens Clubs' grant in 2018/2019.

Attachment 2 – New Applicant details and proposed recommendation.

CONSULTATION

Consultation has occurred with all currently recognised Senior Citizens Clubs in Whittlesea as well as the four new applicants to the Senior Citizens Clubs' Grant Program.

CRITICAL DATES

A function formally to present the Senior Citizens Clubs' Grants will be held at Plenty Ranges Arts and Convention Centre on 18 October 2018.

FINANCIAL IMPLICATIONS

Attachment 1 shows the expected total allocation to be \$173,872.95 if all recommended applicants are awarded a grant. This is \$6,556.95 above the adopted budget of \$167,316. The grants program is entitlement based and any over spend will be offset by adjusting expenditure within other seniors support programs.

POLICY STRATEGY AND LEGISLATION

The 2018-2019 Senior Citizens Clubs' Grants are consistent with Council's Positive Ageing Strategy (2016-2025), the Desired Community Outcome Statements for People Aged 50+ Years and the Community Building Strategy. The applications have been assessed and administered within Council's current Grants Policy and Guidelines.

LINKS TO THE COUNCIL PLAN

Council Priority	Health and Wellbeing
Future Direction	Inclusive and engaged community
Theme	Community connectedness
Strategic Objective	Programs, services and infrastructure encourage social connections and the development of a sense of community

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The awarding of these grants to Senior Citizens Clubs assists them to deliver valuable programs, services and activities to their members thereby making an important community contribution.

RECOMMENDATION

THAT Council resolve to:

- 1. Award Senior Citizens Clubs' Grants as recommended in Attachment 1.**
- 2. Inform all applicants in writing of the outcome of their grant application.**

COUNCIL RESOLUTION

MOVED: Cr Joseph
SECONDED: Cr Monteleone

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

CARRIED

6.3 CITY TRANSPORT AND PRESENTATION

6.3.1 CONTRACT 2016-201 TENDER EVALUATION REPORT PARKS & OPEN SPACE MAINTENANCE SERVICES

Attachments: 1 **Tender Evaluation Summary - Confidential**

Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989 as it contains details relating to contractual matters.

Responsible Officer: Director City Transport & Presentation

Author: Team Leader Parks Operations & Strategic Projects

RECOMMENDATION SUMMARY

It is recommended that contract number 2016-201 for Parks & Open Space Maintenance Services is awarded for a term from 1 April 2019 to 31 March 2025 with extension options to 31 March 2029:

- to Green Life Group for Part A (Parks Maintenance)
 - for the total year one lump sum price of \$8,068,352.33, and
 - for the tendered schedule of rates with total expenditure estimated at \$58,261,917
- to Citywide Service Solutions for Part B (Trees Maintenance)
 - for the total year one lump sum price of \$2,606,200, and
 - for the tendered schedule of rates with total expenditure estimated at \$17,824,315

KEY FACTS AND / OR ISSUES

- The Parks and Open Space Maintenance Services contracts significantly influence the presentation of the city and the quality of the city's parks and street tree network. This contract is the largest that Council has considered in its history.
- Four tenders were received and all were subjected to a very complex and sophisticated pre-agreed evaluation process.
- The recommended tenders are considered the best value combination when taking into account all of the relevant factors including risks and references.
- Additional conditions have been included in the recommendations to manage risk and ensure Council is kept adequately informed of performance under the contracts.

REPORT**BACKGROUND**

The purpose of this contract is to maintain a network of high quality open space areas, park trees and streetscapes. This is the largest service contract let by the City of Whittlesea and it represents a very significant total workload which could only be serviced in its entirety by few contractors in the market.

To help maximise competition on this occasion the contract was tendered in two parts:

- Part A – Parks Maintenance Services
- Part B – Trees Maintenance Services

Contemporary procurement methods were employed in this tender to help achieve best value outcomes that drive efficiency and innovation. These include requirements to tender:

- 'Glidepath Savings' percentages which reduce the tender price each year in recognition of anticipated improved efficiency gains, and
- a 'Savings Share' arrangement whereby savings generated through innovative practices initiated by the contractor are shared with the Council.

Tenders for the contract closed on 4 July 2018. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

EVALUATION

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

A Tender Probity & Evaluation Plan was designed specifically for this tender process and it was authorised prior to this tender being advertised. All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

Criteria	Weighting
Price	60%
Capability	15%
Capacity	20%
Impact	5%

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

All tenders were conforming and competitive and they were all fully scored.

The tender evaluation process was complex and involved sophisticated analysis of individual tenders as well as every possible combination of tenders received for Parts A and B of the contract. This enabled the overall best value outcome to be identified.

The evaluation considered the mandatory and desirable criteria, interviews, risk analysis and references. A large quantity of tendered data was intricately examined and there were numerous price component reviews, clarifications and corrections.

All tenderers were interviewed and invited to review their tendered prices in relation to various components of their tenders, particularly where items were determined to be significantly above or below the norm.

Preliminary scoring was completed in relation to each individual tender for each contract part to determine the competitiveness of each offer.

The tendered prices were inserted into a pre-established price model which accounted for volume growth at previous trend rates for different components of the service. Assumed CPI increases were also applied. This resulted in projected costs of each tender over the 6 year initial term and the extended 10 year potential term of the contract.

The current cost of the services was also subjected to the same price model as a benchmark. This was later used to calculate the extent to which each tender (and combination of tenders) deviated from the extrapolated current costs.

The final stage of the evaluation considered tender references along with a wide range of potential risks associated with each individual tender. This informed the recommendations below.

The evaluation outcome was as follows:

CONTRACT PART A – PARKS MAINTENANCE SERVICES				
TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer B (GLG Green Life Group)	Yes	Yes	90.9	1
Tenderer A	Yes	Yes	90.6	2
Tenderer C	Yes	Yes	85.7	3

CONTRACT PART B – TREES MAINTENANCE SERVICES				
TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A (Citywide Service Solutions)	Yes	Yes	85.9	1
Tenderer B	Yes	Yes	83.3	2
Tenderer D	Yes	Yes	80.5	3

Refer to the confidential attachment for further details of the evaluation of all tenders.

