



***City of*  
Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 13 NOVEMBER 2018**

**AT 6.30PM**

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



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## COUNCILLORS

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



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## SENIOR OFFICERS

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SIMON OVERLAND

CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

NICK MANN

DIRECTOR CITY TRANSPORT & PRESENTATION

HELEN SUI

DIRECTOR CORPORATE SERVICES

LIANA THOMPSON

DIRECTOR PARTNERSHIPS, PLANNING &  
ENGAGEMENT

MICHAEL TONTA

MANAGER GOVERNANCE



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**Note:**

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



**1. OPENING**

**1.1 MEETING OPENING AND PRAYER**

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

**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 PRESENTATION TO CR PAVLIDIS**

The Mayor, Cr Cox made a presentation to former Mayor, Cr Pavlidis of an album of photographs from her Mayoral term 2017-2018.

**1.4 PRESENT**

**Members:**

Cr Lawrie Cox	Mayor (South West Ward)
Cr Stevan Kozmevski	Councillor (South West Ward)
Cr Caz Monteleone	Councillor (South West Ward)
Cr Kris Pavlidis	Councillor (South West Ward)
Cr Ricky Kirkham	Councillor (North Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Norm Kelly	Councillor (South East Ward)
Cr Mary Lalios	Councillor (South East Ward)

**Officers:**

Mr Simon Overland	Chief Executive Officer
Mr Russell Hopkins	Director Community Services
Mr Nick Mann	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 Kozmevski*

**THAT the Councillor's apology be received.**

**CARRIED**

**APOLOGY**

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

**COUNCIL RESOLUTION**

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

**THAT the Councillor's apology be received.**

**CARRIED**

**APOLOGY**

Cr Kirkham moved a leave of absence for Cr Desiatio for this meeting until 25 November 2018.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Kirkham*  
**SECONDED:** *Cr Alessi*

**THAT the Councillor's request for a leave of absence be granted.**

**CARRIED UNANIMOUSLY**



### 3. DECLARATIONS OF INTEREST

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

Cr Monteleone declared an indirect interest by close association in Item 6.1.3 Donnybrook / Woodstock Final Infrastructure Contributions Plan (ICP) Submission, to the Chief Executive Officer prior to the meeting.

Cr Monteleone declared an indirect interest by close association in Item 6.4.2 Lease - Mirvac Early Activation Facility - 1025 Donnybrook Road Donnybrook, to the Chief Executive Officer prior to the meeting.

### 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION	
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**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Kozmevski*

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

Ordinary Meeting of Council held 2 October 2018;

Special Meeting of Council held 16 October 2018;

Special Meeting of Council held 1 November 2018; and

Special Meeting of Council held 7 November 2018.

**CARRIED**





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

**5.1 QUESTIONS TO COUNCILLORS**

**5.1.1 ITEM 6.1.10 LIVESTREAMING OF COUNCIL MEETING PROTOCOL**

**Trevor Carroll:**

In relation to item 6.1.10 Live Streaming of Council Meetings Protocol, why was no community consultation carried out in relation to the proposal, so that residents with disabilities like me could make suggestions about accessibility issues such as the addition of live captioning during streaming for people with hearing impairments which do not appear to be addressed in the Protocol and if not provided would be discriminatory?

**The Mayor, Cr Cox:**

Thank you for your question.

A report on whether Council meetings will be live streamed in 2019 will be considered by Council tonight and Councillors can consider the matters you raise in your question at that time.

**5.1.2 COUNCILLOR ATTENDANCE AT WHITTLESEA DISABILITY NETWORK MEETINGS**

**Trevor Carroll:**

During the current calendar year in their capacity as Mayor and Deputy Mayor and delegate to the Whittlesea Disability Network, why did Councillors Pavlidis and Sterjova not attend or forward apologies for scheduled monthly meetings?

**The Mayor, Cr Cox:**

Thank you for your question.

Attendance at Committee meetings is a matter for the individual Councillor. Please address your question to the relevant Councillors directly.

*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 - AGED CARE FACILITY MERNDA/DOREEN**

Cr Pavlidis tabled a petition from 1800 residents requesting Council “act now to provide an Aged Care Facility to include independent Living, Hostel, Nursing and Day Care in the area of Doreen/Mernda.”

**COUNCIL RESOLUTION**

**MOVED:** *Cr Pavlidis*

**SECONDED:** *Cr Kirkham*

**THAT Council resolve to receive and note the petition from 1800 residents requesting Council “act now to provide an Aged Care Facility to include independent Living, Hostel, Nursing and Day Care in the area of Doreen/Mernda” and that the head petitioner be advised that Council will continue to advocate and work in partnership with State and Federal Governments for this type of facility.**

**CARRIED UNANIMOUSLY**

**DIVISION**

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

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

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

**CARRIED UNANIMOUSLY**



## 5.2.2 PETITION - 'NO STOPPING' SIGNS EDGARS ROAD SHOPPING CENTRE

Cr Pavlidis tabled a petition from 60 signatories regarding the 'No Standing' signs located at the Thomastown Shopping Centre on Edgars Road, Thomastown.

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

**MOVED:** *Cr Pavlidis*  
**SECONDED:** *Cr Monteleone*

**THAT Council resolve to receive the petition from 60 signatories regarding the 'No Standing' signs located at the Thomastown Shopping Centre on Edgars Road, Thomastown and that the head petitioner be informed of the reasons the 'No Standing' signs were installed.**

**CARRIED UNANIMOUSLY**



**5.3 JOINT LETTERS**

**NIL REPORTS**





## 6. OFFICERS' REPORTS

Cr Lalios left the Council Chamber at 6:45PM prior to the vote on the En Bloc motion and did not return to the meeting.

### COUNCIL RESOLUTION

**MOVED:** Cr Kozmevski

**SECONDED:** Cr Alessi

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.2, 6.1.5, 6.1.6, 6.1.8, 6.3.1, 6.3.3, 6.4.1, 6.4.3, 6.4.4, 6.4.5 and 6.4.6.**

**CARRIED UNANIMOUSLY**

#### **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 SEATING ARRANGEMENTS AT COUNCIL MEETINGS**

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

**Author:** Team Leader Governance

**RECOMMENDATION SUMMARY**

That Council resolve to determine the seating arrangements to apply in relation to Council meetings held during the current mayoral term commencing 13 November 2018 and ending 7 November 2019.

**KEY FACTS AND / OR ISSUES**

At its meeting on 22 November 2016, Council resolved to determine seating arrangements at Council meetings at the first Council meeting following the Special Council meeting to elect the Mayor each year.

- It is proposed that the immediate past Mayor, Cr Pavlidis, resume her seat at the table where the incoming Mayor, Cr Cox, previously was seated.

**REPORT**

**BACKGROUND**

At its meeting on 22 November 2016, Council resolved to determine seating arrangements at Council meetings at the first Council meeting following the Special Council meeting to elect the Mayor each year.

**PROPOSAL**

It is proposed that the immediate past Mayor, Cr Pavlidis, resume her seat at the table where the incoming Mayor, Cr Cox, previously was seated.

The Mayor, Cox	
Cr Kelly South East Ward	Cr Sterjova North Ward
Cr Lalios South East Ward	Cr Pavlidis South West Ward
Cr Desiato South East Ward	Cr Joseph North Ward
Cr Alessi South East Ward	Cr Monteleone South West Ward
Cr Kozmevski South West Ward	Cr Kirkham North Ward

**CONSULTATION**

Councillors were consulted in relation to the proposed seating arrangements.

**CRITICAL DATES**

The new seating arrangements will apply in relation to Council meetings held during the current mayoral term ending 12 November 2019.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**POLICY STRATEGY AND LEGISLATION**

There are no policy implications.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Organisational Sustainability</b>
<b>Future Direction</b>	<b>Good governance</b>
<b>Theme</b>	<b>Continuous improvement</b>

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

# **DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

## **CONCLUSION**

It is proposed that the immediate past Mayor, Cr Pavlidis, resume her seat at the table where the incoming Mayor, Cr Cox, was previously seated.

## **RECOMMENDATION**

THAT Council resolve to determine the seating arrangements to apply in relation to Council meetings held during the current mayoral term ending 12 November 2019.

## **COUNCIL RESOLUTION**

**MOVED:**                      *Cr Pavlidis*  
**SECONDED:**              *Cr Alessi*

THAT Council resolve to determine the seating arrangements as follows:

The Mayor, Cox	
Cr Kelly South East Ward	Cr Pavlidis South West Ward
Cr Lalios South East Ward	Cr Sterjova North Ward
Cr Desiato South East Ward	Cr Joseph North Ward
Cr Alessi South East Ward	Cr Monteleone South West Ward
Cr Kozmevski South West Ward	Cr Kirkham North Ward

To apply in relation to Council meetings held during the current mayoral term ending 12 November 2019.

**CARRIED**



**6.1.2 SOUTH MORANG EAST DEVELOPMENT PLAN PROPOSAL**

<b>Attachments:</b>	<b>1</b>	<b>Locality &amp; Zoning Plan</b> <a href="#">⇒</a>
	<b>2</b>	<b>Exhibited Development Plan Layout</b> <a href="#">⇒</a>
	<b>3</b>	<b>Post-Exhibition Development Plan Layout</b> <a href="#">⇒</a>
	<b>4</b>	<b>Comparison of Development Plans</b> <a href="#">⇒</a>
	<b>5</b>	<b>Proposed Retail Development at 975 Plenty Road</b> <a href="#">⇒</a>
	<b>6</b>	<b>Revised Development Plan Proposal 975 and 985 Plenty Road</b> <a href="#">⇒</a>

**Responsible Officer:** Acting 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*.

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**REPORT**

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**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 400-800m<sup>2</sup>, 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
<b>1. 985 Plenty Road, South Morang</b>	
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.	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. <b>This is discussed in more detail in the 'Discussion –</b>

Submission Summary	Officer Response
	<p><b>Road Network' section below.</b></p> <p><b><u>Officer Recommendation</u></b></p> <p><b>No change recommended.</b></p>
<p>Requests the removal of the 10 metre landscape buffer interface to Plenty Road.</p>	<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><b><u>Officer Recommendation</u></b></p> <p><b>No change recommended.</b></p>
<p><b>2. 975 Plenty Road, South Morang</b></p>	
<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><b>This is discussed in more detail in the 'Discussion – Service Station and Supermarket – 975 Plenty Road' section below.</b></p> <p><b><u>Officer Recommendation</u></b></p> <p><b>No change recommended.</b></p>
<p>Stagecoach Boulevard extension conflicts with the currently proposed development vision of the site.</p>	<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><b>This is discussed in more detail in the 'Discussion – Road Network' section below.</b></p> <p><b><u>Officer Recommendation</u></b></p> <p><b>No change recommended.</b></p>
<p>The sewer and drainage requirements on the land conflict with the currently proposed development vision of the site.</p>	<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><b><u>Officer Recommendation</u></b></p> <p><b>No change recommended.</b></p>
<p>Internal road layout conflicts with proposed development vision of the site.</p>	<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><b>This is discussed in more detail in the 'Discussion – Road Network' section below.</b></p>

Submission Summary	Officer Response
	<p><b><u>Officer Recommendation</u></b>  <b>No change recommended.</b></p>
<p>Requests the removal of the 10 metre landscape buffer interface to Plenty Road.</p>	<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><b><u>Officer Recommendation</u></b>  <b>No change recommended.</b></p>
<p>The currently indicated land uses in the proposed Development Plan conflicts with proposed development vision of the site.</p>	<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><b><u>Officer Recommendation</u></b>  <b>No change recommended.</b></p>
<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>	<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><b><u>Officer Recommendation</u></b>  <b>Remove the designated 'Pocket Park' from the <i>South Morang East Development Plan</i> and insert a footnote to the effect that:</b>  <b>"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".</b>  <b>These changes are shown as "A" in <i>Attachment 3</i>.</b></p>
<b>3. 955 Plenty Road, South Morang</b>	
<p>The Development Plan layout should be amended to reflect the layout proposal submitted for the parcel.</p>	<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</p>

Submission Summary	Officer Response
	<p>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 development potential for other subject sites nor does it change the overall intent of the SMLSP. Therefore the change can be supported.</p> <p><b><u>Officer Recommendation</u></b>  <b>Amend the <i>South Morang East Development Plan</i> to reflect the proposed development layout for 955 Plenty Road.</b>  <b>This change is shown as “B” in <i>Attachment 3</i>.</b></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><b><u>Officer Recommendation</u></b>  <b>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.</b>  <b>This change is shown as “C” in <i>Attachment 3</i>.</b></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><b><u>Officer Recommendation</u></b>  <b>Remove the designated ‘Pocket Park’ from the <i>South Morang East Development Plan</i> and insert a footnote that:</b>  <b>“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”.</b>  <b>These changes are shown as “A” in <i>Attachment 3</i>.</b></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</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</p>

Submission Summary	Officer Response
reduce traffic flows from the residential land precinct.	<p>locate this connection north of this parcel.</p> <p>The SMEDP provides an alignment for Stagecoach Boulevard in a location which provides greatest opportunity to connect with the potential road link on VicTrack land.</p> <p><b><u>Officer Recommendation</u></b>  <b>No change recommended.</b></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><b><u>Officer Recommendation</u></b>  <b>Include a footnote on the <i>South Morang Development Plan</i> stating to the effect that:</b>  <b>"Retention Basin indicative dimensions subject to detailed design and satisfaction of Council".</b>  <b>This change is shown as "D" in Attachment 3.</b></p>
<b>4. Melbourne Water</b>	
<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><b><u>Officer Recommendation</u></b>  <b>No change recommended.</b></p>
<b>5. VicTrack</b>	
<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><b>This is discussed in more detail in the 'Discussion – Road Network' section below.</b></p> <p><b><u>Officer Recommendation</u></b>  <b>No change recommended.</b></p>
<b>6. Transport for Victoria</b>	
<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><b>This is discussed in more detail in the 'Discussion – Road Network' section below.</b></p> <p><b><u>Officer Recommendation</u></b>  <b>No change recommended.</b></p>

Submission Summary	Officer Response
<b>7. VicRoads</b>	
<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><b><u>Officer Recommendation</u></b></p> <p><b>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.</b></p> <p><b>This change is shown as "E" in <i>Attachment 3</i>.</b></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><b>This is discussed in more detail in the 'Discussion – Road Network' section below.</b></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 VCAT directions hearing, dealing with administrative matters, conducted on 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

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

The 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 Kozmevski***  
***SECONDED: Cr Alessi***

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

**CARRIED**



### 6.1.3 DONNYBROOK / WOODSTOCK FINAL INFRASTRUCTURE CONTRIBUTIONS PLAN (ICP) SUBMISSION

- Attachments:**
- 1 Donnybrook/Woodstock Precinct Structure Plan Area [⇒](#)
  - 2 High Level Infrastructure Project Cost Comparison [⇒](#)
  - 3 Donnybrook/Woodstock Infrastructure Contributions Plan - Transport Projects [⇒](#)
  - 4 Donnybrook/Woodstock Infrastructure Contributions Plan - Community and Active Recreation Projects [⇒](#)

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

**Author:** Senior Strategic Infrastructure Planner

#### RECOMMENDATION SUMMARY

THAT Council resolve to authorise Council Officers to make a submission to Planning Scheme Amendment GC102, and any subsequent Planning Panel Hearing, advocating for the inclusion of accurate project costing information and costs of borrowing, within the final Donnybrook/Woodstock Infrastructure Contributions Plan to facilitate the timely delivery of essential infrastructure and to minimise cost shortfalls.

#### KEY FACTS AND / OR ISSUES

- This report proposes that Council make a submission to the exhibited Planning Scheme Amendment GC102. The amendment seeks to update the Donnybrook/Woodstock Infrastructure Contributions Plan (ICP) to comply with recent incorporation of the Public Land Contributions Bill into the *Planning and Environment Act 1987* and update the contribution rates to reflect the Victorian Planning Authority (VPA) benchmark costing's for all infrastructure projects.
- Under the new ICP system "benchmark" costing's are applied as the basis for determining project costs and the standard levies applied for the different infrastructure categories.
- Preliminary analysis of the benchmark costing's have identified that the local context of the site such as extent of rock, environmental constraints have not been adequately accounted for and are considerably lower when compared to other comparable project in the Whittlesea municipality that have undergone detailed design and costing.
- Council officers have engaged an independent quantity surveying consultant to review the VPA benchmark costing's and provide bespoke costing's relating to Donnybrook/Woodstock area for transport projects. Council officers will also review the costing's for community and active recreation projects.
- These findings are proposed to form the basis of Council's submission to the Amendment and any Panel Hearing to ensure that the true costs of projects are accurately reflected.

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**REPORT**

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**INTRODUCTION**

The Donnybrook/Woodstock Infrastructure Contributions Plan (ICP) is the infrastructure and funding framework that will enable the orderly development of the Donnybrook/Woodstock Precinct Structure Plan (PSP). The ICP has been prepared by the Victorian Planning Authority (VPA) to comply with the *Public Land Contributions Bill (2017)* and to apply VPA's benchmark costing's for all infrastructure project costs. The ICP was exhibited as part of Amendment GC102 (the exhibited Amendment). Generally speaking, the drafting of the exhibited ICP is sound, and subject to the changes and recommendations identified within this report relating to costing's, it is recommended that the proposed Amendment be supported.

For this Planning Scheme Amendment, the VPA is the Planning Authority. Notwithstanding this, Council will be responsible for the collection of infrastructure contributions and the delivery of infrastructure items identified in the ICP.

This report discusses the key issues in relation to the infrastructure project costs in the exhibited ICP.

The key issues in this report are discussed by infrastructure category. These include:

- Roads
- Intersections
- Bridges and Culverts
- Pedestrian Crossings
- Community Facilities
- Active Recreation Facilities

This report forms the basis for Council's formal submission to the VPA for the proposed Amendment and likely subsequent Panel hearing. The directions hearing has been pre-set for the week commencing on 3 December 2018, with Panel Hearing scheduled in February 2019.

**BACKGROUND**

The PSP covers approximately 1785 hectares of land located within Melbourne's Northern Growth Corridor and is located approximately 35km from Melbourne's Central Business District. The land within the PSP is bound by Donnybrook Road to the south, E6 road reservation to the north, Melbourne-Sydney railway to the west and Merriang Road to the east (*Attachment 1*). Part of the PSP (approximately 100 hectares) is located with the Shire of Mitchell. This land is north of the Merri Creek. The PSP is predominately designated for residential purposes with several town centres, schools, community facilities, parks and transport related infrastructure.

The PSP and 'initial' ICP were approved by the Minister for Planning under Amendment GC28 in November 2017.

The ICP system differs from the Development Contributions Plan system as it is based on standardised and supplementary levies to fund the provision of essential infrastructure supporting the new communities. Standard levies are pre-set and infrastructure funded under the standard levies are not supported by detailed construction cost estimates as per the old Development Contributions Plan system. Supplementary levies are to be used only to fund specific transport related infrastructure (such as arterial roads, bridges or major culverts), and can only be used when standard levies cannot fully fund the allowable transport



infrastructure. It is only when the supplementary levies are required that detailed, actual construction cost information for all the projects is sought.

Since the approval of GC28, the *Public Land Contributions Bill (2017)* was incorporated into the *Planning and Environment Act (1987)* on 2 July, 2018. This change required the Donnybrook Woodstock ICP to be amended in order to comply with the reformed legislative changes. An 'interim' ICP was approved under Amendment GC101 on 2 July, 2018, as a transitional arrangement while a 'final' ICP is prepared. The exhibited 'final' ICP is the main subject of this report.

## **RECENT CHANGES TO PLANNING LEGISLATION - PUBLIC LAND CONTRIBUTIONS BILL 2017**

The *Public Land Contributions Bill (2017)* introduces a new land contribution model for the ICP system. This new system replicates the principles of how open space is treated at Clause 53.10 in the Planning Scheme.

This essentially requires landowners to transfer "under" the average percentage of public land required at no cost to Council as part of their infrastructure contributions. This replaces the monetary component of the standard levy for public land in the ICP system. Some landowners will be required to contribute more or less land than others, as such, the Bill introduces provisions to ensure overall contributions are equalised between landowners. Landowners who contribute a greater percentage of their land than the average percentage, will be compensated by those contributing a smaller percentage of land who will pay a land equalisation amount. Council, as a Collecting Agency under the Act, will be responsible for the collection of land equalisation amount and payment of land credit amount to the over providers.

It is important to note that the ICP system and the Public Land Contributions model only apply to areas where an Infrastructure Contribution Overlay (ICO) is applied. Existing Development Contributions Plans are not affected by this planning legislative change.

## **APPROVED AMENDMENT GC101**

An interim Donnybrook/Woodstock ICP was amended and approved under Amendment GC101 in July 2018. This 'interim' ICP replaced the ICP approved in November 2017, under Amendment GC61.

The 'interim' ICP enables Council to issue permits and collect levies while the 'final' ICP is developed in accordance with the planning legislative changes as per the Public Land Contribution Bill.

## **EXHIBITED AMENDMENT GC102**

The 'final' ICP has been prepared by the VPA and was exhibited from 15 August to 14 September, 2018, as part of Amendment GC102. The proposed Amendment seeks to ultimately replace the 'interim' ICP (implemented through GC101) with a contributions plan that reflects the VPA's proposed benchmark costing's for the majority of infrastructure project costs. Specifically, the exhibited 'final' ICP provides the following:

- A standard levy of \$114,062 per hectare to fund the construction of transport projects (e.g. roads, intersections, bridges, culverts etc.).
- A standard levy of \$86,627 per hectare to fund the construction of community and recreation projects (e.g. community activity centres, sporting fields, pavilions etc).
- A supplementary levy of \$412 per hectare is introduced to fund the construction of a major bridge culvert, as the standard levy for transport projects is capped and cannot fully fund this project.
- The use of benchmark costing's prepared by the VPA for all infrastructure construction projects.

- The removal of the monetary component from the standard levy for public land.
- The introduction of an ICP public land contributions percentage of 15.05% of Net Developable Area (NDA) in accordance with the Public Land Contributions Bill 2017.

