



City of
Whittlesea

MINUTES

OF ORDINARY COUNCIL MEETING

HELD ON

TUESDAY 11 DECEMBER 2018

AT 6.35PM

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

COUNCILLORS

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

SENIOR OFFICERS

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 6:34pm.

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.

I would ask that you may consider a conversation with our traditional owners to understand their depth of feelings around the treatment of first nations peoples and events that have shaped their lives.

1.3 PRESENT

Members:

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

The Mayor, Cr Cox advised the meeting that an apology was received from Cr Monteleone for this meeting.

COUNCIL RESOLUTION

MOVED: Cr Kozmevski

SECONDED: Cr Joseph

THAT the Councillor's apology be received.

CARRIED

Chief Executive Officer Explanatory Note

The Mayor, Cr Cox advised the Council that Cr Kelly had emailed the Manager Governance stating the following: "I'm an apology for tonight's meeting".

The Mayor, Cr Cox advised the Council that Cr Lalios had sent a request for leave of absence to the Manager People and Capability and that request had been forwarded to him. The Mayor, Cr Cox indicated that the request contained information which Cr Lalios designated as confidential and therefore, the Mayor, Cr Cox was unable to provide any of the detail of the request to the Council.

Cr Desiato did not attend the meeting.

Cr Kirkham did not attend the meeting.

3. DECLARATIONS OF INTEREST

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

Cr Alessi declared an indirect financial interest in item 6.1.7, 1410A and 1410C Plenty Road and 610 Bridge Inn Road, Mernda - Multi-lot subdivision, staged use and development of the land for retail, office, leisure and recreational purposes, creation or alteration of access to a road within a Road Zone Category 1, works within a heritage overlay, removal of native vegetation, removal of an easement, display of internally illuminated advertising signage, and the sale and consumption of liquor on the premises.

4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

MOVED: Cr Sterjova

SECONDED: Cr Joseph

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

Ordinary Meeting of Council held 13 November 2018

CARRIED UNANIMOUSLY

5. QUESTIONS, PETITIONS AND JOINT LETTERS

5.1 QUESTIONS TO COUNCILLORS

NIL

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

5.2 PETITIONS

NIL

5.3 JOINT LETTERS**5.3.1 JOINT LETTER - OBJECTION TO CONSTRUCTION OF FIVE DOUBLE STOREY DWELLINGS - 17 JUNIPER CRESCENT, THOMASTOWN**

Cr Pavlidis tabled a Joint Letter from 9 residents objecting to the proposed construction of five double storey dwellings at 17 Juniper Crescent, Thomastown.

COUNCIL RESOLUTION

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

THAT Council resolve to receive the joint letter from 9 residents objecting to the proposed construction of five double storey dwellings at 17 Juniper Crescent, Thomastown and consider the joint letter in conjunction with the Council Report on this planning permit application at a subsequent meeting.

CARRIED UNANIMOUSLY

6. OFFICERS' REPORTS

COUNCIL RESOLUTION

MOVED: Cr Kozmevski

SECONDED: Cr Alessi

THAT Council resolve to adopt the Recommendations for items numbers 6.1.1, 6.1.2, 6.1.4, 6.1.5, 6.1.6, 6.1.8, 6.1.13, 6.3.1, 6.4.1, 6.4.2, 6.4.3, 6.4.4, 6.4.5, 6.4.6 and 6.4.7.

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 INFRINGEMENT MANAGEMENT SYSTEM CONTRACT 2017-138 - TENDER EVALUATION REPORT

Attachments: 1 Contract Evaluation Report - 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 Partnerships, Planning & Engagement

Author: Unit Manager Local Laws & City Amenity

RECOMMENDATION SUMMARY

It is recommended that contract number 2017-138 for an Infringement Management System:

- is awarded to Database Consultants Australia (DCA).
- for the lump sum price of \$694,665.25 (excl. GST).
- for a term from 1 January 2019 to 31 December 2021 with extension options to 31 December 2023.

KEY FACTS AND / OR ISSUES

The tender evaluation panel advises that:

- Three tenders were received.
- The recommended tender was the highest ranked and is considered best value because the Database Consultants Australia infringement management system was best suited to the functionality required.

REPORT

BACKGROUND

The purpose of this contract is to engage a contractor to implement an infringement management system for staff undertaking regulatory functions. The new system will increase efficiency and improve technological integration.

Tenders for the contract closed on 18 July 2018. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

EVALUATION

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

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

Criteria	Weighting
Price	20%
Capability	40%
Capacity	35%
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.

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 Database Consultants Australia	Yes	Yes	89.29	1
Tenderer B	Yes	Yes	55	2
Tenderer C	No	No	NA	3

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

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council explores and adopts best practice models
Council Priority	Organisational Sustainability

The proposed system is best practice across the local government sector, with 41 councils in Victoria using this software to deliver their services.

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 Database Consultants Australia 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 Database Consultants Australia for the sum of \$694,665.25 (excluding GST) for the following contract:**

Number: 2017-138

Title: Infringement Management System

Term: 1 January 2019 to 31 December 2021

Options: Term extensions up to 31 December 2023 (only to be exercised if separately approved by Council)

Value: Total expenditure is limited to a maximum of \$694,665.25 (excluding GST) unless otherwise approved by Council

subject to the following conditions:

- Tenderer to provide proof of currency of insurance cover as required in the tender documents.**
 - Price variations to be in accordance with the provisions as set out in the tender documents.**
- Approve the funding arrangements detailed in the confidential attachment.**
 - Sign and seal the Contract documents.**

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 UNANIMOUSLY

6.1.2 DONNYBROOK STATION UPGRADE PROPOSED PLANNING SCHEME AMENDMENT

Attachments:

- 1 **Site Plan** [⇒](#)
- 2 **Explanatory Report** [⇒](#)
- 3 **Incorporated Document** [⇒](#)
- 4 **Consultation Report** [⇒](#)

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

Author: **Coordinator Strategic Land Use**

RECOMMENDATION SUMMARY

1. It is recommended that Council resolve to support Rail Projects Victoria's (RVP) request of the Minister for Planning to prepare, adopt and approve Amendment C229 to the Whittlesea Planning Scheme (Amendment C229) for the Donnybrook Car Park Station Upgrade (the Project) and;
2. Support Rail Projects Victoria request to the Minister for Planning to use powers under Section 20(4) of the Planning and Environment Act 1987 to exempt the amendment from the formal notice requirements in sections 17, 18 and 19 of the Act.

KEY FACTS AND / OR ISSUES

- Rail Projects Victoria (RPV) is requesting that the Minister for Planning prepare, adopt and approve Amendment C229 to facilitate the delivery of the additional car parking and widening of Springs Road associated with the station upgrade (the Project).
- Amendment C229 seeks to include the *Donnybrook Car Park Upgrade Incorporated Document, December 2018* (Incorporated Document) into the Whittlesea Planning Scheme. The Incorporated Document will facilitate delivery of the Project without the need to rezone the land required for the Project or obtain separate permits for use and development of the Project Land.
- The Incorporated Document will require the Project to adhere to conditions relating to urban design, heritage, native vegetation and access requirements.
- This is the first stage of improvements to the Donnybrook Station. The works will include provision of 250 car spaces, improvements to the platforms and accessibility.
- Based on the stakeholder and community engagement undertaken for the Project, RPV is requesting that the Minister exempts themselves from the formal notice requirements in sections 17, 18 and 19 of the Planning and Environment Act in accordance with section 20(4) of the Act.
- Considering the nature of the proposal and extent of consultation that has been undertaken to date with the community, it is recommended that RVP's requests be supported by Council.

REPORT

INTRODUCTION

The \$1.7 billion Regional Rail Revival program (RRR) is a joint initiative of the Federal and Victorian governments that will upgrade stations, signalling and tracks across Victoria. RRR is an investment that will deliver major upgrades to every regional passenger line in Victoria. Rail Projects Victoria (RVP) is responsible for the planning and implementation of the program on behalf of the State Government of Victoria.

As part of the RRR, the State Government will be delivering a series of improvements to the Shepparton Corridor including infrastructure upgrades and station improvements at Donnybrook. The Project consists of:

- expansion of the existing Donnybrook Station car park to provide approximately 250 car spaces, bus bays and associated transport interchange facilities;
- widening and alteration to Springs Road, Donnybrook to facilitate a new car park entrance and bus access; and
- acquisition of part of the land at 805 Donnybrook Road, Donnybrook to facilitate access to enable the delivery of the additional car parking.

The Project area is included as *Attachment 1* to this report. Preliminary works are programmed to commence by the end of the year with a completion date of early 2020 for the Project.

PLANNING PROPOSAL

RPV is requesting that the Minister prepare, adopt and approve draft Amendment C229 for the Project. Draft Amendment C229 proposes to:

- apply the Public Acquisition Overlay (PAO) to part of 805 Donnybrook Road, Donnybrook by amending the Schedule to Clause 45.01 of the Whittlesea Planning Scheme to allow the land to be acquired by the Secretary to the Department of Economic Development, Jobs, Transport and Resources for the purposes of the Project;
- apply the Specific Controls Overlay (SCO) by inserting Clause 45.12 and an associated Schedule into the Whittlesea Planning Scheme to allow for the use and development of land for the purposes of the Project in accordance with the specific control in the Incorporated Document; and
- amend the Schedule to Clause 72.04 to the Whittlesea Planning Scheme to insert the Incorporated Document.

The Explanatory Report for the amendment is included as *Attachment 2* to this Council Report.

KEY FEATURES OF THE INCORPORATED DOCUMENT

The purpose of the Incorporated Document is to permit and facilitate the use and development of land surrounding the existing Donnybrook Train Station site to facilitate the delivery of the Donnybrook Car Park Upgrade.

The Incorporated Document sets out a list of conditions that the use and development of the site must comply with. This includes conditions relating to urban design, treatment of native vegetation, road access and heritage management. The Incorporated Document is included in *Attachment 3*.

NOTIFICATION

Ordinarily, a planning authority must give formal notice of a proposed planning scheme amendment in accordance with sections 17, 18 and 19 of the Planning and Environment Act. However, RPV is requesting that the Minister exercise discretion under section 20(4) of the Act to exempt Amendment C229 from the formal notice provisions, due to the extent of community consultation that has been undertaken separate to the planning scheme amendment process.

CONSULTATION

Between 1 August and 31 August (Consultation Period) RPV conducted the following consultation activities:

- placed advertisements in the *Northern Star Weekly*, *North Central Review*, *Whittlesea Review* and *Whittlesea Leader*;
- held one-on-one meetings with directly impacted residents and the land owner of 805 Donnybrook Road, Donnybrook;
- doorknocked 25 residents and provided fact sheets;
- held two station pop-ups distributing information and interacting with more than 200 commuters;
- hosted drop-in information sessions at Wallan Olde Time Market and Wellington Square Shopping Centre and spoke to over 160 community members about the Project;
- promoted an online survey which was completed by 88 people; and
- visited nearby housing estates in Kalkallo and Mickleham and provided fact sheets for distribution.

Feedback the community provided about the Project during the Consultation Period included:

- strong support for additional car parking, however the responses indicated the proposed car spaces will not meet the future demand;
- need for CCTV cameras, clearly lit pedestrian pathways, platforms and waiting areas;
- support for platform extension with comments that it should be compliant with the *Disability and Discrimination Act 1992* (Cth) and safe for all wheeled devices;
- need for shelter from weather in waiting areas;
- need for safe pedestrian access to station;
- improved vehicle access from Springs Road to Donnybrook Road with suggestions to widen Springs Road; and
- need for a drop off zone and taxi spaces to ease congestion at station.

Further detail on the consultation undertaken, including the results from the online survey, refer to the *What We Heard* consultation report included at *Attachment 4*.

Draft Amendment C229 was placed on informal public display from 16 October 2018 to 16 November 2018. The following consultation activities were undertaken by RPV to advertise the public display period:

- letters sent to adjacent residents and businesses;
- all relevant documents provided on RPV's website;
- an Enews publication promoted on social media and emailed to the 88 people that completed the initial online survey in August 2018; and
- further online surveys conducted.

RPV has advised that it will continue to engage the community, and Council, throughout the detailed planning and delivery of the project.

FINANCIAL IMPLICATIONS

As the Minister is the Planning Authority for Amendment C229, the amendment will be prepared and submitted by RPV to the Minister. As such, there will be no financial implications for Council associated with the administrative processing of draft Amendment C229.

POLICY STRATEGY AND LEGISLATION

The Project supports and implements the following local policies:

- Clause 21.08 Built Environment and Heritage. The Project meets the objectives and requirements of these policies as it provides improved access to a multi-modal transportation network.
- Clause 21.09 Housing. The Project is not in conflict with this policy as it preserves the potential for future transit oriented residential development in the vicinity of Donnybrook Station.
- Clause 21.11 Transport. The Project meets the requirements of this policy as it will improve access to sustainable modes of travels and public transport services.
- Clause 22.04 Heritage and Conservation Policy. The Project is consistent with the MSS's vision to protect and enhance places of heritage significance.

With respect to State planning policy:

- Clause 11.03-1R Activity Centres. Draft Amendment C229 supports the role and function of local town centres by improving access to public transport.
- Clause 15.03 Heritage and the *Aboriginal Heritage Act 2006* (Vic) (AH Act). Draft Amendment C229 has had regard to the protection and conservation of places of identified heritage values and Aboriginal cultural heritage significance in accordance in accordance with state heritage planning policy and the requirements of the AH Act.
- Clause 18 Transport. Draft Amendment C229 supports State transport planning policy by providing additional car park to accommodate forecasted demand and by optimising the use of existing rail infrastructure and providing links between the future local town centres and other modes of travel.
- Clause 19.03-2S Infrastructure Design and Provision. Draft Amendment C229 contributes to the timely delivery of infrastructure to meet the need of the community.

Additional State strategies have been considered as follows:

Regional Network Development Plan 2016

The *Regional Network Development Plan* sets out a vision for regional Victoria's public transport network that is supported by a set of strategic priorities and desired outcomes to determine the network a region should have. The Regional Network Development Plan acknowledges the need to provide the growing communities, such as Whittlesea, with a better public transport network.

Lockerbie Precinct Structure Plan May 2012

The Lockerbie Precinct Structure Plan promotes Donnybrook station as a significant public transport hub that will foster connections within and outside of the precinct. The project will

increase accessibility to public transport and will provide enhanced connectivity within the local transport network. The Project preserves opportunity for future residential and commercial development on the western side of Donnybrook station.

Plan Melbourne 2017- 2050

The Project supports and implements the Plan Melbourne 2017-2050 directives listed below:

- Direction 1.2 to improve access to jobs across Melbourne and closer to where people live.
- Direction 3.2 to improve transport in Melbourne's outer suburbs.
- Direction 7.1 supports investment in regional Victoria to support housing and economic growth.
- Direction 7.2 seeks to improve transport connections for regional Victoria.

Transport Integration Act 2010 (Vic)

The *Transport Integration Act 2010 (Vic)* (TI Act) requires interface bodies to have regard to the transport system objectives, the decision-making principles and any applicable statement of policy principles when exercising powers and performing functions that are likely to have a significant impact on the transport system.

Draft Amendment C229 is necessary to facilitate the Project which will provide a significant benefit to the transport system.

The transport system objectives are set out in Part 2, Division 2 of the TI Act and include social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety, health and wellbeing.

The decision-making principles are set out in Part 2, Division 3 of the TI Act and include the principles of integrated decision making, triple bottom line assessment, equity, transport system user perspective, precautionary principle, stakeholder engagement and community participation and transparency.

Draft Amendment C229 was prepared having regard to the transport system objectives and decision-making principles under the TI Act.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Liveable neighbourhoods
Whittlesea 2040 Key Direction	Well-designed neighbourhoods and vibrant town centres
Strategic Objective	Our neighbourhoods are designed to be well-connected and create cohesive communities
Council Priority	Planning and Infrastructure

Draft Amendment C229 supports Future Direction 2: Accessibility in, out and around our City. In particular, draft Amendment C229 relates to the strategic objective identified for Transport: *"Our road network provides adequate access to the municipality and beyond"* by ensuring the accuracy of local planning provisions for freeway and arterial road infrastructure.

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 Regional Rail Revival (RRR) programme is being implemented through Rail Projects Victoria (RVP). As the State Government delivery agency, RVP are proposing to deliver additional car spaces and upgrade the Station to better suit the existing and future Donnybrook community. In order to facilitate the delivery of this infrastructure, RVP have requested that the Minister for Planning act as the Planning Authority and undertake the amendment under 20(4) of the Planning and Environment which waives the requirement for formal notification. In lieu of undertaking these formal notice requirements, RVP have consulted with the community and Council officers to finalise the amendment package.

In light of the consultation undertaken to date, the nature of the proposal and commitment to engage with Stakeholders throughout the project, it is recommended the Amendment C229 package be supported and Council support the streamlined amendment process under 20(4) of the Planning and Environment Act.

RECOMMENDATION

THAT Council resolve to:

1. **Support Rail Projects Victoria's request of the Minister for Planning to prepare, adopt and approve Amendment C229 to the Whittlesea Planning Scheme (Amendment C229) for the Donnybrook Car Park Station Upgrade;**
2. **Support Rail Projects Victoria request to the Minister for Planning to use powers under Section 20(4) of the Planning and Environment Act 1987 to exempt the amendment from the formal notice requirements in sections 17, 18 and 19 of the Act.; and**
3. **Notify Rail Projects Victoria of Council's resolution.**

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 UNANIMOUSLY

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

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Director Partnerships, Planning & Engagement

RECOMMENDATION SUMMARY

THAT Council resolve to:

1. Participate in membership of the Municipal Association of Victoria (MAV); and
2. Not participate in membership of the Victorian Local Governance Association (VLGA).

KEY FACTS AND / OR ISSUES

- At the Special Council meeting held on 26 June 2018, Council resolved that a report be prepared considering the benefits gained by Council from being a member of the Municipal Association of Victoria (MAV) and the Victorian Local Governance Association (VLGA) and, where possible, avoiding duplication between the two Associations.
- At the 2 October Council meeting, Council resolved to consider membership of the MAV and the VLGA for the 2018-2019 year. This was to occur after the outcome of the invitation to the respective organisation CEO's to present at Council Forum on 23 October 2018 on the benefits of membership to Council.
- The CEO of each organisation attended the Council Forum on 23 October 2018 and spoke to Councillors on the benefits of membership to their respective organisation.
- The 2018-19 membership fee for MAV is \$55,628.21 and for the VLGA is \$37,760.00 (both excluding GST.) Both Associations have confirmed that pro-rata payment of membership fees is not permitted.

REPORT

INTRODUCTION

The purpose of this report is to review Council's participation with the MAV and the VLGA.

BACKGROUND

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

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

At the Special Council meeting held on 26 June 2018, Council resolved that a report be prepared considering the benefits gained by Council from being a member of the MAV and the VLGA and, where possible, avoiding duplication between the two Associations. Council also resolved that the report be submitted to the 2 October 2018 Council meeting.

At the 2 October Council meeting, Council considered a report on the benefits gained by Council from being a member of the MAV and the VLGA and resolved to consider membership of MAV and the VLGA, for the 2018-2019 financial year, after hearing from the respective organisation CEO's at Council Forum on 23 October 2018.