LINKS TO THE COUNCIL PLAN

Council Priority

Organisational Sustainability

Future Direction

Good Governance

Theme

Continuous Improvement

Strategic Objective

Council explores and adopts best practice models

The maintenance of a network of high quality open space areas, park trees and streetscapes is a key contributor to improving the amenity and liveability of the municipality.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The tender combination from Green Life Group for Part A (Parks Maintenance) and Citywide Service Solutions for Part B (Trees Maintenance) was determined to be best value and it is considered that these service providers can perform the contract to the required standards.

RECOMMENDATION

THAT Council resolve to:

1. Accept the tenders submitted by:

- a) Green Life Group for Contract Part A for the Year 1 lump sum of \$8,068,352.33 (excluding GST) and the schedule of rates detailed in the confidential attachment for the following contract:**

Number: 2016-201A

Title: Parks Maintenance Services

Term: 1 April 2019 to 31 March 2025

Options: Term extensions up to 31 March 2029 (only to be exercised if separately approved by Council)

Value: Total expenditure is estimated at a maximum of \$58,261,917 (excluding GST) unless otherwise approved by Council

and;

- b) Citywide Service Solutions for Contract Part B for the Year 1 lump sum of \$2,606,200 (excluding GST) and the schedule of rates detailed in the confidential attachment for the following contract:**

Number: 2016-201B

Title: Trees Maintenance Services

Term: 1 April 2019 to 31 March 2025

Options: Term extensions up to 31 March 2029 (only to be exercised if separately approved by Council)

Value: Total expenditure is estimated at a maximum of \$17,824,315 (excluding GST) unless otherwise approved by Council

subject to the following conditions:

- i) Tenderers to provide proof of currency of insurance cover as required in the tender documents.**
- ii) Price variations to be in accordance with the provisions as set out in**

the tender documents.

- iii) Tenderers to provide contract security as required in the tender documents.
- 2. Approve the funding arrangements detailed in the confidential attachment.
- 3. Sign and seal the Contract documents.
- 4. The award of contract 2016-201B to Citywide Service Solutions for Contract Part B will not be deemed ratified until after 1 January 2019 pending satisfactory completion of the following conditions:
 - a) Council and Citywide have negotiated agreement on the proposed amendments to the general terms and conditions of the new contract Part B by 1 December 2018, and
 - b) Citywide has been assessed as meeting or exceeding all of the existing Key Performance Indicators under their current contract (number CT080901) for the period 1 October 2018 to 31 December 2018 inclusive.
- 5. An annual report shall be presented to Council annually detailing the contractor's performance against the Key Performance Indicators detailed in Contracts 2016-201 (Parts A & B) along with all variations applied in accordance with the contracts.

COUNCIL RESOLUTION

MOVED: Cr Cox
SECONDED: Cr Kozmevski

THAT Council resolve to defer consideration of this item following the Confidential part of this meeting.

CARRIED

Chief Executive Officer Explanatory Note

Consideration of item 6.3.1 Contract 2016-201 Tender Evaluation Report Parks & Open Space Maintenance Services took place after the meeting was re-opened to the public after consideration of Confidential business.

COUNCIL RESOLUTION

MOVED: Cr Joseph
SECONDED: Cr Cox

THAT Council resolve to:

- 1. Accept the tenders submitted by:
 - a) Green Life Group for Contract Part A for the Year 1 lump sum of \$8,068,352.33 (excluding GST) and the schedule of rates detailed in the confidential attachment for the following contract:

Number: 2016-201A

Title: Parks Maintenance Services

Term: 1 April 2019 to 31 March 2025

Options: Term extensions up to 31 March 2029 (only to be exercised if separately approved by Council)

Value: Total expenditure is estimated at a maximum of \$58,261,917 (excluding GST) unless otherwise approved by Council

and;

- b) Citywide Service Solutions for Contract Part B for the Year 1 lump sum of \$2,606,200 (excluding GST) and the schedule of rates detailed in the confidential attachment for the following contract:**

Number: 2016-201B

Title: Trees Maintenance Services

Term: 1 April 2019 to 31 March 2025

Options: Term extensions up to 31 March 2029 (only to be exercised if separately approved by Council)

Value: Total expenditure is estimated at a maximum of \$17,824,315 (excluding GST) unless otherwise approved by Council

subject to the following conditions:

- i) Tenderers to provide proof of currency of insurance cover as required in the tender documents.**
 - ii) Price variations to be in accordance with the provisions as set out in the tender documents.**
 - iii) Tenderers to provide contract security as required in the tender documents.**
- 2. Approve the funding arrangements detailed in the confidential attachment.**
 - 3. Sign and seal the Contract documents.**
 - 4. The award of contract 2016-201B to Citywide Service Solutions for Contract Part B will not be deemed ratified until after 1 January 2019 pending satisfactory completion of the following conditions:**
 - a) Council and Citywide have negotiated agreement on the proposed amendments to the general terms and conditions of the new contract Part B by 1 December 2018, and**
 - b) Citywide has been assessed as meeting or exceeding all of the existing Key Performance Indicators under their current contract (number CT080901) for the period 1 October 2018 to 31 December 2018 inclusive.**
 - 5. An annual report shall be presented to Council annually detailing the contractor's performance against the Key Performance Indicators detailed in Contracts 2016-201 (Parts A & B) along with all variations applied in accordance with the contracts.**

CARRIED UNANIMOUSLY

6.3.2 CONTRACT 2018-3 - TENDER EVALUATION FERRES BOULEVARD / FINDON ROAD / THE LAKES BOULEVARD INTERSECTION UPGRADE

- Attachments:**
- 1 CONTRACT 2018-3: Tender Evaluation - Confidential**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989 as it contains details relating to contractual matters.
 - 2 Analysis Methodology** [⇒](#)

Responsible Officer: Director City Transport & Presentation

Author: Unit Leader Infrastructure Projects

RECOMMENDATION SUMMARY

That Council:-

1. Endorse the Signalised Intersection – Ultimate, as the preferred upgrade treatment, and
2. Award Contract Number 2018-3 for Design and Construction of Findon Road / Ferres Boulevard intersection upgrade:
 - To MACA Infrastructure Pty Ltd; and
 - For the lump sum price of \$13,187,203.00 (excl. GST).