## COUNCIL SUBMISSION

Whilst Council is not the Planning Authority for this proposed Amendment, Council will be responsible for the collection of infrastructure contributions and the delivery of infrastructure contained within the 'final' ICP once approved. It is therefore important that Council provides a submission to the proposed Amendment to ensure that the infrastructure project costs proposed in the 'final' ICP appropriately reflect likely delivery costs, thus mitigating potential funding shortfalls to Council in the future.

In light of the above, Council's submission is proposed to focus on the review of the infrastructure project costs in the exhibited 'final' ICP and VPA's benchmark costing's. To get a better understanding of the potential differences between the benchmark costs and Council's estimated costs, a comparison of the infrastructure project costs was undertaken utilising:

- Approved Wollert and English Street DCP project costs. Project costs in these DCPs have been based on detailed concept designs and also tested during the planning panel process.
- Cost estimates submitted by developers for selected infrastructure projects proposed in the 'final' ICP for works in-kind discussion purposes.
- Actual delivery costs of comparable infrastructure projects delivered by Council in 2017/18 through its New Works Program.

Officers cost comparison analysis is detailed within *Attachment 2*.

The second part relates to the detailed review of the VPA benchmark costing's. Council officers engaged a suitably qualified quantity surveying consultant (WT Partnerships Pty. Ltd.) to review the VPA benchmark costing's in terms of the appropriateness of the proposed project scopes, and the rates used to estimate infrastructure project costs. It is anticipated that a final report of the consultant's review will be available in late November 2018. As such, the final report and its key findings will refine Council's submission to the anticipated Planning Panel. Notwithstanding, initial advice from the consultant is that the VPA benchmark costing's applied to the Donnybrook/Woodstock ICP projects are lower than the actual likely delivery costs.

As the consultant's benchmark costing review is not yet available, this report will focus on the key issues identified in Officer's cost comparison analysis.

It is important to note that we cannot change the standard levies (\$114,062 per hectare for transport projects and \$86,627 per hectare for community and recreation projects). Therefore, the purpose of this benchmark costing review is to identify the true costs of the infrastructure based on local conditions and recent implementation, with the aim of using this information to increase the supplementary levy to cover the cost for transport projects. A supplementary levy cannot be applied to the items in the community and recreation project category.

## DISCUSSION

### Roads

The exhibited 'final' ICP funds the construction of Gunns Gully Road (primary arterial road), Cameron Street and Koukoura Drive (secondary arterial roads) to their interim standards, in order to provide essential access within the PSP area. These road items are highlighted in *Attachment 3*. The average construction rates used to calculate the project costs for these arterial roads in the exhibited 'final' ICP are:

- Primary arterial road at \$3,485 per linear metre;
- Secondary arterial road at \$3,719 per linear metre.

The cost analysis highlights considerably higher construction rates:

- Primary arterial road at \$5,122 per linear metre, or \$1,637 per linear metre higher than the proposed 'final' ICP;
- Secondary arterial road at \$4,987 per linear metre, or \$1,268 per linear metre higher than the proposed 'final' ICP.

The approved Wollert DCP also funds the construction of key secondary arterial roads within the Wollert PSP area. The average construction rate is at \$6,376 per linear metre, which again, is significantly higher than the rate used in the proposed 'final' ICP for secondary arterial road construction (\$2,657 higher per linear metre).

The considerable difference in rates is likely due to the lack of consideration for contextual information in the VPA benchmark costing's. The exhibited 'final' ICP costs are based on average benchmark rates derived from approved DCP project costs estimates around metropolitan Melbourne. The costing's do not take into account contextual information relevant to the northern growth corridor, such as significant extent of rocks, service relocation, and roads running through gas easements, all of which will drive construction costs higher than other parts of Melbourne. As such, it is recommended that the VPA costing's be reviewed in light of the contextual constraints of Donnybrook/Woodstock.

### Intersections

The exhibited 'final' ICP funds the construction of seventeen interim signalised intersections between primary and secondary arterial roads as well as connector roads. These are identified within *Attachment 3*.

The final ICP provides for intersection costs ranging between \$3.5 million to \$5.8 million. These costs are generally in-line with the comparable projects in the cost comparison analysis, with the exception of some higher order signalised intersections. These include:

- Primary/Connector 4 way interim signalised intersections - Donnybrook Road/Hayes Hill Boulevard intersection (IN-01), Donnybrook Road and Connector Street intersection (IN-02) and Donnybrook Road and Connector Street (IN-05) intersection.
- Primary/Secondary 4-way interim signalised intersections – Gunns Gully Road and Patterson Drive intersection (IN-14) and Gunns Gully Road and Koukoura Drive intersection (IN-15).

The average construction cost for a primary/connector 4-way interim signalised intersection is approximately \$6 million based on the Wollert DCP, compared to the average of \$4.5 million in the proposed 'final' ICP.

The average construction cost for a primary/secondary interim 4-way signalised intersection is approximately \$6 million based on the recently approved DCPs. The construction cost in the exhibited 'final' DCP is \$5.57 million in comparison.

To this end, it is recommended that the higher order intersections are reviewed to consider the contextual challenges within Donnybrook/Woodstock.

### Pedestrian Crossings.

The exhibited 'final' ICP funds the construction of three signalised pedestrian crossings (PED-01, PED-02 and PED-03) nominated within *Attachment 3*. The construction costs for the three crossings are generally in-line with the comparable projects in the cost comparison analysis. As such, in principle support is provided to these costing's subject to any additional findings from the WT Partnerships analysis.

## Bridges/Culverts

The exhibited 'final' ICP funds two secondary arterial road bridges (BR-01 and BR-05) and three culverts over waterways with growling grass frog habitat (BR-02, BR-03 and BR-04). These are nominated within *Attachment 3*.

The project costs for the two road bridges (BR-01 and BR-05) are based on the detailed costing prepared by One Mile Grid (OMG) for Donnybrook/Woodstock during the ICP development process in 2015. These costs have been informed by detailed design and should reflect likely delivery costs and are in principle supported, subject to any additional findings from the WT Partnership analysis.

The project costs for the three culverts (BR-02, BR-03 and BR-04) are \$795,000 each in the exhibited 'final' ICP. Cost estimates submitted by developers of the PSP area show that the culverts would cost approximately \$2 million each. The significant cost difference is due to the presence of Growling Grass Frog habitat in the PSP area. This requires bespoke culvert design to accommodate the requirements of the Growling Grass Frogs. This significance cost difference again emphasises the requirement for contextual information to be considered further to VPA benchmark costing's.

## Community Facilities

The exhibited 'final' ICP funds the construction of seven community activity centres (CAC) that will provide essential community services such as maternal and child health (MCH) spaces, early years facilities and community meeting spaces, to the future Donnybrook/Woodstock community. These are identified within *Attachment 4*.

Benchmark costs have been based on the CAC level of services – Level 1 CAC is a lower order community facility providing MCH rooms and dual kindergarten facility; Level 2 CAC is a medium order community facility providing MCH rooms, triple kindergarten facility and community meeting spaces; Level 3 CAC is a higher order community facility providing branch library, family centre, youth facility and dedicated meeting/consulting spaces. The construction costs for all three levels of CACs in the exhibited 'final' ICP are:

- Level 1 CAC (CI-06 and CI-07) at \$6.4 million.
- Level 2 CAC (CI-01, CI-02, CI-03 and CI-05) at \$7.65 million.
- Level 3 CAC (CI-04) at \$10.3 million.

The construction cost for Level 1 CAC in the exhibited 'final' ICP is in-line with similar projects in the Wollert DCP. However, the benchmark cost applied to the Level 2 CACs (CI-01, CI-02, CI-03 and CI-05) is approximately \$3 million less than the Wollert DCP (averaged at \$10.6 million).

The benchmark cost for the Level 3 CAC in the exhibited 'final' ICP (CI-04) is \$10.3 million, and consists of a library and a family resource centre. There are no similar projects in the recently approved DCPs or Council's capital works program, however, the construction of a library alone in the Wollert DCP is costed at \$9.3 million.

It is important to note that the construction of community and active recreation facilities can only be funded by the component of the standard levy for community and recreation facilities, which is capped at \$86,627 per hectare. The supplementary levy cannot be used to add to the funding of the construction of community and recreation facilities.

The total project cost for the community and active recreation facilities in the exhibited 'final' ICP is \$137.4 million or \$133,008 per hectare. This means that should the project costs for the Level 2 and 3 CACs be increased, Council will not be able to collect additional standard or supplementary levies towards the facilities. However, it is still important to raise the cost discrepancy in Council's submission to the VPA, as the 'final' ICP should reflect likely delivery costs. This will assist Council in understanding the likely extent of New Works funding to be allocated towards the community and recreation projects that are unable to be

fully funded by the standard levies. This will also assist Council officers in determining the likely works in-kind credit if the developer wishes to construct the community or active recreation facility as works in-kind.

### Active Recreation Facilities

The exhibited 'final' ICP funds seven active recreation facilities within the PSP area. These are nominated within *Attachment 4*. The benchmark costs applied are based on the size of the facilities:

- 8 -10 hectare reserve with two playing areas and sports pavilion is at \$12.3 million each (this includes projects SR-01, SR-02, SR-03, SR-04, SR-05 and SR-06);
- 5 - 6 hectare reserve with two playing areas and sports pavilion is at \$9.8 million (SR-07).

The average construction cost is \$14.2 million for a comparable 8 – 10 hectare sports reserve with pavilion (\$2.1 million more than the benchmark costs), and \$9.1 million for a comparable 5 – 6 hectare sports reserve with pavilion in the municipality (\$700,000 less than the benchmark costs).

As discussed earlier, the standard levy for community and active recreation facilities is capped at \$86,627 per hectare. Therefore, Council will not be able to collect additional standard levies towards the active recreation facilities should the project costs be increased in the 'final' ICP. However, it is still important to raise the cost discrepancy in Council's submission to the VPA, as the 'final' ICP should reflect the likely delivery costs, and will assist Council in understanding the likely extent of New Works funding to be allocated towards the community and recreation projects that are unable to be fully funded by the standard levies.

### Borrowing Costs

One of the options available for Council to fund the shortfalls or manage cashflow in the provision of community and active recreation projects is from borrowing. The cost of borrowing is an allowable supplementary levy item for community and active recreation projects. Currently there is no allowance for this in the exhibited 'final' ICP. Given the potential shortfalls for projects in this category, it is important the cost of borrowing option is available to Council as a potential means of managing cashflow or shortfalls. In order to facilitate this, it is recommended to submit that the VPA include the cost of borrowings in the exhibited 'final' ICP.

### REFERRAL

The VPA benchmark costing's having been referred to the relevant delivery and service teams within Council for review and comments. This includes Development Engineering, Parks and Open Space, Community Infrastructure Planning, and Major Projects. A set of consolidated comments have informed this report and the WT Partnership analysis from the various teams. This will be provided to VPA for consideration.

### ADMINISTRATIVE ERRORS

It is noted that there are several typographical errors and issues with table structures and column headings within the ICP document that should be updated and clarified prior to a 'final' ICP being approved. Given the nature these changes are administrative and do not impact on the intent of the ICP document nor the project costing, it is not intended to detail these changes within the report but rather provide the information to the VPA directly to amend as necessary.

## CRITICAL DATES

The exhibited 'final' ICP was exhibited from 15 August to 14 September 2018.

Pending resolution of this report, Council officers will provide a formal position/submission on Amendment GC102 to the VPA.

The VPA will take into account submissions received, including Councils, and make recommendations to the Minister for Planning, who will make the ultimate decision on the proposed Amendment and the associated process. Broadly, the Minister will have a number of options before them to advance the amendment as per normal statutory practice:

- The Minister can recommend that a Panel, or similar, is convened to hear submissions and make recommendations to the Minister for his ultimate decision (considered the most likely outcome);
- The Minister can consider and approve an amendment under Section 20(4) of the *Planning and Environment Act 1987*. Under this provision the Minister can exempt himself from any of the notice provisions of the Act and approve an amendment;
- The Minister can abandon the amendment.

Due to the nature of the amendment, it is likely that a Panel will be convened. The directions hearing has been pre-set for the week commencing on 3 December 2018, with Panel Hearing scheduled for February 2019.

## FINANCIAL IMPLICATIONS

Council, as a development agency, will be responsible for the delivery of all projects contained within the ICP. Therefore, it is critical to ensure that the project costs in the 'final' ICP are appropriate and reflect likely delivery costs.

## POLICY STRATEGY AND LEGISLATION

The exhibited 'final' ICP has been prepared by the VPA in accordance with the guidelines and requirements as set out in the Ministerial Directions for Infrastructure Contributions Plan and the Public Land Contributions Bill 2017. The ICP is also in accordance with Clause 19.03-1S Development and Infrastructure Contributions Plans in the Whittlesea Planning Scheme to provide the basis for infrastructure contributions, and facilitate the timely provision of planned infrastructure to new communities.

## LINKS TO THE COUNCIL PLAN

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

The exhibited 'final' ICP funds essential transport, community and recreational infrastructure to service the future Donnybrook/Woodstock communities. The review of the proposed VPA benchmark costing's will seek to ensure that the infrastructure projects in the ICP are costed appropriately and reflect likely delivery costs. This will mitigate the potential significant funding shortfalls for Council and allow Council, as the Development Agency, to deliver high quality infrastructure to create a well-connected and serviced communities in an efficient manner.

## 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 finalisation of the Donnybrook Woodstock Infrastructure Contributions Plan has been complicated by the recent changes to the *Public Land Contributions Bill (2017)* and the application of proposed benchmark costing's for the construction of infrastructure projects.

Considering these changes, Council officers have reviewed the documents and identified a range of issues in relation to infrastructure project costs that need to be considered and resolved during the finalisation of the 'final' Infrastructure Contributions Plan and associated Planning Scheme Amendment GC102.

To this end, it is recommended that Council resolve to make a submission to Amendment GC102 and present to any subsequent Panel Hearing. The key objectives of the submissions will be to advocate for the updating of construction costs in-line with Council's expert advice and analysis to minimise cost shortfalls, including increase in the supplementary levy and the inclusion of the cost of borrowing for community and active recreation projects.

## RECOMMENDATION

THAT Council resolve to authorise Council Officers to make a submission to Planning Scheme Amendment GC102, and any subsequent Planning Panel Hearing, advocating for the inclusion of accurate project costing information and costs of borrowing, within the final Donnybrook/Woodstock Infrastructure Contributions Plan to facilitate the timely delivery of essential infrastructure and to minimise cost shortfalls.

## DECLARATION OF INTEREST

Cr Monteleone declared an indirect interest by close association in this item to the Chief Executive Officer prior to the meeting.

Prior to the matter being considered or any vote taken in relation to the matter, Cr Monteleone left the Council Chamber at 6:53PM and advised the Mayor accordingly.

## COUNCIL RESOLUTION

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

**THAT Council resolve to:**

1. Authorise Council Officers to make a submission to Planning Scheme Amendment GC102, and any subsequent Planning Panel Hearing, advocating for the inclusion of accurate project costing information and costs of borrowing, within the final Donnybrook/Woodstock Infrastructure Contributions Plan to facilitate the timely delivery of essential infrastructure and to minimise cost shortfalls.

2. **Write to the Minister for Planning to request changes to the Infrastructure Contributions Plan system to enable contributions to be collected to fully fund the cost of provision of essential community and recreation infrastructure.**

**CARRIED UNANIMOUSLY**

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Cr Monteleone returned to the Council Chamber at 6:57PM following the vote on this item.

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**6.1.4 SUBMISSION TO KAUFLAND STORES IN VICTORIA ADVISORY COMMITTEE**

**Attachments:**

<b>1</b>	<b>Site Plan</b> <a href="#">⇒</a>
<b>2</b>	<b>Ground Floor</b> <a href="#">⇒</a>

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

**Author:** Senior Strategic Planner

**RECOMMENDATION SUMMARY**

That Council makes a submission to the Kaufland Stores in Victoria Advisory Committee generally consistent with the outline of the submission section contained in the body of this report.

**KEY FACTS AND / OR ISSUES**

- Kaufland Australia Pty Ltd has requested that the Minister for Planning change the planning scheme provisions that apply to the land at 592-694 High Street, Epping, to facilitate the development of a supermarket-based store.
- The Minister for Planning has appointed an Advisory Committee to make recommendations on the suitability of the proposed planning scheme changes.
- The Advisory Committee will consider the proposed supermarket development at Epping and at five other sites across Victoria including Kaufland Australia's national headquarters.
- The proposed changes to the planning scheme and plans for the proposed supermarket development were on public exhibition between 1 October, 2018 to 26 October, 2018.
- An Advisory Committee hearing is scheduled for the week commencing 19 November, 2018.
- The current Epping Central Structure Plan envisages redevelopment of the subject site to incorporate a mix of uses at higher densities, public open space, a fine-grained pedestrian network and high quality urban design.
- It is recommended that a submission be made to the Advisory Committee that does not support the proposed development in its current form due to the inconsistency with the vision for the precinct identified in the Epping Central Structure Plan and with a number of relevant planning policies and controls.

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**REPORT**

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**INTRODUCTION**

Kaufland Australia Pty Ltd has requested that the Minister for Planning change the planning scheme provisions that apply to the land at 592-694 High Street, Epping to facilitate the development of a supermarket-based store.

Kaufland is a German-based grocery chain, and is a subsidiary of the Schwarz Group, the world's fourth largest retailer. Kaufland intends to enter the Victorian retail market and has requested that the Minister for Planning assist in facilitating its plan to deliver an initial group of proposed supermarket-based stores.

The Minister for Planning has referred the proposal to the Kaufland Stores in Victoria Advisory Committee. The Advisory Committee will consider proposals to develop a supermarket at six different sites different across Victoria including Epping. The Advisory Committee will also consider the establishment of the national headquarters for Kaufland Australia Pty Ltd which is proposed to be co-located with the proposed store in Oakleigh South.

The Advisory Committee will consider the proposed planning scheme provision changes and public submissions made in response to it and provide independent advice to the Minister for Planning on all relevant planning matters associated with the location, development and use of the planning proposal.

**PROPOSAL**

The proposed development relates to land at 592-694 High Street, Epping (*refer to Attachment 1*). The site is located in the Epping Central Activity Centre area.

The site is an irregular shape with an area of 3.885 hectares. It is located on the eastern side of High Street and south of Cooper Street, Epping with access from both High Street and Cooper Street.

The site is part of the Epping Homemaker Centre and comprises an existing warehouse building (formerly Bunnings) and car parking. The existing warehouse building is set back from High Street behind the large open car park. The majority of other tenancies in the shopping centre consist of bulky goods retailers, together with food and drink premises and office uses.

It is proposed to amend the Whittlesea Planning Scheme by applying specific controls to the site and inserting an incorporated document into the schedules to Clauses 45.12 and 72.04.

The incorporated document will set out the conditions that will apply to the use and development of the site. The document will exempt the development from requiring a planning permit from Council.

It is proposed to use and develop the land for a supermarket with ancillary retail uses (including packaged liquor) and associated on site car parking (*refer to Attachment 2*).

The proposal includes:

- 3,610 square metres (sqm) of supermarket floor area
- 354 sqm bottle shop

- 284 sqm food hall and 108 sqm outdoor area
- 259 sqm tenancy
- 424 car parking spaces for the proposed development
- 36 bicycle spaces
- Associated signage and loading bay facilities
- The proposed single storey building will range from 6.7 m in height with a feature parapet of 11 m.

## NOTIFICATION

The proposed planning scheme amendment has been publicly exhibited on behalf of the Advisory Committee between 1 October 2018 to 26 October 2018.

Surrounding property owners and government agencies were notified.

Given that the schedule of Council meetings do not align with the exhibition period, officers have placed a 'holding' submission into the Advisory Committee. This has reserved Council's right to be a party to the process and be heard at the hearing, subject to the resolution of Council's submission.

The Directions Hearing was held on 2 November 2018. The Public Hearing for the Advisory Committee is scheduled for 19 November 2018.

## CRITICAL DATES

Date	Key Milestone
1 October 2018 to 26 October 2018	Exhibition Period
2 November 2018	Directions Hearing
19 November 2018	Public Hearing

## DISCUSSION

Officers have reviewed the proposed changes to the planning scheme, the proposed supermarket development and propose to make a submission to the Advisory Committee. It noted that the proposed supermarket land use is permitted without a need for a planning permit on the subject land under existing planning controls.

The review has therefore focussed on the consistency of the proposed design against the Epping Central Structure Plan and relevant planning policy and controls.

The Epping Central Structure Plan applies to the subject precinct and includes the following objective:

*'significantly intensify the use and development of land in the precinct, and encourage an improved mix of uses including commercial and residential, in a pedestrian and cycle-friendly environment.'*

In respect to the subject site, the plan identifies an opportunity for the redevelopment and states:

*'Redevelopment should incorporate a mix of uses at higher densities (including employment, retail and residential), public open space, a fine-grained pedestrian network and high quality urban design.'*

The site is important in the context of the development of the activity centre given its strategic location between the Epping Station and Pacific Epping. The site forms part of a pedestrian

‘desire line’ between these two locations and background documents have recommended that this be formalised into a stronger pedestrian link. The plan aims to encourage walking and create an environment where pedestrian movements are prioritised over vehicles.

Further, the site is located prominently on High Street. Built form controls aim to encourage active built form edges along streets rather than car-parking. It is envisaged that new development would be multi-level and mixed use to capitalise on the proximity to public transport, services and facilities. It is also envisaged that open space and improvements to the public realm would be incorporated into the design of new development.

In respect to parking, objectives aim to reduce the visual dominance of on-site parking and incorporate trees, landscaping and water treatment measures into at grade car-parks.

It is considered that the design of the proposed development does not accord or integrate with the vision for the precinct and therefore should not be supported. Further, the proposal may prejudice the redevelopment of adjoining land and it is critical to ensure that it provides for and integrates with future development opportunities.