The CEO of each organisation attended the Council Forum on 23 October 2018 and spoke to Councillors on the benefits of membership to their respective organisation.

PROPOSAL

Having heard and considered submissions from the CEO's of the MAV and VLGA, it is proposed that Council participate in membership of the MAV and not participate in membership of VLGA.

CONSULTATION

Council Officers have provided advice on their involvement with both the MAV and VLGA at the Council meeting on 2 October 2018.

CRITICAL DATES

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

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

FINANCIAL IMPLICATIONS

The 2018/2019 membership fee for VLGA is \$37,760.00 plus GST and the 2018/2019 membership fee for MAV is \$55,628.21 plus GST. Both Associations have confirmed that pro-rata payment of membership fees is not permitted.

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

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

POLICY STRATEGY AND LEGISLATION

The primary benefit of MAV membership is the ability to input into the development and implementation of State (and Federal) legislation and policy as it relates to the services provided by local government.

One of the primary benefits of VLGA membership relates to its advocacy role in relation to preventing harm from gambling, particularly from gaming machines.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council monitors and evaluates all of its operations
Council Priority	Organisational Sustainability

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

It is recommended that Council participate in membership of the Municipal Association of Victoria and not participate in membership of the Victorian Local Governance Association.

RECOMMENDATION

THAT Council resolve to:

1. Participate in membership of the Municipal Association of Victoria (MAV); and
2. Not participate in membership of the Victorian Local Governance Association (VLGA).

COUNCIL RESOLUTION

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

THAT Council resolve to:

1. Not participate in membership of the Municipal Association of Victoria (MAV); and
2. Not participate in membership of the Victorian Local Governance Association (VLGA);
3. Review VLGA's new adopted constitution and its effects on member councils; and
4. Review memberships of both organisations as part of the 2019/20 budget process.

CARRIED UNANIMOUSLY

REQUEST TO RECORD COUNCIL MEETING

In accordance with the Recording of Council Meetings Policy adopted by Council 4 March 1997, a person must not operate audio tape or other recording equipment at any Council meeting without the prior written consent of the meeting. Representatives from the *Herald Sun* and *The Age* submitted a written request to take photographs whilst the meeting is occurring.

COUNCIL RESOLUTION

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

THAT Council resolve to allow the media persons present from the *Herald Sun* and *The Age*, to take photographs from outside the Council Chamber whilst the meeting is occurring.

CARRIED

6.1.4 AMENDMENT TO PLANNING PERMIT NO. 711026 TO AMEND CONDITION NO. 16 TO INCREASE THE NUMBER OF QUALIFIED PRACTITIONERS FROM THREE TO SIX

Attachments:

- 1 Locality Maps [⇒](#)
- 2 Site/Layout Plans [⇒](#)

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Principal Planner

APPLICANT: JVSA Pty Ltd

COUNCIL POLICY: Clause 22.07 – Medical Centre Policy

ZONING: General Residential Zone

OVERLAY: Vegetation Protection Overlay

REFERRAL: VicRoads (Section 52)

OBJECTIONS: Three objections including a six signature petition

RECOMMENDATION SUMMARY

That Council resolve to approve the Application to Amend Planning Permit No. 711026 and issue a Notice of Decision for the amendment of Condition No. 16 to increase the number of qualified practitioners from three to six.

KEY FACTS AND / OR ISSUES

- Planning Permit No. 711026 was issued on 23 March 2009 for the use and development of a medical centre on the subject site. The permit allowed for five medical practitioners and 11 car spaces. The permit was amended on 19 June 2013 to decrease the number of practitioners from five to three. The medical centre building and associated car parking has been constructed however the use has not commenced.
- The proposal now seeks to increase the total number of practitioners allowed on site at any given time from three to six.
- Three objections have been received, including a six signature petition, predominantly raising concerns relating to the increase in number of doctors leading to increase in traffic and parking issues.
- The site is located within the Principal Public Transport Network (PPTN). The PPTN was introduced into the Whittlesea Planning Scheme on 31 July 2018 as part of Planning Scheme Amendment VC148. The PPTN is an incorporated document under Clause 81.01 of the Victorian Planning Provisions and must be taken into account by responsible authorities in decision-making. This results in the car parking provided being in compliance with Clause 52.06 of the Whittlesea Planning Scheme.

REPORT**SITE AND SURROUNDING AREA**

The subject site is located on the southwest corner of Plenty Road and The Lakes Boulevard, South Morang (see *Attachment 1*). The site is setback approximately 30m from the Plenty Road carriageway, with access provided via a service road. The rectangular shaped site has a frontage of 16.5m to Plenty Road, 32m to The Lakes Boulevard, and a total area of 678m².

The site contains an existing two storey building (please note the plans provided depict old photography which does not show the existing building), with a car parking area within the frontage. The site is clear of significant vegetation, and is elevated from the street level by an approximately 1m high stone retaining wall with a slight fall from east (Plenty Road) to west.

The surrounding area is generally characterised with standard density residential development with a mixture of single and double storey dwellings. To the east of the site, across Plenty Road is the Plenty Gorge Park, while the Yan Yean pipe track is located approximately 50m west of the site. A major transmission line easement and associated parkland is also located approximately 350m to the west.

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

- Lakes Boulevard Medical Centre (700m west);
- Hawkestone Train Station (1.1km north);
- Middle Gorge Train Station (1.2km south);
- Coles supermarket and specialty shops (1.4km west);
- The Lakes South Morang P-9 School (1.8km west);

RESTRICTIONS AND EASEMENTS

Restrictive Covenant No. PS443729X applies to the land and relates to the construction of more than one dwelling on the lot, construction of any building within 5m of the front boundary and restricts vehicular access from The Lakes Boulevard.

Section 173 Agreement Nos. X863080U and X966267R apply to the land and relate to access to Plenty Road by interim and final road systems, restrictions on access to Gordons Road, impacts of the proposed extension of the railway line, and no claim for compensation as a result of works to the Plenty Road / Gordons Road intersection.

The restrictions on title do not preclude Council from determining the application.

PROPOSAL

The applicant proposes to increase the number of practitioners operating from the site at any given time from three to six. In this regard, Condition No. 16 of the permit is proposed to be amended to read as follows:

The premises must not be used by more than six (6) qualified practitioners at any one time without the further consent of the Responsible Authority.

The amendment application originally included the construction of boundary fencing and display of business identification signage, however the application was amended after advertising and these matters were considered under separate application(s).

No other changes are proposed to be made to the planning permit.

PUBLIC NOTIFICATION

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

1. Increase in doctors will result in increased traffic, cause significant parking issues and major issues for residents and their visitors.
2. No need for another medical centre as there is an existing large medical centre already on The Lakes Boulevard.

PLANNING ASSESSMENT

Clause 22.07 (Medical Centre Policy) encourages medical centres that serve the local population to locate within residential areas, while ensuring that these centres do not have a negative impact on residential amenity through inappropriate location, unsympathetic design and traffic impacts. Additionally, the General Residential Zone allows for a range of non-residential uses to serve local community needs in appropriate locations.

There is no proposed change to the building, car parking or vehicle access that has already been approved and constructed. The only change sought is to increase the number of practitioners to six.

Despite the increase in practitioner numbers, the existing car parking on the site now complies with the requirements of Clause 52.06 (as detailed further below) as a result of the site being located with the Principal Public Transport Network (PPTN). As such the proposed increase in the number of medical practitioners is considered appropriate as it is unlikely to result in any further impacts on the safe and efficient movement of vehicle and pedestrian traffic beyond those approved under the original planning permit due in part to the public transport options available within proximity of the site.

The local road network is considered capable of handling the additional vehicle movements associated with the increase in the number of practitioners.

Clause 52.06 - Car Parking

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site.

The applicable car parking requirements changed during the process as a result of Planning Scheme Amendment VC148 and the table below details the car parking required for the site where the PPTN does not apply and when it does apply:

Use	Size	Car spaces required (where the PPTN does not apply)	Car spaces required (Column B for sites within PPTN applies)	Car spaces provided	Complies
Medical Centre	304.9m ²	5 to the first person providing health services plus 3 To every other person providing health services 20 car spaces would be required.	3.5 spaces to each 100m ² of leasable floor area 10 spaces required	11 spaces provided	Yes

As detailed above, the car parking rate for sites within the PPTN is based on floor area, rather than number of practitioners as is required for sites outside the PPTN.

The primary consideration associated with this change and increase in the number of practitioners is that of car parking provision and whether it is sufficient.

When the application was lodged, the requirements of the scheme would have stipulated that provision be made for 20 car spaces, resulting in a shortfall of 9 spaces. However, as a result of the change to the Planning Scheme, there is now a surplus of one car space, meaning that an appropriate provision of car parking has been provided in accordance with the Whittle Planning Scheme.

The proposal therefore complies with these requirements and satisfactorily addresses the primary consideration under the planning scheme associated with the change.

Please note: pursuant to clause 52.06-5, if in calculating the number of car parking spaces the result is not a whole number, the required number of car parking spaces is to be rounded down to the nearest whole number. As such, the required rate of parking is 10 rounded down from 10.6 car spaces.

COMMENTS ON GROUNDS OF OBJECTION

- Increase in doctors will result in increased traffic, cause significant parking issues and major issues for residents and their visitors.**

Although the increase in the number of practitioners may result in some additional traffic, the proposal continues to comply with the car parking requirements required under Clause 52.06, with an excess of car parking spaces available on the site. The applicant has provided a traffic impact assessment report in support of the application which indicates that in the event of overflow car parking, the surrounding street network has the capacity to accommodate additional vehicle parking. The site also enjoys access to public transport with bus services in the vicinity and is centrally located to the Hawkestone Train Station (north) and Middle Gorge Train Station (south).

- **No need for another medical centre as there is an existing large medical centre already on The Lakes Boulevard.**

The existing medical centre in The Lakes Boulevard provides a range of general practitioner services, whilst the medical centre at the subject site will include specialist services, including dental and pathology. It is noted that although not yet in operation, the proposed use of the site for a medical centre already has planning approval under Planning Permit No. 711026, therefore the viability of the proposed use cannot be further considered.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application has been assessed against the planning zone provisions and other relevant planning provisions, including the State and Local Planning Policy Frameworks of the Whittlesea Planning Scheme, and is considered to be consistent with the relevant policies and strategies of the Planning Scheme. It is considered that the proposed amendment to Condition No. 16 to increase the number of qualified practitioners from three to six is appropriate for the surrounding area. Therefore, it is recommended that an amended Planning Permit be issued.

RECOMMENDATION

THAT Council resolve to approve the Application to Amend Planning Permit No. 711026 and issue a Notice of Decision to Grant an Amendment to a Permit to amend Condition No. 16 to increase the number of practitioners from 3 to 6 in accordance with the endorsed plans and subject to the following amendments:

1. **Amendment to Condition No. 16 as follows:**

16. ***The premises must not be used by more than six (6) qualified practitioners at any one time without the further consent of the Responsible Authority.***

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 UNANIMOUSLY

6.1.5 PLANNING SCHEME AMENDMENT C217- 45 REGENT STREET AND 100 CRAVENS ROAD, MERNDA- EXHIBITION OUTCOMES AND ADOPTION

Attachments: 1 **Subject Sites** [⇒](#)

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Senior Strategic Planner

RECOMMENDATION SUMMARY

It is recommended that Council:

1. Amend the condition within DPO37 relating to undertaking an Environmental Site Assessment prior to the use or development of the land consistent with the Environment Protection Authority submission.
2. Subject to resolution 1., adopt Planning Scheme Amendment C217 to the Whittlesea Planning Scheme;
3. Request the Minister for Planning approve Amendment C217 to the Whittlesea Planning Scheme.
4. Advise the landowners of Council's resolutions above.

KEY FACTS AND / OR ISSUES

- Amendment C217 applies to the land at 45 Regent Street and 100 Cravens Road, Mernda, and seeks to facilitate the use and development of the site for residential development.
- The proposed Planning Scheme Amendment will facilitate the transfer of 33.2 hectares of land to Council for the purposes of the Quarry Hills Regional Parkland.
- The Amendment was exhibited from 9 October to 9 November 2018. One submission was received from the Environment Protection Authority. This report recommends minor changes to the amendment documentation to amend a condition related to an Environmental Site Assessment.
- It is recommended that Council Adopt the Planning Scheme Amendment C217 to the Whittlesea Planning Scheme and request the Minister for Planning to approve the amendment.

REPORT

BACKGROUND

Council resolved at its meeting on 6 February, 2018, to seek authorisation from the Minister for Planning to prepare and exhibit Planning Scheme Amendment C217 to the Whittlesea Planning Scheme.

Amendment C217 applies to the land at 45 Regent Street, Mernda and 100 Cravens Road, Mernda (**Attachment 1- Subject Sites**) and seeks to rezone the properties for the purposes of residential development.

The Amendment was publicly exhibited from 9 October to 9 November, 2018, following a review of the proposal by the Department of Environment, Land, Water and Planning, and the inclusion of additional changes to the proposed Development Plan Overlay Schedule 37.

The changes required to the Development Plan Overlay Schedule 37 were required to ensure that the form and content of the document were consistent with relevant Ministerial Directions.

The purpose of this report is to consider the outcomes of the public exhibition process and provide for the next steps of the Amendment.

PROPOSAL

The amendment seeks to rezone land within the Urban Growth Boundary in order to allow for future residential development and further facilitate the assemblage of the Quarry Hills Regional Parkland.

The Amendment proposes to:

- Rezone land which is currently zoned Rural Conservation Zone (RCZ) within the Urban Growth Boundary to the General Residential Zone (GRZ1);
- Applies a Development Plan Overlay – Schedule 37 (DPO37) over the land rezoned to GRZ at 45 Regent Street and 100 Cravens Road, Mernda;
- Applies the Vegetation Protection Overlay – Schedule 1 (VPO1) over the land rezoned to GRZ; and
- Removes the Significant Landscape Overlay – Schedule 2 (SLO2) from the land rezoned to GRZ.

As a result of the Amendment, a total of 33.2 hectares of land at 45 Regent Street, Mernda are to be transferred into Quarry Hills Regional Parkland.

NOTIFICATION

Amendment C217 was placed on public exhibition between 9 October to 9 November, 2018 to affected landowners, prescribed Ministers and relevant government authorities. A Notice appeared in the Government Gazette on 11 October, 2018 Whittlesea Leader on 16 October, 2018. Letters were sent to affected and surrounding owners and occupiers.

One submission was received from the Environment Protection Authority (EPA) in relation to the proposed Planning Scheme Amendment. The submission, and recommended action, is discussed in the following section of the report.

DISCUSSION

The proposed Planning Scheme Amendment presents a positive net community benefit as it will facilitate the transfer of land into the Quarry Hills Regional Parkland, and will facilitate the development of land within the Urban Growth Boundary for the purposes of residential uses.

The proposal will transfer a total of 33.2 hectares to Council for the Quarry Hills Regional Parkland that will be accessible to residents who are situated in the Mernda West area and beyond.

As previously noted, the Amendment was formally exhibited to affected landowners, prescribed Ministers and relevant Government Agencies. One submission was received from the EPA and they have requested that the condition relating to Environmental Site Assessment be amended within the DPO schedule. This request is considered appropriate and consistent with the approach adopted in Precinct Structure Plans. It is recommended that the condition be amended within DPO37 to be consistent with the EPA submission.

The landowner of 100 Cravens Road has entered into a Section 173 Agreement with Council committing to the payment of the requisite Development Contributions and Growth Area Infrastructure Contributions.

As Council is the landowner of 45 Regent Street, Mernda, prior to the sale or development of the site a Section 173 Agreement will be required to be prepared and signed as part of any Contract of Sale. This Agreement will require the payment of requisite Development Contributions and Growth Area Infrastructure Contributions.

POLICY STRATEGY AND LEGISLATION

The proposed Planning Scheme Amendment will provide for the orderly future planning for the use and development of the subject site.

It is considered that the proposal addresses the policy objectives of *Clause 12- Environmental and Landscape Objectives*, and *Clause 17- Economic Development* of the Whittlesea Planning Scheme. The proposal will ultimately allow for the creation of a use and development which is appropriate and in keeping with the vision and intention of the Quarry Hills Regional Parkland, while also facilitating an increase in tourism to the area and the expansion of the Quarry Hills Regional Parkland and the protection of this important landscape feature.

Having regard to the residential development that will be facilitated through the proposed Planning Scheme Amendment, it is considered that the proposal meets the objectives of

Clause 11- Settlement, *Clause 21.04- Settlement* and *Clause 21.09 - Housing* as it will allow for an increase in a well located and diverse housing stock.

LINKS TO THE COUNCIL PLAN

Council Priority	Planning and Infrastructure
Future Direction	Places and spaces to connect people
Theme	Planning our space
Strategic Objective	We have neighbourhoods defined by attractive, well connected streets and public spaces

The proposed amendment will contribute toward the strategic objective of the Council Plan to use Urban Design in order to build connection to place and the community by enabling the strategic aims of the Quarry Hills Bushland Park Master Plan to be achieved. It will also contribute towards the strategic objective to establish the Quarry Hills Regional Parkland through the securing of additional land outside of the Urban Growth Boundary.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The Amendment will facilitate the development of land located inside the Urban Growth Boundary in line with the existing and future plans for the Mernda West Precinct and the Quarry Hills Regional Parkland.

The planning controls which will be applied to the subject sites as part of the Amendment are generally consistent with those applied to the broader surrounding properties and the most appropriate controls to guide the future planning of the subject land. This will allow for Council to ensure that any residential development allowed to facilitate the parkland is well designed, and provides for a careful interface to the open space and to adjoining development in the Mernda West area.

The Amendment was publicly exhibited from 9 October to 9 November, 2018. One submission was received from the Environment Protection Authority relating to rewording a condition relating Environmental Site Assessments. The change requested is considered reasonable and it is recommended that it be made to align the condition with similar provisions within Planning Scheme and to resolve the submission.

Noting the above it is therefore recommended that Council resolve to adopt Planning Scheme Amendment C217 and forward to the Minister for Planning requesting approval.

RECOMMENDATION

THAT Council resolve to:

1. Amend the condition within DPO37 relating to undertaking an Environmental Site Assessment prior to the use or development of the land consistent with the Environment Protection Authority submission.
2. Subject to resolution 1., adopt Planning Scheme Amendment C217 to the Whittlesea Planning Scheme;
3. Request the Minister for Planning approve Amendment C217 to the Whittlesea Planning Scheme.
4. Advise the landowners of Council's resolutions above.