KEY FACTS AND / OR ISSUES

- This intersection is one of the most congested points in Council's local road network and is not performing to community expectations, with major delays.
- The Intersection is a key access point for the Civic precinct, South Morang Train Station and Plenty Valley Town Centre, servicing about 28,000 vehicle movements per day.
- Traffic Management and Road Upgrades are the two main issues of concern listed each year by the community for Council to address in the Annual Household Survey.
- Council resolved on 8 August 2017 to endorse the Ultimate upgrade of the intersection.
- Council resolved on 3 April 2018 to also seek a tender response for the Interim option.
- The pre-tender estimate for the Ultimate option was \$12.9 million, delivering \$7 of benefits for every \$1 invested.
- The tender responses for the Ultimate option were within 2% of the pre-tender estimate.
- The lowest Interim tender was \$10.8 million, exceeding the \$7.8M pre-tender estimate.
- Traffic modelling predicts that the interim intersection upgrade would fail to meet a satisfactory level of service by 2032.
- The main difference between the Ultimate and Interim option relates to the construction of a new bridge (and associated works) in The Lakes Boulevard, and two slip lanes.
- Regardless of whether Findon Road is declared an arterial road into the future (if the Ultimate option is deferred), Council would be responsible for the bridge and associated works (at a deferred cost of \$5.84 million).
- The future declaration of Findon Road by VicRoads is unknown and will only impact the deferred costs to build the extra slip lanes (about \$1 million), if VicRoads contribute.
- The deferred costs for Council to build the bridge would be considerably greater in 2032 due to inflation, increased market rates, traffic management, sacrificial re-work, etc.
- The Ultimate Intersection option achieves \$6.97 of benefits for every \$1 invested.
- The Interim Intersection option provides \$3.71 of benefits for every \$1 invested.
- The Ultimate intersection upgrade remains as the recommended option.

REPORT**BACKGROUND**

The existing roundabout at Findon Road / Ferres Boulevard / The Lakes Boulevard provides a key connection to the Civic Centre, Plenty Valley Shopping Centre and South Morang Transport Hub for residents of South Morang, Mernda and Doreen (to the north), and Epping (to the west).

The intersection is highly congested during both the morning (AM) and afternoon (PM) peaks and is a daily source of community concern with excessive delays.

Council at its meeting dated 9 May 2017 endorsed the Road and Public Transport Plan that identifies the top priority items for Whittlesea's roads and public transport infrastructure. A signalised upgrade of Findon Road / Ferres Boulevard / The Lakes Boulevard intersection is listed as a high priority item for delivery under the Intersections section of the Plan.

The local community have demonstrated through the Annual Household Survey that Traffic Management and Roads Maintenance & Upgrades are the two main issues of concern impeding liveability in the City of Whittlesea. Traffic congestion has significant health and wellbeing impacts, and results in residents having insufficient time for family, leisure and community life.

Council at its meeting of 8 August 2017, considered a range of options and resolved to endorse the Signalised Intersection – Ultimate, as the preferred upgrade treatment for the Findon Road / Ferres Boulevard / The Lakes Boulevard intersection.

The tender requesting submissions for the Ultimate Intersection was advertised on Saturday 24 March 2018.

Additionally, Council at the meeting, dated 3 April 2018, also resolved to:

1. Note that the Signalised Intersection – Ultimate Design is the preferred long term upgrade treatment for Findon Road/ Ferres Boulevard/ The Lakes Boulevard intersection;
2. Note that the Signalised Intersection – Interim Design relieves current congestion at the intersection and future proofs the Ultimate Design upgrade;
3. Issue an addendum to the current tender process for the intersection upgrade, seeking a response for the construction of the Signalised Intersection – Interim Design, in addition to the Signalised Intersection - Ultimate Design; and
4. Further consider the option to be funded from the 2018/19 and 2019/20 Council budgets for the intersection upgrade, as part of the tender assessment process.

Tenders for the contract closed on Wednesday 27 June 2018. This report sets out the analysis of the Interim and Ultimate options for the intersection upgrade for consideration based on the tender submissions received. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

TENDER EVALUATION

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

A Tender Probity & Evaluation Plan was designed specifically for this tender process and it was authorised prior to this tender being advertised. All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

Criteria	Weighting
Price	50%
Capability	13%
Capacity	22%
Impact	15%

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

The tender evaluation outcome was as follows:

SIGNALISED INTERSECTION - ULTIMATE	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A (MACA Infrastructure Pty Ltd)	Yes	Yes	78.9	1
Tenderer B	Yes	Yes	78.4	2

Refer to the confidential attachment for further details of the evaluation of all tenders.

INTERSECTION OPTIONS ANALYSIS AND RESULTS

Due to two options being requested for Tender (Interim and Ultimate), the preferred tenders price for each option was again assessed over a 10-year and 20-year asset life. These options have been revaluated over three key stages using the analysis methodology set out in Attachment 2 and is consistent with the analysis methodology presented for consideration at the Council meeting held 8 August 2017.

The following sections provide a summary of each option analysed.

Option A: Signalised Intersection – Interim

The Interim Signalised Intersection (Option A) comprises three lanes on the northern, western and eastern approaches, and four lanes on the southern approach. Left turn slip lanes are present on the western and eastern approaches.

Stage 1 Analysis (Mandatory): Strategic Alignment and Pedestrian / Cyclist Safety & Access

The option aligns strongly with the strategic direction of the Council (and community feedback), and provides very good pedestrian benefits.

Stage 2 Analysis: Technical Assessment Criteria (evaluated at year-2027 and year-2037)

The Interim signalised intersection option provides adequate levels of service for the AM and PM peaks for an initial 10-year horizon, however, analysis over a 20-year asset life demonstrates the option fails after approximately 14 years at year 2032 (refer table below).

Signals (Interim form only) NOTE: NO upgrade	Stage 1 Mandatory Criteria		Stage 2 Technical Assessment Criteria			
	Strategic Alignment	Pedestrian / Cycling Access and Safety	Service Level (AM peak) at year 2027	Service Level (PM peak) at year 2027	Service Level (AM peak) at year 2037	Service Level (PM peak) at year 2037
Option A	Very Good	Very Good	C (29-42 secs delay)	C (29-42 secs delay)	D ¹ (43 56 secs delay)	F ¹ (>70 secs delay)

¹Option A: Signalised Intersection - Interim fails to meet a satisfactory level of service in the PM peak at approximately year 2032. Therefore, a second major upgrade to include a new bridge and extra lanes is required at this time to cater for the increased traffic volumes. NOTE: This major upgrade will incur additional costs to Council (not VicRoads) for re-work, preliminaries, inflation and civil construction market rates, e.g. traffic management, site establishment, road and kerb civil construction works over the 20-year asset life and will be assessed accordingly in the Stage 3 analysis below.