## OUTLINE OF SUBMISSION

In summary, it is proposed that the submission will:

- not support the proposed development in its current form given the inconsistency of the proposed development for the vision of the precinct outlined in the Structure Plan,
- request that Council’s planning policies and strategies be properly considered and implemented as part of the Advisory Committees assessment of the proposal,
- raise matters which could be improved in the design to better align with Council’s planning policies and vision for the precinct.
- request the preparation of a master plan which demonstrates how the proposed development accommodates the long term vision for the precinct and integrates with surrounding development,
- request a social impact assessment to be prepared and a reduction in the proposed liquor component to the development in accordance policy contained in Schedule 1 to the Activity Centre Zone, and

More specifically matters raised in respect to the design are proposed to include:

- a preference for a mixed-use development integrated with adjoining properties,
- opportunities for future development consistent with the vision for the precinct protected and planned for,
- opportunity for an open space/pedestrian plaza adjoining al fresco dining area,
- need to improve pedestrian connections and amenity for pedestrians,
- opportunity for built form to sleeve car-parks
- need to address interface with rail corridor,
- need for additional tree planting and landscaping in any car-parks,

- preference for the retention of existing trees,
- need to implement stormwater treatment measures, and
- need to ensure the development is accessible.

It is noted that the wording contained in the final submission to the Advisory Committee will be drafted in consultation with Council's solicitor.

Council officers will also engage an urban designer to present to the Advisory Committee and provide expert urban design evidence in respect to the proposal.

## POLICY STRATEGY AND LEGISLATION

The proposed planning scheme amendment and development is affected by the following policies and strategies:

This includes:

- Plan Melbourne 2017-2050 which identifies Epping as a metropolitan activity centre.
- Epping Central Structure Plan which identifies Council's vision for the Epping Central Activity Centre.
- Victorian Planning Frameworks which provides for State planning policies.
- Whittlesea Municipal Strategic Statement which provides for Whittlesea's local planning policies.
- Schedule 1 to the Activity Centre Zone which applies to the land to which the amendment is proposed and outlines land use and development guidelines.
- Schedule 1 to the Parking Overlay which applies to the land to which the amendment is proposed and outlines parking requirements.
- Whittlesea Economic Development Strategy which identifies Council's goal for 10,000 new jobs.

## LINKS TO THE COUNCIL PLAN

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

It is important that Council makes a submission to Advisory Committee to ensure that the proposed supermarket development provides for a design which implements the objectives of the Council plan, the vision of the Epping Central Structure Plan and other adopted policies.

## 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 changes to the planning scheme and plans for the proposed supermarket development proposed by Kaufland Australia Pty Ltd are on public exhibition between 1 October 2018 to 26 October 2018. A public hearing is scheduled for the week commencing 19 November 2018.

From a review of the proposed changes to the planning scheme and development, a number of issues have been identified.

It is recommended that Council make a submission to the Advisory Committee generally consistent with the outline of the submission section contained in the body of this report. In summary, the submission will not support the proposed development in its current form given the inconsistency of the proposed development for the vision of the precinct outlined in the Structure Plan and other relevant planning policies and controls.

## RECOMMENDATION

THAT Council resolve to make a submission to the Kaufland Stores in Victoria Advisory Committee generally consistent with the outline of the submission section contained in the body of this report.

## COUNCIL RESOLUTION

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

THAT Council resolve to:

1. Authorise Council Officers to make a submission to the Kaufland Stores in Victoria Advisory Committee that is generally consistent with the outline of the submission section contained in the body of this report and noting in summary that:
  - a) the proposed development is not supported in its current form given the inconsistency of the proposed development with the strategic vision of the precinct outlined in the Epping Central Structure Plan and relevant provisions in the Whittlesea Planning Scheme;
  - b) that the proposal be re-designed to align with Council's strategic vision for the site and relevant provisions contained in the Whittlesea Planning Scheme;
  - c) requests that other matters in the Whittlesea Planning Scheme which relate to the site and the proposed development be applied as part of any amended development proposal and planning scheme amendment documents; and
  - d) should the re-design of the proposed development not accord with the strategic vision for the site and relevant state and local policies, that the proposed development be abandoned on the subject site.
2. Write to the Minister for Planning highlighting the importance of existing local and State planning policies and strategies and their impact on the future strategic planning and development of the subject area, as part of any decision made in respect to the outcomes of the Kaufland Stores in Victoria Advisory Committee..

**CARRIED UNANIMIOUSLY**

**6.1.5 910 BRIDGE INN ROAD, DOREEN - REMOVAL OF NATIVE VEGETATION**

<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">⇒</a>
	<b>2</b> <b>Proposed Subdivision Plan</b> <a href="#">⇒</a>
	<b>3</b> <b>Feature and Level Plan</b> <a href="#">⇒</a>
	<b>4</b> <b>Tree Identification Photos</b> <a href="#">⇒</a>
<b>Responsible Officer:</b>	<b>Manager Community Building and Planning</b>
<b>Author:</b>	<b>GADA Planner</b>
<b>FILE:</b>	<b>717972</b>
<b>APPLICANT:</b>	<b>Millar Merrigan</b>
<b>COUNCIL POLICY:</b>	<b>22.10    River Redgum Protection Policy</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAYS:</b>	<b>Development Contributions Plan Overlay Development Plan Overlay Incorporated Plan Overlay Vegetation Protection Overlay</b>
<b>REFERRAL:</b>	<b>None</b>
<b>OBJECTIONS:</b>	<b>None</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application</b>

**RECOMMENDATION SUMMARY**

That Council resolve to approve Planning Application No. 717972 and issue a Planning Permit for the removal of native vegetation at 910 Bridge Inn Road, Doreen.

**KEY FACTS AND / OR ISSUES**

- The site is located in the Mernda Strategy Plan (MSP) and the Garden Road Development Plan (GRDP) and the southern portion of the site is identified for residential development and the northern portion is identified for open space to contain the existing transmission line easement.
- The proposal involves the removal of all native vegetation on the subject site which has been planted and comprises 32 trees, 25 of which require a permit for their removal and only four of which are River Red Gums with a DBH just over 50cm.
- The removal of native vegetation is in conjunction with a broader subdivision being considered under a separate application.
- The development will provide 7,992m<sup>2</sup> of land on the northern boundary for open space (reserve and electricity easement) and 1,288m<sup>2</sup> of land for the future road widening of Bridge Inn Road. The remaining section will be developed.
- The surrounding road network is fixed as a result of existing planning approvals over adjoining land to the east and south and therefore cannot be feasibly relocated to accommodate the trees.

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**REPORT**

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**SITE AND SURROUNDING AREA**

The site is located on the southern side of Bridge Inn Road approximately 270m from Yan Yean Road. The site area comprises 20,230m<sup>2</sup>, and has a frontage of 80m to Bridge Inn Road. The site contains an existing residential dwelling, a garage, galvanised iron shed, a dry dam and a number of planted trees, as shown on the Feature and Level Plan included at *Attachment 2*. The site is dissected on the northern boundary by an electricity transmission easement.

Land to the north across Bridge Inn Road comprises of rural residential allotments (that will ultimately form part of future residential subdivisions), containing existing single dwellings. Land immediately to the east of the subject site contains an existing residential dwelling, and land further east has been subdivided into residential allotments. Land to the south has also been subdivided into residential allotments. Land to the west contains an electricity substation and associated electricity transmission lines.

**RESTRICTIONS AND EASEMENTS**

The land is formally described as Lot 1 on TP139445. The site is encumbered by an easement (E-1 and E-2) in favour of the State Electricity Commission of Victoria, created by instruments 1216543 and C648266 respectively, on the northern boundary of the site.

**BACKGROUND**

The application seeks the removal of native vegetation in conjunction with a broader subdivision being considered under a separate application. The site, subdivision layout and areas for vegetation retention are largely established through the approved development plan for this area – the GRDP. The GRDP was initially approved by Council on 1 July 2005, and amended a number of times, most recently on the 31 August 2017.

The application was not required to be advertised as the vegetation removal is considered to be generally in accordance with the approved Development Plan. The application was not required to be referred to any external agencies.

Although the application is only for native vegetation removal, the separate subdivision application achieves a balance with respect to all the relevant site considerations including provision of open space, retention of the electricity easement, provision of land for road widening along Bridge Inn Road, road alignment and linkages with surrounding land, development contributions and subdivision layout. The vegetation removal, in conjunction with the separate subdivision will allow for the logical and orderly development of the site.

**PROPOSAL**

The applicant proposes removal of all native vegetation on the site, which comprises of 32 trees. Of these 32 trees, 25 require a permit for removal in accordance with the Vegetation Protection Overlay, Schedule 1 (VPO1). The species for removal include: 13 River Red Gums, 3 Brittle Gums, 4 Sydney Blue Gums, 7 Iron Bark, 1 Yellow Gum, 1 Sugar Gum, 2 Gums and 1 Yellow Box. All of the trees are identified as planted vegetation (not remnant) in the Preliminary Tree Report that was submitted with the application and have existed on site for approximately 20 years.

Given the vegetation is planted and is not a result of seed cropping, Clause 52.17 is not applicable to this permit.



The following information in the table below has been taken from the Preliminary Tree Assessment regarding the health and DBH of each tree which requires a permit for removal in accordance with the VPO1. Those trees not requiring approval for their removal have not been included. The tree numbers in the table correlate with the Plan of Subdivision in *Attachment 1* and photos of the trees are provided at *attachment 4*:

Tree No.	Botanical Name (Common Name)	Height (m)	DBH (cm)	Health	Structure	Retention Value
1	Eucalyptus cameldulensis (River Red Gum)	12	59	Fair	Good	Moderate
2	Eucalyptus cameldulensis (River Red Gum)	6	38	Fair	Good	Moderate
3	Eucalyptus mannifera (Brittle Gum)	9	29	Fair	Poor	Low
4	Eucalyptus cameldulensis (River Red Gum)	6	35	Fair	Good	Moderate
6	Eucalyptus saligna (Sydney Blue Gum)	8	30	Fair	Poor	Low
7	Eucalyptus sideroxylon (Iron Bark)	12	33	Fair	Fair	Moderate
8	Eucalyptus cameldulensis (River Red Gum)	7	37	Fair	Good	Moderate
9	Eucalyptus sideroxylon (Iron Bark)	7	24	Fair	Good	Moderate
10	Eucalyptus leucoxyton (Yellow Gum)	6	26	Poor	Poor	Low
11	Eucalyptus sideroxylon (Iron Bark)	10	29	Fair	Good	Moderate
12	Eucalyptus sideroxylon (Iron Bark)	7	21	Fair	Fair	Moderate
13	Eucalyptus cameldulensis (River Red Gum)	14	38	Fair	Good	Moderate
14	Eucalyptus cameldulensis (River Red Gum)	8	56 (45, 34)	Fair	Good	Moderate
16	Eucalyptus melliodora (Yellow Box)	12	30 (14, 18, 19)	Fair	Fair	Moderate
17	Eucalyptus sideroxylon (Iron Bark)	5	22	Fair	Fair	Moderate
18	Eucalyptus sideroxylon (Iron Bark)	8	44	Fair	Poor	Low

Tree No.	Botanical Name (Common Name)	Height (m)	DBH (cm)	Health	Structure	Retention Value
19	Eucalyptus cameldulensis (River Red Gum)	3	14	Fair	Good	Moderate
20	Eucalyptus mannifera (Brittle Gum)	6	36	Fair	Poor	Low
22	Eucalyptus cameldulensis (River Red Gum)	9	43	Fair	Fair	Moderate
26	Eucalyptus mannifera (Brittle Gum)	7	33	Fair	Poor	Low
27	Eucalyptus cameldulensis (River Red Gum)	10	32	Fair	Fair	Moderate
28	Eucalyptus cameldulensis (River Red Gum)	14	50	Fair	Fair	Moderate
29	Eucalyptus cameldulensis (River Red Gum)	9	38	Fair	Poor	Moderate
30	Eucalyptus cameldulensis (River Red Gum)	10	53 (32, 33, 26)	Fair	Poor	Low
31	Eucalyptus cameldulensis (River Red Gum)	9	49	Fair	Fair	Moderate

All of the trees listed above are identified as young or semi mature vegetation. It is also noted that of the 25 trees requiring a permit for removal, 7 of the trees have a low retention value and are in poor health and none have a high retention value.

## PUBLIC NOTIFICATION

Pursuant to Clause 43.04-2 an application under any provision of this scheme which is generally in accordance with the development plan is exempt from the notice of requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## PLANNING ASSESSMENT

### State Planning Policy Framework

#### Clause 12.01-1 - Protection of biodiversity

This clause has the objective to assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites. The proposed removal provides a satisfactory response to this policy.

#### Clause 12.01-2 - Native Vegetation Management

This Clause seeks to ensure no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The strategy to achieve this is to apply the Department of Environment, Land, Water and Planning's three step approach to managing native

vegetation as set out in Guidelines for the removal, destruction or lopping of native vegetation.

The proposal for vegetation removal is being considered in context of the proposed subdivision layout, the intention of the GRDP which identifies the site for residential development, existing road layout associated with surrounding permits and the information that the trees are planted and are not remnant to the site. As such, it is considered that the removal of the vegetation cannot be practically minimised or avoided.

## Local Planning Policy Framework

### Clause 22.10 - River Red Gum Protection Policy

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

Whilst the proposal seeks removal of some younger planted River Red Gums, it is considered satisfactory having regard to the intended layout and use of the land as outlined within the applicable GRDP. In addition, the GRDP does not identify a requirement for any retention of trees on this part of the site. New tree planting can be provided within the reserve required on the northern part of the site and adequate embellishment of the electricity easement will be a requirement of the subdivision permit. Road alignments are fixed as a result of adjoining permits and in context of the strategic planning work previously undertaken.

Accordingly, the proposal is considered consistent with the objectives and guidelines of this policy, noting that offsets are to be required as a condition of any permit issued.

## ZONE AND OVERLAY DECISION GUIDELINES

The subject site is located within the General Residential Zone (Schedule 1). The land is also affected by the Development Contributions Overlay (Schedule 6), the Development Plan Overlay (Schedule 5), the Incorporated Plan Overlay (Schedule 1) and the Vegetation Protection Overlay (Schedule 1).

Of particular relevance to this application is the Vegetation Protection Overlay – Clause 42.02 of the Whittlesea Planning Scheme, which requires a permit for the removal, destruction and lopping of native vegetation. Schedule 1 to this overlay relates to the River Red Gum Grassy Woodland within the Mernda, Doreen and South Morang area, where the subject site is located. This schedule has the following objectives:

- *To preserve and maintain significant vegetation and the character of the area;*
- *Maintain soil qualities and minimise the impacts of erosion;*
- *Preserve natural habitat for flora and fauna.*

It is noted that the site is also within the GRDP approved by Council on 1 July 2005, which was informed by the Mernda Strategy Plan. The GRDP identifies the southern portion of the site for residential development and open space/an electricity easement to the north.

Given the vegetation is located on the southern portion of the site which is designated for urban development, it is considered that the removal of all vegetation including River Red Gums is necessary to facilitate the orderly transition of the land from rural to urban. It is considered that suitable vegetation can be planted in the open space on the northern portion of the site.

## REFERRALS

### *Internal*

The application was referred internally to Parks and Urban Design Department and the Sustainability Planning Unit.

There were some concerns identified through this process, however it was also noted that:

- The GRDP does not nominate any open space reserves within the subject site, nor does it nominate any trees to be retained on the site;
- A number of trees requiring a permit for removal will need to be removed to facilitate the proposed road layout and connections with adjoining sites to the east and south, whilst the remaining trees are located within the proposed lots and as such will require removal;
- None of the trees are identified as having a high retention value and all of the trees are planted specimens and not remnant.

## PLANNING COMMENTS

The application has been reviewed in the context of the relevant site constraints and opportunities and the surrounding approved development in the GRDP. In accordance with the GRDP, the northern portion of the site is identified as open space, and the southern portion of the site where vegetation is located is identified for a mix of medium and low density residential development. Given the site is already constrained on the northern boundary, it is considered difficult to produce a practical development layout over the southern portion of the site whilst maximising tree retention. Consideration has been given on potential options to retain some of the vegetation in the preliminary assessment of the subdivision and concluded that any functional layout will impact vegetation.

It is also considered that the retention of some of the vegetation on site will result in the need for 'pocket parks' which are not practical or usable spaces for the public and act purely to retain trees. The retention of trees will also negatively impact on the ability for the development to connect to surrounding road networks, which are set on an east west and north south axis due to the existing approvals over land to the east (930 Bridge Inn Road) and the south (895 Yan Yean Road). In addition, the trees are planted (likely for landscape amenity purposes for the existing dwelling) and are therefore not remnant and the GRDP does not identify any of the vegetation on the site for retention.

Based on a review of the proposed subdivision layout and site parameters, it is considered that the removal of the vegetation is necessary to ensure an appropriate lot layout and movement networks within the site and the broader area and to meet the development intentions of the GRDP. The retention of vegetation is likely to result in undesirable layout inefficiencies and a poor planning outcome for the site.

## 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 proposal has been assessed against the relevant policies and provisions of the Whittlesea Planning Scheme, including Clauses 22.10 (River Red Gum Protection Policy) as well as applicable GRDP, zone and overlays. The proposal is considered to achieve compliance with the GRDP and will assist in facilitating the orderly subdivision of the land and creation of infrastructure, including the road connections to surrounding land and dedication of land for the widening of Bridge Inn Road, as envisaged by the GRDP. It is therefore recommended that the application be supported subject to appropriate conditions.

<b>RECOMMENDATION</b>
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**THAT Council resolve to approve Planning Application No. 717972 and issue a Planning Permit for the removal of native vegetation at 910 Bridge Inn Road, Doreen in accordance with the endorsed plans and subject to the following conditions:**

- 1. No native vegetation may be removed until such time as a planning permit has been issued for the multi-lot subdivision of land at 910 Bridge Inn Road, Doreen (Application No. 717818).**
- 2. The project manager is to locate all services either above or below ground prior to the commencement of any works.**
- 3. Stumps and any surface roots are to be ground down below ground level. Ground and chipped material to a depth of 50mm is to be removed from site at the direction of the project manager. The project manager must supply and replace suitable topsoil and seed the area making certain that the reinstated ground surface is level, even and safe.**
- 4. All stumps not removed immediately after removal of the tree are to be paint marked with a suitable bright yellow reflective marking paint and must be removed within 14 days of removal of the tree.**
- 5. Wherever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or reused in open space as urban art, park furniture and/or other uses determined appropriate by the Responsible Authority.**
- 6. All timber greater than 300mm in diameter that cannot be reused as habitat, furniture or another use determined as appropriate by the Responsible Authority shall be hammer milled and shredded for reuse as mulch within the subject site. All timber less than 300mm in diameter and branch/leaf material shall be shredded for re-use as mulch within the subject site.**
- 7. The permit for tree removal expires if it is not commenced and completed within two years after the issue of the permit. Before the permit expires or within three months afterwards, the owner or occupier of the land to which it applies may ask the responsible authority for an extension of time. The Responsible Authority may extend the time within which the use or development or any stage of it may be started or any stage of it is to be completed.**

### Notes:

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

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

**SECONDED:** *Cr Alessi*

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

**CARRIED**

**6.1.6 1480 PLENTY ROAD, MERNDA - POSITION OF CONSENT TO AMEND PLANNING PERMIT 716367 FOR THE DEMOLITION AND WORKS ASSOCIATED WITH REMAINS OF THE GRAFF'S HOUSE HERITAGE PLACE (WITHIN LAND AFFECTED BY A HERITAGE OVERLAY)**

**Attachments:**

- 1 Locality Maps [⇒](#)
- 2 Aerial Photographs [⇒](#)
- 3 Photographs of destroyed Graff's house [⇒](#)
- 4 Heritage citation - Graff's house [⇒](#)
- 5 VCAT Order [⇒](#)
- 6 Example heritage interpretive piece [⇒](#)

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

**Author:** Planning Officer

**APPLICANT:** Michael Andrew Runge

**COUNCIL POLICY:** 21.08 Built Heritage and Environment  
22.04 Heritage Conservation Policy

**ZONING:** General Residential Zone

**OVERLAY:** Development Contributions Plan Overlay  
Development Plan Overlay  
Heritage Overlay  
Incorporated Plan Overlay  
Vegetation Protection Overlay

**REFERRAL:** This application was not required to be referred to any authority under the provisions of the Whittlesea Planning Scheme.

**OBJECTIONS:** This proposal is exempt from notice requirements.

**RECOMMENDATION SUMMARY**

That Council resolve to provide their consent to amendment Planning Permit No. 716367 via a Victorian Civil and Administrative Tribunal Consent Order.

**KEY FACTS AND / OR ISSUES**

- Planning Permit No. 717367 was issued by Council on 3 April 2018 for Demolition and works associated with the remains of the Graff's House Heritage Place (within land affected by a Heritage Overlay).
- Since the issuing of a permit an appeal was lodged with the *Victorian Civil and Administrative Tribunal* on 7 June 2018 (VCAT ref: P1078/2018). In the VCAT order the applicant is appealing Conditions No. 1(a), 2(a) and 2(c) of the planning permit with the matter set for a full day hearing on 22 November 2018.
- The applicant is seeking to reach a negotiated outcome via a Consent Order prior to the VCAT hearing and has consequently submitted alternative planning permit conditions for

consideration. In summary, the applicant is requesting a reduction in the 1,000m<sup>2</sup> area set aside for heritage open space and interpretation to be reduced to a minimum of 300m<sup>2</sup>. Furthermore the applicant is requesting the deletion of the condition relating to future credits of open space requirements.

- The proposed amendment continues to demonstrate a satisfactory level of compliance with the heritage provisions of the Whittlesea Planning Scheme. The other non-contested planning permit conditions will also continue to ensure a formal designation of a heritage open space area will be integrated with future proposed urban development.



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**REPORT**

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**SITE AND SURROUNDING AREA**

The subject land forms part of the historic Mernda Township area bounded by Plenty Road to the west, Station Lane to the south (an unused laneway) and Station Road to the north and east (see *Attachment 1*). The subject land comprises two lots in common ownership with a total area of 2.26ha. The heritage place is located on the northern lot (Lot 1 TP 955220V) which has an area of approximately 0.76ha. This land parcel has a 109m frontage to Plenty Road (near the junction of the former Old Plenty Road - the original road alignment).