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 UNANIMOUSLY

6.1.6 15A (FORMALLY 7A) NEUMANN ROAD DOREEN - DEMOLITION AND RECONSTRUCTION OF A HERITAGE BUILDING AND A WATER WELL AND THE CONSTRUCTION OF FENCES

Attachments:

- 1 **Locality Maps** [⇒](#)
- 2 **Development Plans** [⇒](#)
- 3 **Whittlesea Heritage Study Citation** [⇒](#)

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

Author: **Senior Planner**

APPLICANT: **Paruna Valley Pty Ltd**

COUNCIL POLICY: **22.04 – Heritage Conservation Policy**

ZONING: **General Residential Zone**

OVERLAYS: **Development Contributions Plan Overlay – Schedule 5**
Development Plan Overlay – Schedule 5
Heritage Overlay – Schedule 73
Incorporated Plan Overlay – Schedule 1
Vegetation Protection Overlay – Schedule 1

REFERRAL: **Heritage Advisor**

OBJECTIONS: **Nil**

RECOMMENDATION SUMMARY

That Council resolve to approve Planning Permit Application No. 717426 and issue a Planning Permit for the partial demolition and reconstruction of a heritage building and a water well and the construction of fences at 15A (formally 7A) Neumann Road, Doreen subject to conditions.

KEY FACTS AND / OR ISSUES

- The proposal seeks to partially demolish the existing heritage building (Neumann's homestead) and water well and reconstruct Neumann's homestead and water well in line with the standard architectural style of the era. All other elements of the Heritage Place (Neumann's Farm) will remain unaltered. Structural Engineers have confirmed restoration of Neumann's homestead and the water well is not feasible due to termite damage, vandalism and no evident structural support to substantial portions of the roof and sub floor. The proposal also seeks approval to construct fences along the Neumann and Smithson Road frontages of the site.
- Notification of the application was not undertaken and is exempt pursuant to the Whittlesea Planning Scheme.
- The proposal demonstrates a satisfactory level of compliance with the Heritage Conservation Policy and Heritage Overlay of the Whittlesea Planning Scheme and it is therefore recommended the application be approved subject to conditions.

REPORT

SITE AND SURROUNDING AREA

The site forms part of a recent subdivision, known as the Neumann's Estate, and is bound by Cookes Road to the north, Painted Hills Road to the east, Bridge Inn Road to the south and Bassetts Road to the west (*see Attachment 1*). Stage 23 of the Neumann's Estate created the site, which includes all elements of the Heritage Place. The site has a 45.6m frontage to Neumann Road, a depth of 64.0m and a total area of 2,920m². Stages 25 and 26 of the Neumann's Estate will create a second 45.6m frontage to Smithson Road along the northern boundary of the site.

The site currently contains Neumann's homestead, a water well and remnant domestic gardens, including mature trees and orchard plantings. Neumann's homestead occupies a slightly elevated position within the surrounding landscape. The site is currently secured with temporary fencing.

BACKGROUND

Neumann's Farm was originally assessed in 1990 as part of the Whittlesea Heritage Study, Part II, by Meredith Gould Architects Pty Ltd (the Whittlesea Heritage Study) (*see Attachment 2*). The Heritage Place was assessed as having a fair integrity and condition and was recommended for Planning Scheme protection. Consequently, the Heritage Place was afforded Planning Scheme protection in the form of a Heritage Overlay (HO) under the old format Whittlesea Planning Scheme in 1994.

Neumann's Farm has also been included on the Victorian Heritage Inventory and is identified as H7922-0346. While approval from Heritage Victoria is not required for demolition only, Consent to Disturb would be required for excavation or disturbance, which may disturb or damage any surface or subsurface archaeological material or relics.

Planning Permit No. 711445 was issued on 10 November 2009 and has subsequently been amended on six separate occasions between 26 August 2010 and 19 April 2018. The Amended Permit allows subdivision of the land, removal of native vegetation, demolition of buildings covered by a Heritage Overlay, the construction of a single dwelling on each lot in excess of 300.0m² (excluding the lot containing the heritage homestead) in accordance with the endorsed plans. Condition No. 6 of the Amended Permit required a Section 173 Agreement to prepare and implement a Conservation Management Plan (CMP) for the protection and enhancement of the Neumann's Farm Heritage Place, which has been endorsed.

RESTRICTIONS AND EASEMENTS

The site is legally described as Lot B on Plan of Subdivision No. 744993B. The site is affected by three Section 173 Agreements.

- Section 173 Agreement No. AL133203B requires a Conservation Management Plan.
- Section 173 Agreement No. AL567696B requires payments to Council for development contributions.
- Section 173 Agreement No. AM771093L requires the maintenance of fences by respective Owners of the subject fences.

The proposal is in accordance with the endorsed Conservation Management Plan, which recommends the demolition and reconstruction of Neumann's homestead. The proposed fencing will secure the site on a permanent basis.

The remaining Section 173 Agreements on the Certificate of Title do not apply to the site.

PROPOSAL

The proposal seeks to partially demolish Neumann's homestead and water well and reconstruct both the homestead and water well in line with the standard architectural style of the era. The proposal also seeks to construct two fences along the Neumann and Smithson Road frontages of the site. All other elements of Neumann's Farm will remain unaltered.

The original siting of Neumann's homestead will be utilised. All elements, excluding the chimney, will be demolished. The entire external façade will be reconstructed, including elements that previously existed such as the east facing verandah. The internal walls will not be reconstructed. Timber weatherboards and galvanised iron roofing will be used for both the reconstructed homestead and water well in a white and brown colour palette.

Structural Engineers have confirmed restoration of Neumann's homestead and the water well is not feasible due to termite damage, vandalism and no evident structural support to substantial portions of the roof and sub floor.

Finally, a plaque will be erected on the site in accordance with the Conservation Management Plan.

PUBLIC NOTIFICATION

As the proposal is generally in accordance with the Mernda Strategy Plan and Bassetts Road Development Plan, notification of the application was not undertaken and is exempt pursuant to Clause 43.03-2 – Incorporated Plan Overlay and Clause 43.04-3 – Development Plan Overlay of the Whittlesea Planning Scheme.

ASSESSMENT AGAINST THE WHITTLESEA PLANNING SCHEME

Zone Provisions

General Residential Zone

A permit is not required pursuant to the General Residential Zone.

Overlay Provisions

Development Contributions Plan Overlay – Schedule 5

Development contributions were provided as part of the subdivision of the parent site.

Development Plan Overlay – Schedule 5

As detailed earlier in this report, the proposal is generally in accordance with the Bassetts Road Development Plan.

Incorporated Plan Overlay – Schedule 1

As detailed earlier in this report, the proposal is generally in accordance with the Mernda Strategy Plan.

Vegetation Protection Overlay – Schedule 1

A permit is not required pursuant to the Vegetation Protection Overlay – Schedule 1 as no native vegetation is proposed to be removed, destroyed or lopped.

The following planning policies, as set out in the Whittlesea Planning Scheme, are considered relevant to the application:-

Planning Policy Framework

The following sections of the Planning Policy Framework are relevant to this application:

Clause 15.03-1S – Heritage Conservation seeks to ensure the conservation of places of heritage significance.

Clause 21.08-4 – Heritage Conservation seeks to identify, protect and enhance the City's Aboriginal and European heritage.

Clause 22.04 – Heritage Conservation Policy seeks to:-

- Identify, protect and maintain the integrity and character of Whittlesea's heritage places;
- Protect and, where possible, enhance the setting of heritage places and the visual relationship between heritage places; and
- Protect views of, and vistas to, heritage places including mature vegetation and landmarks that contribute to the character of a heritage place.

The proposal is generally in accordance with the objectives and strategies of the Planning Policy Framework, including Clause 22.04 – Heritage Conservation Policy.

The partial demolition of Neumann's homestead and water well is required due to termite damage, vandalism and no evident structural support to substantial portions of the roof and sub floor. Repairs and adaption for reuse are not possible in this instance. The partial demolition of the homestead and water well will assist in the long term conservation of the Heritage Place by reconstructing the homestead to a 'lock up stage' standard.

Both Neumann's homestead and water well will be reconstructed in accordance with the recommendations contained within the endorsed Conservation Management Plan, which was prepared by a suitability qualified Heritage Consultant and reviewed by a Council engaged Heritage Advisor. The proposed external materials, colours and finishes are consistent with and complement the architectural style and period of the Heritage Place. The endorsed Conservation Management Plan recommends three plaques, one within a public (Council owned) Reserve, and two within the site. Details of these plaques, in accordance with the endorsed Conservation Management Plan, should form conditions of any permit issued.

The proposed semi-transparent picket fences will complement the style and construction of the Heritage Place. The overall height of the proposed picket fences was not provided, however a condition should form part of any permit issued requiring these fences have a maximum height of 1.5 metres.

While no vegetation is proposed to be removed as part of the current planning permit application, buildings and works, including demolition, will be occurring within close proximity to existing protected vegetation. A Tree Management Plan should be provided as a condition of any permit issued detailing measures to protect existing vegetation. Furthermore, a detailed Landscape Plan should be provided as a condition of any permit issued in accordance with the endorsed Conservation Management Plan.

Overlay Provisions

Heritage Overlay – Schedule 73

A permit is required pursuant to the Heritage Overlay.

Subject to the conditions identified earlier in this report, the proposal is generally in accordance with the purposes of the Heritage Overlay – Schedule 73.

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 is considered generally in accordance with the Planning Policy Framework, including Clause 22.04 – Heritage Conservation Policy, and the Heritage Overlay – Schedule 73. The partial demolition of Neumann's homestead and water well will facilitate the reconstruction of both structures and further preservation of the Heritage Place. Therefore, it is recommended the application be approved, subject to the conditions contained in this report.

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 717426 and issue a Planning Permit for the partial demolition and reconstruction of a heritage building and a water well and the construction of fences at 15A (formally 7A) Neumann Road Doreen in accordance with the endorsed plans and subject to the following conditions:-

Amended Architectural Plans

1. Prior to commencement of buildings and works, including demolition, one digital copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be generally in accordance with the plans; Job No. 201701, Drawing Nos. 1-6, Revision No. 2, Issued 27/02/2018, by CPW Architecture + Property Services, but modified to show:-
 - (a) Elevation details, including a maximum overall height of 1.5 metres, for the picket fences;
 - (b) The siting and graphic details for three plaques in accordance with the endorsed Conservation Management Plan;
 - (c) Tree Protection Zones and Fencing in accordance with the submitted Tree Management Plan and Condition No. 2 of this Permit; and
 - (d) A Landscape Plan in accordance with Condition No. 3 of this Permit.

Tree Management Plan

2. Concurrent with the endorsement of plans under Condition No. 1 and prior to commencement of buildings and works, including demolition, one digital copy of a Tree Management Plan, prepared by a suitably qualified or experienced Arborist must be submitted to be approved by the Responsible Authority. The Tree Management Plan must detail:-
 - (a) Structural root zones and tree protection zones for all vegetation on the

site;

- (b) All tree protection fenced off areas and areas where ground protection systems will be used;
- (c) The type of footings within the tree protection zones, if applicable;
- (d) All services to be located within the tree protection zone and a notation to state that all services will either be located outside of the tree protection zone or bored under the tree protection zone;
- (e) Specific details on what actions are required within the tree protection zone;
- (f) Supervision timetable required by the project Arborist to the satisfaction of the Responsible Authority;
- (g) How the structural root zone within the tree protection zone will be managed throughout the project;
- (h) All remedial pruning works that are required to be performed on the tree development of the site;
- (i) Fixed signs are to be provided on all visible sides of the Tree Protection Fencing, stating "Tree Protection Zone – No entry without permission from the City of Whittlesea";
- (j) The area must be irrigated during the summer months with 1 litre of clean water for every 1cm of trunk girth measured at the soil / trunk interface on a weekly basis;
- (k) No storage of material, equipment or temporary building is to take place within the Tree Protection Zone; and
- (l) Nothing whatsoever, including temporary services wires, nails, screws or any other fixing device, is to be attached to any tree.

The recommendations contained in the endorsed Tree Management Plan must be implemented to the satisfaction of the Responsible Authority.

Landscape Plan

3. Concurrent with the endorsement of plans under Condition No. 1 and prior to commencement of buildings and works, including demolition, one digital copy of a Landscape Plan, prepared by a suitably qualified or experienced Landscape Architect must be submitted to be approved by the Responsible Authority. The Landscape Plan must detail:-
 - (a) A survey of all existing vegetation and natural features;
 - (b) The area or areas set aside for landscaping;
 - (c) A schedule of all proposed trees, shrubs / small trees and ground cover;
 - (d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;

- (e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
- (f) Appropriate irrigation systems; and
- (g) All species selection must be in accordance with the endorsed Conservation Management Plan.

No Alterations

4. The works allowed by this Permit and shown on the plans and / or schedules endorsed to accompany this Permit must not be amended for any reason without the consent of the Responsible Authority.

Tree Protection Fencing

5. Prior to commencement of buildings and works, including demolition, tree protection zone fencing must be constructed to the following requirements:-
 - (a) Ring lock wire mesh approximately 1.8m high;
 - (b) Main posts 100mm treated pine (TP);
 - (c) Intermediate posts steel star pickets (SP);
 - (d) The corner posts must be TP with TP stays;
 - (e) Every third post must be TP;
 - (f) SP to be placed intermediately between the TP posts at 3.0m intervals;
 - (g) The ring lock mesh to encircle the structure and be firmly secured at each post; and
 - (h) Posts must be sunk into the ground by 450mm (there is to be no concrete used to secure posts as this will affect ph. levels).
6. The tree protection zone fencing must not be removed or relocated at any time during construction without the prior written consent of the Responsible Authority.

Infrastructure

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

Amenity

8. The development hereby permitted must be managed so that the amenity of the area is not detrimentally affected through the:-

- (a) Transport of materials, good or commodities to or from the land;
- (b) Appearance of any building, works or materials;
- (c) Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
- (d) Presence of vermin.

Time Limits

9. 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 Building Application for Demolition is required to remove remaining building structures authorized under this Permit and will need to be obtained before works commence.

A Consent to Disturb archaeological remains associated with the Heritage Place may be 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 UNANIMOUSLY

6.1.7 1410A AND 1410C PLENTY ROAD AND 610 BRIDGE INN ROAD, MERNDA - MULTI-LOT SUBDIVISION, STAGED USE AND DEVELOPMENT OF THE LAND FOR RETAIL, OFFICE, LEISURE AND RECREATIONAL PURPOSES, CREATION OR ALTERATION OF ACCESS TO A ROAD WITHIN A ROAD ZONE CATEGORY 1, WORKS WITHIN A HERITAGE OVERLAY, REMOVAL OF NATIVE VEGETATION, REMOVAL OF AN EASEMENT, DISPLAY OF INTERNALLY ILLUMINATED ADVERTISING SIGNAGE, AND THE SALE AND CONSUMPTION OF LIQUOR ON THE PREMISES

Attachments:

- 1 Locality Maps [⇒](#)
- 2 Development Plans [⇒](#)
- 3 Mernda Town Centre Comprehensive Development Plan [⇒](#)

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Principal Planner

APPLICANT: Fabcot Pty Ltd and Akeg Pty Ltd

COUNCIL POLICY:

- 22.10 River Redgum Protection Policy
- 22.11 Development Contribution Plan Policy

ZONING: Comprehensive Development Zone, Schedule 1

OVERLAY:

- Development Contributions Plan Overlay, Schedule 9
- Development Plan Overlay, Schedule 15
- Heritage Overlay, Schedule 19
- Incorporated Plan Overlay, Schedule 1
- Vegetation Protection Overlay, Schedule 1

REFERRAL:

- INTERNAL

- Development Engineering
- Strategic Transport
- Parks and Open Space
- Strategic Planning and Design
- Sustainability

- EXTERNAL

- Heritage Coordination

- APT O&M Services (Gas)
- Yarra Valley Water
- Melbourne Water
- VicRoads
- Transport for Victoria
- AusNet Electricity Services
- Department of Environment, Land, Water and Planning (s. 52)
- VicTrack (s.52)
- Heritage Victoria (s.52)

OBJECTIONS: Not applicable

RECOMMENDATION SUMMARY

That Council resolve to approve Planning Application No. 714577 and issue a Planning Permit for the subdivision of land and the staged development of the Mernda Town Centre comprising of retail, office, leisure and recreation, creation/alteration of access to a road within a Road Zone Category 1, works within a heritage overlay, removal of native vegetation, removal of an easement, display of internally illuminated advertising signage, and the sale of liquor on the premises.

KEY FACTS AND / OR ISSUES

- The staged development of the Mernda Town Centre will provide the core of the town centre including a supermarket, specialty retail stores, food and drink premises, a medical centre, gym and a pedestrian friendly main street connecting to the adjoining Mernda Train Station.
- The development appropriately subdivides the land to create the core of the town centre as part of this development, adjoining balance lots for future development, and the surrounding local road network including the Berry Lane and Plenty Road and Bridge Inn Road and Plenty Road signalised intersection upgrades.
- The development will include land to be vested with Council for a future Community Facility, providing the opportunity for early activation of the site.
- The application includes the preparation and implementation of a Conservation Management Plan for Mayfield Farm and Berry Lane to protect the heritage values of this locally significant heritage place.
- The development will require archaeological investigations into the remains of the Berry Lane bluestone pavement to inform an appropriate design response to this heritage place, and partial demolition of the existing pavement for the construction of a required north-south road.
- Eleven River Red Gums (Tree Numbers 15-17, 20-25, 59 and 60) are proposed for removal, however this is generally in accordance with the Mernda Town Centre Development Plan which only shows the retention of Tree 60. Tree 60 is located within the Berry Lane road reserve proposed to be removed due to shared path and road pavement encroachment into the Tree Protection Zone.

REPORT

BACKGROUND

The subject site is located within the Mernda Town Centre Development Plan (2018) and is part of the Mernda Strategy Plan (2016) as described in greater detail in this report.

The original application for the development of the Mernda Town Centre was submitted to Council on 31 January 2014. Due to significant differences between the approved Development Plan and the planning application relating to the land uses, arrangement of the town centre core and the main street, as well as consideration of the Mernda Rail extension, various amendments to the Development Plan have been required in order to facilitate the proposal.

Council has worked closely with the applicant to prepare a Development Plan that appropriately responds to the requirements of the Development Plan Overlay (DPO15), considers the relationship with the Mernda Train Station, and integrates appropriate elements of the current planning application all while remaining consistent with the Mernda Town Centre Comprehensive Development Plan (2002) and the Mernda Strategy Plan (2016).

At its meeting on 18 July 2017, Council resolved to approve the amended Development Plan subject to the landowner entering into a Section 173 Agreement for the development contributions on the land.

This represented a key milestone in the planning and development of the site and allowed for the operation of a higher order level of commercial services and provision for community facilities with linkages to the Mernda Train Station.

A formal amendment to the planning application was submitted to Council on 6 October 2017. At this time, the Section 173 Agreement was still under negotiation and the Development Plan was yet to be formally approved, however Council facilitated the progression of the application through assessments and providing detailed feedback to the applicant.

The Section 173 Agreement was signed on 28 November 2018, thus allowing for the formal approval of the amended Mernda Town Centre Development Plan (2018) and allowing a decision to be made on the planning application.

SITE AND SURROUNDING AREA

The subject site is located on the south-east corner of Plenty Road and Bridge Inn Road, Mernda (*see Attachment 1*), directly adjacent to the Mernda Train Station. The site is generally square in shape with an approximate area of 26.4 hectares.

The site is currently vacant with the exception of the Mayfield Farm, Dairy and Berry Lane heritage place.