A future upgrade from Interim to the Ultimate form (including new Council bridge, associated civil works and slip lanes) is required at year 2032 so that the intersection's capacity is increased and a satisfactory level of service is maintained, as detailed in the table below.

Interim analysis when upgraded to the Ultimate form at year 2032:

Signals NOTE: when upgraded to ultimate form in 14 years, at year-2032	Stage 1 Mandatory Criteria		Stage 2 Technical Assessment Criteria			
	Strategic Alignment	Pedestrian / Cycling Access and Safety	Service Level (AM peak) at year 2027	Service Level (PM peak) at year 2027	Service Level (AM peak) at year 2037	Service Level (PM peak) at year 2037
Option A	Very Good	Very Good	C (29-42 secs delay)	C (29-42 secs delay)	C (29-42 secs delay)	D (43-56 secs delay)

Stage 3 Analysis: Financial and Community Benefit Outcomes

The costs associated with the required additional upgrade works from Interim to Ultimate, at year 2032, has been accounted for in the Total Capital Cost of the project for Stage 3 evaluation.

All cost estimates have been verified by an independent VicRoads pre-qualified Quantity Surveyor who has confirmed the submitted prices are within market rates.

This option will require sufficient allowances for upgrade works to be included, such as the provision of a future Council bridge upgrade (including two additional slip lanes on the northern and southern approaches) in 14 years' time at year 2032. The additional work required means that this option is adjusted from its initial capital cost of \$10.82 million to \$17.66 million (in 2018 dollars) and assessed over a 20-year asset life, thereby providing a more accurate reflection of the overall net-community benefit outcomes and total capital costs, as detailed in the table below.

Stage 3 Net-community benefit result – Interim Option:

Signals – Interim (with upgrade costed)	Stage 3 Financial and Community Benefit Criteria (over 20 year asset life to 2037)	
	Benefit to Cost Ratio	Total Capital Cost (Net Present Value)
NOTE: upgrade to ultimate form occurs in at year 2032		
Option A	\$3.71 (benefits to \$1 invested)	\$17.66 million ²

²Option A: Signalised Intersection - Interim (without upgrade - \$10.8 million) fails to meet a satisfactory level of service in the PM peak at approximately year 2032. Therefore, a second major upgrade of the intersection is required after 14 years to cater for the increased traffic volumes; resulting in a Level of Service at 2037 of C and D (see results for interim to ultimate upgrade service levels at 2037 above).

To upgrade the Interim option to the Ultimate option in 2032, Council will be required to fund approximately \$5.86 million (regardless of whether Findon Road is declared an arterial road). This cost is for the upgrade of the bridge, and also includes sacrificial re-work, duplication of construction preliminaries, traffic management, upgrade of the intersection and increased market rates, all of which will remain the responsibility of Council.

The future declaration of Findon Road as an arterial by VicRoads will only impact on the deferred costs to build the slip lanes (costing approximately \$1 million); however, the timing of declaration and any future capital upgrade contributions by VicRoads is unknown.

Option B: Signalised Intersection – Ultimate

Option B: Signalised Intersection – Ultimate comprises the full build out of this intersection, including three lanes on the western and eastern approaches, four lanes on the northern and southern approaches, left turn slip lanes on all approaches, and a new bridge (Council's responsibility) to allow for additional intersection capacity (note: allowance is made for tram route 86).

Stage 1 Analysis (Mandatory): Strategic Alignment and Pedestrian / Cyclist Safety & Access

The option aligns strongly with the strategic direction of the Council (and community feedback), and provides very good pedestrian benefits.

Stage 2 Analysis: Technical Assessment Criteria (evaluated at year-2027 and year-2037)

The Ultimate signalised intersection provides satisfactory levels of service for the AM and PM peaks to 2037, see table below for details.

Signals	Stage 1 Mandatory Criteria		Stage 2 Technical Assessment Criteria			
	Strategic Alignment	Pedestrian / Cycling Access and Safety	Service Level (AM peak) at year 2027	Service Level (PM peak) at year 2027	Service Level (AM peak) at year 2037	Service Level (PM peak) at year 2037
(Ultimate)						
Option B	Very Good	Very Good	B (15-28 secs delay)	B (15-28 secs delay)	C (29-42 secs delay)	D (43-56 secs delay)

Note: The duplication upgrade of both Ferres Boulevard and The Lakes Boulevard is identified to occur late in the current 15-year New Works Program. When these upgrades occur, additional capacity will be provided along the road length, resulting in the Ultimate intersection continuing to function satisfactorily beyond 2037.

Stage 3 Analysis: Financial and Community Benefit Outcomes

The upgrade to Ultimate intersection, provides the greatest net-community benefit (over a 20-year asset life) to year 2037, see table below for details.

Signals (Ultimate)	Stage 3 Financial and Community Benefit Criteria (over 20 year asset life)	
	Benefit to Cost Ratio	Total Capital Cost
Option B	\$6.97 (benefits to \$1 invested)	\$13.19 million

PROPOSAL

The detailed analysis of options over the complete 20-year asset life identifies that the Ultimate option delivers the best net-community benefit.

The Ultimate option aligns strongly with the adopted Plenty Valley Town Centre Structure Plan and the recently endorsed Road and Public Transport Plan, by improving traffic flow and reducing traffic congestion at the intersection in both the AM and PM peaks to the year 2037, and enhancing safety and access for vehicles, pedestrians and cyclists.

Delivering the Ultimate upgrade aligns strongly with the community feedback calling on Council to address Traffic Management and Roads Maintenance & Upgrades as the top two issues for Council to resolve in the next 12 months.

The Ultimate signals upgrade option (assessed below at year 2027 and 2037) provides the following outcomes for the community:

Signals (Ultimate)	Stage 1 Mandatory Criteria		Stage 2 Technical Assessment Criteria			
	Strategic Alignment	Pedestrian / Cycling Access and Safety	Service Level (AM peak) at year 2027	Service Level (PM peak) at year 2027	Service Level (AM peak) at year 2037	Service Level (PM peak) at year 2037
Option B	Very Good	Very Good	B (15-28 secs delay)	B (15-28 secs delay)	C (29-42 secs delay)	D (43-56 secs delay)

The project has been evaluated to maximise benefit the community by providing \$6.97 worth of benefits received for every \$1 spent, over a 20 year asset life.