The subject land contains the historic ruinous remains of the mid-19<sup>th</sup> Century 'Graff's House', a former weatherboard residence and shop associated with the early settlement of the district. A Heritage Overlay (comprising an area of approximately 2,400m<sup>2</sup>) defines the former house, shop and associated curtilage. The heritage place occupies a slightly elevated position within the surrounding landscape. The heritage place is vegetated with small exotic trees (predominantly regrowth) and woody weeds. Areas of pasture define the balance of the land (see *Attachment 2*).

The subject land is within close proximity to a further heritage place to the north comprising the bluestone Mernda Catholic church. The remains of a drystone wall define the boundary between the subject land and the church land.

Land on the opposite side of Plenty Road comprises a large property also containing a heritage place known as 'Preston Hall' (bluestone cottage). This land is in Council ownership and will contain the future Mernda regional recreation facility. A Federation era dwelling is located to the south on nearby land at 1470 Plenty Road.

The subject land and surrounding land are designated for medium density housing under the Mernda Strategy Plan. This form of housing will support the Mernda Town Centre to the south and the Mernda train station. A development plan is currently being prepared by consultants on behalf of interested local landholders/ developers but has not yet been formally lodged for approval with Council. Planning applications for subdivision and housing can be considered following the approval of a development plan.

The Graff's House heritage place was originally assessed in the late 1980s by Council's heritage consultants (Meredith Gould and Associates) as part of the original *Whittlesea Heritage Study*. At that time the place was recorded to be in poor condition but notwithstanding was considered to be of State heritage significance. The place was included in a Heritage Overlay (HO) under the old format Whittlesea Planning Scheme in 1994. The extent of the HO was refined as part of the approval of the Mernda Strategy Plan in 2004. The heritage place experienced significant deterioration in the decades since its initial assessment and was substantially destroyed by fire in late 2015 and again in early 2016. *Attachment 3* contains photographs of the burnt-out remains of the site.

**BACKGROUND**

The full 1990 *Whittlesea Heritage Study* citation relating to the Graff's house heritage place is shown in *Attachment 4*. The citation concludes:

*While a reasonable number of timber buildings from the mid to late 1850s survive in Victoria, very few however are combined in a shop...This building is architecturally significant on a State level for this reason. Locally it is significant as the last shop to survive in Morang and as one of the few houses built close to the Plenty Road transport route to survive from the late 1850s.*

Council sought the cooperation of the current landowner to preserve the heritage place and offered to undertake more detailed heritage investigations in 2008. This offer was not taken up. The site subsequently fell into further disrepair through neglect. By 2013 the site had been vandalised.

In October 2015 the heritage building was substantially destroyed in a suspected arson attack. Despite requests by Council officers for Police Victoria to undertake a formal investigation, the matter was not pursued and the cause of the fire (and those responsible) are unknown. Remaining (non-contributory) building elements of the site were subject to a further suspected arson attack in February 2016.

A Building Order was subsequently issued by Council's Municipal Building Surveyor requiring the site to be fenced and secured. An application was also made at this time by Council officers to include the site within the Heritage Inventory of Heritage Victoria (HV) as an archaeological place. This nomination was subsequently approved in November 2015 (reference HV H7922-0499).

A planning application was subsequently lodged with Council for the demolition works that was considered by Council at its meeting of 3 April 2018, where Council resolved to approve the planning permit subject to conditions, as well as defer the design direction of the heritage open space to the future Development Plan process and that decision be brought back before Council.

Since the issuing of the planning permit, the applicant lodged a conditional appeal to the *Victorian Civil and Administrative Tribunal* on 7 June 2018. *Attachment 5* shows the VCAT order where the applicant is seeking to appeal Conditions No. 1(a), 2(a) and 2(c) of the planning permit.

## PROPOSAL

The proposed amendments to Planning Permit 716367 the applicant is seeking consent for are as follows:

### Existing

*Condition No. 1 (a) – Provision of an area of not less than 1,000m<sup>2</sup> to be set aside within the existing Heritage Overlay area for heritage open space and interpretation. The area and its configuration must maintain a visual relationship with Plenty Road and the adjoining heritage place to the north to the satisfaction of the Responsible Authority.*

### Proposed

*Condition No. 1 (a) – Provision of an area of not less than 300m<sup>2</sup> to be set aside within the existing Heritage Overlay area for heritage open space and interpretation.*

### Existing

*Condition No. 2 (a) – Provision of an area of not less than 1000m<sup>2</sup> to be set aside for heritage open space and interpretation in accordance with Condition No. 1.*

### Proposed

*Condition No. 2 (a) – Provision of an area of not less than 300m<sup>2</sup> to be set aside for heritage open space and interpretation in accordance with Condition No. 1.*

### Existing

*Condition No. 2 (c) – That the designated heritage open space will not form part of future credits of open space requirements.*

Proposed*Condition No. 2 (c) – Deleted*

In the event these conditions are supported the applicant proposes to address the matter via VCAT Consent Order.

**PUBLIC NOTIFICATION**

An Incorporated Plan Overlay (Schedule 1), relating to the approved Mernda Strategy Plan, exempts the proposal from public notification requirements where the use and development of land is generally in accordance with this plan. The initial application was considered to be generally in accordance with this plan as is the current proposal. The proposed amendments (if supported) and existing conditions of the planning permit will continue to recognise the heritage place and it is considered that the application is generally in accordance with the Mernda Strategy Plan and therefore exempt from public notification.

**TECHNICAL ASSESSMENT**

The relevant State and local planning policies, particular provisions, zoning and overlay controls were previously considered under the original planning permit application. Whilst the space associated with the open space and interpretation area is proposed for a reduction the purpose and intent of the previously considered controls of the Whittlesea Planning Scheme are still considered to be satisfied.

A technical assessment and discussion around the merits of the proposed amendments are outlined below:

*Condition No. 1 (a) and 2 (a) – Reduction in the heritage open space and interpretation area from 1,000m<sup>2</sup> to a minimum of 300m<sup>2</sup>.*

The applicant has indicated that a heritage interpretive piece could be suitably contained within a reduced area. The applicant has provided a case study of the existing park/reserve at 22W Redrock Road, Wollert (*see Attachment 6*). Whilst the overall area of the example lot at 22W Redrock Road is 606m<sup>2</sup>, the actual area which contains the reconstructed shelter, BBQ area, seating and surrounding landscaping is closer to 300m<sup>2</sup>. It is felt that the future area within 1480 Plenty Road, Mernda could be constructed with a similar installation that incorporates remnants of historic value such as the chimney from the former Graff's House.

The planning permit still requires the preparation of a heritage conservation management plan to be prepared by a suitably qualified heritage consultant and to be to the satisfaction of the Responsible Authority. The provided case study at 22W Redrock Road, Wollert demonstrates how a heritage open space and interpretation area with a minimum of 300m<sup>2</sup> could be achieved at 1480 Plenty Road, Mernda whilst addressing the remaining heritage value of Graff's House.

It is worth noting that the initial decision to impose an area of 1,000m<sup>2</sup> was not based on any specific planning requirements but rather the interpretation of the planning officer in the absence of any heritage report that provided specifics relating to how the heritage elements could remain on site as an interpretation. Whilst an area of 1,000m<sup>2</sup> would allow for an increased scope to deliver an interpretation within the heritage open space, evidence has been provided to demonstrate that a meaningful outcome can be achieved within a reduced area commensurate with the outcome at 22W Redrock Road, Wollert.

*Condition No. 2 (c) – Removal of the condition imposing a restriction under a Section 173 Agreement that the future design of the space will not form future credits of open space requirements.*

The applicant has questioned the merits as well as the legality of the above condition. The applicant believes Condition No. 2 (c) goes beyond the purpose and scope of what the preamble of the planning permit allows. In addition the discussion around future credits

associated with the heritage interpretation can be addressed at the development plan and/ or future subdivision stages. There is still flexibility for Council to address this item at a future strategic planning stage which is both the most appropriate time and also ensures consistency with the Council decision and resolution of 3 April 2018.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

The proposed and existing conditions of the planning permit will ensure that the heritage place continues to have significance as the area undergoes a transition to an urban environment. Whilst the heritage open space and interpretation area has been reduced it is still considered to be of an appropriate scale to provide for an outcome. Finally, the proposed amendments for which the applicant is seeking consent still address the purpose of the State and local planning requirements of the Whittlesea Planning Scheme, including the provisions of Council's heritage conservation policy and the Heritage Overlay.

## RECOMMENDATION

**THAT Council resolve to provide their consent to the proposed amendments and that a VCAT Consent Order be entered into subject to the following conditions:**

1. **Prior to commencement of demolition works, three copies of a heritage conservation management plan must be prepared by a suitably qualified heritage consultant and submitted to and approved by the Responsible Authority. The plan must include:**
  - a) **Provision of an area of not less than 300m<sup>2</sup> to be set aside within the existing Heritage Overlay area for heritage open space and interpretation.**
  - b) **The retention and/ or reconstruction of the standing fire place and its integration within the heritage open space.**
  - c) **The area of demolition works including any other heritage fabric to be retained or removed (including retained in storage pending the development of the heritage open space).**
  - d) **An interpretation scheme for the heritage place to be implemented within the heritage open space.**
  - e) **Location of any drystone walls within or adjacent to the heritage open space.**
2. **Prior to any works, the applicant must enter into an agreement under Section 173 of the *Planning and Environment Act 1987* with the Responsible Authority to provide for the following:**
  - a) **Provision of an area of not less than 300m<sup>2</sup> to be set aside for heritage open space and interpretation in accordance with Condition No. 1.**
  - b) **The implementation of the heritage conservation management plan.**
  - c) **\*deleted\***

All costs associated with the preparation and execution of the Agreement must be borne by the owner of the land.

3. The works 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.
4. Within 12 months of demolition works occurring, a Statement of Significance must be prepared by a suitably qualified heritage consultant and submitted to the Responsible Authority.
5. Upon completion of all demolition works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the works and compliance with all relevant conditions.
6. In accordance with the Planning and Environment Act 1987 a permit for the development expires if:
  - a) the approved works do not start within 2 years of the date of this permit; or
  - b) the approved works are 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:**

- A. A Building Application for Demolition is required to remove remaining building structures authorised under this permit and will need to be obtained before works commence.
- B. A Consent to Disturb archaeological remains associated with the heritage place is required from Heritage Victoria and must be obtained before works commence.

**COUNCIL RESOLUTION**

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

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

**CARRIED**



**6.1.7 16 WOODRUFF ROAD, SOUTH MORANG - CONSTRUCTION COMPLIANCE**

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

**Author:** Manager Building & Planning

**RECOMMENDATION SUMMARY**

That Council note the report.

**KEY FACTS AND / OR ISSUES**

- The original Building Permit was issued in 2015 with a second extension of time request recently granted requiring completion of the dwelling by October 2019.
- A petition was tabled at the Council meeting on 2 October 2018, calling on an investigation to ensure that conditions of the Building Permit and relevant Municipal Laws and Codes are being met.
- The site is currently compliant and Council officers will continue to proactively monitor the site and work with the owner to assist in facilitating completion of the dwelling prior to the Building Permit expiring.

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**REPORT**

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**BACKGROUND**

A building permit was issued on 19 October 2015 for the construction of a single dwelling at 16 Woodruff Road, South Morang. The permit required commencement of the dwelling by 19 October 2016 and completion by 19 October 2017.

As the dwelling was not completed by that date, an extension of time was granted for an additional 12 months to complete the dwelling by 19 October 2018.

On 10 September 2018 a second extension of time request was received as construction has not finished with strip footings, stumps and sub floor all having been completed and approved.

In the interim, a petition was received and tabled at the Council meeting of 2 October 2018 where the following resolution was unanimously carried:

*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.*

The second extension of time request was granted on 16 October 2018 for a further 12 months, following a number of meetings with the owner and submission of an indicative schedule as to when various stages are likely to be completed.

**PROPOSAL**

Council officers have continually been monitoring and working with the owner of the site to ensure all requirements of the building permit and relevant municipal laws, including the Building Site Code, are being complied with. This has included investigating:

- Noise;
- Sanitary disposal;
- Waste disposal;
- Visual impact;
- Fencing requirements;
- Display of Permit details; and
- Building permit compliance.

Through this process, improvements have been made to the site including removal of the makeshift fence along the front boundary and erection of an industry-standard temporary fence, removal of all building waste (not materials) and reduction of the stockpiles of building materials, as well as removal of wooden pallets from the naturestrip out the front of the property.

The storage of building materials on site is allowable for construction and where there is a valid building permit. There would be nothing gained refusing to extend the building permit, other than a prolonging the construction process as a new building permit could simply be obtained.

Council officers will ensure proactive monitoring occurs and will continue to work with the owner to assist in facilitating completion over the next 12 months, in addition to ensuring all



the requirements of the Municipal Law and Building Site Code are being complied with at all times.

Concerns were identified in the petition relating to Occupational Health and Safety and Threatening behaviour, however these are not matters that Council become involved in and are overseen by Worksafe and Victoria Police respectively.

## CONSULTATION

There are no specific consultation provisions under the Building Act or Municipal Law, however Council officers will continue to work with the owner and also proactively monitor the site in context of neighbouring resident concerns.

## CRITICAL DATES

The new critical date for expiry of the Building Permit is 19 October 2019 and officers will proactively monitor the site throughout the next 12 months.

## FINANCIAL IMPLICATIONS

There are no specific financial implications as monitoring the site and ensuring compliance with the Building Permit and Municipal Law falls within normal operational budgets.

## POLICY STRATEGY AND LEGISLATION

Compliance is necessary at all times with the Building Permit, Building Act and Regulations and also the Municipal Law, including the Building Site Code.

## LINKS TO THE COUNCIL PLAN

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

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

The slow construction and approach of this project is clearly causing some concern for neighbouring residents of the site. The construction is currently compliant and Council officers will continue to monitor the site and work with the owner to assist in facilitating completion of the dwelling as quickly as possible.

## RECOMMENDATION

**THAT Council resolve to note the report.**

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

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

**CARRIED**

<i>In accordance with Section 72 of the Procedural Matters Local Law, Cr Kirkham requested that his opposition to the resolution be recorded.</i>
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**6.1.8 ASSEMBLIES OF COUNCILLORS REPORT 13 NOVEMBER 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 <b>23 August 2018</b>	Cr Pavlidis (Mayor) Cr Cox	ALC MCCD TLACD	<ol style="list-style-type: none"> <li>2019 Community Festival Change the Date</li> <li>Acceptance of 26 June Minutes</li> <li>Appointed new WRG Member's</li> <li>Aboriginal Liaison Officer Report</li> <li>WRG new 2018-19 Budget</li> <li>Annual Program – new priorities</li> <li>Aboriginal Gathering Place</li> <li>Aboriginal Services update</li> <li>Aboriginal Cultural Competency Training new Training Provider</li> <li>FIRE Carriers 10<sup>th</sup> Anniversary event</li> </ol> <p><i>Nil disclosures</i></p>
Council Forum <b>11 September 2018</b>	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor) Cr Alessi Cr Cox Cr Kozmevski Cr Joseph	CEO/A DCTP DCS DCRS DPPE/A MCBP MCDT MPUD MSP SSP TLCI TLCNW	<ol style="list-style-type: none"> <li>Whittlesea Neighbourhood House Network - Growing Together Presentation</li> <li>Epping Central Structure Plan – Five Year Strategic Review</li> <li>Ferres Boulevard / Findon Road / The Lakes Boulevard Intersection Upgrade – Contract 2013-3- Tender Evaluation</li> <li>Confidential Item – CEO and Councillor Time</li> </ol> <p><i>Nil disclosures</i></p>
Advisory Committee 30 Brand Drive Thomastown <b>18 September 2018</b>	Cr Alessi Cr Cox	DCRS GO MPV SPO	<ol style="list-style-type: none"> <li>Public Submissions for 30 Brand Drive Thomastown were considered</li> </ol> <p><i>Nil disclosures</i></p>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum – Learning & Development Disability Awareness <b>18 September 2018</b>	Cr Pavlidis (Mayor) Cr Cox Cr Kelly Cr Kirkham Cr Alessi Cr Kozmevski Cr Desiato	CEO DCS DCRS DPPE MCW TLA	1. Disability Awareness Training  <i>Nil disclosures</i>
Council Forum <b>25 September 2018</b>	Cr Alessi Cr Cox Cr Kozmevski Cr Monteleone	CEO DCTP DCRS DPPE TLED TLPOSP	1. Economic Development – Towards 10,000 Jobs in Five Years 2. Confidential Matter: Tender Evaluation Update for Contract 2016-21 Parks and Open Space Maintenance Service 3. Councillor Questions for Upcoming Council Meeting 4. Confidential Item - CEO and Councillor Time <i>Nil disclosures</i>
Council Forum <b>9 October 2018</b>	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor ) Cr Alessi Cr Cox Cr Joseph Cr Kirkham Cr Kelly Cr Kozmevski Cr Monteleone	CEO DCTP/A DCS DCRS DPPE IPE MFA MG UMLLCA	1. Draft Asset Management Strategy 2. 2018/19 Fire Prevention Program 3. Confidential Item - CEO and Councillor Time  <i>Nil disclosures</i>
Council Forum <b>16 October 2018</b>	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor ) Cr Alessi Cr Cox Cr Desiato Cr Joseph Cr Kirkham Cr Kelly Cr Kozmevski Cr Monteleone	CEO DCTP DCRS DCS DPPE/A MACED/A MSP SRO SSP TLRE	1. Land Capability Assessment Outcomes and Finalisation Report 2. 2018 Community Attitudes and Liveability Survey Report 3. Kaufland Stores in Victoria Advisory Committee 4. Confidential Item - CEO and Councillor Time  <i>Nil disclosures</i>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
ALC	Aboriginal Liaison Coordinator – Donna Wright	MFA	Manager Finance & Assets- Amy Montalti
CEO/A	Acting Chief Executive Officer – Liana Thompson	MG	Manager Governance- Michael Tonta
CEO	Chief Executive Officer – Simon Overland	MPUD	Manager Parks & Urban Design- Susan Hecker
DCS	Director Community Services – Russell Hopkins	MPV	Manager Property & Valuations – Gino Mitrione
DCRS	Director Corporate Services – Helen Sui	MSP	Manager Strategic Planning- George Saisanas
DCTP/A	Acting Director City Transport and Presentation– Ben Harries	SPO	Senior Property Officer – Greg Phippen

Initials	Title of Officer	Initials	Title of Officer
DCTP	Director City Transport and Presentation– Nick Mann	SRO	Senior Research Officer- Emily Lawson
DPPE/A	Acting Director Partnerships, Planning and Engagement- Julian Edwards and Belgin Besim	SSP	Senior Strategic Planner- Liam Wilkinson
DPPE	Director Partnerships, Planning and Engagement – Liana Thompson	TLA	Team Leader Access – Stephen Bell
GO	Governance Officers – Narelle Williamson & Felicity Maddern	TLACD	Team Leader Aboriginal & Cultural Diversity – Nick Butera
IPE	Infrastructure Planning Engineer- Michael Butler	TLCNW	Team Leader Construction (New Works)- Tony Di Nicolantonio
MACED/A	Acting Manager Advocacy, Communications & Economic Development – Heather Crosling	TLCI	Team Leader Community Inclusion- Kelisha Nikitas
MCBP	Manager Community Building & Planning – Belgin Besim	TLED	Team Leader Economic Development – Sarah Rowe
MCCD	Manager Community Cultural Development – Catherine Rinaudo	TLPOSP	Team Leader Parks Operations & Strategic Projects- Stephen Comben
MCDT	Manager City Design & Transport – Ben Harries	TLRE	Team Leader Research and Engagement- Kerryn Adams
MCW	Manager Community Wellbeing- Neville Kurth	UMLLCA	Unit Manager Local Laws & City Amenity- Deborah Blandford

## 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 Kozmevski*  
**SECONDED:** *Cr Alessi*

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

**CARRIED**





## 6.1.9 NEIGHBOURHOOD HOUSE NETWORK - GROWING TOGETHER

**Attachments:** 1 **Whittlesea Neighbourhood House Infographic 2018** [⇒](#)

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

**Author:** **Team Leader Community Inclusion**

### RECOMMENDATION SUMMARY

This report is provided as per the requirement under the Memorandum of Understanding (2014) signed by Council and the City of Whittlesea Neighbourhood Houses.

1. The report provides Councillors with information about the local community building work undertaken by the Whittlesea Neighbourhood Houses (Houses); and
2. Seeks Councillors consideration to the Whittlesea Neighbourhood House Network's (Network) proposal for a funding increase;
3. Seeks funding support for the two new Houses in Epping and Mernda.

### KEY FACTS AND / OR ISSUES

- City of Whittlesea has five Neighbourhood Houses (and two new Houses to be established in 2019), each with a unique local focus.
- The crucial local community building work that is undertaken by the Houses.
- There is a strong partnership and collaborative relationship between Council and the Houses.
- There are 120,240 'engagements' with the Houses each year with 86,880 people participating in programmed activities.
- The Houses engage 2,112 volunteers who have worked over 12,720 hours per year translating to a net worth of \$314,184.<sup>1</sup>
- There has been no increase in funding other than CPI for over 20 years. In this time, the municipality has increased in population by 120% and the forecast over the next 20 years is an anticipated growth of another 63%.
- The Network is proposing a one-off increase in recurrent funding of \$10,000 per House (five Houses) for 2019/2020 plus CPI annually thereafter.
- A proposal to provide funding for the two new Houses beginning with \$10,000 each in 2019/2020 and then bringing them in line with the other five Houses by 2021/2022.

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<sup>1</sup> Department of Health and Human Services (2017), Neighbourhood House Coordination Program data

**REPORT****BACKGROUND**

Neighbourhood Houses have a significant impact on the social and human capital of their participants. At their most simple they build networks that provide people with social support, personal assistance and self-confidence. They also provide a range of learning programs, most notably English language, computer and information technology, parenting and work skills. Neighbourhood House participants also generate wider community benefits related to broader connections developed.