The topography is generally flat. There are a number of mature trees within the application area that are identified in the associated Mernda Town Centre Development Plan (2018) for removal and retention.

The site is located entirely within the Mernda Town Centre Development Plan (2018). The development is located primarily in the north-eastern portion of the site and is proposed to be staged.

Large areas of former pastoral and agricultural land within Mernda have been designated for urban development under applicable planning controls and strategies, with many areas already experiencing residential growth.

RESTRICTIONS AND EASEMENTS

The subject land (1410A and 1410C Plenty Road and 610 Bridge Inn Road, Mernda) is made up of a number of titles and there are no restrictions on these titles, other than an easement located across the subject sites for drainage purposes. This application seeks the removal of this easement.

PROPOSAL

The application includes the subdivision of land at 1410A Plenty Road, 1410C Plenty Road and 610 Bridge Inn Road, Mernda. The proposal seeks to develop part of the core retail area of the emerging Mernda Town Centre located in the north east precinct of the site. The proposal includes multi-lot subdivision, staged use and development of the land for retail, office, leisure and recreational purposes, creation or alteration of access to a road within a Road Zone Category 1, works within a heritage overlay, removal of native vegetation, removal of an easement, display of internally illuminated advertising signage, and the sale and consumption of liquor on the premises (*see Attachment 2*).

Specific details of the proposal are outlined below:

- Subdivision generally in accordance with the DP, including the subdivision allowing for Berry Lane, Riverdale Boulevard, Main Street and Station Street to be constructed and vested as Council roads.
- Use and development of the north eastern portion of the land for the Mernda Town Centre.
- Development of two supermarkets, 10 specialty retail, a bottle shop, two mini major shops, four food and drink premises, a gym and a medical office.
- Associated car and bicycle parking.
- Construction of Riverdale Boulevard, Main Street, Station Street and Berry Lane.
- Signalised intersection of Berry Lane and Plenty Road, and Bridge Inn Road and Plenty Road.
- Landscaping works.
- Eleven River Red Gums (Tree Numbers 15-17, 20-25, 59 and 60) are proposed for removal. Retention of River Red Gums is in accordance with the Development Plan other than Tree 60.
- Design response to Berry Lane shared path.
- Advertising signage.

The car park provides a total of 548 on-site car spaces and 52 bicycle spaces with associated on-site staff facilities.

The primary supermarket is proposed to be open 24 hours a day and 7 days a week.

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 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 Policy Framework

The following provisions of the Planning Policy Framework are relevant to this proposal:

Clause 11.03-1R Activity Centres – Metropolitan Melbourne seeks to support the development and growth of Metropolitan Activity Centres by ensuring they are able to

accommodate significant growth for a broad range of land uses, are supported with appropriate infrastructure, are hubs for public transport services, offer good connectivity for a regional catchment and provide high levels of amenity.

Clause 15.01-1R Urban Design – Metropolitan Melbourne seeks to ensure that high quality urban environments are created.

Clause 15.03-1S Heritage Conservation seeks to ensure the conservation of places of heritage significance.

Clause 17.02 Commercial seeks to ‘encourage development that meets the community’s needs for retail, entertainment, office and other commercial services’ which includes ensuring commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.

Clause 18.01-1S Land use and transport planning seeks to create a safe and sustainable transport system by integrating land-use and transport.

Comments:

- The location of the application area is within the Mernda Town Centre as identified in the Mernda Strategy Plan (2016).
- The development seeks to create a Town Centre Main Street environment.
- A Conservation Management Plan is required for the on-going protection of Mayfield Heritage Place and the development sensitively incorporates a design response to Berry Lane.
- A number of River Red Gums are to be retained within the precinct to enhance the neighborhood character and amenity.
- The proposal will enhance the economic prosperity of the Mernda Town Centre and deliver a wide range of retail services.
- The development appropriately integrates with the Mernda Train Station.

Local Planning Policy Framework

The following provisions of the Local Planning Policy Framework (LPPF) contained in the Scheme are relevant to this proposal:

Clause 21.04-1 Activity Centre Planning identifies that activity centres are ‘the focus for a range of shopping, employment and entertainment activities’.

Clause 21.08-1 Urban Design seeks to ‘progressively upgrade the image and appearance of the City of Whittlesea focussing on retention of local environmental features, landscape qualities and urban and landscape design improvements.’

Clause 21.10-1 Employment Opportunities seeks to ‘to provide greater balance between housing supply and employment opportunities.’

Clause 21.11-1 Integrated Transport seeks to ‘establish an efficient, interconnected multi modal transportation system which increases the level of accessibility and choice within and beyond the City of Whittlesea.’

Clause 22.04 Heritage Conservation contributes greatly to the identity of the City. It is essential that significant heritage places are protected, retained and integrated as the City develops.

Clause 22.10 River Redgum Protection recognises the River Red Gum as an asset to the City of Whittlesea. This policy seeks to protect River Red Gums from encroaching developments in urban and rural areas.

Comments:

- The Mernda Town Centre is an identified Activity Centre within the City of Whittlesea. The proposal provides local employment opportunities as well as providing for the appropriate subdivision for the surrounding sites to develop in accordance with the Development Plan.

- The development of the north eastern part of the Mernda Town Centre ensures the provision of a Main Street environment.
- The proposal will generate a range of employment opportunities. This includes the Woolworths development itself as well as subdivided lots allowing for future development of the town centre.
- The proposal contributes to the interim intersection to Berry Lane and Plenty Road (with VicRoads undertaking the ultimate works concurrently), the signalisation of Bridge Inn Road and Plenty Road Intersection, as well as a local road network that allows for the appropriate transportation through and surrounding the site.
- The development seeks to ensure the on-going protection of the Mayfield Farm Heritage Place through the preparation and implementation of a Conservation Management Plan.
- The proposal retains several River Red Gums on site. These will be design features to enhance the local amenity.

PLANNING ASSESSMENT

Zone

Clause 37.02 - Comprehensive Development Zone, Schedule 1

Schedule 1 – Mernda Town Centre Comprehensive Development Plan

Under the schedule to this zone, a planning permit is required to use land for Retail, Office, and Leisure and Recreation Premises.

The Comprehensive Development Plan (*see Attachment 3*) designates the land uses on this site as Retail/Mixed Use, Community Facility, Medium and High Density Residential and Transport Interchange. The proposal is consistent with the requirements of the zone and Comprehensive Development Plan.

Overlays

Clause 45.06 - Development Contributions Plan Overlay (DCPO), Schedule 9

Schedule 9 to the DCPO refers to the incorporated Mernda Precinct 5 Development Contributions Plan. The development must meet the obligations outlined within this schedule and described within the DCP. A specific condition obligating the required contributions will form part of any permit issued.

Clause 43.04 - Development Plan Overlay (DPO), Schedule 15

The DPO states that a permit should not be granted until a Development Plan is in place (there are exceptions if allowed by the Schedule). The subject DP was approved on 28 November 2018 and supersedes the Development Plan approved in 2015.

Mernda Town Centre Development Plan (2018)

The DP provides a high level urban layout with designated land uses for the site. The proposal includes the subdivision of land that allows for appropriate future development of the site, as well as the use and development of the north eastern part of the Mernda Town Centre nominated in the DP as 'Retail/mixed use.'

This proposal is considered in accordance with the approved DP.

Clause 43.03 - Incorporated Plan Overlay, Schedule 1

The Incorporated Plan Overlay states that any permit issued must be generally in accordance with the Incorporated Plan.

Schedule 1 to the Incorporated Plan Overlay identifies that the Mernda Strategy Plan applies to the subject site.

The application to create the town centre core is considered generally in accordance with the Mernda Strategy Plan which designates this site as Retail/Mixed Use.

Clause 42.02 - Vegetation Protection Overlay, Schedule 1

According to the requirements of the schedule to the Vegetation Protection Overlay, only vegetation that is native requires a permit for removal.

Eleven River Red Gums (Tree Numbers 15-17, 20-25, 59 and 60) are proposed for removal, however this is generally in accordance with the requirements of the Development Plan. The approved Development Plan identifies the trees to be retained on the design response plan (Figure 15). Retention of River Red Gums is in accordance with that shown on the Development Plan other than Tree 60 which is proposed for removal.

Tree 60 is a River Red Gum of low arboricultural rating. The applicant proposes to remove this tree given that it is located within the Berry Lane road reserve and impacts on the proposed indented parking bays and the Berry Lane shared path would have significant encroachment of the Tree Protection Zone if retained.

It is considered appropriate to remove the vegetation as part of the development.

Clause 43.10 - Heritage Overlay, Schedule 19

The site is affected by Heritage Overlay (HO19) for the protection of the Mayfield Farm, Dairy and Berry Lane heritage place.

Through the development of the town centre, the landowner will be required to enter into a Section 173 Agreement for the preparation and implementation of Conservation Management Plan (CMP) generally in accordance with the CMP submitted with this application. The CMP will outline immediate stabilisation and restoration works that will be required to be undertaken, as well as short, medium and long term works.

It should be noted that the CMP submitted with the application proposes the installation of 3m wide raised gravel path above the existing bluestone cobbles to Berry Lane. This treatment is proposed to provide a consistent and durable surface for pedestrian/shared path use whilst protecting the heritage fabric of the bluestone surfacing. Notwithstanding, a condition of permit will require an archaeological investigation to determine the exact extent of remains of Berry Lane. This report will then be used to help inform an appropriate design response and interpretation plan that is sensitive to the significance of this heritage place.

Particular Provisions

The relevant Particular Provisions of the Whittlesea Planning Scheme are as follows:

Clause 52.02 – Easements, Restrictions and Reserves

Currently there is an easement for drainage purposes located across the site at 1410A and 1410C Plenty Road, Mernda. The easement is proposed to be removed and a permit is required for its removal.

A condition of permit will require the preparation of a Stormwater Management Strategy to appropriately manage the drainage requirements for the development and the removal of the easement.

Clause 52.05 – Advertising signs

The application proposes a range of large business identification signage and associated internally illuminated centre signage.

The proposed advertising signage includes:

Sign	Type	Size	Location
Sign A	Internally illuminated pylon sign.	17574 x 5486 mm	The corner of Bridge Inn Road and Riverdale Boulevard and the corner of Plenty Road and Berry Lane
Sign B	Centre logo sign.	8000 x 2400 mm	Above Main Street entrance and the south-east alfresco
Sign C	Internally illuminated major signage.	2262 x 2046 mm	Externally on the north, east, south and west façade.
Sign D	Loading dock sign.	1200 x 930 mm	All roads leading to the loading dock.
Sign E	Way-finding sign.	930 x 2000 mm	At vehicular access points to the site from main roads.
Sign F	Internally illuminated major signage lettering.	4681 x 1000 mm	Externally along all building bulk heads.
Sign G	Internally illuminated major signage lettering.	1280 x 1000 mm	Externally along all building bulk heads.
Sign H	Pick up location signage.	1840 x 590 mm and 1000 x 1265 mm	East façade parallel to Station Street.

The height of the pylon sign (Sign A) is excessive and has a greater height than the building itself. A condition of any permit issued will restrict the height of this pylon sign to a maximum of 12 metres.

The remainder of the proposed advertising signage is considered appropriate for a town centre environment and consistent with the requirements of Clause 52.05.

Clause 52.06 – Car Parking

The number of car spaces exceeds the requirements of Clause 52.06. There is a requirement of 484 spaces to be provided with a recommendation of 529 spaces considering the parking demands of the gym. The proposal allows for the provision of 548 car spaces.

The Development Engineering team has provided feedback stating the proposed level of on-site car spaces is satisfactory.

Clause 52.17 – Native Vegetation

A permit is required to remove, destroy or lop native vegetation. The proposal seeks to remove 11 native trees from the site. All trees identified for removal as part of the application are consistent with what is depicted in the Design Response Plan (Figure 15) of the DP, other than Tree 60.

Tree 60 is a River Red Gum of low arboricultural rating. The applicant proposes to remove this tree given that it is located within the Berry Lane road reserve and impacts on the proposed indented parking bays. In addition, the tree impacts on the alignment of the Berry

Lane shared path and would have significant encroachment of the Tree Protection Zone if retained.

It is considered appropriate to remove the vegetation as part of the development.

Clause 52.29 – Create access to a Road Zone Category 1

A permit is required to create, access or subdivide land adjacent to a road zone. Plenty Road is located within a Road Zone Category 1. Bridge Inn Road is located within a Road Zone Category 2. The proposal seeks to create access to Plenty Road via the construction of a signalised intersection at Berry Lane. In addition, a signalised intersection will be constructed at the Plenty Road and Bridge Inn Road intersection. Two access points will also be required along Bridge Inn Road, at both Riverdale Boulevard and Station Street.

All access points are considered in accordance with the DP and are supported.

In addition, widening is required adjacent to Bridge Inn Road for the future duplication. The land provided for the widening is considered appropriate.

VicRoads has provided a referral response indicating it does not have an objection to a permit being issued subject to conditions.

Clause 52.27 – Licensed Premises

A permit is required for the sale of packaged liquor on the premises for the bottle shop.

A condition on any permit issued will restrict the sale of liquor to the bottle shop and will not allow for the consumption of alcohol on the premises.

Clause 52.34 – Bicycle Facilities

The proposal meets the statutory requirement for bicycle facilities. The statutory requirement for employee bicycle spaces and visitor bicycle spaces is 20 and 28 respectively. The development will provide 24 employee and 28 visitor bicycle parking spaces.

The proposal also provides staff showers and change rooms which is compliant with the requirements of the planning scheme and considered satisfactory.

Clause 53.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the schedule to this clause.

The schedule to Clause 52.01 describes that for all land within Precinct 5 of the Mernda Strategy Plan, an open space contribution must be provided as 10.7% of the Gross Developable Area generally in accordance with the Mernda Strategy Plan.

The Section 173 Agreement entered into between the landowner and Council appropriately manages the development and open space contributions.

Clause 66.01 – Referral and Notice Provisions

According to Clause 66.01-1, a permit for subdivision must contain mandatory conditions for the provision of telecommunication services. These conditions will be reflected in the permit.

REFERRAL COMMENTS

External

The application was referred to the following authorities:

External	Conditions	Comments
APT O & M Services	Yes	No objection to issue of permit subject to conditions.

External	Conditions	Comments
Yarra Valley Water	Yes	No objection to issue of permit subject to conditions.
Melbourne Water	Yes	No objection to issue of permit subject to conditions.
VicRoads	Yes	No objection to issue of permit subject to conditions.
Transport for Victoria	Yes	No objection to issue of permit subject to conditions.
AusNet Electricity Services	Yes	No objection to issue of permit subject to conditions.
Department of Environment, Land, Water and Planning (s. 52)	No	No response.
VicTrack (s.52)	No	No response.
Heritage Victoria (s.52)	No	Feedback provided on the application and information forwarded to the applicant.

Internal

Development Engineering

The Development Engineering Department have provided advice regarding the required infrastructure to be delivered by this development, including components within the road reserve and drainage requirements.

A condition of the permit will require the preparation and approval of functional layout plans to demonstrate the spatial provisions of each road reservation consistent with Council's requirements. In addition, a condition will require the preparation of a Stormwater Management Strategy to ensure the development appropriately considers the drainage requirements of the land.

Heritage Coordination

The Heritage Coordinator sought expert heritage advice to inform Council's response to proposals that will have impacts on HO19 Mayfield Farm, Dairy and Berry Lane. A comprehensive Conservation Management Plan and archaeological investigation of Berry Lane are required from the applicant as part of the S173 Agreement to ensure that the development sensitively addresses heritage conservation land and ongoing management of the place.

Strategic Transport

The Strategic Transport team have liaised with the applicant and VicRoads to ensure the coordinated and timely delivery of the Plenty Road duplication including the signalised intersection at Berry Lane and Plenty Road and Bridge Inn Road and Plenty Road. VicRoads have imposed a condition that Statement of Compliance cannot be issued until these intersection works are complete.

Parks and Open Space

The Parks and Open Space Department have provided input into the design and the landscaping of the town centre, in particular the car parking area. The landscaping of the car park ensures an appropriate provision of tree planting to protect the amenity of the area and provide a high quality public realm.

Strategic Planning and Urban Design

The Strategic Planning and Urban Design teams have provided on-going advice to ensure the development of a high quality town centre core that provides a pedestrian friendly main street environment and maintains a relationship with the adjoining Mernda Train Station. In addition, the Strategic Planning team has been heavily involved in negotiations to resolve development contributions through the Section 173 Agreement and securing the land for Council's future community facility.

It was noted that the approval of the planning application would be the final step in the planning process and an acknowledgement of the culmination of strategic work that had been undertaken for the preparation of the Mernda Town Centre Comprehensive Development Plan (2002), Mernda Strategy Plan (2016) and the Mernda Town Centre Development Plan (2018).

Sustainability

The Sustainability Planning Department have advised that the Biodiversity Assessment provided is acceptable and consistent with the proposal. A condition of any permit issued will require the offsets to be secured prior to the removal of any native vegetation.

In addition, a condition of any permit issued will require the preparation and implementation of a Kangaroo Management Plan. The Kangaroo Management Plan will be required to be approved by Council and the Department of Environment, Land, Water and Planning.

PLANNING COMMENTS

The Mernda Town Centre is a strategically important site within the City of Whittlesea. The current application will create the town centre core, creating a retail and commercial activity hub directly adjacent to a major transport node within the municipality. The subdivision of land will allow for the balance lots to appropriately develop over time as the town centre expands.

Through negotiations of the Section 173 Agreement, 7,900sqm of unencumbered land for the future development of the town square and community facility is required to be vested with Council. The provision of this land as part of the current application will provide Council with the opportunity to deliver early community services within the town centre core.

The development will include the construction of the surrounding road network consistent with the requirements of the Development Plan. This includes the extension of Berry Lane, the delivery of Riverdale Boulevard (north-south road through the centre of the site), a portion of Station Street directly adjacent to the rail corridor, and the east-west Main Street across the development frontage and adjoining the Mernda Train Station, placing an emphasis on the pedestrian focused environment with linkages to the mixed use centre. The works will also include upgrades to the intersections of Plenty Road and Berry Lane, and Bridge Inn Road and Plenty Road through the VicRoads duplication works and signalisation of these intersections.

The site is impacted by a Heritage Overlay (HO19) for the protection of Mayfield Farm, Dairy and Berry Lane. Through the development of the town centre, the landowner will be required to enter into a Section 173 Agreement for the preparation and implementation of Conservation Management Plan (CMP) generally in accordance with the CMP submitted with this application. The CMP will outline immediate stabilisation and restoration works that will be required to be undertaken, as well as short, medium and long term works. In addition, a condition of permit will require an archaeological investigation to determine the extent of remains of Berry Lane. This report will be used to help inform an appropriate design response that is sensitive to the heritage significance of this heritage place.

Other than Tree 60 that is located within the Berry Lane road reserve, the development seeks to retain the existing River Red Gums on the site, consistent with those identified for retention in the Development Plan. The River Red Gums in the core of the town centre will

be integrated into public tree reserves that provide additional amenity and character to the area.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The application has been assessed against the Whittlesea Planning Scheme and is deemed to show a satisfactory level of compliance subject to minor modifications as outlined within this report. It is considered that the development has been logically designed to fit within the strategic expectations of the Mernda Town Centre Development Plan (2018) and will make a positive contribution to the future growth of Mernda. Accordingly, it is recommended that the proposal be supported subject to conditions.