Signals (Ultimate)	Stage 3 Financial and Community Benefit Criteria (over 20 year asset life to 2037)	
	Benefit to Cost Ratio	Total Capital Cost
Option B	\$6.97 (benefits to \$1 invested)	\$13.19 million

FINANCIAL IMPLICATIONS

The Ultimate signals option will cost \$13.2 million to deliver now.

The Interim signals option will cost \$10.8 million now, with an additional \$6.86 million (in today's dollars) to complete the works to the Ultimate conditions in year 2032 (total project cost of \$17.66 million).

A total of \$13.4 million was allocated to this project in the New Works Program for the delivery of these works:

PID	Project Name	New Works Program Funding		
		2018/19	2019/20	Total
2039	Signalise Intersection – Findon / Ferres	\$ 3,508,825 ³	\$ 9,900,000	\$ 13,408,825

³\$508,825 of the New Works Program funding allocated in 2017/18 was carried forward to the 2018/19 financial year for service proving, geotechnical investigations and detailed design.

POLICY STRATEGY AND LEGISLATION

City of Whittlesea Road Safety Strategy (2017):

Address safety of all road and path users. Address driver behaviour and attitude towards vulnerable road users: pedestrians, cyclists and motorcyclists.

City of Whittlesea Bicycle Plan 2016 – 2020:

Key Direction 3: Build and maintain a high quality network.

City of Whittlesea Integrated Transport Strategy (2014):

Action RF 2.2: Manage local roads to improve amenity and safety for users.

City of Whittlesea Municipal Road Safety Strategy (2004):

Action Plan 3: Ensure that a safer road environment is developed and maintained.

LINKS TO THE COUNCIL PLAN

Council Priority

Organisational Sustainability

Future Direction

Good Governance

Theme

Continuous Improvement

Strategic Objective

Council explores and adopts best practice models

This project addresses the strategic outcomes presented in Shaping Our Future: Council Plan 2017 – 2021:

- Roads, Access and Public Transport: People can access and use public transport and road networks in accessing jobs, services and recreational activities;
- Community Safety: Our neighbourhoods and towns are safe and have proactive programs that support and build a safe community;
- Organisational Sustainability: Council works sharper and smarter to ensure value for money and continually improves to support our growing and changing municipality.
- Planning and Infrastructure: Council will ensure sustainable, timely and quality development of our municipality while improving the range of recreational opportunities for residents and visitors.

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 Findon Road / Ferres Boulevard / The Lakes Boulevard intersection is one of the most congested points in the city's local road network.

Each year the Annual Household Survey results and the Local Government Victoria's Community Satisfaction Survey provides a good indication of what our community views as the key issues for Council to address over the next 12 months. Consistently over the past five years, Traffic Management and Roads Maintenance & Upgrades have featured in the top two issues of concern for Council to focus on and address.

Council resolved (8 August 2017) to endorse the upgrade of the intersection to the Ultimate option, and subsequently resolved to tender both interim and ultimate options.

The pre-tender estimate at the time was \$12.9 million and Tenders were within 2% of the pre-tender estimate (at approximately \$13.2 million). The Interim signals option tenders far exceed the pre-tender estimate of \$7.8 million, with the lowest Tender coming in at \$10.8 million.

The interim concept plan fails to meet a satisfactory level of service in the PM peak at approximately year 2032. Should Findon Road be declared an arterial road, and as a result VicRoads become responsible for implementing the Ultimate option in the future, Council will still be responsible for implementing the Bridge and associated civil works.

Analysis indicates that the Interim option results in Council paying an extra \$4.47 million in net present value terms over the life of the project to deliver the remaining works, i.e. Ultimate option now at \$13.19 million against Ultimate option in 2032 at \$17.66 million.

This Ultimate option aligns strongly with the endorsed Plenty Valley Town Centre Structure Plan and the recently adopted Road and Public Transport Plan, and provides the greatest net-community benefit, with a return of \$6.97 of benefits for every \$1 invested. The Ultimate option will most effectively ease traffic congestion in both the AM and PM peaks over a 20-year asset life to year-2037.

RECOMMENDATION

THAT Council resolve to:

1. Endorse the Signalised Intersection – Ultimate as the upgrade treatment for the Findon Road / Ferres Boulevard / The Lakes Boulevard intersection.
2. Accept the tender (Ultimate Option) submitted by MACA Infrastructure Pty Ltd for the sum of \$13,187,203.00 (excluding GST) for the following contract:

Number: 2018-3

Title: Design and Construction – Findon Road Bridge and Civil Works

subject to the following conditions:

- a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.
- b) Price variations to be in accordance with the provisions as set out in the tender documents.
- c) Tenderer to provide contract security as required in the tender documents.
3. Approve the funding arrangements detailed in the confidential attachment; and
4. Sign and seal the Contract documents.

MOTION

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

THAT Council resolve to:

1. Endorse the Signalised Intersection – Interim as the upgrade treatment for the Findon Road / Ferres Boulevard / The Lakes Boulevard intersection;
2. Accept the tender (Interim Option) submitted by MACA Infrastructure Pty Ltd for the sum of \$10,817,410.00 (excluding GST) for the following contract:
 Number: 2018-3 Title: Design and Construction – Findon Road / Ferres Boulevard / The Lakes Boulevard Intersection Upgrade subject to the following conditions:
 - a) Tenderer to provide proof of currency of insurance cover as required in the tender documents;
 - b) Price variations to be in accordance with the provisions as set out in the tender documents; and
 - c) Tenderer to provide contract security as required in the tender documents.
3. Approve the funding arrangements detailed in the confidential attachment;
4. Sign and seal the Contract documents; and
5. Note that the Contract is a necessary part of the Council's decision to build the bridge over the Mernda Railway (at a cost to Council of \$3.8 million) and further develop the East West connection of Findon Road. It will provide further preparations for future expansion of the North South route, including the full duplication of Lakes Boulevard to be incorporated in a future Council decision on road development.