Programs and activities address issues including digital literacy/inclusion, supporting disengaged youth, unemployment, childcare, emergency management, food security, community resilience, family violence, mental health and well-being, training and education, integration of new arrivals and refugee communities, rural isolation, issues that impact on older people, offender programs, social enterprises, community resilience and community connectedness.

There are five Houses (and two new Houses in Mernda and Epping to be established in 2019), within the City of Whittlesea, each with a local focus and offering opportunities that are unique to that particular community.

**Mill Park Community House established 1986**

Delivers adult education with a focus on medical allied health employment opportunities, is a registered NDIS provider and delivers a range of disability services. It also provides occasional child care.

**Lalor Living and Learning Centre established 1986**

Provides childcare, adult learning, lifelong learning, pre-accredited courses, language literacy and numeracy, digital literacy and employment pathways.

**Whittlesea Community House established 1988**

Creates community cohesion and connected communities, through learning for all ages, a range of diverse partnerships including a community garden, community lunches, community transport, work ready training, and youth engagement.

**Thomastown Neighbourhood House established 1991**

Facilitates community engagement through events, creates employment education pathways through volunteering and within social enterprise endeavours.

**Creeds Farm Living and Learning Centre established 2011**

Provides opportunities for lifelong learning, enhancing community connections, social inclusion and fosters environmental stewardship.

Though the City of Whittlesea currently has five registered Neighbourhood Houses, earlier this year, the Department of Health and Human Services (DHHS) invited applications for Neighbourhood House Coordination Program funding for new Houses. Two applications (Mernda and Epping) from the City of Whittlesea municipality were submitted and have been successful.

In the City of Whittlesea, there are 120,240 'engagements' with Neighbourhood Houses each year with 86,880 people participating in multiple programmed activities. The Houses engage

2,112 volunteers who have worked over 12,720 hours per year translating to a net worth of \$314,184<sup>2</sup>.

Council has worked in close partnership with the Neighbourhood Houses in the municipality for over 30 years providing both financial and practical assistance to support the community at a local level.

Each of the Houses has identified and is impacted by a consistent and steady increase in program and service demand, this is not only due to population increase but also relates to social complexities in communities for example, under employment, mental health issues, the desire to volunteer locally, traffic congestion, and family violence.

In 1997, Council endorsed financial support of \$15,000 per year for each House. There has been no increase in funding other than CPI since then. (2018/19 each House received \$25,281 ex gst). In this time, the municipality has increased in population by 120% and the forecast over the next 20 years is an anticipated growth of another 63%.

## PROPOSAL

The Whittlesea Neighbourhood House Network (Network), **Growing Together** report and presentation provides Council with an increased awareness of the crucial community building work undertaken within the municipality.

The Network is seeking an increase in recurrent funding of \$10,000 per House for 2019/20 plus CPI annually thereafter.

With an increase in funding, the Houses will be able to meet the increasing local needs of the community by:

- increasing program delivery which will lead to an increase in employment opportunities and education pathways,
- increasing targeted community engagement,
- increase activities, programs and opportunities for local young people,
- extending operational hours,
- expanding outreach,
- increased support for people looking for volunteer opportunities which will lead to employment education pathways,
- increased availability for the community at a local level to access nationally accredited training pathways,
- support social enterprises, and
- strengthen their role as community hubs and social connectors.

## CONSULTATION

The Network has worked collaboratively on both the presentation and the funding increase proposal. All five Houses have participated and contributed in numerous discussions and meetings. Discussions have also included the Manager of the North East Neighbourhood House Network and Council officers.

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<sup>2</sup> Ibid.

## FINANCIAL IMPLICATIONS

Council currently provide each of the five Houses with \$25,281 (2018/2019) annually plus CPI increase each year.

The Network is seeking a one-off increase in recurrent budget allocation of \$10,000 per House (five Houses) for 2019/20 plus CPI annually thereafter. A total one-off amount of \$50,000 for 2019/2020.

Mernda and Epping have also been successful in their DHHS Neighbourhood House Coordination Program funding applications, therefore funding will be extended to incorporate all seven Houses. Funding will be allocated to the two new Houses beginning with \$10,000 each in 2019/2020 and then bringing them in line with the other five Houses recurrent funding by 2021/2022. A total of \$20,000 for 2019/2020.

## POLICY STRATEGY AND LEGISLATION

Whittlesea Neighbourhood Houses complement and assist with Council's priorities and directly link with Council's Vision, Mission and Values and aligns strongly with a number of Council strategies including the Community Building Policy and Strategy and Council Plan 2017-2021.

## LINKS TO THE COUNCIL PLAN

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

By partnering with the Whittlesea Neighbourhood House Network, Council is able to achieve Health and Wellbeing priorities outlined in the Council Plan through local community building programs and activities that foster and build healthy and sustainable communities that have a sense of wellbeing, inclusion and belonging. By their very nature Neighbourhood Houses programs and activities also support a culture of life-long learning.

## 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

Neighbourhood Houses provide safe and accessible environments, which generate mutual support, develop community networks and produce collective action. They are responsive to the needs of the local communities and build their social capital. Neighbourhood Houses provide a diverse and constantly evolving range of positive social, health, educational and economic outcomes for individuals, families, and communities, particularly for those experiencing disadvantage.

The presentation by the Network provided Council with an opportunity to better understand the benefits and positive social outcomes of Houses and the partnership with Council in fostering a stronger and healthier community together.

In addition, it provided an opportunity for the Network to put forward a proposal to seek an increase in recurrent funding to ensure the Houses can continue providing the same level of support, programs and opportunities and to also meet the increase in demand.

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

- 1. Council to note the valuable work undertaking my Neighbourhood Houses;**
- 2. Increase the Whittlesea Neighbourhood Houses' recurrent budget allocation with a one-off payment of \$10,000 per House (five Houses) for 2019/20 plus CPI annually thereafter;**
- 3. Provide funding for each of the two new Houses in Epping and Mernda, beginning in 2019/2020 with establishment funding and bringing them in line with the other Houses recurrent funding by 2021/22:**
  - a) 2019/2020 \$10,000**
  - b) 2020/2021 \$20,000**
  - c) 2021/2022 \$35,281 plus the accumulation of annual CPI over last 2 years**
  - d) From 2022/2023 all Houses to receive recurrent funding plus CPI**

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

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

**CARRIED UNANIMOUSLY**



## 6.1.10 LIVESTREAMING OF COUNCIL MEETINGS

**Attachments:** 1 Draft Protocol for Live Streaming Council Meetings [↗](#)

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

**Author:** Team Leader Governance

### RECOMMENDATION SUMMARY

THAT Council resolve to:

1. Proceed with option 1 - live streaming the 11 Ordinary Council Meetings scheduled for 2019; and
2. Adopt the attached Protocol to guide the live streaming of Council Meetings.

### KEY FACTS AND / OR ISSUES

On 27 June 2017, Council requested a report be presented covering the options, effectiveness and mitigation of risks of live streaming.

- A report was subsequently submitted to Council outlining options for live streaming of Council meetings and Council resolved to defer the matter to a subsequent Council Meeting pending discussion at a Councillor Forum Meeting.
- At its meeting on 3 April 2018, Council resolved to consider supporting live streaming of Ordinary Council meetings subject to any risks being mitigated through appropriate policies, procedures, insurances and training.
- The Melbourne Community Television Consortium Ltd (trading as Channel 31) recorded the Ordinary Council Meetings held on 7 August 2018 and 4 September 2018 for the purpose of Council reviewing the live streaming of Council meetings in the future.
- A Protocol has been prepared to guide Councillors and officers in relation to live streaming of Council meetings.

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**REPORT**

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**BACKGROUND**

On 27 June 2017, Council requested a report be presented covering the options, effectiveness and mitigation of risks of live streaming.

On 31 October 2017, a report was presented to Council outlining options for live streaming. Council resolved to defer the matter to a subsequent Council Meeting pending discussion at a Councillor Forum Meeting. Channel 31 presented a demonstration of live streaming to Councillors at a Council Forum Meeting held on 13 February 2018.

At its meeting on 3 April 2018, Council resolved to consider supporting live streaming of Ordinary Council meetings subject to any risks being mitigated through appropriate policies, procedures, insurances and training.

The Melbourne Community Television Consortium Ltd (trading as Channel 31) recorded the ordinary Council meetings held on 7 August 2018 and 4 September 2018 for the purposes of reviewing the possibility of live streaming Council meetings in the future.

The recordings were of a professional standard and captured all the essential elements of a Council meeting. A video package containing edited highlights from the two recordings has been prepared by Channel 31 and was made available to Councillors at a Council Forum.

**PROPOSAL**

Council has three options in relation to live streaming Council meeting in the future.

***Option 1***

Council to stream Ordinary Council meetings live to Council's website (webcast) in 2019. The webcast can be hosted and published from multiple sources, for example, Facebook Live, YouTube or direct from Council's website.

With this option, members of the public would only be able to access the broadcast while it was happening.

This is the preferred option as it allows Council to trial live streaming for 12 months and then review it.

***Option 2***

Council to stream Council meetings live to Council's website in 2019 and record the live stream. The recording can then be accessed 'on demand' by members of the public.

Footage of the meeting would be stored and made available through Council's website for a period of 12 months.

***Option 3***

Council resolves not to proceed with live streaming Council meetings at this time.

***Live Streaming Protocol***

A draft Protocol was prepared to guide Councillors and officers in relation to the live streaming and it is proposed to use this Protocol if recording and live streaming was continued in the future. Refer Attachment 1.



The Protocol provides guidance and advice on how live streaming will be implemented at Council meetings and refers to the video set-up location, speaking tips and identified risks.

## **LIABILITY RISKS**

At the Forum meeting on 24 July 2018, Councillors were advised that Council is covered by the MAV's Liability Mutual Insurance Scheme in relation recording and live streaming Council meetings. The MAV has provided advice in relation to the Scheme and the risks associated with video and audio recording of meetings. Council does not need to be a member of the MAV to take out this insurance policy.

Council's liability risk is increased if the meeting is recorded and published online or made available to the public. In that case, Council may be liable for defamatory statements made by Councillors or members of the public, as it has published those comments.

To avoid the risk of defamation occurring, Councillors should avoid making statements about a person which causes injury to that person's reputation by:

- Disparaging them;
- Causing others to shun or avoid them; or
- Subjecting them to hatred, ridicule or contempt.

## **CONSULTATION**

Councillors have had an opportunity to review footage of the live stream trial of the August and September 2018 Council meetings and provided feedback.

There was no community consultation carried out in relation to the proposal.

## **CRITICAL DATES**

Subject to Council approval, it is proposed to live stream ordinary Council Meetings in 2019.

## **FINANCIAL IMPLICATIONS**

An amount of \$30,000 has been allocated in the 2018/19 Council budget for recording and live streaming Council meetings in 2019.

The budget will cover the cost of streaming the 11 Council meetings scheduled for 2019 live to Council's website with approved graphic elements and branding.

## **POLICY STRATEGY AND LEGISLATION**

Live streaming Council meetings will improve transparency in Council's decision-making processes.

There is no policy covering live streaming of Ordinary Council meetings. Copyright of recordings will be retained by Council.

## **LINKS TO THE COUNCIL PLAN**

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

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

It is recommended that Council proceed with option 1 – Council Meetings be live streamed in 2019 to allow the public to watch Council’s decision-making processes live, rather than only being able to hearing or reading about decisions after they have been made.

## RECOMMENDATION

THAT Council resolve to:

1. Proceed with option 1 - live streaming the 11 ordinary Council Meetings scheduled for 2019; and
2. Adopt the attached Protocol to guide the live streaming of Council meetings.

## COUNCIL RESOLUTION

**MOVED:** *Cr Monteleone*

**SECONDED:** *Cr Kirkham*

THAT Council resolve to:

1. Proceed with option 2 - Council to stream Council meetings live to Council’s website in 2019 and record the live stream. The recording can then be accessed ‘on demand’ by members of the public. Footage of the meeting would be stored and made available through Council’s website for a period of 12 months.
2. Adopt the attached Protocol to guide the live streaming of Council meetings.

LOST

## DIVISION

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

For	Against	Abstained
Cr Kirkham	Cr Pavlidis	Nil
Cr Kelly	Cr Kozmevski	
Cr Monteleone	Cr Alessi	
	Cr Cox	

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

LOST

#### 6.1.11 APPOINTMENT OF COUNCILLOR AND OFFICER REPRESENTATION ON ORGANISATIONS AND COMMITTEES FOR 2018-19

**Attachments:** 1 Organisations and Committees [⇒](#)

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

**Author:** Governance Officer

#### RECOMMENDATION SUMMARY

THAT Council resolve to nominate Councillor Representatives and to confirm Officer representatives to organisations and committees listed in Attachment 1 commencing immediately and continuing until 12 November 2019.

#### KEY FACTS AND / OR ISSUES

- At the first Council meeting following the election of the Mayor each year, Council considers the appointment of Councillor representatives to internal committees and external bodies and committees that require or have requested Council representation.
- Appointments commence immediately and continue until 12 November 2019, being the first Council meeting following the election of the Mayor.

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**REPORT**

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**INTRODUCTION**

This report sets out the details of the groups that require or have requested Council representation and notes any changes made since the last appointments.

**BACKGROUND**

Councillor appointments to external groups are made for a number of reasons. These appointments demonstrate Council's interest and involvement in the organisation and allow Council to be involved in developing the organisation's strategic direction. In some instances, the constitution of some of these external bodies includes provision for Councillor membership.

**PROPOSAL**

Nominations from interested Councillors are sought for representation on the organisations listed in Attachment 1. Appointments would commence immediately and continue until 12 November 2019, being the first Council meeting following the election of the Mayor.

The list has been reviewed and updated and includes, where relevant, Council Officers who also attend meetings of these groups.

**FINANCIAL IMPLICATIONS**

There are no additional financial obligations.

**CHANGES TO COMMITTEE MEMBERSHIPS**

Changes have been made to the membership of three advisory committees since the appointment of delegates was made on 21 November 2017.

***CEO Employment Matters Advisory Committee***

The Terms of Reference of this committee were amended on 18 December 2017 to provide for five members being the Mayor, three other Councillors delegates and an independent person.

***City of Whittlesea Australia Day Awards Committee***

The Terms of Reference of this committee were amended on 18 December 2017 to provide for the Mayor of the Day and one other Councillor delegate.

***Visual Art and Civic History Collections Acquisitions Advisory Group***

The Terms of Reference of this advisory group were amended on 18 December 2017 to provide for two Councillor delegates.

**COMMITTEE NOT REQUIRING A FURTHER APPOINTMENT*****Meadowglen International Athletics Stadium Inc. – Committee of Management***

This Committee is being wound up so the appointment of a delegate is not required.

***Epping Community Activity Centre Inc - Committee of Management***

This Committee is being wound up so the appointment of a delegate is not required.

***Riverside Community Activity Centre Inc. - Committee of Management***

This Committee is being wound up so the appointment of a delegate is not required.

***Municipal Emergency Management Planning Committee (MEMPC)***

A Councillor delegate is not required on this Committee as the committee structure has changed under the new Emergency Management Amendment Act 2018. The constitution of this committee does not include a Councillor delegate.

***Whittlesea Community House***

The Councillor delegate has observer status only and is not a member of the Committee so appointment of a delegate is not required.

***Whittlesea YMCA***

Council resolved on 7 August 2018 to not appoint Councillor representatives to this committee due to a potential conflict of interest.

***Municipal Association of Victoria (MAV)***

Nominations to the MAV and its associated Committees is not possible as Council resolved to not pay the membership fee on 26 June 2018. Council resolved on 2 October 2018 to consider membership of the MAV after the outcome of the invitation to the MAV CEO to present at Council Forum on the benefits of membership to Council.

This matter will be reported to the December Council meeting seeking a resolution on whether to participate in this Association and, if Council resolves to renew its membership, to appoint a Councillor delegate.

***Victorian Local Governance Association (VLGA)***

Nominations to the VLGA is not possible as Council resolved not to pay the membership fee on 26 June 2018. Council resolved on 2 October 2018 to consider membership of the VLGA after the outcome of the invitation to the VLGA CEO to present at Council Forum on the benefits of membership to Council.

This matter will be reported to the December Council meeting seeking a resolution on whether to participate in this Association and, if Council resolves to renew its membership, to appoint a Councillor delegate.

**POLICY STRATEGY AND LEGISLATION**

At Council's meeting held 11 December 2012, Council resolved to make appointment to Committees and external bodies at the first Council meeting following the Statutory Council Meeting to elect the Mayor.

**LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Organisational Sustainability</b>
<b>Future Direction</b>	<b>Inclusive and engaged community</b>
<b>Theme</b>	<b>Community voice</b>
<b>Strategic Objective</b>	<b>Our voice is reflected through inclusive Council decision making processes</b>

The appointment of Councillor representatives on various community organisations and committees provides an opportunity to encourage the development of community spirit within both internal and external organisations and committees.

## 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

Nominations from interested Councillors are sought for representation on the organisations listed in Attachment 1 commencing immediately and continuing until 12 November 2019.

## RECOMMENDATION

**THAT Council resolve to nominate Councillor Representatives and to confirm Officer representatives to organisations and committees listed in Attachment 1 commencing immediately and continuing until 12 November 2019.**

## COUNCIL RESOLUTION

**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Pavlidis*

**THAT Council resolve to defer consideration of this item to the next Council Meeting.**

**CARRIED**

## DIVISION

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

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

Based on the votes cast during the Division, the result was equal and therefore the Mayor, Cr Cox, cast a second and deciding vote. The Mayor, Cr Cox voted in favour of the motion. Based on the votes cast during the Division the motion was carried.

**CARRIED**

**6.2 COMMUNITY SERVICES**

**NIL REPORTS**





### 6.3 CITY TRANSPORT AND PRESENTATION

### 6.3.1 SUPPLY AND DELIVERY OF ONE COMBINATION DRAIN CLEANING UNIT – TENDER EVALUATION – CONTRACT 2014-2Z21

**Attachments:**

	1	<b>Contract Tender Evaluation Report - Confidential attachment 2014-2Z21 - Confidential</b>
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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 Fleet Services

## RECOMMENDATION SUMMARY

It is recommended that contract number 2014-2Z21 for the Supply and Delivery of one Combination Drain Cleaning Unit is awarded to Hino Motor Sales Australia – CMI Hino Melbourne for the lump sum price of \$627,434.

### KEY FACTS AND / OR ISSUES

The tender evaluation panel advises that:

- The current Combination Drain Cleaning Unit is approaching 14 years of age and has reached the end of its acceptable service life
- Tenders were sought via National Procurement Network (NPN) aggregated purchasing truck supply panel contract
- The tender provided by Hino Motor Sales Australia for a replacement drain cleaner offers the best overall value to Council for the supply and delivery of a replacement drain cleaning unit.

**REPORT****BACKGROUND**

The purpose of this contract is for the Supply and Deliver of one Combination Drain Cleaning Unit.

MAV VendorPanel is a procurement portal that allows preferred suppliers to provide purchase quotations for the supply of plant items through the National Procurement Network (NPN) Truck Supply panel contract. Tenders were sought for the supply of Combination Drain Cleaning Unit through MAV VendorPanel. Tenders for the contract closed on 15 August 2018. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

The Combination Drain Cleaning Unit is just used for the majority of Council's stormwater drainage maintenance activities. It operates consistently throughout the year clearing drainage systems of debris using its vacuum suction capacity. The Combination Drain Cleaning Unit is also used to rectify blockages within Council's stormwater infrastructure through the use of its high pressure water jet. This water jet is also used for non-destructive excavations and flood relief work.

Council's current Combination Drain Cleaning Unit is approaching 14 years old and has reached the end of its acceptable service life due to factors such as maintenance cost, maintainability, reliability and asset condition rating.

**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	40.0%
Capability	32.5%
Capacity	25.0%
Impact	2.5%

The weightings reflect the relative importance of each element to this particular contract. They were determined as being most appropriate after considering 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.

Only tenders that were conforming and competitive were fully scored. Tender submissions that were evaluated as non-conforming or not sufficiently competitive were set aside from further evaluation. In cases where this occurred the reasons for that outcome are detailed in the confidential attachment.

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A Hino Motor Sales Australia – CMI Hino Melbourne	Yes	Yes	85.0	1
Tenderer B	Yes	Yes	75.8	2
Tenderer C	Yes	Yes	74.8	3

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

## LINKS TO THE COUNCIL PLAN

**FUTURE DIRECTION**                      **Good Governance**

**Theme**                                        **Growth and Change**

**Strategic Objective**                      **Services and infrastructure keep pace with population growth**

The Combination Drain Cleaning Unit forms part of the Municipal Waste Management and Resource Recovery Strategy 2012-2020 adopted by 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 received from Hino Motor Sales Australia Pty Ltd – CMI Hino Melbourne is considered to offer the best value to Council based on the price, operational suitability and service capacity.

It is considered that the company can perform the contract to the standards required.

## RECOMMENDATION

**THAT Council resolve to:**

1. **Accept the tender submitted by Hino Motor Sales Australia – CMI Hino Melbourne for the sum of \$627,434 (excluding GST) for the following contract:**

**Number:**    2014-2Z21

**Title:**            **Supply and Deliver One Combination Drain Cleaning Unit**

**Term:**            **2 October 2018 to 30 June 2019**

2. **Approve the funding arrangements detailed in the confidential attachment.**

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

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

**CARRIED**

### 6.3.2 CONTRACT 2017-19 - REGENT STREET, MERNDA RECONSTRUCTION - VARIATION REPORT

**Attachments:** 1 **Financial 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:** Senior Projects Engineer

#### RECOMMENDATION SUMMARY

It is recommended that contract number 2017-19 for Regent Street Reconstruction:

- Is varied by \$246,389.80 (excl. GST);
- To a new contract sum of \$1,330,165.63 (excl. GST); and
- Is extended to 31 December 2018.