DECLARATION OF INTEREST

Cr Sam Alessi declared an indirect financial interest in this item to the Chief Executive Officer prior to the meeting.

Chief Executive Officer Explanatory Note

The Mayor, Cr Cox advised the Council that given that Councillor attendance at the meeting if Cr Alessi left the Council Chamber the meeting would become inquorate, therefore The Mayor, Cr Cox moved to the next item of business with the intent that the meeting would be adjourned to enable this item to be considered at a subsequent date.

RECOMMENDATION

THAT Council resolve to approve Planning Application No. 714577 and issue a Planning Permit for multi-lot subdivision, use and a staged development of the land for retail, office, leisure and recreational purposes, creation or alteration of access to a road within a Road Zone Category 1, works within a heritage overlay, removal of native vegetation, removal of an easement, display of internally illuminated advertising signage, and the sale of liquor on the premises in accordance with the endorsed plans and subject to the following conditions:

CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATION OF THE PLAN OF SUBDIVISION

1. Stormwater Management Strategy

Prior to the submission and approval of Functional Layout Plans, a revised Stormwater Management Strategy must be submitted to and approved by the Responsible Authority. The Stormwater Management Strategy for the entire site must contain information on the relevant catchments and the proposed direction of major and minor stormwater flows. It must also demonstrate how minor and major flows will be managed both in and around the site, and clarify what is proposed for storm water

quality treatment.

2. Functional layout plan

Before the submission and approval of construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a functional layout plan for the subdivision or stage of subdivision, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the functional layout plan will be endorsed and will then form part of the permit. Three copies of the functional layout plan must be drawn at a scale of 1:500 to acceptable drafting standards and an electronic copy (PDF) must be provided. The functional layout plan must be generally in accordance with the Functional Layout Plan (Project Number: 10014250, Issue: 02) submitted with the application, but amended to show:

- a. a fully dimensioned subdivision layout, including proposed street names (utilising the list of approved street names in Council's letter dated 6 April 2018), approximate lot areas, lot numbers, open space areas, and widths of street reservations;
- b. topography and existing features, including contours for the subject land and any affected adjacent land;
- c. identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land;
- d. details of tree protection zones (TPZs) to the City of Whittlesea standard, for all trees to be retained on site;
- e. all trees proposed for removal from the site (including dead native trees) clearly designated;
- f. the size and location of the lots nominated as community facility land comprising a combined area of 7,900m² in accordance with the relevant Section 173 Agreement applying to the land, to the satisfaction of the Responsible Authority;
- g. tree reserves to be vested with Council that completely encompass the TPZs to the City of Whittlesea standard around Trees 18 and 19 and Trees 26, 27 and 28;
- h. typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Mernda Town Centre Development Plan and Council's Guidelines for Urban Development to the satisfaction of Council;
- i. where a nature strip is required, a minimum nature strip width of 2.5 metres measured from back of kerb, up to the adjacent pedestrian path.
- j. the southern boundary of the proposed Lot 1 shifted north in line with the proposed building line to the satisfaction of Council in order to accommodate the requirements of the Main Street road reserve;
- k. the eastern boundary of the proposed Lot 1 shifted west in line with the proposed building line to the satisfaction of Council in order to accommodate the requirements of the Station Street road reserve;
- l. the Berry Lane concrete (or an alternative material agreed upon in writing by the Responsible Authority) shared path from the Berry Lane and Plenty Road intersection up to and matching into the Mernda Rail corridor shared path;
- m. a plan that identifies an appropriate and heritage sensitive design response to Berry Lane, informed by the findings of the archaeological investigation and to the satisfaction of the Responsible Authority;

- n. the Bridge Inn Road shared path from the VicRoads limit of works up to Station Street;
- o. a table of offsets for all utility services and street trees;
- p. location and alignment of kerbs, indented parking spaces, footpaths on the subject land and between the subject land and the nearest other subdivision, shared paths on the subject land and between the subject land and the nearest other existing subdivision, bus stops and traffic controls;
- q. the proposed minor drainage network and any land required for maintenance access;
- r. the major drainage system, including any watercourse, lake, wetland, silt pond and/or piped elements showing preliminary sizing;
- s. overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination;
- t. drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance;
- u. preliminary location of reserves for electrical kiosks;
- v. traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, traffic control devices and large vehicle turning overlays;
- w. plan indicating the relationship between the subject subdivision stage and surrounding land;
- x. proposed linkages to future streets, open space, regional path network and upstream drainage;
- y. works external to the subdivision, including both interim and ultimate access requirements;
- z. the functional design of the roundabout at the intersection of Berry Lane and Riverdale Boulevard to the satisfaction of Council;
- aa. the extension of Berry Lane from the Plenty Road and Berry Lane intersection up to Station Street and an intersection connecting into Mango Crescent to the satisfaction of Council;
- bb. the land for the future widening of Plenty Road and Bridge Inn Road, including the signalised intersection of Plenty Road and Bridge Inn Road to the satisfaction of Council and VicRoads;
- cc. the functional design of the intersection of Riverdale Boulevard and Bridge Inn Road demonstrating the interim and ultimate treatments to the satisfaction of Council and VicRoads; and
- dd. the functional design of the intersection of Station Street and Bridge Inn Road demonstrating the interim and ultimate treatments to the satisfaction of Council and VicRoads.

3. Contamination Assessment

Prior to the certification of any plan of subdivision and any works commencing on site, a Phase 2 Environmental Assessment must be prepared by a suitably qualified and experienced person. The report must include recommendations and an implementation strategy to be undertaken by the developer in the event that any part of the land is are found to be contaminated in any way. The assessment must be prepared, submitted and approved to the satisfaction of the Responsible Authority.

The Phase 2 assessment must provide for the following information:

- a. Further detailed assessment of potential contaminants on the relevant land;
- b. Consider and directly address the Recommendations of the Phase 1 Environmental Assessment (prepared by Environmental Earth Sciences and dated June 2011, version 1); and
- c. Provide an unequivocal recommendation on whether the environmental condition of the land is suitable for the proposed use/s or whether an environmental audit for all or part of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE.

4. Conservation Management Plan

Prior to the certification of the Plan of Subdivision, the landowner must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to prepare and implement a Conservation Management Plan (CMP) for the protection and enhancement of Mayfield Farm and Berry Lane heritage place.

The Section 173 Agreement must outline the following requirements of the Conservation Management Plan:

- a. The Conservation Management Plan must be in accordance with the CMP prepared by Biosis (dated 2 March 2018) and submitted with the application, but amended according to the feedback provided in Council's letter dated 6 April 2018 to the satisfaction of the Responsible Authority.
- b. A detailed Schedule of Works for Mayfield Farm must be prepared and organised as follows:
 - i. Urgent Stabilisation and Remedial Works, being works which must be carried out immediately in order to prevent any further collapse, vandalism and major deterioration of extant built form. Approval of the final CMP will be contingent on completion of the urgent stabilisation and remedial works to the satisfaction of the Responsible Authority.
 - ii. Essential Short Term Repairs, being works which will bring the property to a secure position and condition, and
 - iii. Restoration and, Desirable Medium Term Works, being works that would be beyond stabilisation and securing of the structures, and would include re-establishment and restoration of structural integrity, leading to the establishment of useable spaces.
- c. Outline a staged approach to include immediate securing and fencing of the Mayfield property, to include cessation of the use of the place for any commercial storage. This will be followed by a detailed plan for the re-establishment and restoration for structural integrity of all extant structures on the Mayfield Farm portion of the site.
- d. A landscape assessment and conservation plan for the Mayfield Farm complex and a conservation plan for all landscaping and vegetation contributory to the heritage place.

- e. A Conservation Management Plan for Berry Lane (part of the Mayfield Farm and Berry Lane heritage place) to be used to inform any future design response.
- f. A plan for interpretive signage for Mayfield Farm and Berry Lane.
- g. Appropriate protection from subdivision construction activity, protection of all areas proposed for conservation rehabilitation, re-vegetation and landscaping, pest plant and animal control, soil stabilisation, on-going maintenance and timing and staging of all works.

The costs for preparation and execution of the Agreement shall be borne by the permit holder.

5. Overhanging of any buildings

Prior to the Certification of the Plan of subdivision, the applicant must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* for the purpose of:

- a. absolving Council of any responsibility for the management, upkeep and repair, or in any way being responsible for the structural integrity of canopies that are located on or overhang any Council road reserve within the site;
- b. absolving Council of any public or private liability in relation to the canopy within Council's road reserve and overhanging any building or any responsibility in the event of loss or damage caused by failure of the structure;
- c. ensuring that any canopy within Council's road reserve or overhanging any building is maintained and kept in a safe and presentable condition and state of repair, to the satisfaction of Council;
- d. ensuring that the owner will not alter the structure of any canopy within Council's road reserve or overhanging any building without the written consent of Council; and
- e. ensuring that any repair of damages and/or alterations to any part of the canopy that is located in Council's road reserve or overhanging any buildings will be responsibility of the owner.

The costs for and arising from the preparation and execution of the Agreement must be borne by the applicant.

6. Construction of a footpath in Riverdale Boulevard

Prior to the certification of the Plan of Subdivision, the owner must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987*, requiring any future subdivision or development on proposed Lot A to include the construction of a footpath on the western side of Riverdale Boulevard road reserve (main north-south connector road) consistent with the Mernda Town Centre Development Plan to the satisfaction of Council.

7. Kangaroo Management Plan

Before the certification of the plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.

The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.

8. Certification plan requirements

Before a plan of subdivision is certified under the *Subdivision Act 1988*, six copies of the plan including two signed heavyweight copies must be submitted to the Council, unless lodged electronically via SPEAR. The plan must show all bearings, distances, street names, lot numbers and any necessary easements and reserves, in accordance with the approved Functional Layout Plan.

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF WORKS**9. Berry Lane Design Response**

Prior to the submission and approval of Functional Layout Plans and Amended Plans, an archaeological investigation detailing the nature and extent of the remains of Berry Lane must be prepared to the satisfaction of the Responsible Authority. The archaeological investigation must be used to inform the Berry Lane design response.

10. Endorsement of Amended Plans

The amended plans cannot be endorsed under this permit until a Plan of Subdivision is certified creating the subject allotment.

11. Amended Plans

Before the development for any stage of the development commences, three copies of amended plans must be submitted to and approved by the Responsible Authority. The amended plans must be generally in accordance with the suite of plans submitted with the application (Project Number: 130450, Drawing Number TP-00 to TP-09, Revision: 02), but modified to show:

- a. Plans to include a staging plan.
- b. Lots created and lot boundaries amended in accordance to the endorsed functional layout plan.
- c. A minimum landscaping setback of 2.5 metres along the entire frontage to Riverdale Boulevard between the road reserve and car parking area to accommodate meaningful landscaping.
- d. Pram crossings along main pedestrian routes within the car park.
- e. Defined entrances/exits from each tenancy (from the outside of the building) on all plans and elevations.
- f. Construction of Berry Lane from the Plenty Road and Berry Lane intersection through to the intersection with Station Street, Berry Lane and Mango Crescent.
- g. A roundabout at the Riverdale Boulevard and Berry Lane intersection.
- h. Construction of the Berry Lane concrete (or an alternative material agreed upon in writing by the Responsible Authority) shared path from the Berry Lane and Plenty Road intersection up to and matching into the shared path within the Mernda Rail corridor shared path, to the satisfaction of the Responsible Authority.
- i. Construction of the Riverdale Boulevard concrete shared path for the full length of the road reserve to the satisfaction of Council.
- j. Sign A restricted to a maximum height of 12 metres.
- k. A schedule (including printed samples) of all external materials, finishes and colours for all walls, roofs, and doors including hard surface areas to be used for the construction of the proposed buildings and works, including access ways.
- l. A plan that identifies an appropriate and heritage sensitive design response to

Berry Lane, informed by the findings of the archaeological investigation and to the satisfaction of the Responsible Authority.

- m. An additional plan with a red line identifying the boundary of the bottle shop and defining the area in which alcohol may be stored, displayed and sold. This area must be labelled Liquor Sales Area.
- n. An additional plan with a line identifying the boundary of the loading and unloading bay. The area must be labelled Loading Bay Area.

12. Offsets for Permitted Native Vegetation Removal

In order to offset the removal of native vegetation (patch, scattered trees or re-vegetation) approved as part of this permit, the applicant must provide a native vegetation offset that is in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) and the native vegetation gain scoring manual Version 2 (DELWP 2017). The offset must also contribute a gain of the required general habitat units to be located within the boundary of the Whittlesea municipality or the Port Phillip and Westernport Catchment Management Authority area, and have a strategic score of at least 80 per cent of the removal site. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority.

13. Implementation of the approved site Contamination Assessment

Prior to any works commencing on site (including, but not limited to, early works), the conclusions and/or recommendations as outlined in Phase 2 Environmental Assessment of the submitted Contamination Report are required to be undertaken on site. A report from a suitably qualified professional is to be provided to Council to verify that these works have been completed to the satisfaction of the Responsible Authority.

14. Internal Landscape Plans

Before the development commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The landscaping plan must be generally in accordance with the landscape concept plan prepared by Urbis, dated 07/03/2018, but amended to show:

- a. tree planting within the car park to be installed within under-surface structural soil tree pits where deemed necessary by the Responsible Authority. Specifically, the pavement under-surface for a minimum area of 3.5 metres X 3.5 metres surrounding the tree must incorporate an engineered soil structure system to a minimum depth of 600mm below the base of the surrounding pavement (including pavement foundation). Engineered soil structure systems must be detailed as a function of both the civil infrastructure drawings and landscape plans.
- b. the proposed *Eucalyptus scoporia* replaced with *Ulmus parvifolia* 'Todd', *Melia azedarach* 'Elite', *Corybia eximia* or *Eucalyptus cinerea* to the satisfaction of Council.
- c. the proposed *Cupaniopsis anacardiodes* replaced with an alternative species to the satisfaction of Council.
- d. the areas (dimensioned) set aside for landscaping.
- e. the location of each species to be planted.

- f. constructions details of paving, retaining walls, fence design, furniture and other hard landscaping elements to be implemented as a function of the landscape works.
- g. appropriate irrigation systems.
- h. a site preparation and maintenance specification.
- i. the removal of all landscape details associated with works located within Council's road reserve.

15. Landscape Masterplan

Prior to the approval of any construction plans (engineering plans), a landscape masterplan to the satisfaction of the responsible authority for the entire subdivision must be submitted to and approved by the Responsible Authority. When approved, the landscape masterplan will be endorsed and will then form part of the permit. The landscape masterplan must be drawn to scale with dimensions and three copies must be provided. The landscape masterplan must show:

- a. the overall landscaping theme to be developed for the proposed subdivision and future subdivisions of the town centre precinct;
- b. the type or types of species to be used for street tree planting in the subdivision in accordance with Appendix 1 of Council's Street Tree Management Plan, unless otherwise agreed upon by the Responsible Authority;
- c. the principles of treatment for future open spaces, tree reserves and the town square;
- d. a management plan for the Red Gums proposed for retention to ensure their integrity during the site development and landscape maintenance period must be submitted with the landscape masterplan; and
- e. street tree planting along the northern side of Main Street consistent with the southern side of the Main Street, to the satisfaction of the Responsible Authority;

16. Telecommunication Services Agreement

The owner of the land must enter into an agreement with:

- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

17. Engineering Plans

Pursuant to sections 15 and 17(1) (b) of the *Subdivision Act 1988*, the applicant must submit engineering plans including specifications for works required under this permit to the Responsible Authority for approval. The engineering plans submitted for approval must be to the satisfaction of the Responsible Authority and must

incorporate details of all public works within and outside the subdivision as required by this permit.

If the subdivision is to be staged, engineering plans for each stage must be generally in accordance with the approved functional layout plans for each stage.

17.1 Civil Works Plans

Works must be provided, in accordance with civil works plans and specifications as approved by the Responsible Authority, prior to the issue of Statement of Compliance. Before any works associated with the subdivision commence, detailed civil works plans for the relevant stage of works to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The civil works plans will not be considered until the functional layout plan(s) for the relevant stage has been approved by the responsible authority and landscape works plans submitted, the plan of subdivision has been lodged for certification with the Responsible Authority and the locations of other authorities' services have been provided to the satisfaction of the Responsible Authority. When approved, the civil works plans will be endorsed and will then form part of the permit. The civil works plans must be drawn to scale with dimensions and three copies must be provided.

The civil works plans must include:

- a. all necessary computations and supporting documentation, including a Certificate of Compliance (design) for any structure, traffic data, road safety audit and geotechnical investigation report,
- b. all details of works consistent with the approved functional layout plan, submitted landscape plan and lodged plan of subdivision,
- c. design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt,
- d. provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan,
- e. provision of public lighting and underground electricity supply within all streets,
- f. traffic control measures,
- g. provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers,
- h. provision of footpaths in all streets and reserves and between the subject land and the nearest other existing subdivision in accordance with the approved functional layout plan and to the satisfaction of Council,
- i. shared paths in accordance with the approved Mernda Town Centre Development Plan within streets and reserves,
- j. provision of underground easement drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot,
- k. the location and provision of vehicle exclusion mechanisms abutting reserves,
- l. details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves,
- m. appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision,
- n. provision for the utilisation of any surplus top soil from this stage,
- o. permanent survey marks,

- p. unless an alternative empty conduit network is being installed that is suitable for fibre optic infrastructure and the applicant has evidence of an access agreement between the carrier putting in the conduit and the National Broadband Network Company, the provision of conduits, including pits and ancillary works for optical fibre telecommunications services or any equivalent alternative approved by the Responsible Authority and the conduit shall be designed in accordance with clause 22.13 Telecommunications Conduit Policy of the Whittlesea Planning Scheme and Planning Guidelines for Conduits for Optic Fibre Services, 2001,
- q. survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones,
- r. details in relation to all filling on the site which must be compacted to specifications approved by the Responsible Authority,
- s. the relocation underground of all existing aerial services, including electricity and telecommunications assets, within streets abutting the subdivision,
- t. the location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained,
- u. a separate signage and line marking plan identifying the road layout, proposed signs, line marking, RRPMS and a sign schedule,
- v. a roundabout at the intersection of Berry Lane and Riverdale Boulevard designed to the satisfaction of Council,
- w. a reverse priority intersection at the Berry Lane, Station Street and Mango Crescent intersection,
- x. a concrete shared path from the Berry Lane and Plenty Road intersection up to and matching into the Mernda Rail corridor shared path,
- y. the interim or ultimate signalised intersection of Plenty Road and Berry Lane,
- z. the interim or ultimate signalised intersection of Plenty Road and Bridge Inn Road,
- aa. the interim intersection of Riverdale Boulevard and Bridge Inn Road, and
- bb. the interim intersection of Station Street and Bridge Inn Road.