EXTENSION OF SPEAKING TIME

MOVED: *Cr Desiato*
SECONDED: *Cr Monteleone*

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

LOST

COUNCIL RESOLUTION

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

THAT Council resolve to:

1. Endorse the Signalised Intersection – Interim as the upgrade treatment for the Findon Road / Ferres Boulevard / The Lakes Boulevard intersection;
2. Accept the tender (Interim Option) submitted by MACA Infrastructure Pty Ltd for the sum of \$10,817,410.00 (excluding GST) for the following contract:
 Number: 2018-3 Title: Design and Construction – Findon Road / Ferres Boulevard / The Lakes Boulevard Intersection Upgrade subject to the following conditions:
 - a) Tenderer to provide proof of currency of insurance cover as required in the

tender documents;

- b) Price variations to be in accordance with the provisions as set out in the tender documents; and
 - c) Tenderer to provide contract security as required in the tender documents.
3. Approve the funding arrangements detailed in the confidential attachment;
 4. Sign and seal the Contract documents; and
 5. Note that the Contract is a necessary part of the Council's decision to build the bridge over the Mernda Railway (at a cost to Council of \$3.8 million) and further develop the East West connection of Findon Road. It will provide further preparations for future expansion of the North South route, including the full duplication of Lakes Boulevard to be incorporated in a future Council decision on road development.

CARRIED

6.4 CORPORATE SERVICES

6.4.1 CONTRACT 2018-7 TENDER EVALUATION REPORT RECONSTRUCTION OF THE SYCAMORE BMX PAVILION, MILL PARK

Attachments: 1 **Detailed Evaluation - Confidential**

Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989 as it contains details relating to contractual matters.

Responsible Officer: **Director Corporate Services**

Author: **Senior Contracts Executive**

RECOMMENDATION SUMMARY

It is recommended that contract number 2018-7 for Reconstruction of the Sycamore BMX Pavilion, Mill Park:

- Is awarded to Sherwood Construction Solutions Pty Ltd
- For the lump sum price of \$659,746.03 (excluding GST).

KEY FACTS AND / OR ISSUES

The tender evaluation panel advises that:

- Five tenders were received
- The recommended tender was the highest ranked and is considered best value because of its competitive price and its demonstrated ability and relevant experience to deliver this project in accordance with Council's requirements.

REPORT

BACKGROUND

The purpose of this contract is to engage a contractor for the reconstruction of the Sycamore BMX Pavilion.

The condition of the Sycamore BMX Pavilion has deteriorated and the building is no longer fit for purpose. In order to effectively operate competitions and other club activities, the existing pavilion requires an upgrade.

The Cycle Sport and Skate Strategy (2015) recommended the upgrade of the Sycamore BMX facility to a regional level facility to service a broad catchment that incorporates parts of Hume City Council, Nillumbik Shire Council and Mitchell Shire Council.

The scope of works shall include:

- An upgrade kitchen/canteen to meet food safety/handling standards
- Toilets that meet Building Code of Australia (BCA) requirements, including Universal Access
- Scorers Room
- Pathways to provide universal access to the building

Tenders for the contract closed on 8 August 2018. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

EVALUATION

No member of the Tender Evaluation Panel declared any conflict of interest in relation to this tender evaluation.

A Tender Probity & Evaluation Plan was designed specifically for this tender process and it was authorised prior to this tender being advertised. All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

Criteria	Weighting
Price	50%
Capability	23%
Capacity	20%
Impact	7%

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering numerous factors including, but not restricted to, the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

All tenders were conforming and were fully scored.

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A Sherwood Construction Solutions Pty Ltd	Yes	Yes	87.2	1
Tenderer B	Yes	Yes	85.6	2
Tenderer C	Yes	Yes	85.0	3
Tenderer D	Yes	Yes	77.8	4
Tenderer E	Yes	Yes	70.8	5

Refer to the confidential attachment for further details of the evaluation of all tenders.

LINKS TO THE COUNCIL PLAN

Council Priority **Organisational Sustainability**

Future Direction **Good Governance**

Theme **Continuous Improvement**

Strategic Objective **Council explores and adopts best practice models**

The Cycle Sport and Skate Strategy (2015) recommended the upgrade of the Sycamore BMX facility to a regional level facility to service a broad catchment that incorporates parts of Hume City Council, Nillumbik Shire Council and Mitchell Shire Council.

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 tender from Sherwood Construction Solutions Pty Ltd was determined to be best value and it is considered that this company can perform the contract to the required standards.

RECOMMENDATION

THAT Council resolve to:

1. **Accept the tender submitted by Sherwood Construction Solutions Pty Ltd for the sum of \$659,746.03 (excluding GST) for the following contract:**
Number: 2018-7
Title: Reconstruction of the Sycamore BMX Pavilion, Mill Park
subject to the following conditions:
 - a) **Tenderer to provide proof of currency of insurance cover as required in the tender documents.**
 - b) **Price variations to be in accordance with the provisions as set out in the**

tender documents.

- c) Tenderer to provide contract security as required in the tender documents.
- 2. Approve the funding arrangements for this contract as detailed in the confidential attachment.
- 3. Sign and seal the Contract documents.

COUNCIL RESOLUTION

MOVED: Cr Joseph

SECONDED: Cr Monteleone

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

CARRIED

6.4.2 UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING

Attachments: 1 **Unconfirmed Minutes of Audit & Risk Committee Meeting - 30 August 2018** [⇒](#)

Responsible Officer: Director Corporate Services

Author: Internal Compliance Officer

RECOMMENDATION SUMMARY

The Audit & Risk Committee met on 30 August 2018. The minutes of that meeting are attached for the information of Council.

1. Council note the unconfirmed minutes of the Audit & Risk Committee meeting held on 30 August 2018.

KEY FACTS AND / OR ISSUES

As required by the Audit & Risk Committee Charter, minutes of meetings are to be provided to Council after each Audit & Risk Committee meeting.

REPORT

BACKGROUND

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

The Audit & Risk Committee considered a number of reports at the meeting held on 30 August 2018, as well as confirming minutes from previous meetings held on 24 May 2018 and 23 August 2018.

Main agenda items included:

- Audit & Risk Committee Work Plan
- Developer Contributions Management
- Risk Management Report
- Internal Audit:
 - Strategic Internal Audit Plan
 - Internal Audit Status Report and Proposed MAPs
 - Internal Audit Reviews: Data Analytics
- Outstanding Action items Report from Previous Internal Audits
- Internal Compliance Reviews
- External Agency Examinations

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 30 August 2018.