#### KEY FACTS AND / OR ISSUES

- The purpose of this contract was for the construction of Regent Street, between Nissoria Avenue and Grafton Street, Mernda.
- The works included upgrade of the road surface to asphalt, amendments to the vertical and horizontal alignment to improve safety, subsurface drainage, kerb and channel, 2.5m shared path, landscaping (including street trees), on-street parking and the construction of new accesses to abutting properties, including the Findon Pony Club.
- A variation and extension is required for additional bulk excavation, utility services alterations, additional tree removal charges and changes to the fence alignment of the Findon Road Pony Club;
- The majority of these variations are a result of a series of miscalculations on behalf of an external designer. Council Officers are seeking to recoup these costs through a Professional Indemnity claim against the designer; and
- While a contract variation is required, there is no budget implication, as the original contract was well under the allocated project budget.

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**REPORT**

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**BACKGROUND**

Regent Street provides a Collector Road link, and an alternative route to Bridge Inn Road, for the residents of the Mernda West area. Prior to the upgrade works, the section of Regent Street, between Nissoria Avenue and Grafton Street, was a rural, unsealed road which failed to cater for the growing daily traffic volumes, resulting in excessive dust complaints, regular maintenance and increasing travel (delays) times.

Contract 2017-19 related to the *Construction of Regent Street, between Nissoria Avenue and Grafton Street, Mernda*. The works included upgrade of the road surface to asphalt, amendments to the vertical and horizontal alignment to improve safety, subsurface drainage, kerb and channel, 2.5m shared path, landscaping (including street trees), on-street parking and the construction of new accesses to abutting properties, including the Findon Pony Club.

This contract was awarded to Metro Asphalt Pty Ltd. A summary of the financial performance of the contract is provided in the confidential attachment.

The contract commenced on 3 April 2018 and the approved end date was 7 July 2018.

The upgrade works have been delivered satisfactorily to date, with the subsurface drainage, kerb and channel, shared path and landscaping works complete. There is however one electrical service pit outside 65 Regent Street that requires relocation, and due to road closure time constraints and construction practicalities, it was agreed that the placement of the final wearing course layer would be postponed.

Regent Street was closed to the public on 3 April 2018, to expedite the delivery of the works, and reopened on 28 July 2018.

**VARIATION AND EXTENSION**

The Regent Street upgrade works have been delivered as per the approved detailed design to date. However due to calculation inaccuracies in the estimated Bill of Quantities; the actual quantities of some items were greatly under scoped. Items that were incorrectly quantified include: bulk earthworks, tree removal and landscaping. Officers are seeking to claim the additional cost of these items against the external Design Contractor's Professional Indemnity insurance.

During the excavation works, the Grafton Street / Regent Street intersection exhibited signs of severe degradation. Whilst this section of road was outside the original scope, it was deemed to be cost effective to mobilise the construction crew already on site to rectify the failure and provide a complete (new) road for the community.

Time constraints with regards the road closure of Regent Street meant that Council Officers were required to review, and approve the above variations and retrospectively seek Council's approval. A variation is now sought for these amendments to contract.

A contingency allowance is also required to cover any unforeseen (latent) costs, e.g. rock excavation during electrical service utility relocation.

A variation of \$246,389.80 (excl. GST) is required for additional bulk excavation, tree and vegetation removal charges; utility services works and alterations, and changes to the fence alignment at the Findon Road Pony Club. The majority of these variations are a result of a series of miscalculations on behalf of the designer. Council Officers are seeking to recoup these costs through a Professional Indemnity claim against the designer.

Further details of the requested variation are provided in the confidential attachment.

The contractor's prices have been checked and are considered competitive so it is proposed to extend the contract term to 31 December 2018.

## LINKS TO THE COUNCIL PLAN

<b>Council Priority</b>	<b>Organisational Sustainability</b>
<b>Future Direction</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Continuous Improvement</b>
<b>Strategic Objective</b>	<b>Council explores and adopts best practice models</b>

The construction of Regent Street has addressed transport connectivity issues in the Mernda West area by providing a continuous sealed road and a missing footpath link to the area.

The project has ensured that the road network meets the expectations of this community in terms of accessibility for motorists, cyclists and pedestrians.

The project links to the following Council Policies, Strategies 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.*

## 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

Variation and extension of the contract is sought in accordance with the contract's terms and conditions and Council's applicable policy and procedures.

## RECOMMENDATION

**THAT Council resolve, in relation to Contract No. 2017-19 for Regent Street Reconstruction to:**

- 1. Approve a variation of \$246,389.80 (excluding GST) making a revised contract sum of \$1,330,165.63 (excluding GST);**
- 2. Approve the funding arrangements detailed in the confidential attachment; and**
- 3. Approve extension of the contract end date to 31 December 2018.**

**COUNCIL RESOLUTION**

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

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

**CARRIED UNANIMOUSLY**

***Chief Executive Officer Explanatory Note***

*Councillors raised and received a response to questions about the attachment to this item in the confidential portion of the Meeting. When the Council re-opened the Meeting to the public this item was considered.*

**COUNCIL RESOLUTION**

**MOVED:** *Cr Monteleone*  
**SECONDED:** *Cr Alessi*

**THAT Council resolve, in relation to Contract No. 2017-19 for Regent Street Reconstruction to:**

1. Approve a variation of \$246,389.80 (excluding GST) making a revised contract sum of \$1,330,165.63 (excluding GST);
2. Approve the funding arrangements detailed in the confidential attachment; and
3. Approve extension of the contract end date to 31 December 2018.

**CARRIED**



### 6.3.3 EPPING RECREATION RESERVE EAST OVAL REDEVELOPMENT

**Attachments:**                    **1**     **2018-72 Contract Tender Evaluation Report - Confidential Attachment - 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:** Senior Parks Project Management Officer

## RECOMMENDATION SUMMARY

It is recommended that contract number 2018-72 for Epping Recreation Reserve East Oval Redevelopment:

- is awarded to Joslyn Group for the lump sum price of \$1,737,885.00 (excl. GST)

### KEY FACTS AND / OR ISSUES

The redevelopment of the Eastern Oval at Epping Recreation Reserve is the first step in the implementation of the Epping Recreation Reserve Master Plan endorsed in 2018. The redevelopment will remedy existing issues on the oval associated with inadequate drainage and aging irrigation infrastructure which leads to deterioration of the playing surface in all seasons.

The tender evaluation panel advises that:

- Four tenders were received
- the recommended tender was the highest ranked and is considered best value.

## REPORT

### BACKGROUND

The purpose of this contract is to award works associated with the redevelopment of the Eastern Oval at Epping Recreation Reserve, Epping. The works include a full soil profile reconstruction including drainage and irrigation, turf surface, LED sports ground lighting, cricket centre wicket, fencing (including ball catching fence) and all associated sporting infrastructure (goals, coaches boxes etc.).

Tenders for the contract closed on 26<sup>th</sup> September 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	20%
Capacity	25%
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 fully scored.

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A Joslyn Group	Yes	Yes	74.9	1
Tenderer B	Yes	Yes	58.3	4
Tenderer C	Yes	Yes	59.0	3
Tenderer D	Yes	Yes	64.4	2

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

## LINKS TO THE COUNCIL PLAN

<b>Council Priority</b>	<b>Organisational Sustainability</b>
<b>Future Direction</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Continuous Improvement</b>
<b>Strategic Objective</b>	<b>Council explores and adopts best practice models</b>

Redevelopment of the Eastern Oval at Epping Recreation Reserve will provide an upgraded facility for both club and public usage at all times of the year. As the first stage in the implementation of the endorsed Epping Recreation Reserve Master Plan, improved drainage infrastructure and soil profile will ensure that the ground remains in a suitable playing condition all year round, reducing maintenance/improvement works and minimising impact on sporting overflow facilities within the municipality.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

The tender from Joslyn Group was determined to be best value and it is considered that this company can perform the contract to the required standards.

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

1. **Accept the tender submitted by Joslyn Group for the sum of \$1,737,885.00 (excluding GST) for the following contract:**  
  
**Number: 2018-72**  
**Title: Epping Recreation Reserve East Oval Redevelopment**  
  
**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 detailed in the confidential attachment.**
3. **Sign and seal the Contract documents.**

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

**MOVED:** *Cr Kozmevski*

**SECONDED:** *Cr Alessi*

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

**CARRIED**

### 6.3.4 PETITION: REQUEST FOR PARKING BAYS - COTTAGE BOULEVARD, EPPING

**Attachments:**

- 1     **Locality Plan** [⇒](#)
- 2     **Parking Surveys** [⇒](#)
- 3     **Parking Options** [⇒](#)

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

**Author:**     **Traffic Engineer**

#### RECOMMENDATION SUMMARY

1.     Not install indented parking bays in Cottage Boulevard.
2.     Line-mark 10 parking spaces on the east side of Cottage Boulevard to maximise the efficiency of the existing on-street parking space.
3.     Advise the petitioners of Council's decision on this matter, and the reasoning for this decision.

#### KEY FACTS AND / OR ISSUES

- Residents of Cottage Boulevard, between Hayston Boulevard and Quartz Grove, submitted a petition regarding on-street parking, emergency vehicle access and hoon driver behaviour, and requested Council to install indented parking bays in this section of road, opposite the integrated housing along the transmission edge.
- Recently conducted parking occupancy surveys indicate that on-street parking demand is low and traffic surveys indicate conditions are acceptable for a local road such as Cottage Boulevard.
- Cottage Boulevard has a good road safety record.

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**REPORT**

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**INTRODUCTION**

The report responds to a petition regarding Cottage Boulevard, Epping and recommends that parking bays be line-marked to enable the existing on-street parking space to be used efficiently.

**BACKGROUND**

A petition containing 13 signatures of residents from 2A Cottage Boulevard properties was tabled at Council's meeting on 3 July 2018, and Council resolved that a report be prepared.

The petition raised concerns:

*About the lack of street parking available for residents, visitors & emergency services when required because it is a particularly narrow street which is regularly used by "hoons ", as can be seen by tyre marks. Residents have had cars damaged, private driveways blocked & used by non-residents, and the petitioners requested Council investigate the creation of parking bays opposite the units along the edge of the park.*

The petition was signed by residents representing all 10 units of the integrated housing site located at 2A Cottage Boulevard.

**DISCUSSION**Road Layout and Landuse

Cottage Boulevard is a local residential street approximately 540m in length and generally runs north to south between Hayston Boulevard (in the north) and a cul-de-sac (south) in Epping (*Attachment 1*). It provides access to private properties and a number of other local streets.

The width of Cottage Boulevard in front of the integrated housing site is 7.3m, this is sufficient to allow parking on both sides of the road whilst maintaining sufficient width for traffic, including emergency services vehicles, to move in one direction at a time. This width is the standard width that is adopted for local streets in new residential areas.

Cottage Boulevard is flat, has a gently curvilinear alignment and the speed limit is 50km/h.

The section in which the petitioners live is approximately 175m in length between Hayston Boulevard and Quartz Grove. In this section there is a Community Housing (Vic) Limited (CHL) integrated housing site (with 10 residential units) on the west side of the street, where all of the petitioners live, and a passive Council reserve on the east side. The integrated housing site has a common driveway entrance servicing three units; the remainder of the units have separate vehicle access points directly on to Cottage Boulevard.

There are two other residential properties abutting Cottage Boulevard; these are at either end of this section of the road; these properties have direct access to Hayston Boulevard or Quartz Grove, and are not directly affected by the petitioners' request.

Road Safety and Traffic Conditions

VicRoads' *CrashStats* indicates that there has not been any casualty crashes reported in Cottage Boulevard.

Traffic surveys were recently conducted in this section of Cottage Boulevard; the results are summarised in the table below:

Date	Average Vehicles per Day	Speed (km/h)		Vehicles Over (km/h)			Highest Speed (km/h)
		Average	85 <sup>th</sup> %ile <sup>1</sup>	40	50	60	
July 2018	180	42	43.2	50 (28%)	5 (2.8%)	1 (0.2%)	67

1. The 85<sup>th</sup> %ile speed is the speed at which 85% of motorists are travelling at or below.

These results indicate that both overall traffic speeds and volumes in Cottage Boulevard are acceptable.

With respect to the concerns about hoon driving, 22 aerial photographs (taken from December 2010 to August 2018) were reviewed and site inspections and observations were carried out. The aerial photographs show only two separate sets of tyre marks (indicating hoon driving incidents), these are in December 2016 and January 2018, and thus it can be concluded that there was some hoon activity during those periods.

During the inspections carried out in Cottage Boulevard since the petition was received in July 2018, no tyre marks were observed, and thus there is no evidence of hoon behaviour in recent months.

### Parking Management

#### *On-Street Parking*

Within an approximate 75m walk of the integrated housing site there is space for 30 cars to park on-street in Cottage Boulevard; 28 on the east side, and two on the west side whilst retaining sufficient width for through traffic.

Parking surveys were conducted during a number of times of the day over a one week period in August 2018; the results are summarised in *Attachment 2*. These indicate that the maximum number of vehicles parked at any one time was seven (five legally parked, two illegally parked), ie. there was space for an additional 25 vehicles to be parked legally.

The illegally parked vehicles were parked on the grass nature strip, across driveways or partially on the footpath (impeding pedestrian access).

It was also observed that the cars parked legally were often parked in a manner that could be used for two cars, and thus the space available for legal parking is not used efficiently.

#### *Off-Street Parking*

Due to concerns regarding parking within the integrated housing site, CHL circulated a letter to all residents of 2A Cottage Boulevard in June 2018 (after the petition was received at Council). The letter advised that:

- A random inspection by CHL indicated that vehicles were parked in unallocated spaces.
- Vehicles may be parked in the garage or in front of the garage.
- Additional vehicles may be parked on Cottage Boulevard and not in a manner that blocks access or emergency vehicles.
- Random inspections will be carried out and should vehicles still be parked in an unsafe manner they will be towed at the owner's expense.

Each unit in the integrated housing site has one allocated parking space (in their garage) as well as space to park another vehicle in front of the garage, and with four visitor parking spaces on-site, there is total of 24 off-street parking spaces available for the residents, their family, friends and/or visitors.

If the number of on-street and off-street parking spaces are totalled, there are 54 spaces available for the petitioners; this is a rate of over five parking spaces per housing unit.

## PARKING OPTIONS

A number of options are available to address the concerns raised by the petitioners.

### Indented Parking

If indented parking was provided, it would simply displace existing kerbside parallel parking, and thus this would not achieve any increase in the number of parking spaces. It would also encroach into the Council Reserve, result in tree loss and thus adversely impact on the streetscape and amenity of the area.

Given that the estimated cost for this this option is approximately \$70,000, there is no net gain in parking, and it has an adverse impact on the streetscape, this option is not supported, particularly as the parking surveys indicate that the number of parking spaces in Cottage Boulevard is more than adequate.

Notwithstanding and for discussion purposes of this report, some information on the advantages and disadvantages of this option are listed in the below table, and compared with a simpler option of line-marking parking bays.

### Line-Marking

As mentioned above, the existing space available for parking is not used efficiently. This could be addressed if some of the parking spaces on the east side of Cottage Boulevard were line-marked. Due to the slightly curvilinear alignment of the road, this option should also include painting the centre-line of the road in this section of Cottage Boulevard. Line marking would help to address the concern of cars being parked across private driveways.

### Advantage / Disadvantage Comparison

Option	Description	Advantages	Disadvantages
1	Indented parking spaces	<ul style="list-style-type: none"> <li>• Freer traffic flow</li> </ul>	<ul style="list-style-type: none"> <li>• Freer traffic flow could result in higher speeds</li> <li>• Total estimated (TEC) \$70,000</li> <li>• Loss of trees</li> <li>• Poor streetscape and amenity</li> <li>• Encroaches into Council reserve</li> </ul>
2	Line-mark parking spaces	<ul style="list-style-type: none"> <li>• Minimal cost (\$1000)</li> <li>• No loss of trees, streetscape and amenity</li> <li>• Improves parking efficiency</li> </ul>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

## CONSULTATION

No community consultation has been conducted on this matter as all residents that have direct access onto Cottage Boulevard signed the petition.



## FINANCIAL IMPLICATIONS

The estimated cost of line-marking parking bays is \$1,000 and can be funded from Council's operational budget.

In the event that the indented parking option is deemed appropriate, approximately \$70,000 would be required. As funds are not currently allocated for this work, this project would need to be considered as part of a future New Works Program.

## POLICY STRATEGY AND LEGISLATION

- City of Whittlesea, Municipal Road Safety Strategy, 2004: Action Plan 3. Ensure that a safe road environment is developed and maintained.
- City of Whittlesea, Integrated Transport Strategy, 2014: Action RF 2.2. Manage local roads to improve amenity and safety for users and ensure consistency with SmartRoads principles.

## LINKS TO THE COUNCIL PLAN

<b>Council Priority</b>	<b>Roads, Access and Public Transport</b>
<b>Future Direction</b>	<b>Accessibility in, out and around our City</b>
<b>Theme</b>	<b>Transport</b>
<b>Strategic Objective</b>	<b>The road network responds to our needs in accessing jobs, services and recreational activities</b>

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

The width of Cottage Boulevard in front of the integrated housing site is sufficient for parking and traffic, including emergency services vehicles.

Cottage Boulevard has a good safety record, and traffic speeds and volumes are acceptable and consistent for a local road of this type.

There is some evidence of hoon driving in 2016 and early 2018. However there is no evidence of hoon behaviour in recent months.

The parking surveys indicate that there is adequate parking in Cottage Boulevard, and thus indented parking is not recommended.

If a decision was made to install indented parking this would require costly infrastructure work, result in some tree loss, would not be in accordance with the streetscape and it would encroach into a Council reserve.

The existing space available for parking in Cottage Boulevard is not used efficiently which could be addressed if 10 parking spaces were line-marked on the east side of the road.

**RECOMMENDATION**

THAT Council resolve to:

1. Not install indented parking bays on the east side of Cottage Boulevard between Hayston Boulevard and Quartz Grove.
2. Line-mark 10 parking bays on the east side of Cottage Boulevard to maximise the efficiency of the existing on-street parking space.
3. Advise the petitioner of Council's decision on this matter, and the reasoning for this decision.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Pavlidis*  
**SECONDED:** *Cr Alessi*

THAT Council resolve to:

1. **Not install indented parking bays on the east side of Cottage Boulevard between Hayston Boulevard and Quartz Grove.**
2. **Line-mark 10 parking bays on the east side of Cottage Boulevard to maximise the efficiency of the existing on-street parking space.**
3. **Advise the petitioner of Council's decision on this matter, and the reasoning for this decision**
4. **Monitor traffic volume and flow on and around Cottage Boulevard Epping with a view to ensuring the continued safety of our residents.**

**CARRIED**

### 6.3.5 PETITION - ROAD SAFETY, TRAFFIC AND PARKING CONCERNS: SPENCER STREET, THOMASTOWN

**Attachments:**

- 1     **Locality Plan** [⇒](#)
- 2     **Street Views** [⇒](#)
- 3     **Parking Options** [⇒](#)

**Responsible Officer:**     **Manager City Design & Transport**

**Author:**     **Team Leader Transport Engineering**

#### RECOMMENDATION SUMMARY

1.     Note VicRoads' decision to install traffic signals at the Dalton Road / Spencer Street intersection.
2.     Not install indented parking on Spencer Street, Thomastown.
3.     Engage with the Spencer Street business community regarding responsible business operations and practices that are compatible with the City of Whittlesea Planning Scheme, Planning Permit conditions, existing road infrastructure and their property sites.
4.     Advise the petitioners of Council's decision on this matter.

#### KEY FACTS AND / OR ISSUES

- VicRoads have decided to install traffic signals at the Dalton Road / Spencer Street intersection, and this will address concerns regarding the safety and operation of the intersection.
- Parking and traffic congestion in Spencer Street has been problematic for many years.
- Options to provide more parking and/or reduce traffic congestion in Spencer Street will adversely impact the safety of pedestrians, as well as the amenity and street scape of the area.
- Neither option will address concerns raised by the petitioners regarding insufficient parking, unsafe practices of loading or unloading on Spencer Street, or of the unsafe practise of non-compliant parking, eg. double parking, parking across vehicle crossings, on nature strips and on the footpath.
- The operation and needs of many Spencer Street businesses exceed the capacity of their site, particularly with respect to parking, loading and unloading and storage of goods and materials.

## REPORT

### INTRODUCTION

This report discusses concerns raised by petitioners regarding the safety and operation of the Dalton Road / Spencer Street intersection and concerns about road safety, parking and traffic in Spencer Street, Thomastown (see Attachment 1 for locality plan).

### BACKGROUND

A petition was tabled at the Council Meeting on 6 February 2018. The delay in presenting this report to Council is due to the independent safety, traffic and parking report being completed and provided to Council. At the February 2018 meeting, Council resolved that the petition be received and that a report be prepared.

The petition was signed by 74 residents and 55 non-residents who requested Council:

*That due to safety concerns, complaints by residents, business owners, property owners, and customers about accidents and near misses that have occurred in Spencer Street, Thomastown, coupled with a fatality at the intersection of Spencer Street and Dalton Road, to:*

- *Urgently review design proposals developed in 2011 for indented parking bays and widening Spencer Street;*
- *Urgently seek input from Spencer Street business operators to progress a suitable proposal and design;*
- *Undertake works in Spencer Street as soon as possible, to address parking, road safety and local congestion issues; and*
- *Continue to work with, and advocate to VicRoads to improve road safety at the intersection of Spencer Street and Dalton Road, Thomastown including a suggestion by residents to investigate a 'keep clear' zone.*

Council's Customer Request Management (CRM) System has 25 recorded instances of customers contacting Council from the early 2000's. Concerns raised by customers are generally related to drivers not complying with the road rules (with respect to parking), problems with truck access to adjacent or opposite businesses, concerns and difficulties with loading or unloading and traffic congestion. These matters are generally along the lines of the concerns raised by the petitioners.

### DISCUSSION

#### Road Network

Spencer Street is a local street in Thomastown, built in the 1960's. It runs east-west between Dalton Road (east) and Brock Street (west), and is approximately 270m in length. The carriageway is approximately 8.75m wide carriageway and provides 2.5m each side for truck parking and 3.7m for traffic. The default 50km/h urban speed limit applies to Spencer Street.

Footpaths (approximately 1.5m wide) and nature strips (2.5m) are provided on both sides of the road. Due to vehicles, cars but in particular trucks, often parked illegally on the footpaths and nature strips, the condition of both is particularly poor.