17.2 Landscape Works Plans

Prior to the approval of civil works plans, a draft landscape works plan must be submitted to the Responsible Authority for comparison against the civil works plans. Once approved to the satisfaction of the Responsible Authority, the landscape works plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and three copies of the final plan must be provided. The landscape works plan must show:

- a. the removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;
- b. all proposed street-tree planting using semi - advanced trees; with maximum container size of 45 litres or equivalent (larger sizes will incur additional establishment and extended maintenance obligations);
- c. works associated with the Town Square in order to transfer the land to Council in an acceptable state, to the satisfaction of the Responsible Authority;
- d. earth shaping including the supply and spread of sufficient topsoil and sub soil

- if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve if applicable);
- e. mechanisms for the exclusion of vehicles;
- f. all proposed open space and streetscape embellishments such as installation of pathways, park lighting, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve if applicable);
- g. hazard reduction pruning of trees to be retained, to the satisfaction of the responsible authority;
- h. where tree planting is proposed within paving, the pavement under-surface for a minimum area of 3.5 metres x 3.5 metres surrounding each tree must incorporate an engineered structural soil system to a minimum depth of 600mm below the base of the surrounding pavement (including pavement foundation). Engineering soil structure systems must be detailed a function of both the Civil Works Plans and the Landscape Works Plans; and
- i. any works associated with the Berry Lane design response.

18. Signage and Line marking plans

Prior to works commencing, a signage and line marking plan must be submitted for the development accompanying the engineering plans. This must demonstrate the following:

- a) Disabled parking bay signage must be provided in accordance with AS2890.6.
- b) Pedestrian crossing signage (R3-1) must be provided at all crossings.
- c) Give Way (R1-2) signage must be included at intersections.

The use and installation of all these devices must be in accordance with all relevant standards, including Council standard drawings, VicRoads, Australian Standards and AustRoads Guides.

19. Tree Protection Zone Fencing

Before any buildings, works or demolition commence on a lot, open space and/or road reservation, each Tree Protection Zone on that lot, open space and/or road reservation must:

- a. be fenced with temporary fencing in accordance with the attached specifications, to the satisfaction of the Responsible Authority;
- b. include a notice on the fence to the satisfaction of the Responsible Authority advising on the purpose of the Tree Protection Zone, the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.

The Tree Protection Zone temporary fencing must be maintained until works are completed; including the construction of a dwelling if the land is a lot, to the satisfaction of the Responsible Authority or until such earlier date as is approved by the Responsible Authority in writing.

A copy of the tree protection zone(s) are to be included in any contract for the construction of the estate or for any other works which may impact upon the trees.

20. Tree Protection Bonding

Prior to commencement of the subdivision hereby permitted, or at such later date as the Responsible Authority may approve in writing, there must be provided to the Responsible Authority a bank guarantee for the amount of \$100,000 as security deposit for the satisfactory completion of the requirements in relation to tree preservation and to ensure that trees are not damaged during the construction phase.

Upon completion of the subdivision works to the satisfaction of the responsible authority, the bank guarantee will be returned to the developer.

Where it is determined to the satisfaction of the Responsible Authority that a tree covered by a tree protection envelope has been damaged as a result of buildings and works by the applicant or its contractors, to an extent that it affects detrimentally the life, health and appearance of the tree or its contribution to the streetscape, financial damages will be paid by the applicant with all monies to be used to purchase trees for planting on the land or to prune or otherwise rehabilitating existing trees, all to the satisfaction of the Responsible Authority. The extent of damages must be established through the appointment of an independent suitably qualified person.

21. Internal Landscaping and Maintenance Works

Prior to the commencement of works, there shall be lodged with the Responsible Authority an amount of \$25,000.00 (or split into staged components according to the installation and maintenance of landscaping so as to equal this amount) as security deposit for the satisfactory completion and maintenance of the internal landscaping works hereby permitted.

- a. Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund up to 50% of the security deposit to the payee, or the bond amount relevant to the installation of the landscaping;
- b. Subject to satisfactory maintenance of the landscaping works for a period of two years after the completion of such works, the Responsible Authority will refund to the payee the balance of the security deposit or the bond amount relevant to the maintenance of the landscaping; and
- c. In the event that the landscaping works are not completed or maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete and/or maintain the landscaping work and deduct the cost thereof (including supervision) from any security deposit lodged pursuant to this permit.

22. Site Management Plan

Before any works, including works required by other authorities, commence:

- a. Four copies of a site management plan for the subdivision must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must:

- i. Include separate parts describing relevant matters of occupational health and safety, traffic management, environmental controls and cultural protection measures,
 - ii. Be submitted to the Responsible Authority a minimum of seven days before a required pre-commencement meeting (attended by authorised representatives of the construction contractor and project superintendent as appointed by the developer) on the site of the works,
 - iii. Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while any works are in progress,
 - iv. Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with building and works on the land to the satisfaction of the Responsible Authority, and
 - v. Include measures to reduce the impact of noise, dust and other emissions created during the construction process.
- b. All environmental and cultural protection measures identified shall be described on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings.

The developer must keep the responsible authority informed in writing of any changes to the Site Management Plan. If in the opinion of the Responsible Authority the changes represent a significant departure from the approved Site Management Plan then an amended Site Management Plan must be submitted to and approved by the responsible authority. The approved measures must be carried out continually and completed to the satisfaction of the Responsible Authority.

23. Construction Management Plan

Before the development, or any stage of development, commences, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the construction management plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The plan must be prepared in accordance with Council's Construction Management Plan template and provide details of the following:

- a. Hours for construction activity in accordance with any other condition of this Permit;
- b. Measures to control noise, dust, water and sediment laden runoff;
- c. Measures relating to removal of hazardous or dangerous material from the site, where applicable;
- d. A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors / tradespersons upon completion of such areas, without delay;
- e. A Traffic Management Plan showing truck routes to and from the site;
- f. Swept path analysis demonstrating the ability for trucks to enter and exit the site

- in a safe manner for the largest anticipated truck associated with the construction;
- g. A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site;
- h. Measures to ensure that sub-contractors / tradespersons operating on the site are aware of the contents of the Construction Management Plan;
- i. Contact details of key construction site staff;
- j. A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support site sheds on Council road reserves; and
- k. Any other relevant matters, including the requirements of VicRoads.

24. Ecological Management Plan

Prior to the commencement of works, an Ecological Management Plan for the relevant works must be prepared and submitted. The Ecological Management Plan must be prepared by a suitably qualified ecological consultant and must provide detailed advice on the on-going protection and long term management of retained habitat and any other habitat features the consultant may consider relevant.

The Ecological Management Plan must be prepared, approved and implemented to the satisfaction of the Responsible Authority

25. Construction Environmental Management Plan

Prior to the commencement of works or any stage of development, a Construction Environmental Management Plan must be submitted to, approved and implemented to the satisfaction of the Responsible Authority. The Construction Environmental Management Plan must address the potential impacts of construction works and methods for noise, dust, erosion and sediment control, installation of temporary fencing and signage, waste and chemical management, drainage, retained native vegetation, protection of fauna, weed control, archaeological/heritage impacts and site restoration.

26. Construction Environmental Management Plan Induction

Prior to commencement of works, all personnel on site must be inducted into the Construction Environmental Management Plan and all flora and fauna conservation requirements.

27. Stormwater Drainage

Any stormwater drain, temporary drainage out falls and ancillary works, required as a condition of a Melbourne Water Drainage Scheme, or that are designated to become the responsibility of the Council for maintenance, must be designed and constructed to the satisfaction of the Responsible Authority.

Before the approval of construction plans for roadworks and drainage, the designs for such works and the details of maintenance requirements (asset management and maintenance schedule) must be submitted to and approved by the Responsible Authority.

28. Internal Drainage Works

Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval.

These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.

29. Notification to Council's Infrastructure Protection Unit

Prior to the commencement of any works, the permit holder must contact Council's Infrastructure Protection Unit on 9401 5532 to arrange a site inspection to ensure all requirements of the Construction Management Plan have been completed to the satisfaction of the Responsible Authority.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION WORKS

30. Layout not altered

The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.

31. Native Vegetation Removal

No native vegetation unless identified on the endorsed plans accompanying this permit may be removed, lopped, pruned or destroyed without the further written consent and approval of the Responsible Authority.

32. Trees to be Removed

- a. Each native tree nominated for removal shall be suitably marked prior to its removal or works commencing and an inspection arranged with an appropriate Council officer to verify that the tree marked accords with this permit.
- b. Prior to any removal or pruning works of native trees commencing, the subject tree must be inspected by an appropriate zoologist to determine the presence of any native animals living or nesting in the tree. Should any native animals be detected they must be caught and relocated to a site deemed appropriate by the zoologist.
- c. The applicant must contact Council's Parks and Open Space Department to arrange for an appropriate officer to be present on site to supervise the removal of the trees.
- d. The project manager is to ensure that tree removal is carried out in a safe manner.
- e. The project manager is to identify all services either above or below ground prior to the removal of any tree and the commencement of any works.
- f. After a tree has been felled, the tree must be protected from firewood harvesting via temporary fencing and signage to the satisfaction of the Responsible Authority until such time as the tree has been relocated for habitat or mulched.
- g. 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.
- h. 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.
- i. All timber less than 300mm in diameter and branch/leaf material shall be

shredded for re-use as mulch within the subject site.

33. Development and works in tree protection zones

No buildings or works, including loading and unloading, storage of materials, dumping of waste, vehicle access, parking or other construction activity is to occur within a tree protection zone without the written consent of and to the satisfaction of the Responsible Authority.

34. Filling of land

All filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the Responsible Authority. The geotechnical authority responsible for supervision and testing under this condition must be independently engaged by the applicant and not be engaged by the contractor carrying out the works. Before the issue of a Statement of Compliance unless otherwise agreed in writing by the responsible authority, compaction test results and a report shall be provided to the satisfaction of the Responsible Authority.

35. Truck Wheel Washing

During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.

36. Pedestrian Safety

At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.

37. Litter from Building Sites

The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the direction of the Responsible Authority.

Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure, which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.

38. External Finishing

All walls visible to the public must be painted/finished to the satisfaction of the Responsible Authority.

39. Concealment of Piping

All pipes (except down-pipes), fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from external view, to the satisfaction of the Responsible Authority.

CONDITIONS TO BE SATISFIED PRIOR TO ISSUE OF A STATEMENT OF COMPLIANCE

40. Connection to Telecommunication Services

Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

41. Development and Open Space contributions

Prior to the issue of a Statement of Compliance, development contributions and open space contributions must be paid to the Responsible Authority in accordance with the approved Mernda Strategy Plan Development Contributions Plan (Precinct 5), unless otherwise provided for in an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* as agreed to in writing by the Responsible Authority.

42. Statement of compliance with deferment of engineering works

Prior to the issue of a Statement of Compliance for any stage or by such later date as is approved by the responsible authority in writing, the applicant may seek, to the satisfaction of the Responsible Authority, the issue of the Statement of Compliance but with deferment of completion of specified civil construction works shown on the endorsed construction plans and all or part of landscape construction works shown on the endorsed plans, provided the following requirements have been met:

42.1 Civil Works

- a. all relevant referral authorities have consented to the issue of a Statement of Compliance,
- b. civil construction works have been completed except for the wearing course asphalt works, the landscaping component of the works and any other minor works as agreed with the responsible authority,
- c. an amount equivalent to 150% the agreed estimated cost of outstanding civil construction works will be required by the responsible authority as security deposit,
- d. a works program is provided setting out the proposed timing of all outstanding construction works,
- e. a site safety plan that ensures continuous public safety measures are maintained until completion of the deferred works.

Upon completion of the deferred civil construction works the applicant must notify the responsible authority to enable its inspection. If the works have been completed to its satisfaction, the Responsible Authority must refund fully the security deposit.

42.2 Landscape Works

- a. An amount equivalent to 150% of the agreed estimated cost of outstanding streetscape / landscape construction plus an agreed amount for the maintenance works will be required by the Responsible Authority as security deposit.
- b. A works program is provided setting out the proposed timing of all outstanding landscape construction works. Works must commence within 12 months of

issue of Statement of Compliance for the given stage of the subdivision and must be completed prior to occupancy of any new dwelling within the given stage.

Upon completion of the deferred landscaping construction works, the applicant must notify the Responsible Authority to enable its inspection. Subject to satisfactory completion of the deferred landscaping, a Certificate of Practical Completion for landscaping will be issued, triggering the commencement of the maintenance period. If the works have been completed to its satisfaction, the responsible authority must refund fully the security deposit.

43. Fences adjoining reserves

Before Statement of Compliance is issued for any given stage, all fences adjoining all reserves (including walkway extensions of road reserves but otherwise excluding road reserves) are to be erected by the developer (or owner) at no cost to Council.

44. Foreign Resident Capital Gains Withholding Certificate

Prior to the issue of a Statement of Compliance for any stage of the subdivision, the permit holder must provide a valid Foreign Resident Capital Gains Withholding Certificate and a current copy of Title for the entire land. The name on the Foreign Resident Capital Gains Withholding Certificate must match the name on Title.

45. Completion of Buildings and Works

Prior to the issue of Statement of Compliance and the commencement of the uses hereby permitted, the following works will be required to be completed by this development except with the consent of the Responsible Authority:

- a. Construction of Berry Lane from Plenty Road to Station Street and all required elements within the road reserve.
- b. Construction of a roundabout at the intersection of Berry Lane and Riverdale Boulevard.
- c. Construction of Riverdale Boulevard from Berry Lane to Bridge Inn Road and all required elements within the road reserve.
- d. Construction of Main Street from Riverdale Boulevard to Station Street and all required elements within the road reserve.
- e. Construction of Station Street from Main Street to Bridge Inn Road and all required elements within the road reserve, and a portion of Station Street south of Bridge Inn Road as agreed upon on the endorsed plans.
- f. The ultimate signalised intersection of Plenty Road and Berry Lane.
- g. The ultimate intersection of Plenty Road and Bridge Inn Road, unless otherwise agreed upon in writing by the Responsible Authority.
- h. The intersection of Bridge Inn Road and Riverdale Boulevard to the satisfaction of Council and VicRoads.
- i. The intersection of Bridge Inn Road and Station Street to the satisfaction of Council and VicRoads.
- j. All accesses to the site to the satisfaction of Council and VicRoads.

Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.

CONDITIONS TO BE SATISFIED FOLLOWING CONSTRUCTION WORKS

46. Notification of commencement of street tree planting and landscaping works

The developer must notify the Responsible Authority a minimum of 7 days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken. At this time, the developer must provide written advice to Council from a suitably qualified and experienced arborist confirming that the tree stock to be installed within the stage has been inspected and is healthy, free of root girding, fit for purpose and meets all standards and benchmarks contained within AS 2303:2005 – Tree Stock for Landscape Use.

47. Completion of landscape works

Before occupation of the development commences or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Upon completion of the landscape construction works, the applicant must notify the Responsible Authority to enable its inspection. Subject to satisfactory completion of the landscaping in accordance with the endorsed plan, a Certificate of Practical Completion for landscaping will be issued, triggering the commencement of the maintenance period.

48. Landscape Maintenance

- a. All landscaping (except for grass in nature strips of streets abutting private property) shown on the approved stage landscape plans, must be maintained to the satisfaction of the responsible authority for a minimum period of 18 months ending on 31 May of the given year from the date of issue of a Certificate of Practical Completion of landscaping, including that any dead, diseased or damaged plants are to be replaced, bare areas of grass are re-established, mulched surfaces reinstated, damaged or faulty infrastructure repaired or replaced etc. Rectification works must not be deferred until the completion of the maintenance period.
- b. To ensure all assets as identified in the approved stage landscape plans are retained in a safe and functional state and to prolong functional life of the asset, landscape works shall be maintained in accordance with Council's Minimum Landscape Maintenance Specification of Services and Works (May 2010).
- c. Upon the completion of maintenance of the street tree planting and landscaping works, the developer must notify the responsible authority to undertake an inspection prior to the issue of the Certificate of Final Completion.

49. As Constructed Engineering Plans

City of Whittlesea requires As Constructed data from Consultants/Developers for newly built assets as per A-Spec (specifications to maintain Asset Registers).

Asset information must be projected to GDA94 in digital format to include D-Spec (drainage data), R-Spec (road data) and O-Spec (open space data) as per "A-Spec" specifications.

49.1 Civil Works

Prior to Council's consent to Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:

- a. a complete set of 'as constructed plans' of site works (amended if necessary to show any changes that may have occurred during construction), which include Civil, electrical and telecommunication works, in digital file format AutoCAD (recent version) and PDF. The digital files must have a naming convention (Subdivision name_Stage) to enable identification of Council assets listed and should be projected to GDA94-MGA Zone 55.
- b. a list of asset quantities which include the following Council assets:
 - i. total length of Roads, Footpath, Kerb and Channel,
 - ii. total number of Bridges, WSUD features, Traffic calming devices,
 - iii. total length of pipe and number of pits for Drainage and Telecommunications,
 - iv. total number of streetlights, and
 - v. Total number of road reserve assets.
- c. asset information must include D-Spec (drainage data) and R-Spec (road data) as per "A-Spec" specifications (the Consultant/Developer Specifications for the delivery of digital data to Local Governments) in ESRI Shape Files (preferred format) or MapInfo with attributions. All GIS and CAD data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 1994.

Please refer to website for detailed A-Spec Standards:

<http://www.a-specstandards.com.au/>

Bonds will not be released until such time the drawings are delivered in the correct format to Council.

49. 2 Landscape Works

Within 21 days of the issue of Certificate of Practical Completion, for landscaping, the following "As Constructed" drawings and digital information must be submitted to Council by the Developer/Consultant:

- a. Landscape Architectural Drawings in the following format:
 - i. One (1x) PDF images of "As-Constructed" plans, and
 - ii. One (1x) DXF (preferred format) or DWG files (recent version) including attribution, at 1:1 scale, on MGA94 Zone 55 Grid Co-ordinates, stored on compact disk(s) or sent by email (preferred).
- b. "As Constructed detail" of the works as digital data for the Open Space assets information component of the subdivision, in accordance with the current version of O-SPEC. The preferred format is:
 - i. GIS Format (refer to O-SPEC for further information). – ESRI Shape files (preferred format) with attributions.
 - ii. Horizontal Datum – GDA94 on MGA94 Zone 55 Grid Co-ordinates Vertical Datum – AHD.
 - iii. Referenced to existing PSM Survey marks where available.

Please refer to the following website for detailed O-Spec Standards:

<http://www.a-specstandards.com.au/o-spec>

Bonds will not be released until such time the drawings are delivered in the correct format to Council.

50. Internal Landscaping

Unless with the prior written consent of the Responsible Authority, before the uses hereby permitted commence, the landscaping works shown on the endorsed plans must be carried out, completed and maintained to the satisfaction of the Responsible Authority.

51. Internal Maintenance

Unless otherwise agreed in writing by the Responsible Authority, the landscaping areas shown on the endorsed plans must be used for landscaping and no other purpose and any landscaping must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

52. Removal of top soil

No top soil is to be removed from land covered by the subdivision without the written consent of the Responsible Authority.

53. Reticulated Services

Before the use and/or development hereby permitted starts, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.