COUNCIL RESOLUTION

MOVED: *Cr Joseph*

SECONDED: *Cr Monteleone*

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

CARRIED

6.4.3 2017/18 END OF FINANCIAL YEAR POSITION

Attachments: 1 [2017/18 Statement of Cash Position](#) ➡

Responsible Officer: Director Corporate Services

Author: Team Leader Management Accounting

RECOMMENDATION SUMMARY

1. Note the 2017/18 Statement of Cash Position, which shows a cash surplus of \$10,280,642 (capital \$3,248,583, operating \$7,032,059).
2. Note that, as resolved at the Council meeting held on 4 September 2018, the surplus capital funds (\$3,248,583) will be allocated to reserves as follows:
 - a. \$2,967,403 to the Infrastructure Reserve.
 - b. \$281,180 to the Technology Reserve.
3. Reallocate the 2017/18 operating surplus (\$7,032,059) funds as follows:
 - a. Allocate \$1,100,052 to the Technology Improvement Reserve. This amount is equivalent to the savings from Information Services.
 - b. Allocate \$5,932,007 to the Infrastructure Reserve to fund future strategic infrastructure projects.

KEY FACTS AND / OR ISSUES

The attached 2017/18 Statement of Cash Position is a reconciliation of Council's cash surplus to the Income Statement included in the 2017/18 Annual Report.

- Statement shows a 2017/18 cash surplus of \$10,280,642.
- This surplus is made up of \$3,248,583 from capital works and \$7,032,059 from operations.
- It is recommended to reallocate the surplus to reserves for future strategic use.

REPORT

BACKGROUND

The attached 2017/18 Statement of Cash Position reconciles Council's cash surplus to the Income Statement included in the 2017/18 Annual Report.

The statement shows a cash surplus of \$10,280,642. This is made up of \$3,248,583 from capital works and \$7,032,059 from operations.

Council, at its meeting held on 4 September 2018, resolved to allocate the surplus from capital works of \$3,248,583 to reserves as follows:

- \$2,967,403 to the Infrastructure Reserve
- \$281,180 to the Technology Reserve.

The major items which have contributed to this cash surplus are tabled below:

Major items which contributed to cash surplus	\$
Capital works surplus	3,248,583
Parks & Open Space - less than anticipated growth against the parks maintenance contract	1,390,475
Local Laws - statutory fees & fines and cost recoveries	1,317,547
Information Services (under budget)	1,100,052
Loan payments due to early repayment of golf course loan and new loans deferred to 18/19	1,076,269
Rates income (supplementary rates and interest)	1,045,290
Development Assessment - user fees due to increased legislative fees; employee costs	942,246
Grants commission	727,080
Strategic Planning - employee benefits due to vacancies, lower VCAT panel costs	669,027
Annual leave/Long service leave provision adjustments lower than budgeted	659,604
Family, Children & Young People - due to employee benefits and lower net program costs	578,799
City Presentation - Facilities Management - under budget	371,323
Major Projects - employee benefits due to vacancies	280,982
Community Wellbeing - preventative services net project costs, school immunisation (one off grant)	233,694
Library services - annual contribution and rent income	230,792
Community & Cultural Development - due to employee benefits	211,380
Offset by:	
Purchase of 72 Cooper St	(3,105,648)
Major Facilities - lower than budgeted income	(348,539)
Community Building & Planning - Whittlesea 2040	(292,719)
	10,336,237

PROPOSAL

It is proposed to re-allocate the 2017/18 operating surplus funds (\$7,032,059) as follows:

- Allocate \$1,100,052 to the Technology Improvement Reserve. This amount is equivalent to the savings from Information Services.
- \$5,932,007 to the Infrastructure Reserve to fund future strategic infrastructure projects.

CONSULTATION

Consultation and a review of the 2017/18 end of year financial position with the various departments of Council have been undertaken in preparation of this report.

FINANCIAL IMPLICATIONS

As discussed above, it is proposed to re-allocate the 2017/18 cash surplus to reserves for future strategic use.

POLICY STRATEGY AND LEGISLATION

The recommendations made in this report align with responsible financial management principles that underpin Council's Strategic Resource Plan.

LINKS TO THE COUNCIL PLAN

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

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 2017/18 Statement of Cash Position shows a significant cash surplus. The proposed treatment of reallocating the surplus to reserves for future strategic use is consistent with responsible financial management principles.

RECOMMENDATION

THAT Council resolve to:

1. **Note the 2017/18 Statement of Cash Position, which shows a cash surplus of \$10,280,642 (capital \$3,248,583, operating \$7,032,059).**
2. **Note that, as resolved at the Council meeting held on 4 September 2018, the surplus capital funds (\$3,248,583) will be allocated to reserves as follows:**
 - a) **\$2,967,403 to the Infrastructure Reserve.**
 - b) **\$281,180 to the Technology Reserve.**
3. **Reallocate the 2017/18 operating surplus (\$7,032,059) funds as follows:**
 - a) **Allocate \$1,100,052 to the Technology Improvement Reserve. This amount is the equivalent to the savings from Information Services.**
 - b) **Allocate \$5,932,007 to the Infrastructure Reserve to fund future strategic infrastructure projects.**

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

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

CARRIED

6.4.4 30 BRAND DRIVE THOMASTOWN - SALE OF COUNCIL LAND - COMMITTEE OF COUNCIL RECOMMENDATION

Attachments: 1 CoC Submission Minutes [⇒](#)

Responsible Officer: Director Corporate Services

Author: Senior Property Officer

RECOMMENDATION SUMMARY

1. Note that public submissions were invited in accordance with *Sections 189 and 223 of the Local Government Act 1989*, in relation to the proposed sale of Council's industrial warehouse located at 30 Brand Drive, Thomastown.
2. Note that one public submission was received at the close of the submission period (Cabrini Health) and that a Committee of Council meeting, comprising of Mayor Cr Pavlidis (apology), Cr Alessi and Cr Cox, was held on Tuesday 18 September 2018, to consider the submission.
3. The elected Committee of Council has considered the submission and recommends that the proposed sale of Council's industrial warehouse located at 30 Brand Drive, Thomastown, proceed.
4. Authorise the Chief Executive Officer to negotiate all terms and conditions required in marketing and selling the property, including the appointment of a suitable agent, signing of the contract of sale and land transfer document.

KEY FACTS AND / OR ISSUES

- Council, at its meeting held on 7 August 2018, formally resolved to commence the statutory processes required under the *Local Government Act 1989* to sell Council's industrial warehouse located at 30 Brand Drive, Thomastown.
- An advertisement was placed in the Whittlesea Leader newspaper and Council's website on Tuesday 14 August 2018 requesting public submissions, in relation to the proposed sale, be received by Wednesday 12 September 2018 (12 noon).
- The site consists of warehouse and office space and 56 car parking spaces.
- The premises have been leased to Cabrini Health since 2011.