Both Infrastructure Maintenance and Parks and Urban Design departments' repeated efforts over the years to ensure that the footpath and nature strip are kept in an acceptable condition have been unsuccessful. This is because as soon as repairs are completed,

drivers park cars and trucks on the footpaths and nature strips and damage inevitably re-occurs.

### **Land Use**

Land use on both sides of Spencer Street is a mixture of business, commercial and industrial with activities such as, vehicle repairers (mechanical and crash), building material manufacturers and distributors, light industrial (materials fabrication) and a clothing distributor.

Some businesses have evolved and expanded their business operations to a point that their business operation has out grown their site, and even after they have purchased or leased adjacent properties and consolidated their operations over two properties, their business operations and needs still overflow onto the street.

Many of the Spencer Street businesses have evolved over 40 years, some operate under a Planning Permit issued by the Melbourne Metropolitan Board of Works (MMBW), ie. pre-1985, and some others operate under a Planning Permit issued by the City of Whittlesea pre-1995, and thus they do not operate under current planning conditions and requirements, in particular those relating to access, parking and the loading or unloading of goods and materials.

The noticeable exceptions to the above are two businesses on the northwest corner (a takeaway food) and southwest corner (takeaway food, convenience store, petrol retailer) of the Dalton Road / Spencer Street intersection. Both these businesses are recent developments with access, parking and loading/unloading provided in accordance with the Whittlesea Planning Scheme (WPS), and it has been observed that both businesses operated in accordance with their planning permits.

### **Road Safety, Traffic and Parking Conditions**

An independent safety, traffic and parking study was conducted for Council in July 2018. The findings reported on road safety, traffic and parking, as well as the loading and unloading of trucks on-street, as this matter had an impact on the safety and operation of Spencer Street.

#### *Road Safety*

- Intersection: Dalton Road / Spencer Street

The crash history at this intersection is very poor. VicRoads CrashStats indicates that there have been 10 casualty crashes at this site from 1 January 2013 to 16 October 2017, this includes a fatal crash in August 2017.

Council has advocated to VicRoads for many years for traffic signals to be installed at this site.

VicRoads have advised that traffic signals will be installed as part of their 2018/2019 works program.

- Spencer Street

CrashStats indicates that two casualty crashes have occurred on Spencer Street between 2012 and 2017. The crashes were classified as 'Head On' and 'Out of Control on Carriageway' incidents. Given the limited number of incidents and the lack of repetition of incident types, no trends in crashes can be observed, or any specific crash counter-measures are able to be identified.

## Traffic

A summary of previous and current traffic conditions is presented in the below table.

Location	Date	Daily Traffic	Speed (km/h)		No. (%) Over (km/h)		
			Average	85th <sup>th</sup> ile <sup>1</sup>	40	50	60
Midway b/t Dalton Road & Brock Street	Nov 2014	4,331 <sup>2</sup>	42.0	50.2	2,191 (50.6)	661 <sup>3</sup> (15.3)	99 <sup>3</sup> (2.3)
	May 2018	4,594 <sup>2</sup>	40.0	49.8	2,347 (51.1)	655 <sup>3</sup> (14.3)	87 <sup>3</sup> (1.9)

1. The 85<sup>th</sup> percentile speed is a speed at which 85% of drivers travel at, or below. It is a factor used in determining the safe operating speed on a road.
2. Approximately 11% truck traffic.
3. A detailed analysis of the traffic survey results indicates that the majority of these drivers were before 7:00am and after 5:00pm, ie. non-core business hours in this business / industrial area.

Whilst the overall traffic conditions are within expected limits for a street in an industrial area, some high vehicle speeds were recorded.

The road width only allows for traffic to flow one way at a time (due to parking on both sides of the streets) and some traffic congestion occurs, however this is generally only localised and for short periods.

In situations when traffic needs to flow in both directions at the same time, drivers need to decide who yields (pulls to the left) or pauses at a gap where there is no parking, eg. at a vehicle crossing or crossings (there are many in Spencer Street) and give way to on-coming traffic. This is common in many streets throughout the municipality, particularly in some industrial streets built in the 1960's.

## Pedestrians

Pedestrian activity in Spencer Street is high. The pedestrian movement survey conducted in May 2018 indicated that on average:

- Between 8:00am to 6:00pm:
  - 260 pedestrians crossed the road.
  - 18 pedestrians walked east or west along the footpath on the north side of the road.
  - 30 pedestrians walked east or west along the footpath on the south side of the road.
- Pedestrian movements can be risky, when crossing the road because of illegally parked vehicles (discussed below) and the footpath condition (discussed above) whilst not unsafe, but due to cracks (often with trips hazards) is not favourable for walking.

## Off-Street Parking

As discussed above, many of the current Spencer Street businesses operate under planning permits and conditions issued by the MMBW or the City of Whittlesea prior to 1995. As a result the number of parking spaces provided on-site does not meet current Whittlesea Planning Scheme requirements, and thus by extension does not meet operating needs of many businesses.

For example, there are approximately 112 parking spaces provided in Spencer Street business' off-street car parks. If parking space numbers for these businesses were in accordance with current WPS parking rates, approximately 254 spaces would be required, thus the Spencer Street businesses are 'short' 140 parking spaces. Such a shortage is reflected in the current on-street and off-street parking conditions.

The shortage of parking is further exacerbated by the very high occupancy rates of the off-street spaces for business operations and not staff or client parking, or loading or unloading.

This is due to many businesses storing plant and / or materials in their car parks and thus parking demand overflows onto Spencer Street.

*On-street Parking, including Loading & Unloading*

The total length of the kerb line along both sides of Spencer Street is approximately 540m. Not all of this is available for parking due to vehicle crossings (VC's), parking set-backs adjacent to VC's (to allow truck access), a loading zone (on the south side only) and statutory parking restrictions (no stopping within 10m of an intersection). As a result, kerbside parking space is limited and only 29 parking spaces are available on Spencer Street.

The inadequate kerbside parking space is further limited by some businesses widening their VC or installing an additional VC; often these works have been undertaken without a Council issued permit for the work.

As a result of limited parking availability both off-street and on-street, and the demand for parking exceeding the supply, many drivers choose to park in a manner that does not comply with the road rules (as they apply to parking), eg. double park, across VC's, on nature strips and on the footpath (see photographs in Attachment 2).

Loading and unloading of goods and materials also often occurs on-street. The reasons for this are varied, but it is generally because:

- Not all Spencer Street businesses have loading bays.
- Loading bays are not large enough for the size and / or type of delivery trucks.
- Loading bays are often inaccessible due to parked vehicles and/or plant or materials are often stored in the loading bays.

The loading and unloading of goods and material requires a forklift or manual work. When this is conducted on-street, there is often manoeuvring of a forklift or workers walking on the carriageway in the path of approaching or passing traffic, and is a high risk exercise.

The loading zone is located on the south side of the street, approximately mid-way Brock Street and Dalton Road and displaces two parking spaces. This is often not available for loading or unloading due to it being used for private vehicle parking.

**Options Reviewed**

A number of parking configuration options to address the petitioners' concerns were reviewed. This included a review of two options prepared in 2011, and two additional options (which are basically variations of the 2011 options); these are:

- Option 1 (2011) – Indented parallel parking on both sides of the road – nil extra parking spaces.
- Option 2 (2011) – Indented parallel parking on south side of the road only – nil extra spaces.
- Option 3 (2018) – Indented 90° parking on south side of the road only – 25 extra spaces.
- Option 4 (2018) - Indented 90° parking on north side of the road only – 19 extra spaces.

A comparison of the estimated costs, advantages and disadvantages of each of these options are summarised in Attachment 3, and it can be seen that none of the options add any value to Spencer Street that could be considered commensurate with the estimated cost of either option.

Each of the options will also have a significant adverse impact of the amenity and street scape of the area, as well as with Option 3 or 4, there would be a substantial negative impact on the safety of pedestrians, and none will adequately address concerns raised by the

petitioners regarding insufficient parking, unsafe practices of loading or unloading on Spencer Street, or of the many unsafe incidents resulting from non-compliant parking.

### **Behaviour & Practice Change**

Another option is for officers from Council's Economic Development Unit, Local Laws & City Amenity Unit, Planning Services Department and City Design & Transportation Department to continue to engage with Spencer Street business owners and operators on a collaborative approach to address matters raised by the petitioners, in particular about responsible business operations and practices that will fit within the available road infrastructure and limitations of their commercial sites.

### **CONSULTATION**

With the exception of discussions with petitioners, no further consultation has occurred on this matter.

### **CRITICAL DATES**

There are no critical dates relating to this matter.

### **FINANCIAL IMPLICATIONS**

There are no financial implications relating to this matter.

In the event that an indented parking option is deemed appropriate, approximately \$320,000 to \$600,000 would be required. As funds are not currently allocated for either indented parking option, this would need to be considered as part of a future New Works Program.

### **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: pedestrian, cyclists and motorcyclists.*

City of Whittlesea Street Tree Management Plan (2016):

*Action 14: Coordinate the Street Tree Renewal Program with the Road Rehabilitation Program.*

City of Whittlesea Integrated Transport Strategy (2014):

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

### **LINKS TO THE COUNCIL PLAN**

<b>Council Priority</b>	<b>Roads, Access and Public Transport</b>
<b>Future Direction</b>	<b>Accessibility in, out and around our City</b>
<b>Theme</b>	<b>Transport</b>
<b>Strategic Objective</b>	<b>The road network responds to our needs in accessing jobs, services and recreational activities</b>

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

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

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



## CONCLUSION

Parking and traffic congestion in Spencer Street have been a concern to the community for many years.

Options to provide more parking and/or reduce traffic congestion in Spencer Street will adversely impact on the safety of pedestrians, as well as the amenity and street scape of the area, however neither option will address concerns raised by the petitioners regarding insufficient parking, unsafe practices of loading or unloading on Spencer Street, or of the unsafe practise of non-compliant parking, eg. double parking, parking across vehicles crossings, on nature strips and on the footpath.

The operation and needs of many Spencer Street businesses exceed the capacity of their site, and this is particularly with respect to parking, loading and unloading and storage of good and materials.

The current business operations that exceed the capacity of their site and the behaviour of management and staff associated with those businesses are the source of the safety and operational concerns, and if the concerns are to be addressed, many of the businesses will need to adjust their business practices.

Council officers will directly engage with the owners and operators of Spencer Street businesses on a case-by-case basis on matters such as responsible business operations and practices that will fit within the available road infrastructure and limitations of their commercial site.

VicRoads have decided to install traffic signals at the Dalton Road / Spencer Street intersection, and this will address concerns regarding the safety and operation of the intersection.

## RECOMMENDATION

THAT Council resolve to:

1. Note VicRoads' decision to install traffic signals at the Dalton Road / Spencer Street intersection.
2. Not install indented parking or widen Spencer Street, Thomastown.
3. Arrange for relevant Council operational units to engage with the Spencer Street business community regarding responsible business operations and practices that will fit within the available road infrastructure and limitations of their commercial sites.
4. Advise the petitioners of Council's decision on this matter.

## MOTION

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

THAT Council resolve to:

1. **Note VicRoads' decision to install traffic signals at the Dalton Road / Spencer Street intersection.**
2. **Not install indented parking or widen Spencer Street, Thomastown.**
3. **Arrange for relevant Council operational units to engage with the Spencer Street business community regarding responsible business operations and practices that will fit within the available road infrastructure and limitations of their**

commercial sites.

4. Where a Planning Permit affects a property, inform all premises with internal carpark spaces that a three-month moratorium will be made available to allow for the removal of storage, other materials and/or derelict and unregistered vehicles from designated parking spaces after which enforcement action will be undertaken for all parking spaces not used for their intended purpose as per permit conditions.
5. Advise the petitioners of Council's decision on this matter.

**COUNCIL RESOLUTION**

**MOVED:** Cr Kirkham  
**SECONDED:** Cr Monteleone

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

**CARRIED**

**MOTION**

**MOVED:** Cr Pavlidis  
**SECONDED:** Cr Cox

THAT Council resolve to amend point 4 to read as follows:

4. "Where a Planning Permit affects a property, inform all premises with internal carpark spaces that enforcement action will be undertaken for all parking spaces not used for their intended purpose as per permit conditions."

**COUNCIL RESOLUTION**

**MOVED:** Cr Kirkham  
**SECONDED:** Cr Kelly

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

**LOST**

**DIVISION**

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

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

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

**LOST**

**AMENDMENT**

**MOVED:** *Cr Pavlidis*  
**SECONDED:** *Cr Cox*

THAT Council resolve to amend point 4 to read as follows:

“Where a Planning Permit affects a property, inform all premises with internal carpark spaces that enforcement action will be undertaken for all parking spaces not used for their intended purpose as per permit conditions.”

**CARRIED**

**DIVISION**

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

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

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

**CARRIED**

**SUBSTANTIVE MOTION**

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

THAT Council resolve to:

1. Note VicRoads’ decision to install traffic signals at the Dalton Road / Spencer Street intersection.
2. Not install indented parking or widen Spencer Street, Thomastown.
3. Arrange for relevant Council operational units to engage with the Spencer Street business community regarding responsible business operations and practices that will fit within the available road infrastructure and limitations of their commercial sites.
4. Where a Planning Permit affects a property, inform all premises with internal carpark spaces that enforcement action will be undertaken for all parking spaces not used for their intended purpose as per permit conditions.
5. Advise the petitioners of Council’s decision on this matter.

**THE SUBSTANTIVE MOTION WAS PUT AND CARRIED**



## 6.4 CORPORATE SERVICES

#### 6.4.1 2018-58 CLOUD INFRASTRUCTURE SERVICES - TENDER EVALUATION

**Attachments:**                    **1     Contract Tender Evaluation Report - Confidential Attachment 2017 v4 - Confidential**

Confidential in accordance with Section 89(2)(g) of the Local Government Act 1989 as it contains details relating to matters affecting the security of Council property.

**Responsible Officer:            Director Corporate Services**

**Author:** Team Leader Network Operations

## RECOMMENDATION SUMMARY

It is recommended that contract number 2018-58 for Cloud Infrastructure Services:

- is awarded to Thomas Duryea Logicalis
- for the tendered schedule of rates with total 3 year expenditure limited to \$1,683,442.41 (excl. GST)
- for a term from 1 March 2019 to 28 February 2022 with extension options to 28 February 2029.

### KEY FACTS AND / OR ISSUES

The tender evaluation panel advises that:

- 6 tenders were received.

The recommended tender was the highest ranked and is considered best value because Thomas Duryea Logicalis is a leading IT infrastructure consultancy with numerous industry and vendor awards. They have leveraged technology to assist their clients to achieve high performance including many Local, State and Federal Government organisations. Their robust and proven cloud infrastructure meets Councils' requirements for delivering highly responsive and reliable services.

- This was a collaborative tender with City of Whittlesea, Moreland City Council (Lead Council) and Banyule City Council.

**REPORT****BACKGROUND**

This contract was conducted as a collaborative arrangement between City of Whittlesea, Moreland City Council (Lead Council) and Banyule City Council.

The purpose of this contract is to replace the majority of Councils existing on premise IT hardware infrastructure with a cloud services model. Tenders for the contract closed on 13 August 2018. The tendered prices and a summary of the evaluation is 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 Collaborative tender process which incorporated each of the participating Councils governance and probity requirements and authorised prior to this tender being advertised. All tenders received were evaluated by a panel represented by members of each Council in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

Criteria	Weighting
Capacity	3%
Tenderer's Resources	5%
Capability	5%
Quality Assurance:	1%
Professional Referees for Tenderer	5%
OHS	1%
Social – Environmental – Local	5%
Technical	45%
Price	30%

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 were fully scored.

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A - Thomas Duryea Logicalis	Yes	Yes	82.7	1
Tenderer B	Yes	Yes	79.7	2
Tenderer C	Yes	Yes	69.6	3
Tenderer D	Yes	Yes	68.8	4
Tenderer E	Yes	Yes	65.6	5
Tenderer F	Yes	Yes	62.2	6

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**

Council aims to deliver quality services that are responsive to business and community expectations, are demonstrably cost-effective and are subject to public accountability.

### 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 Thomas Duryea Logicalis 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:**

- Accept the tender submitted by Thomas Duryea Logicalis for the schedule of rates detailed in the confidential attachment for the following contract:**

**Number:** 2018-58

**Title:** Cloud Infrastructure Services

**Term:** 1 March 2019 to 28 February 2022

**Options:** Term extensions up to 28 February 2029 (only to be exercised if separately approved by Council)

**Value:** Total 3 year expenditure is limited to a maximum of \$1,683,442.41 (excluding GST) unless otherwise approved by Council

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.
2. Approve the funding arrangements detailed in the confidential attachment.
  3. Sign and seal the contract documents.

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

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

**CARRIED**



## 6.4.2 LEASE - MIRVAC EARLY ACTIVATION FACILITY - 1025 DONNYBROOK ROAD DONNYBROOK

**Responsible Officer:** Director Corporate Services

**Author:** Senior Property Officer

### RECOMMENDATION SUMMARY

1. Resolve to commence the statutory processes required under the Local Government Act 1989, to lease part of Council's land located at 1025 Donnybrook Road, Donnybrook (Olivine Estate), for the purposes of constructing and operating a new multi-purpose community hub with social enterprise café.

### KEY FACTS AND / OR ISSUES

- Mirvac will, at its own expense, construct a semi-permanent building within the land that will be preserved as future open space within the Olivine Estate. The building will operate as a multi-purpose community hub and allow for the provision of a joint sales centre, social enterprise café and community meeting spaces and consultation rooms. The specific uses will be determined by the needs of residents as they move in to the development.
- Mirvac will be offered a lease for a period of five years with one provision of a further term of three years. A commencement date rental of \$25,000 (plus GST and outgoings) will be charged and be subject to fixed 3% annual increments and a market review at the end of the first lease term. All rental received as part of the lease will be reinvested towards community development at Olivine.
- Council will retain ownership of the building should Council activate their reversionary rights, following the termination of the lease. Mirvac will be responsible (at its cost) for returning the leased land back to open space should the building not be required by Council (1,535m<sup>2</sup>). The proposed demolition and conversion to open space will be discretionary on the community's future requirements for the services offered under the multi-purpose community hub. Both parties will meet, in good faith, six months prior to the expiry of the first lease term, to discuss exercising the remaining lease option and retaining the new multi-purpose community hub with social enterprise café. A further report will be presented to Council, seeking approval to the retention or demolition of the community hub in the event that the lease option is not exercised.
- Following the completion of the estate, Council and Mirvac will agree to terminate the lease.

**REPORT****BACKGROUND**

Council, at its meeting held 3 July 2018, formally resolved to approve the construction and operation of a new multi-purpose community hub with social enterprise café that will be located within part of Council's land at 1025 Donnybrook Road, Donnybrook (Olivine Estate).

Mirvac, at its own expense, would construct a temporary (and relocatable) building within the land that will be preserved as future open space within the Olivine Estate. The building would operate as a multi-purpose community hub and allow for the provision of a joint sales centre, social enterprise café and community co-working space (with Wi-Fi and business support) that provides a local platform to encourage economic development. The café would be subsidised by Mirvac and is envisaged to accommodate community development activities, play groups, cultural celebrations and other activities that are responsive to the community's needs.

Mirvac were offered a lease for a period of five years with one provision of a further term of three years. A commencement date rental of \$25,000 (plus GST and outgoings) will be charged and be subject to fixed 3% annual increments and a market review at the end of the first lease term. All rental received as part of the lease will be reinvested towards community development at Olivine.

Following Council's recommendation, Mirvac proposed to meet with Council officers to negotiate a variation in the commercial terms of the lease. It was proposed that a new semi-permanent facility be constructed (in place of a temporary and relocatable facility) and that Council were to agree that the building no longer be relocatable to other growth areas.

The proposal would enable a facility to be created with a sturdier construction and more spacious floor area to accommodate the proposed uses. The downfall would mean that the facility could no longer be decommissioned and relocated easily to other growth areas. As such, the lease would enable Council to retain ownership of the building in its current location, or request the demolition and removal of the facility at the termination of the lease.

The proposed demolition and conversion to open space will be discretionary on the community's future requirements for the services offered under the new multi-purpose community hub with social enterprise café. Both parties will meet, in good faith, six months prior to the expiry of the first lease term, to discuss exercising the remaining lease option and retaining the new multi-purpose community hub with social enterprise café. A further report will be presented to Council, seeking approval to the retention or demolition of the community hub in the event that the lease option is not exercised.

**PROPOSAL**

To enter into a proposed ground lease with Mirvac for the purposes of constructing and operating a new multi-purpose community hub with social enterprise café that will be located within part of Council's land at 1025 Donnybrook Road, Donnybrook (Olivine Estate).

**FINANCIAL IMPLICATIONS**

Mirvac will be charged a commencement date rental of \$25,000 (plus GST and outgoings) will be charged and be subject to fixed 3% annual increments and a market review at the end of the first lease term. All rental received as part of the lease will be reinvested towards community development at Olivine.

It is intended that the new multi-purpose community hub with social enterprise café will begin operating by the end of 2019. This proposal requires no capital expenditure and no operating costs from Council. Mirvac has advised that the proposed construction costs of the building will be approximately \$1 million.

The Partnership Agreement and Project Charter which incorporate the Early Activation facilities is in the very early planning phase at present. As such the specific deliverables beyond those presented in this memorandum are still subject to ongoing negotiations and discussion.

## **POLICY STRATEGY AND LEGISLATION**

Council is not required to seek public submissions on the proposed lease under Section 190 and 223 of the *Local Government Act 1989*.

## **LINKS TO THE COUNCIL PLAN**

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

The proposal directly responds to the need for places and spaces to connect new residents in the growth areas, where community meeting spaces are not formally delivered for many years after residents move in. Early activation facilities have proven to be of great community benefit in a number of locations in that they provide a central place for people to meet, receive information and support, take part in community activities and build social capital.

## **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**

Approval is being sought to enter into a proposed lease with Mirvac for the purposes of constructing and operating a new multi-purpose community hub with social enterprise café that will be located within part of Council's land at 1025 Donnybrook Road, Donnybrook (Olivine Estate). The lease will be for an initial term of five years plus a three year option. A commencement date rental of \$25,000 (plus GST and outgoings) will be charged and be subject to fixed 3% annual increments and a market review at the end of the first lease term.