54. Building Materials

All buildings must be constructed in materials which are low-reflective and which do not detract from the general appearance of the area.

55. Air Conditioning

No air conditioning equipment, plant or the like shall be installed on the roof of the building such that it would be visible to the public. Any equipment must be baffled so as to minimise the emission of unreasonable noise to the environment in accordance with Section 48A of the Environment Protection Act 1970 to the satisfaction of the Responsible Authority.

56. Vehicular Access

Vehicular access to the site must be in the form of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design, and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.

57. Sustainable Management Plan

The development must at all times comply with the Sustainable Management Plan (prepared by SUHO and dated 12 February 2018) and submitted as part of the application.

Prior to the use commencing, a report from the author of the Sustainability Management Plan, or similarly qualified person must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures specified in the Sustainability Management Plan have been implemented in accordance with the approved Plan.

58. Completion of Drainage and Local Infrastructure Works

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

59. Waste Management Plan

Before the use commences a Waste Management Plan for the site must be prepared by suitably qualified professionals and must be submitted to and approved to the satisfaction of Responsible Authority. When approved, the plan will be endorsed and will then form part of this Incorporated Document. The waste management plan must apply to all development and ongoing uses on the site. The plan should include the following:

- a. Adequate areas have been set aside for storage and disposal of waste;
- b. The type of waste and recyclable materials, bins and containers;
- c. The location and space allocated for storage of waste and recyclable materials, bins and containers;
- d. Collective service arrangements including the frequency and times of collection;
- e. The path of access for both users and collection vehicles; and
- f. Measures to manage and minimise noise, odour and litter.

60. Completion of Car Park

Prior to the commencement of the use hereby permitted, areas set aside for parked vehicles as shown on the endorsed plan must be:

- a. Constructed to the satisfaction of the Responsible Authority;
- b. Properly formed to such levels that they can be used in accordance with the plans;
- c. Surfaced with fully sealed material including asphalt, coloured concrete, coloured patterned concrete, interlocking paving, bricks or other materials to the satisfaction of the Responsible Authority;
- d. Drained and maintained to the satisfaction of the Responsible Authority; and
- e. Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

61. Green Travel Plan

Prior to the commencement of the use hereby permitted, a Green Travel Plan must be prepared for the site and submitted to and approved by the responsible authority. The Plan must be prepared by a suitably qualified person and must encourage the use of non-private vehicle transport modes by the users of the development. When approved, the Green Travel Plan will be endorsed by the Responsible Authority.

The Green Travel Plan must include the following:

- a. an introduction to the site, a description of the location and the objectives for the

Green Travel Plan;

- b. a site audit report, including an assessment of the available alternative modes of transport;
- c. an action plan outlining methods used to implement the objectives of the Green Travel Plan including targets and measures; and
- d. a monitoring and evaluation strategy outlining how the ongoing performance and success of the Green Travel Plan will be assessed.

Letter Boxes

- 62. Prior to any uses hereby permitted commencing, a letter box and tenancy number must be provided for each tenant to the satisfaction of the Responsible Authority.

Entry

- 63. Where any tenancy has a presentation to the Main Street, patron entry to the tenancy must be available directly from the Main Street.

Car and Bicycle Parking

- 64. No fewer than 529 car spaces must be provided on the land for the use and development, unless otherwise agreed upon in writing by the Responsible Authority.
- 65. No fewer than 20 employee bicycle spaces and 28 visitor bicycle spaces must be provided on the land for the use and development, unless otherwise agreed upon in writing by the Responsible Authority.
- 66. A minimum of 10 car spaces must be provided for the exclusive use of disabled persons and be designed in accordance with AS 2890.6 – 2009. The car space(s) must be provided as close as practicable to (a) suitable entrance(s) of the building and must be clearly marked with a sign to indicate that the space(s) must only be utilised by disabled persons, unless otherwise agreed upon in writing by the Responsible Authority.
- 67. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.

Signage Conditions

- 68. The location and details of the sign(s), including supporting structures, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.
- 69. A sign to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be maintained to the satisfaction of the Responsible Authority.
- 70. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
- 71. All signs must be constructed and thereafter maintained to the satisfaction of the Responsible Authority.
- 72. Signs must not contain any flashing light.
- 73. All external lighting must be designed, baffled and located so as to prevent adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

Amenity and Hours of Operation

- 74. The amenity of the area must not be detrimentally affected as part of any development works by the use or development through the:
 - a. Transport of materials, goods or commodities to and from the land;

- b. Appearance of any building, works or materials; or
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
75. All goods and/or waste receptacles shall be screened from public view to the satisfaction of the Responsible Authority.
 76. Non-saleable goods, equipment, packaging material or machinery must not be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.
 77. Adequate provision shall be made for the storage and collection of garbage and other solid wastes within the curtilage of the site. This area shall be properly graded and drained, and screened from public view to the satisfaction of the Responsible Authority.
 78. The site shall at all times be kept in a neat and tidy condition to the satisfaction of the Responsible Authority. Any litter shall be immediately removed from the site and surrounding area at the written direction of the Responsible Authority.
 79. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay area as shown on the endorsed plans and must not disrupt the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.
 80. Noise emissions associated with the use and/or development including any equipment required for refrigeration, air-conditioning, heating, ventilation and the like must at all times comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1 and/or Environment Protection (Residential Noise) Regulations 1997 and/or Environment Protection Authority Noise Control Guidelines TG 302/92, whichever is deemed to be appropriate by the Responsible Authority.
 81. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
 82. The Medical Centre hereby permitted must not be used by more than 6 qualified practitioners at any one time without the further consent of the Responsible Authority.
 83. Except with the prior written consent of the Responsible Authority, the operational hours of the Medical Centre must be restricted to the hours detailed below:

Monday to Friday:	8:30am to 9:00pm
Saturday:	9:00am to 1:00pm
Sunday:	Closed
 84. The permit holder must ensure that all prescribed medical waste be disposed of via an authorised collection / disposal agency, to the satisfaction of the Responsible Authority.
 85. The storage, display and sale of alcohol shall be restricted to the designated Liquor Sales Area as shown on the endorsed plan accompanying this permit. Without the prior written approval of the Responsible Authority, any application to, or licence obtained from, the relevant Liquor Licensing Authority must be for

the on-site sale of packaged liquor only.

86. Except with the prior written consent of the Responsible Authority, the sale of liquor must be restricted to the hours detailed below:

Monday to Saturday: 9:00am to 11:00pm

Sunday: 10:00am to 11:00pm

ANZAC Day: 12:00 noon to 11:00pm

Good Friday/Christmas Day: Closed

87. No alcohol may be consumed on the premises at any time, unless otherwise agreed in writing by the Responsible Authority.
88. The permit holder and/or occupier must take all necessary steps to ensure that no noise or other disturbance(s) emanates from the sale of liquor on the premises which would be likely to cause a nuisance to the adjoining occupiers or be a detriment to the amenity of the neighbourhood.

REFERRAL AUTHORITY CONDITIONS

APT O&M Services (Gas)

89. Easements in favor of “Australian Gas Networks (VIC) Pty Ltd” must be created on the plan to the satisfaction of APT.
90. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the Subdivision Act 1988.

Yarra Valley Water

91. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
92. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.
93. The Plan of Subdivision must be referred to Yarra Valley Water prior to certification.

Melbourne Water

94. Prior to the issue of a Statement of Compliance or Statement of Occupancy, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water’s drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
95. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water’s drains or watercourses. Prior to the issue of a Statement of Compliance or Statement of Occupancy, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
96. Prior to Certification or a Building Permit, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act

1988.

97. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
98. Prior to the issue of a Statement of Compliance or Statement of Occupancy for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event. A Certified Survey Plan may be required following our comments on the engineering drawings.
99. All new lots are to be filled to a minimum of 300 mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600 mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
100. Prior to the issue of a Statement of Compliance or Statement of Occupancy, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
101. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
102. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
103. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual, or where appropriate to Council's requirements and standards.
104. Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.
105. The developer is to negotiate with the downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for our records prior to construction commencing.
106. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.
107. Local drainage must be to the satisfaction of Council.
108. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
109. The Developer/Owner must arrange and fully fund fencing along the common boundary with any future Melbourne Water reserve to the satisfaction of Melbourne Water.

110. Prior to Certification or a Building Permit, designs addressing the interface of any lots adjacent to a drainage reserve, must be prepared to the satisfaction of Council and Melbourne Water.
111. The Developer/Owner must arrange and fully fund fencing along the common boundary with any future Melbourne Water reserve to the satisfaction of Melbourne Water.
112. Prior to the issue of a Statement of Compliance or Statement of Occupancy, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.
113. Prior to Certification or a Building Permit of any Plan of Subdivision associated with the application, a stormwater management strategy must be submitted and approved by Melbourne Water and council. The strategy must demonstrate the following:
 - a. The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;
 - b. That the lot layout adequately accommodates the overland flows;
 - c. A Flood Extent Plan and Overland Flow-path Plan for the ultimate floodplain, including 1-in-100 year ARI flood levels, Details of the outlet connections and relevant calculations;
 - d. The subdivisional layout must be in accordance with the approved drainage strategy;
 - e. Designs addressing the interface of the lots adjacent to the drainage reserve, must be prepared to the satisfaction of Council and Melbourne Water;
 - f. Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater; and
 - g. Landowner's acceptance of any additional flood volumes on their land. If this is unable to be provided then details of an interim drainage strategy may be required.

VicRoads

114. Prior to works commencing, the land required for the duplication of Bridge Inn Road must be set aside to the satisfaction of VicRoads.
115. Prior to the issue of a Statement of Compliance for the subdivision, and prior to the commencement of uses hereby permitted, the following works including any associated works must be completed at no cost to VicRoads and to the satisfaction of the VicRoads and the Responsible Authority.
 - a. Construction of the intersection of Bridge Inn Road and Riversdale Boulevard.
 - b. Construction of the left-in left-out access point on Plenty Road including

required turning lanes.

- c. Construction of the signalised intersection of Plenty Road and Berry Lane including required turning lanes.
- d. Construction of the intersection of Bridge Inn Road and Station Street.

or provide funds to VicRoads as agreed by VicRoads and liaise with others to complete the above works.

116. Prior to the certification of any Plan of Subdivision, functional layout plans for the following intersections must be submitted to VicRoads for approval:

- a. Construction of the left-in, left-out access point on Plenty Road including required turning lanes.
- b. Construction of the signalised intersection of Plenty Road and Berry Lane including required turning lanes.
- c. Construction of the intersection of Bridge Inn Road and Station Street.

Transport for Victoria

117. All roads constructed as part of the development must be constructed in accordance with the plan prepared by Cardno (number CG11162-TR-SK0017 Mernda Town Centre Interim Access Stage 1) for bus access to the satisfaction of the Head, Transport for Victoria.

118. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Bridge Inn Road is kept to a minimum during construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Public Transport Victoria 8 weeks prior.

AusNet Electricity Services

119. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.

120. The applicant must:

- a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
- b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
- c. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity

Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- f. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- g. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- h. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- i. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

121. Time Limit for the subdivision

This permit will expire if:

- a. The plan of subdivision is not certified within 2 years of the date of this permit; or
- b. The registration of any stage of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

122. Time Limit for Native Vegetation Removal

The permit for native vegetation removal and/or pruning expires if it is not commenced within 2 years after the issue of this permit and completed with 4 years after the issue of this permit.

Before the permit expires or within six 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.

123. Time Limit for the Use/Development

The permit for the use and development will expire if:

- a. the development, or any stage of the development, does not commence within 3 years of the issue of this permit; or
- b. the development, or any stage of the development, is not completed within 5 years after the issue 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.

124. Time Limit for Advertising Signage

This permit for advertising signage expires 15 years from the date of issue.

Notes:

Public Lighting Note

Before the preparation of construction plans for street lighting can be completed Council approval to the type and colour of poles and lanterns will be required.

Tree protection zone requirements

A consulting arborist must be employed to supervise works which may impact upon trees marked for retention on the approved plan.

The consulting arborist must conduct an induction of all personnel involved in construction that may impact on tree protection zones.

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

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

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

The storing or disposing of chemicals or toxic materials must not be undertaken

within 10 metres of any tree protection zone. Where the slope of the land suggests these materials may drain towards a tree protection zone, the storing or disposing of these materials is strictly forbidden.

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

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

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

Street Numbering Note:

Property Numbers will be allocated by the City of Whittlesea in accordance with Council's Street Numbering Policy. Please do not give potential buyers any interim numbering as this often leads to confusion and problems once the correct number is issued. Please check with Council's Subdivision Department or GIS Department to verify all street numberings before commencement of any advertising for sale or lease.

Registration Under Food Act 1984 Note:

The premises is required to be registered with Council's Health Department under the Food Act 1984.

Registration Under Health Act 1958 Note:

The premises is required to be registered with Council's Health Department under the Health Act 1958.

Cultural Heritage Management Plan Note:

Development must at all times comply with the recommendations of the Cultural Heritage Management Plan 10362 (prepared by Biosis dated 28 November 2008) and approved by the Secretary of the Department of Planning and Community Development on 11 March 2009.

6.1.8 ASSEMBLIES OF COUNCILLORS REPORT - 11 DECEMBER 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
Arts Cultural and Sporting Grants Program for Young People 1 October 2018	Cr Pavlidis (Mayor) Cr Cox Cr Desiato	CDGO DSO MCBP TLCI	The advisory committee made a recommendation to the delegate regarding the following application via a virtual meeting: Eren Arslan – Sporting Grant – Interstate – Successful Marco Mitidieri – Sporting Grant – Interstate – Successful Frank De Cata – Sporting Grant – Interstate – Successful Shaylen Lowe – Sporting Grant – Interstate – Successful Zane Saavedra – Sporting Grant – Interstate – Successful <i>Nil disclosures</i>
City of Whittlesea Australia Day Awards Committee 15 October 2018	Cr Pavlidis (Mayor)	CCC EC GO	1. Awards Update 2. Communications Report 3. Event Report 4. Australia Day Awards Nominee Recognition Event 5. Committee Membership <i>Nil disclosures</i>
Council Forum - Governance 23 October 2018	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor) Cr Alessi Cr Cox Cr Joseph Cr Kirkham Cr Kozmevski Cr Monteleone	CEO DCRS DCS DCTP MG UMLLCA	1. VLGA Presentation 2. MAV Presentation 3. Private Parking Agreements 4. Trial of Live Streaming Council Meetings 5. General Business 5.1 Epping Tennis Facility 5.2 Whittlesea RSL <i>Nil disclosures</i>
Council Forum 30 October 2018	Cr Pavlidis (Mayor) Cr Sterjova (Deputy Mayor) Cr Alessi Cr Cox Cr Desiato Cr Joseph Cr Kelly Cr Kirkham	CEO DCRS DCS DCTP DPPE MACED-A MCBP MG MMP	1. Legal Briefing – Requests for Leave of Absence 2. Social and Affordable Housing Feasibility Study 3. Huskisson Recreation Reserve Draft Master Plan, Lalor 4. City of Whittlesea Communications Strategy 5. Mill Park Leisure Centre Redevelopment – Progress Report <i>Nil disclosures</i> <i>Item 1. Also in attendance was Anthony Massaro, Principal, Russell Kennedy solicitors.</i>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
	Cr Kozmevski Cr Monteleone	MPUD PO TLIP TLPRD	
City of Whittlesea Australia Day Awards Committee 12 November 2018	Cr Cox (Mayor)	CCC EC GO	<ol style="list-style-type: none"> 1. Awards Update 2. Communications Report 3. Event Report 4. Australia Day Awards Nominee Recognition Event 5. Committee Membership 6. General Business Terms of Reference <p><i>Nil disclosures</i></p>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
CCC	Corporate Communications Co-ordinator - Sarah Oldman	MACED-A	Acting Manager Advocacy Communications & Economic Development – Heather Crosling
CDGO	Community Development Grants Officer – Caitlin Armstrong	MCBP	Manager Community Building and Planning – Belgin Besim
CEO	Chief Executive Officer – Simon Overland	MG	Manager Governance - Michael Tonta
DCRS	Director Corporate Services – Helen Sui	MMP	Manager Major Projects – Nick Mazzarella
DCS	Director Community Services – Russell Hopkins	MPUD	Manager Parks & Urban Design – Susan Hecker
DCTP	Director City Transport and Presentation– Nick Mann	PO	Projects Officer – Emerald Thompson
DPPE	Director Partnerships, Planning & Engagement – Liana Thompson	TLCI	Team Leader Community Inclusion – Kelisha Nikitas
DSO	Department Support Officer – Cheryl Gallagher	TLIP	Team Leader Infrastructure Projects – Mark Tomasiello
EC	Events Co-ordinator - Julie McBride	TLPRD	Team Leader Public Realm Development – Adrian Napoleone
GO	Governance Officer - Narelle Williamson Governance Officer – Amanda Marijanovic Governance Officer – Felicity Maddern	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:-

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

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council monitors and evaluates all of its operations
Council Priority	Organisational Sustainability

The provision of this report is in line with Whittlesea 2040 and the 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 UNANIMOUSLY

6.1.9 INTERSTATE CONFERENCES 2019

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Governance Officer

RECOMMENDATION SUMMARY

1. To authorise the attendance of interested Councillors at the following interstate Conferences:
 - Australian Local Government Women's Association National Conference, 16-17 May 2019, Sydney;
 - Australian Local Government Association National General Assembly, 16-19 June 2019, Canberra;
 - Federation of Ethnic Communities' Councils of Australia Conference, 10-11 October 2019, Hobart;
 - National Growth Areas Alliance (NGAA) National Congress, location TBC November 2019, TBC; and
 - National Local Roads and Transport Congress, TBC November 2019, location TBC.
2. Endorse the process that interested Councillors advise the Office of the Chief Executive Officer as soon as possible of their expected attendance at any of the conferences listed above.

KEY FACTS AND / OR ISSUES

- Council approval is required for any interstate or overseas travel by Councillors.
- Conferences included in this report have confirmed dates. Councillors are encouraged to take advantage of early bird conference registration incentives should a Councillor wish to attend a conference.
- The Climate Leadership Conference 20-22 March 2019 is taking place overseas and has a global focus. Councillors are encouraged to attend conferences that are focussed on local issues.
- The Green Cities Annual Conference will not be taking place in 2019 and beyond.

REPORT

BACKGROUND

Council approval is required for any interstate or overseas travel by Councillors.

PROPOSAL

To authorise Councillor attendance at upcoming conferences for which dates are confirmed so that Council can take advantage of early bird conference registration incentives should they be available.

CRITICAL DATES

The following table lists interstate conferences which Councillors have previously attended and/or expressed an interest in attending:

Conference	Registration Fee per person
Australian Local Government Women's Association National Conference, 16-17 May 2019, Sydney	Yet to be advised.
Australian Local Government Association National General Assembly, 16-19 June 2019, Canberra	Early Bird until 11 May 2019 – \$989 Standard until 3 June 2019 – \$1,099 Late after 3 June 2019 – \$1,199
Federation of Ethnic Communities' Councils of Australia Conference, 10-11 October 2019, Hobart	Yet to be advised.
National Growth Areas Alliance (NGAA) National Congress, November 2019 location TBC	Yet to be advised.
National Local Roads and Transport Congress, November 2019 location TBC	Yet to be advised.