REPORT

BACKGROUND

Council, at its meeting held 7 August 2018, formally resolved to commence the statutory processes required under the *Local Government Act 1989* to sell Council's industrial warehouse located at 30 Brand Drive, Thomastown.

The proposal was publically advertised for submissions in accordance with Sections 189 and 223 of the *Local Government Act 1989* and one submission was received.

A Committee of Council, comprising of Mayor Cr Pavlidis (apology), Cr Alessi and Cr Cox, met on Tuesday 18 September 2018 to consider the submission (see *Attachment 1 – CoC Submission Minutes*) and the Committee's findings are presented to Council for its final recommendation.

The site has a total area of 5,578m² and is located 600m east of the intersection of Dalton and Settlement Roads, Thomastown. The property was acquired by Council in 1998 and developed as a purpose built facility, office and warehouse complex. The site consists of a warehouse (2,520m²), office area (650m² including 11 offices, three boardrooms, research and development area and suitable kitchen and bathroom facilities) and 56 car parking spaces.

The premises were purpose built by Council for the initial tenant, Super Alloy Technologies, in 1998 and later assigned over to Primus Australia in 2005. Primus Australia executed successive leases over the property during 2005-09 but in October 2009 relocated its operations to University Hill. The premises have been leased to Cabrini Health since 2011.

PROPOSAL

To consider the findings of the elected Committee of Council and proceed with the proposed sale of Council's industrial warehouse located at 30 Brand Drive, Thomastown.

COMMITTEE OF COUNCIL

At the close of submission period (12 noon Wednesday 12 September 2018), one public submission was received (Cabrini Health) and a Committee of Council meeting, comprising of Mayor Cr Pavlidis (apology), Cr Alessi and Cr Cox, was held on Tuesday 18 September 2018.

The Committee of Council has considered the submission and recommended that the proposal to sell Council's industrial warehouse remain unchanged and be brought to Council for its final recommendation.

FINANCIAL IMPLICATIONS***Market Valuation***

A market determination has been undertaken by Council's Manager Property Rates & Valuations. The valuation may also serve as the reserve price Council may wish to set should the property be listed on the open market.

Appointment of marketing agent & associated costs

Selling fees are to be determined on agreement with selling agent. The amount payable will include marketing expenses and commission based on the sale price. Council officers will seek marketing campaigns and commission structures from a number of local and city based agents who specialise in the sale of industrial properties.

POLICY STRATEGY AND LEGISLATION

Council have sought public submissions on the proposed land sale under Sections 189 and 223 of the *Local Government Act 1989*. Submissions were invited for a period no less than 28 days and referred on to an appointed Committee of Council for consideration. The appointed Committee have considered the submission and reported all findings to Council for its final recommendation.

It is proposed that the property be sold at auction to ensure transparency and satisfy the State Government's *Local Government Best Practice Guideline for the Sale, Exchange, and Transfer of Land 2009*.

LINKS TO THE COUNCIL PLAN

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

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The elected Committee of Council has considered the submission received from Cabrini Health and recommends that the proposed sale of Council's industrial warehouse located at 30 Brand Drive, Thomastown, proceed.

RECOMMENDATION

THAT Council resolve to:

- Note that public submissions were invited in accordance with Sections 189 and 223 of the *Local Government Act 1989*, in relation to the proposed sale of Council's industrial warehouse located at 30 Brand Drive, Thomastown;**
- Note that one public submission was received at the close of the submission period (Cabrini Health) and that a Committee of Council, comprising of Mayor Cr Pavlidis (apology), Cr Alessi and Cr Cox, met on Tuesday 18 September 2018, to consider the submission.**
- Consider the findings of the elected Committee of Council and proceed with the proposed sale of Council's industrial warehouse located at 30 Brand Drive, Thomastown.**
- Authorise the Chief Executive Officer to negotiate all terms and conditions required in marketing and selling the property, including the appointment of a suitable agent, signing of the contract of sale and land transfer document.**

COUNCIL RESOLUTION

MOVED: *Cr Joseph*
SECONDED: *Cr Monteleone*

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

CARRIED

6.5 EXECUTIVE SERVICES

NIL REPORTS

7. NOTICES OF MOTION

7.1 NOTICE OF MOTION 859 - INVESTIGATION INTO COUNCIL'S USE OF SINGLE USE PLASTICS

Author: Cr Emilia Sterjova

Councillor Emilia Sterjova of North Ward has given notice that it is her intention to move the following Motion at the Ordinary Meeting of Council to be held on Tuesday 2 October 2018 at 6:30pm.

MOTION

THAT Council resolve to prepare a report that:

- 1. Identifies where single use plastic products are used within council operations; and**
- 2. Provide the operational and cost implications of eliminating or replacing these items with more sustainable alternatives.**

COUNCIL RESOLUTION

MOVED: Cr Cox
SECONDED: Cr Alessi

THAT Council resolve to adopt the motion.

CARRIED

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 PARTNERSHIPS, PLANNING & ENGAGEMENT

NIL REPORTS

11.2 COMMUNITY SERVICES

NIL REPORTS

11.3 CITY TRANSPORT AND PRESENTATION

NIL REPORTS

11.4 CORPORATE SERVICES

11.4.1 CONTRACT 2018-70 - CUSTOMER SERVICE PLATFORM PROPOSED CONTRACT AWARD

11.5 EXECUTIVE SERVICES

11.5.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 27 AUGUST 2018 TO 21 SEPTEMBER 2018

11.6 NOTICES OF MOTION

NIL REPORTS

11.7 APOLOGY DISCUSSION

11.7.1 CR LALIOS LEAVE OF ABSENCE DISCUSSION

COUNCIL RESOLUTION

MOVED: *Cr Kozmevski*

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:

11.4.1 CONTRACT 2018-70 - CUSTOMER SERVICE PLATFORM PROPOSED CONTRACT AWARD

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

11.5.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 27 AUGUST 2018 TO 21 SEPTEMBER 2018

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

11.7.1 CR LALIOS LEAVE OF ABSENCE DISCUSSION

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

CARRIED

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 8:10 PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 9:10PM.

12. CLOSURE

THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 9:20PM.

CONFIRMED THIS 13TH DAY OF NOVEMBER 2018.

MAYOR