Mirvac will be responsible for returning the leased land back to open space should the building not be required by Council (1,535m<sup>2</sup>). The proposed demolition and conversion to open space will be discretionary on the community's future requirements for the services offered under the new multi-purpose community hub with social enterprise café. Both parties will meet, in good faith, six months prior to the expiry of the first lease term, to discuss exercising the remaining lease option and retaining the new multi-purpose community hub with social enterprise café. A further report will be presented to Council, seeking approval to the retention or demolition of the community hub in the event that the lease option is not exercised.

**RECOMMENDATION**

THAT Council resolve to:

1. Lease part of Council's land at 1025 Donnybrook Road, Donnybrook (Olivine Estate) to Mirvac, for the construction and operation of a new multi-purpose community hub with social enterprise café. The lease will be drawn under the following terms and conditions –
  - a) The Tenant will be offered a lease for a period of five years with one provision of a further term of three years.
  - b) The Tenant will pay a commencement date rental of \$25,000 (plus GST and outgoings) will be charged and be subject to fixed 3% annual increments and a market review at the end of the first lease term. All rental received as part of the lease will be reinvested towards community development at Olivine.
  - c) Council will retain ownership of the building should Council activate their reversionary rights, following the termination of the lease. Mirvac will be responsible (at its cost) for returning the leased land back to open space should the building not be required by Council (1,535m<sup>2</sup>). The proposed demolition and conversion to open space will be discretionary on the community's future requirements for the services offered under the new multi-purpose community hub with social enterprise café.
  - d) Both parties will meet, in good faith, six months prior to the expiry of the first lease term, to discuss exercising the remaining lease option and retaining the new multi-purpose community hub with social enterprise café.
  - e) That a further report be presented to Council, seeking approval to the retention or demolition of the community hub in the event that the lease option is not exercised.

**DECLARATION OF INTEREST**

Cr Monteleone declared an indirect interest by close association in this item to the Chief Executive Officer prior to the meeting.

Prior to the matter being considered or any vote taken in relation to the matter, Cr Monteleone left the Council Chamber at 7:40PM and advised the Mayor accordingly.

**COUNCIL RESOLUTION**

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

THAT Council resolve to adopt the Recommendation.

**CARRIED UNANIMOUSLY**

Cr Monteleone returned to the Council Chamber at 7:40PM following the vote on this item.

**6.4.3 315W COOPER STREET EPPING - SALE OF COUNCIL LAND - RIVERLEE - COMMITTEE OF COUNCIL RECOMMENDATION**

**Attachments:** 1 Site Plan & Photo [⇒](#)

**Responsible Officer:** Director Corporate Services

**Author:** Senior Property Officer

**RECOMMENDATION SUMMARY**

1. For Council 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 vacant land located at 315W Cooper Street, Epping.
2. Note that no public submissions were received at the close of the submission period and therefore a Committee of Council meeting, comprising of Mayor Cr Pavlidis, Cr Alessi and Cr Cox, was not required.
3. Authorise the Chief Executive Officer to negotiate all terms and conditions required in disposing of the property, including the signing of the contract of sale and land transfer documents.

**KEY FACTS AND / OR ISSUES**

- 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 vacant land located at 315W Cooper Street, Epping.
- 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).
- No public submissions were received at the close of the submission period and that a Committee of Council meeting, comprising of Mayor Cr Pavlidis, Cr Alessi and Cr Cox, was not required.
- Council officers and Riverlee have agreed to the proposed sale price of \$2.825 million (plus GST) following the review of an independent joint valuation prepared by Matheson Stephen Valuations. The terms of the sale will be made by private treaty and require a 10% deposit upon signing of the contracts. Settlement will remain payable within 60 days of the contract.

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**REPORT**

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**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 vacant land located at 315W Cooper Street, Epping.

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

No public submissions were received at the close of the submission period and that a Committee of Council meeting, comprising of Mayor Cr Pavlidis, Cr Alessi and Cr Cox, was not required.

The proposal will enable an additional 2.684 hectares of 'developable' land to be created within the future "Epping Renewal" Estate. The balance of Council's land will be retained as Public Conservation and Resource and Urban Flood zone portions (totalling 0.6423 hectares).

**PROPOSAL**

To note that no public submissions were received at the close of the submission period and proceed with the proposed sale of Council's vacant land located at 315W Cooper Street, Epping.

**FINANCIAL IMPLICATIONS*****Market Valuation***

Council officers and Riverlee have agreed to the proposed sale price of \$2.825 million plus GST following the review of an independent joint valuation prepared by Matheson Stephen Valuations.

***Terms of the contract***

The terms of the sale will be made by private treaty and require a 10% deposit upon signing of the contracts. Settlement will remain payable within 60 days of the signing of the contract.

***Appointment of marketing agent & associated costs***

The property will not incur any additional marketing costs given that the contract will be prepared as a private sale.

***Selling costs***

Legal fees will be incurred by Council for the preparation, negotiation and execution of the contract of sale and finalising settlement. Costs are anticipated to be approximately \$15,000.

**POLICY STRATEGY AND LEGISLATION**

Council have sought public submissions on the proposed land sale under Section 189 and 223 of the *Local Government Act 1989*. Submissions were invited for a period no less than 28 days and a memo distributed to the appointed Committee confirming the receipt of no submissions. A final report is prepared for Council for its final recommendation, supporting the proposed sale of Council's vacant land located at 315W Cooper Street, Epping.

## LINKS TO THE COUNCIL PLAN

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

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

That Council note that no public submissions were received in response to the proposed sale of Council's vacant land located at 315W Cooper Street, Epping. Council officers and Riverlee have agreed that the land be sold for a sale price of \$2.825 million plus GST. The terms of the sale will be made by private treaty and require a 10% deposit upon signing of the contracts. Settlement will remain payable within 60 days of the signing of the contract.

## RECOMMENDATION

**THAT Council resolve to:**

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 vacant land located at 315W Cooper Street, Epping;**
2. **Note that no public submissions were received at the close of the submission period and that a Committee of Council meeting, comprising of Mayor Cr Pavlidis, Cr Alessi and Cr Cox, was not required.**
3. **Proceed with the proposed sale of Council's vacant land located at 315W Cooper Street, Epping, under the following terms and conditions:**
  - a) **a sale price of \$2.825 million plus GST following the review of an independent joint valuation prepared by Matheson Stephen Valuations.**
  - b) **the terms of the sale will be made by private treaty and require a 10% deposit upon signing of the contracts. Settlement will remain payable within 60 days of the signing of the contract.**
4. **Authorise the Chief Executive Officer to negotiate all other terms and conditions required in selling the property, including the signing of the contract of sale and land transfer documents.**

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

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

**CARRIED**



**6.4.4 FINANCIAL PERFORMANCE REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2018****File No:** 146746**Attachments:** 1 **Financial Performance Report - September 2018** [⇒](#)**Responsible Officer:** Director Corporate Services**Author:** Team Leader Management Accounting**RECOMMENDATION SUMMARY**

Note the Financial Performance Report for the period ended 30 September 2018.

**KEY FACTS AND / OR ISSUES**

Quarter 1 Financial Performance Report:

- Income statement in the Quarter 1 report shows a favourable year to date variance of \$3.29 million.
- Favourable income variances have occurred in operating grants (\$0.49 million), contributions – monetary (\$0.49 million) and other income (\$0.74 million); Major expenditure variations predominately due to employee benefits (\$0.99 million) and other expenditure (\$0.41 million).

## REPORT

### INTRODUCTION

The Financial Performance Report for the period ended 30 September 2018, is presented for consideration by Council, in accordance with the *Local Government Act 1989*.

### BACKGROUND

The Financial Performance Report includes the following financial statements:

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

A detailed analysis of income and expenditure in the comprehensive income statement is included in the report. The statement shows a favourable year to date variance of \$3.29 million.

Favourable income variances have occurred in operating grants (\$0.49 million), contributions – monetary (\$0.49 million) and other income (\$0.74 million); Major expenditure variations predominately due to employee benefits (\$0.99 million) and other expenditure (\$0.41 million).

### CONSULTATION

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

### FINANCIAL IMPLICATIONS

The financial implications are detailed in the report.

### POLICY STRATEGY AND LEGISLATION

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

### LINKS TO THE COUNCIL PLAN

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

### DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

For the three month period ending 30 September 2018, Council's Income Statement shows a favourable year to date variance of \$3.29 million against budget.

## RECOMMENDATION

**THAT Council resolve to note the Financial Performance Report for the period ended 30 September 2018.**

## COUNCIL RESOLUTION

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

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

**CARRIED**



#### 6.4.5 COMMUNITY SPORTS INFRASTRUCTURE LOANS SCHEME

**Attachments:** 1 **Community Sports Infrastructure Loans Scheme - Guidelines** [⇒](#)

**Responsible Officer:** Director Corporate Services

**Author:** Team Leader Management Accounting

#### RECOMMENDATION SUMMARY

1. Note Council's successful application for subsidised loan funding for Mill Park Leisure Centre Redevelopment (\$10 million) and All Abilities Play Space (\$3 million) under the Community Sports Infrastructure Loans Scheme;
2. Accept the loan offer under the scheme; and
3. Authorise the Chief Executive Officer to sign the loan documentation on behalf of Council.

#### KEY FACTS AND / OR ISSUES

The Community Sports Infrastructure Loans Scheme (the "scheme") was announced as part of the 2018/19 Victorian State Budget. The scheme was set up to provide organisations with access to low interest rate loans between \$500,000 and \$10 million to deliver community sport and recreation infrastructure.

- Council applied and was ultimately successful for subsidised loan funding for two projects under the scheme:
  - Mill Park Leisure Centre Redevelopment (\$10 million) and
  - All Abilities Play Space (\$3 million).
- Council will receive a 50 per cent interest subsidy which effectively halves the interest payable on the loans (providing indicative interest savings of approx. \$3.26 million over the maximum term of 15 years).
- Council's 2018/19 budget made provision for total new loan borrowings of \$24.35 million.

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**REPORT**

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**BACKGROUND**

The Community Sports Infrastructure Loans Scheme (the “scheme”) was announced as part of the 2018/19 Victorian State Budget. The scheme was set up to provide organisations with access to low interest rate loans between \$500,000 and \$10 million to deliver community sport and recreation infrastructure.

Council submitted two applications for possible loan funding under the scheme:

- Mill Park Leisure Centre Redevelopment - \$10 million.
- All Abilities Play Space - \$3 million.

On 26<sup>th</sup> October 2018, it was confirmed by letter from The Hon John Eren MP, that both these projects have been approved under the scheme.

Note: Council's 2018/19 Budget includes provision for new loan borrowings of \$24.35 million.

**PROPOSAL**

It is proposed to accept the subsidised loan funding under the scheme for the two projects. It will provide significant financial benefits through effectively halving the interest payable on the loans.

As per the scheme's guidelines (Attachment 1) in regards to loan terms, *“organisations will have flexibility when structuring their loans. Organisations will be able to discuss the following conditions the Department of Treasury and Finance and Treasury Corporation of Victoria to ensure the loan structure is consistent with business requirements:*

- *Fixed or variable interest rate*
- *Loan term (up to 15 years)*
- *Requirements for a limited interest only period*
- *Security to be provided*
- *Timing of repayments (monthly/quarterly/semi-annual)”*

The letter from the Minister states that *“the terms of loan as approved by the Treasurer will be communicated to you by my Department in the following weeks”*. Also to be confirmed are the specific details of the interest subsidy.

**CONSULTATION**

Significant consultation occurred with the relevant departments of Council during the preparation of the original applications.

**FINANCIAL IMPLICATIONS**

In addition to accessing a low-interest rate through the scheme, Council will also receive interest subsidy payments. Council is eligible to receive a 50 per cent interest subsidy, which effectively halves the interest payable on the loans.

The following table shows indicative interest savings of \$3.26 million if borrowing \$13 million over a loan term of 15 years when comparing interest rates assumptions at 4.5% (competitive bank offer) vs. 1.75% (indicative loan scheme):

Interest rate	4.50%	1.75%	Saving
Total interest	\$5,157,193	\$1,893,590	\$3,263,602

## POLICY STRATEGY AND LEGISLATION

This proposal constant with the principles of sound financial management and complies with requirements of the Local Government Act regarding borrowings.

## LINKS TO THE COUNCIL PLAN

Council Priority	Organisational Sustainability
Future Direction	Good governance
Theme	Resource management
Strategic Objective	Our Council explores and develops collaborative approaches and partnerships to deliver services, buildings and community spaces

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

Council's successful application for the subsidised loan funding for the Mill Park Leisure Centre redevelopment and All Abilities Play Space is a great outcome for Council and the community.

## RECOMMENDATION

THAT Council resolve to:

1. Note Council's successful application for subsidised loan funding for Mill Park Leisure Centre Redevelopment (\$10 million) and All Abilities Play Space (\$3 million) under the Community Sports Infrastructure Loans Scheme;
2. Accept the loan offer under the scheme; and
3. Authorise the Chief Executive Officer to sign the loan documentation on behalf of Council.

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

**MOVED:**                      *Cr Kozmevski*

**SECONDED:**              *Cr Alessi*

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

**CARRIED**



**6.4.6 2018/19 FIRST QUARTER NEW WORKS PROGRAM REPORT**

<b>Attachments:</b>	<b>1</b>	<b>Financial Summary</b> <a href="#">⇒</a>
	<b>2</b>	<b>Project Progress Report</b> <a href="#">⇒</a>
	<b>3</b>	<b>Project Status Photos</b> <a href="#">⇒</a>
	<b>4</b>	<b>Planning and Feasibility Report</b> <a href="#">⇒</a>
	<b>5</b>	<b>Project Adjustments</b> <a href="#">⇒</a>
	<b>6</b>	<b>Grant Status Update</b> <a href="#">⇒</a>

**Responsible Officer:** Director Corporate Services

**Author:** Business Support Officer

**RECOMMENDATION SUMMARY**

1. Approve the adjustments to the 2018/19 New Works Program as listed in **Attachment 5**; and
2. Note the 2018/19 First Quarter New Works Program progress report.

**KEY FACTS AND / OR ISSUES**

This report provides an overview of the financial performance and status of the New Works Program at the end of the first quarter or the 2018/19 financial year with the following key points:

- The annual approved budget for 2018/19 (including carry forwards) is \$95,700,031 representing a total of 124 projects.
- The value of work completed is \$8,013,406 compared to the year to date planned budget of \$7,505,021. This represents a year to date variance of \$508,385 ahead of the planned budget.
- Project adjustments require a net of \$570,500 additional budget. This can be funded from surplus Council budget that has resulted from recent grant announcements.
- \$9,513,233 of new infrastructure grant applications have been submitted since 1 July 2018. Applications totalling \$7,353,565 have been successful.
- An application for \$13,000,000 from a State Government loan scheme is awaiting announcement.

## REPORT

### INTRODUCTION

This report provides an overview of the financial performance and status of the New Works Program at the end of the first quarter of the 2018/19 financial year.

The value of work completed for the first quarter is \$8,013,406 compared to the year to date budget of \$7,505,021. This is due to some projects progressing ahead of schedule.

In addition, there are contract and purchase orders committing another \$62,161,156 which shows a good level of delivery preparedness for the remainder of the financial year. Refer to **Attachment 1**.

The following projects have made significant progress in the first quarter of 2018/19:

- Project ID 696 – Construct Soccer Pitches and Pavilion Lalor West Reserve (Mosaic)
- Project ID 703 – Construct Soccer Pitches and Pavilion Doreen South Reserve (Painted Hills)
- Project ID 1142 – Upgrade Tennis Courts and Pavilion, TH Hurrey Reserve – Yan Yean
- Project ID 1258 – Upgrade Disabled Parking Bays to DDA requirements (completed)
- Project ID 1589 – Redevelop Mill Park Leisure Centre
- Project ID 1915 – Refurbish Whittlesea Aquatic Facility
- Project ID 2228 – Yan Yean Pipe Track – Rail Reserve to Williamsons Road
- Project ID 2247 – Pathways to Stations

For a detailed progress report on significant projects refer to **Attachment 2**

### BACKGROUND

Council adopted the 2018/19 New Works Program on 26 June 2018 with a budget of \$78,326,437 plus \$17,373,594 carry forward providing a total budget of \$95,700,031.

### CONSULTATION

The New Works Program is a component of the Council budget which undergoes statutory community engagement as part of the annual budget cycle. Additionally, specific external stakeholder consultation is undertaken for individual projects and programs.

### FINANCIAL IMPLICATIONS

A summary of the program performance by group can be found below, whilst a list of all projects with their current status has been included in **Attachment 2**.

#### Financial Status of the New Works Program by Group:

Group	Year To Date Actuals \$	Year To Date End Budgets \$	Year To Date Variance \$	Annual Budget \$
Buildings	1,690,405	1,891,853	201,448	39,206,646
Drains	0	4,000	4,000	92,819

Group	Year To Date Actuals \$	Year To Date End Budgets \$	Year To Date Variance \$	Annual Budget \$
Planning & Feasibility	42,288	90,000	47,712	500,000
Open Space	4,027,981	2,450,023	-1,577,958	22,378,315
Plant & Equipment	862,610	574,030	-288,580	4,002,436
Transport	43,600	10,000	-33,600	5,896,407
Roads & Paths	1,346,522	2,485,115	1,138,593	23,623,408
<b>Total</b>	<b>8,013,406</b>	<b>7,505,021</b>	<b>-508,385</b>	<b>95,700,031</b>

The key projects contributing to the variances are:

- Project ID 1064 Drainage Improvements – works awarded and due to commence in October.
- Project ID 1847 Planning and Feasibility – variance due to the timing of invoicing. Refer to **Attachment 4** for progress report.
- Project ID 696 Construct Playing Fields and Pavilion Lalor West Reserve (Mosaic) – works are ahead of schedule.
- Project ID 703 – Construct Soccer Pitches and Pavilion Doreen South Reserve (Painted Hills) – works are ahead of schedule.
- Project ID 443 - Traffic Control Devices – Awaiting completion of detailed design for locations in close proximity to schools.
- Project ID 77 - Local Road Reconstruction/Rehabilitation – commencement delayed due to contractor availability.

### Project Adjustments

A number of minor changes to the New Works Program are proposed in the first quarter. Refer to **Attachment 5**. These adjustments fall into the following categories;

- Projects with offsets identified – no net budget impact to Council.
- Projects with unbudgeted external funding – net budget surplus of \$3.025 million derived from Growing Suburbs Fund and Female Friendly Facilities funding received for Harvest Home Road project (PID 1324) which substitutes Council funding.
- New and existing projects where additional funds are required. Refer to **Attachment 5** for specific project details.

Project adjustments require a net of \$570,500 additional budget which can be funded from surplus Council budget that has resulted from recent grant announcements.

This results in \$2,454,500 of surplus budget to date. It is proposed that surplus funds be transferred to the Infrastructure Reserve at the end of 2018/19.

## Planning and Feasibility Program Update

The Planning and Feasibility Program is designed to allow for adequate planning, scoping, budgeting and scheduling of future projects. Forward planning also ensures that sufficient feasibility work and thorough project briefs and business cases are prepared for future projects.

This ensures that projects are ready for delivery in future years and provides the opportunity to take advantage of grant funding as it becomes available.

The 2018/19 New Works Program provides a budget of \$500,000 for the planning and feasibility of future projects. **Attachment 4** provides an update on the status of the Planning and Feasibility Program for 2018/19.

## Forecast

Progress of works is expected to accelerate in the second quarter as contracts are awarded and weather conditions improve for construction works, in the lead up to the industry shutdown/holiday period in December/January.

## Infrastructure Grants

A total of \$9,513,233 grant applications and \$13,000,000 loan applications have been submitted since 1 July 2018.

Successful applications totalling \$7,353,565 have been announced since the 1 July 2018.

Announcements are pending for loan scheme applications of \$13,000,000.

Refer to **Attachment 6** for a detailed list of successful applications.

## POLICY STRATEGY AND LEGISLATION

The business case associated with individual projects identifies the respective policy to which they relate.

Lessons learnt and continuous improvement plans are implemented to enhance systems, processes and practices to improve the planning and delivery of the New Works Program.

## LINKS TO THE COUNCIL PLAN

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

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

This report provides a summary of the status of the 2018/19 New Works Program at the end of the first quarter.

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

1. Approve the adjustments to the 2018/19 New Works Program as listed in *Attachment 5*; and
2. Note the 2018/19 First Quarter New Works Program progress report.

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

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

**CARRIED**



**6.5 EXECUTIVE SERVICES**

**NIL REPORTS**





**7. NOTICES OF MOTION**

**NIL REPORTS**

**8. QUESTIONS TO OFFICERS**

**NIL**

**9. URGENT BUSINESS**

**NIL**

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

**NIL**



**11. CONFIDENTIAL BUSINESS**

**11.1 PARTNERSHIPS, PLANNING & ENGAGEMENT**

**NIL REPORTS**

**11.2 COMMUNITY SERVICES**

**NIL REPORTS**

**11.3 CITY TRANSPORT AND PRESENTATION**

**NIL REPORTS**

**11.4 CORPORATE SERVICES**

**NIL REPORTS**

**11.5 EXECUTIVE SERVICES**

**11.5.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 22 SEPTEMBER 2018 TO 31 OCTOBER 2018**

**11.6 NOTICES OF MOTION**

**NIL REPORTS**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Pavlidis*  
**SECONDED:** *Cr Alessi*

**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:**

**11.5.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 22 SEPTEMBER 2018 TO 31 OCTOBER 2018**  
*Confidential in accordance with Section 89(2)(h) of the Local Government Act 1989.*

**CARRIED UNANIMOUSLY**

**ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7:41PM.**

**THE MEETING WAS RE-OPENED TO THE PUBLIC AT 8:20PM.**

**12. CLOSURE**

**THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 8:20PM.**

**CONFIRMED THIS 11<sup>TH</sup> DAY OF DECEMBER 2018.**

**CR LAWRIE COX  
MAYOR**