FINANCIAL IMPLICATIONS

The cost of attending a conference is the registration fee listed above plus airfare, accommodation and other associated costs.

The cost is included in the budget for Councillor training and development.

POLICY STRATEGY AND LEGISLATION

Council approval is required for any interstate or overseas travel by Councillors.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council explores and adopts best practice models
Council Priority	Organisational Sustainability

Councillor attendance at conferences provides Councillors with learning and development opportunities to better equip Councillors in undertaking their role, including advocating on behalf of the community.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

It is recommended that Council authorise interested Councillors to attend the interstate conferences listed in the report and that interested Councillors advise the Chief Executive Officer as soon as possible of their expected attendance at any of the conferences.

RECOMMENDATION

THAT Council resolve to:

1. Authorise interested Councillors to attend the following interstate Conferences:
 - Australian Local Government Women's Association National Conference, 16-17 May 2019, Sydney;
 - Australian Local Government Association National General Assembly, 16-19 June 2019, Canberra;
 - Federation of Ethnic Communities' Councils of Australia Conference, 10-11 October 2019, Hobart;
 - National Growth Areas Alliance (NGAA) National Congress, November 2019; location TBC and
 - National Local Roads and Transport Congress, November 2019, location TBC.
2. Endorse the process that interested Councillors advise the Chief Executive Officer as soon as possible of their expected attendance at any of the conferences listed.

COUNCIL RESOLUTION

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

THAT Council resolve to adopt the Recommendation.

CARRIED UNANIMOUSLY

6.1.10 COMMUNITY DEVELOPMENT GRANTS PROGRAM 2018-2019 ROUND TWO

Attachments: 1 **Community Development Grants Program 2018-2019 Round Two - Schedule of Recommendations** [⇒](#)

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Community Development Grants Officer

RECOMMENDATION SUMMARY

1. That Council endorse the allocation of Community Development Grants Program (CDGP) 2018-2019 Round Two totalling \$57,367.63.

KEY FACTS AND / OR ISSUES

- The CDGP 2018-2019 Round Two received 42 applications totalling \$192,790.62 in funding requests.
- Applicants were offered support to develop and submit applications via a range of information sessions, grant writing workshops, drop-in support sessions and communication with the Community Development Grants Officer over the phone, via email and at face to face meetings.
- Each application was individually assessed and scored by two independent officer assessors, and reviewed in detail by the Grants Management Panel.
- Applications not recommended for funding will be supported to re-submit for future grant rounds.
- The CDGP 2018-2019 budget allocation is \$140,000 to be distributed between two rounds.
- The Schedule of Recommendations for the CDGP 2018-2019 Round Two totals \$57,367.63.

REPORT**BACKGROUND**

Council's Community Development Grants Program (CDGP) provides financial support for community initiatives that address local need, build on local capacity, promote social cohesion and improve the quality of life and wellbeing of the community as a whole.

The goals of the CDGP are to:

- Build people's skills and knowledge
- Create opportunities for community participation and outcomes
- Address locally identified priorities

The maximum grant available for a project is \$5,000. The CDGP 2018-2019 Round Two grant submissions period was from 20 August to 2 October 2018.

The CDGP 2018-2019 total funding pool is \$140,000 to be distributed between two rounds. The CDGP Round One allocated \$81,350.86 to successful projects, leaving \$58,649.14 remaining to be distributed in Round Two.

Overview of Submissions Received for the CDGP 2018-2019 Round Two

- The CDGP 2018-2019 Round Two received 42 applications totalling \$192,790.62 in funding requested.
- The overall total value of projects submitted was \$540,469.91.
- The total estimated value of external contributions towards project applications was \$377,325.91 including \$163,144.00 of volunteer time.

Assessment Process

The CDGP assessment process was run in accordance with Council's Grants Policy and Grants Administration Guidelines. Each organisation and project has been assessed against the criteria set in the CDGP guidelines and the provision of all mandatory documentation submitted.

The three stage assessment process involved an initial eligibility review, two independent assessments by Council Officers, and a Management Panel assessment for final funding recommendations.

Each application was thoroughly assessed and weighted against the criteria, with twelve applications being recommended for funding, twenty not recommended, nine assessed as being ineligible according to the CDGP criteria, and one application withdrawn.

PROPOSAL**Community Development Grants 2018-2019 Round Two**

That Council give consideration to the recommended list of applications under the CDGP 2018-2019 Round Two. This funding provides valuable funding to community based organisations to undertake a broad range of initiatives which engage with and benefit local communities and groups.

CONSULTATION

Contact with the Community Development Grants Officer was a condition of applying for the CDGP to ensure accuracy and clarify any unclear items with applicants.

The Schedule of Recommendations has been developed in consultation with Council Officers and the Management Panel.

The draft Schedule of Recommendations was presented to the Executive Leadership Team for discussion on November 2018 and their feedback has been considered.

CRITICAL DATES

Applicants to the CDGP 2018-2019 to be notified of grant outcomes in December 2018, with successful applicants to receive funding and commence projects in January 2019.

The CDGP 2019-2020 Round One will open for applications on 25 February 2019 and close on 08 April 2019.

A community event to celebrate both rounds of the CDGP 2018-2019 and launch the CDGP 2019-2020 will be held on 25 February 2019.

FINANCIAL IMPLICATIONS

The CDGP 2018-2019 budget allocation is \$140,000 to be distributed over two rounds.

The CDGP 2018-2019 Round One allocated \$81,350.86 to eighteen successful projects, leaving \$58,649.14 available for Round Two.

The Schedule of Recommendations for the CDGP 2018-2019 Round Two totals \$57,367.63.

POLICY STRATEGY AND LEGISLATION

The CDGP 2018-2019 Round Two has been assessed and administered in accordance with Council's Grants Policy, adopted on 21 November 2017. The CDGP aligns with the Community Building Policy and Strategy.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Connected community
Whittlesea 2040 Key Direction	A socially cohesive community
Strategic Objective	Programs, services and infrastructure encourage social connections and the development of a sense of community
Council Priority	Health and Wellbeing

The provision of the Community Development Grants Program is consistent with Council Priority 'Health and Wellbeing' and Future Direction 'Inclusive and Engaged Community'. In particular, Strategic Objective states that 'programs, services and infrastructure encourage social connections and the development of a sense of community' - Council's Community Development Grants Program facilitates this outcome.

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 Community Development Grants Program allocations, totalling \$70,807.63 for 2018-2019 Round Two, provide a contribution towards the provision of a wide range of projects and initiatives led by and benefitting the local community. The CDGP leverages and builds on the existing skills and capacity of community based organisations, providing an excellent 'return on investment' for Council.

Unsuccessful applicants will be offered support to resubmit applications for the 2019-2020 program.

RECOMMENDATION

THAT Council resolve to approve the allocation of Community Development Grants Program 2018-2019 Round Two as detailed in Attachment 1 of this report.

COUNCIL RESOLUTION

MOVED: *Cr Pavlidis*
SECONDED: *Cr Sterjova*

THAT Council resolve to adopt the Recommendation.

CARRIED UNANIMOUSLY

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.

REPORT

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 Councillor 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.

COMMITTEES 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 WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Connected community
Whittlesea 2040 Key Direction	A participating community
Strategic Objective	Our voice is reflected through inclusive Council decision making processes
Council Priority	Organisational Sustainability

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 Joseph*
SECONDED: *Cr Kozmevski*

THAT Council resolve to adopt the appointments set out in attachment 1 with the exception of the Friends of South Morang and the Interface Councils Group.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

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

THAT Council resolve to no longer appoint a delegate to the Friends of South Morang.

CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

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

THAT Council resolve to:

1. Appoint two Councillors to the Interface Councils Group;
2. The Councillors appointed for 2019 are the Mayor, Cr Cox and Cr Alessi.

CARRIED UNANIMOUSLY

6.1.12 RE-SCHEDULING OF SPECIAL COUNCIL MEETING TO ADOPT THE 2019-2020 PROPOSED BUDGET AND COUNCIL ACTION PLAN

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Governance Officer

RECOMMENDATION SUMMARY

That Council resolve to:

1. Bring forward the date of the Special Council Meeting for the purpose of adopting the 2019-2020 proposed Budget and Council Action Plan from Tuesday, 11 June 2019 at 6pm to Thursday, 6 June 2019 at 6pm;
2. Note the venue of the Special Council Meeting remains unchanged and will take place in the Council Chamber, Council Offices, 25 Ferres Boulevard, South Morang; and
3. Give public notice of the re-scheduling of this Special Council Meeting.

KEY FACTS AND / OR ISSUES

The timing of this Special Council meeting has been brought forward from 11 June 2019 to 6 June, 2019.

- This will provide Council with a night dedicated to discussing the adoption of the Budget without impacting on a Forum meeting.
- An additional Forum Meeting will be scheduled for Tuesday 11 June 2019 in place of the Special Council Meeting.
- This additional Forum Meeting on 11 June 2019 may be required given that the Forum meeting on 18 June 2019 could be cancelled as the Australian Local Government Association National General Assembly will take place in Canberra on 16-19 June 2019.

REPORT

BACKGROUND

At its meeting on 4 September 2018, Council adopted that a special Council Meeting for the purpose of adopting the 2019-2020 proposed Budget and Council Action Plan be scheduled for Tuesday, 11 June 2019 at 6pm.

PROPOSAL

It is proposed to bring forward the date of the Special Council Meeting for the purpose of adopting the 2019-2020 proposed Budget and Council Action Plan from Tuesday, 11 June 2019 at 6pm to Thursday, 6 June 2019 at 6pm.

This will provide Council with a night dedicated to discussing the adoption of the Budget without impacting on a Forum meeting. An additional Forum Meeting will be scheduled for Tuesday 11 June 2019 in place of the Special Council Meeting.

The additional Forum Meeting on 11 June 2019 may be required given that the Forum meeting on 18 June 2019 may need to be cancelled as the Australian Local Government Association National General Assembly will take place in Canberra on 16-19 June 2019.

FINANCIAL IMPLICATIONS

Costs associated with holding Council Meetings are covered in existing budgets.

POLICY STRATEGY AND LEGISLATION

The Local Government Act requires Council to give public notice of Council meeting dates and any amendments to Council meeting dates.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council explores and adopts best practice models
Council Priority	Organisational Sustainability

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

That Council resolve to bring forward the date of the Special Council Meeting for the purpose of adopting the 2019-2020 proposed Budget and Council Action Plan from Tuesday, 11 June 2019 at 6pm to Thursday, 6 June 2019 at 6pm.

RECOMMENDATION

THAT Council resolve to:

1. Bring forward the date of the Special Council Meeting for the purpose of adopting the 2019-2020 proposed Budget and Council Action Plan from Tuesday, 11 June 2019 at 6pm to Thursday, 6 June 2019 at 6pm;
2. Note the venue of the Special Council Meeting remains unchanged and will take place in the Council Chamber, Council Offices, 25 Ferres Boulevard, South Morang; and
3. Give public notice of the re-scheduling of this Special Council Meeting.

COUNCIL RESOLUTION

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

THAT Council resolve to:

1. Bring forward the date of the Special Council Meeting for the purpose of adopting the 2019-2020 proposed Budget and Council Action Plan from Tuesday, 11 June 2019 at 6pm to Thursday, 6 June 2019 at 6pm;
2. Schedule an additional Special Council Meeting for the purpose of adopting the 2019-2020 proposed Budget initiatives on Tuesday, 12 March at 6pm;
3. Note the venue of the Special Council Meetings remains unchanged and will take place in is the Council Chamber, Council Offices, 25 Ferres Boulevard, South Morang; and
4. Give public notice of the re-scheduling of this Special Council Meeting above changes.

CARRIED UNANIMOUSLY

6.1.13 PROPOSED WHITTLESEA PLANNING SCHEME AMENDMENT - MUNICIPAL OPEN SPACE REZONING

Attachments: 1 POS Reserve sites to be rezoned [⇒](#)

Responsible Officer: Director Partnerships, Planning & Engagement

Author: Team Leader Strategic Planning & Design

RECOMMENDATION SUMMARY

The report recommends that Council resolve to:

1. Seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Whittlesea Planning Scheme under Section 20(2) of the *Planning and Environment Act 1987*, to rezone eight Council owned reserves from the General Residential Zone – Schedule 1 and (in some instances) Comprehensive Development Zone to Public Park and Recreation Zone;
2. In the event that the Minister for Planning does not support the Section 20(2) exhibition approach, undertake the standard planning scheme amendment exhibition process; and
3. Advise the affected stakeholders of the above.

KEY FACTS AND / OR ISSUES

- The report proposes to seek authorisation to prepare an amendment to rezone existing and proposed Council Open Space areas to the relevant Public Park and Recreation Zone.
- The open space areas have already been identified through approved and endorsed strategic planning documents.
- This is the first amendment as part of an ongoing program over the coming years to tidy up planning scheme anomalies of a technical nature.
- The rezoning of these sites to the correct underlying zone will enable ongoing development for open space and recreational facilities in a more streamlined statutory planning framework.

REPORT

INTRODUCTION

In accordance with Council's statutory obligations under the *Planning and Environment Act 1987*, the Strategic Planning Department has been undertaking a broader review and update of the Whittlesea Planning Scheme. Correcting Planning Scheme anomalies form part of Council's statutory obligations.

As a starting point the Strategic Planning Department has undertaken a brief mapping review of all public open spaces aimed at identifying and correcting zoning anomalies. This includes active and passive public recreation spaces throughout the Municipality.

Eight Council owned open space reserves have been chosen for the inclusion within the first Planning Scheme Amendment to correct their current residential zoning to the Public Park and Recreation to reflect their current/proposed use and underlying zone.

Once the Public Park and Recreation Zone is implemented it will negate the need for a planning permit for any works (including improvements or new works) related to park or open space infrastructure.

This proposal is the first in a series of amendments addressing other anomaly issues within the Whittlesea Planning Scheme, which will be commenced forthwith once this Amendment is underway.

The report recommends seeking authorisation from the Minister for Planning to commence limited exhibition of the amendment.

BACKGROUND

Over the last few years, the Strategic Planning Department has implemented an ongoing Municipal Strategic Statement/ Planning Scheme review program in order to meet Council's statutory obligations under the *Planning and Environment Act 1987*. This review has been the first major comprehensive review to update the Whittlesea Planning Scheme.

As a follow on there will now be an ongoing process of maintenance of the scheme. Part of this maintenance process is dealing with "anomalies", which relate to tidying up administrative errors or updating controls to reflect circumstances (but not proposals which change the intent of the land use).

This is a significant task and will be implemented over time. Amendments will address the following general categories (in no particular order):

- Rezoning of open space reserves (including active, passive open space and drainage reserves);
- Rezoning of community buildings;
- Rezoning of transport infrastructure;
- Rezoning of physical infrastructure (i.e. substations and transmission easements);
- Removal of redundant overlays (i.e. development plan overlays where development is complete);
- Correcting zoning boundary alignments (align zones to match development parcels where misaligned);
- Consolidation of dual zonings; and
- Correction of grammatical errors.

PROPOSAL

It is proposed to undertake the preparation of a Planning Scheme Amendment to rezone eight Council owned reserves from General Residential Zone – Schedule 1 (GRZ1), and in some instances Comprehensive Development Zone (CDZ), to the Public Park and Recreation Zone (PPRZ).

Each of the land identified as part of this Amendment has been designated for active and/or passive open space under the provisions of approved Local Structure Plans and/or Development Plans, these sites have been substantially developed for active open space purposes or substantially advanced the master planning for implementation.

The rezoning to PPRZ will accurately reflect the land use designation of each parcel and will expedite the delivery of the open space and associated buildings and works by having the effect of moving permit requirements affecting the sites under their current zoning.

It is recommended that the Planning Scheme Amendment process be commenced, by requesting the Minister to undertake the Amendment via Section 20(2) of the *Planning and Environment Act 1987*. Amendments considered under Section 20(2) provide a level of exemption from notice and review requirements. This is considered appropriate given the nature of this Amendment will seek to reflect the current and future intent of the sites and will not have any adverse impact on adjoining residents. To this end it is considered technical in nature.

In the instance that this is not supported by the Minister, a standard Planning Scheme Amendment process would be undertaken.

PUBLIC OPEN SPACE ANOMALIES- SUBJECT SITES

One category of the ‘anomalies’ relates to public open space. In most cases land is set aside under a structure plan or subdivision layout for that purpose at the outset but handover occurs during subsequent staged development. The land is transferred to Council, generally, with the underlying residential zone still in place which does not reflect its intended purpose as public open space.

Therefore one of the projects under the ‘anomalies’ banner is to look at our open space reserves and update the zoning framework. It is anticipated that well above 150 properties need to be rezoned to reflect their ultimate use. This is a large project and will need to be dealt with in stages.

SUBJECT SITES

A list of the nominated subject sites proposed for rezoning is included below.

Main Street Recreation Reserve

- Part of 74W Main Street, Thomastown.

Thomastown East Recreation Reserve

- 225W Parklands Drive, Thomastown.

Laurimar Creek Reserve and Future Doreen Precinct Sportsfield

- 108W Eminence Boulevard, Doreen;
- 180W Painted Hills Road, Doreen; and
- 160W Painted Hills Road, Doreen.

Laurimar Recreation Reserve

- 6W Painted Hills Road, Doreen.

Waterview Recreation Reserve

- 60W Waterview Drive, Mernda.

Mosaic Recreation Reserve

- 1W Mosaic Drive, Lalor.

Mill Park Lakes Recreation Reserve

- 170 The Lakes Boulevard, South Morang.

Hillsview Recreation Reserve

- Part of 100W The Great Eastern Way, South Morang.

Attachment 1 identifies the zoning of each site and their intended recreational use.

The first stage to correct open space anomalies will deal with the rezoning for eight existing active open space reserves which are clearly contradictory to their existing residential and, in two instances, commercial zoning. It is proposed to apply the Public Park and Recreation Zone, to correctly reflect the land use.

Over time the reserves will be the subject of ongoing routine maintenance to infrastructure and facilities. A major benefit of applying the Public Park and Recreation Zone to our reserves means that we will be able to undertake works/improvement without the need for a planning permit. Six of the eight sites are in growth areas and have been developed for their ultimate open space use. Master planning for the Eminence Boulevard site has been approved and current works are underway.

The Laurimar Recreation Reserve in Painted Hills, Doreen has an awkward boundary alignment where it fronts the Laurimar Wetlands to the east (1079W Flaxen Hills Road). This first amendment will rezone the larger area of the Laurimar Recreation Reserve. The remaining eastern portion will be included with the Laurimar Wetlands in subsequent amendment stages.

Within the established areas, the Mosaic Drive Reserve in Lalor and Main Street Reserve in Thomastown have been included. Works to the Mosaic Drive Reserve in Lalor are currently underway with an expected completion in 2020.

With respect to the Main Street Reserve in Thomastown, the purpose of this anomaly correction is to rezone the northern section currently zoned GRZ1 to PPRZ. The remainder of this Reserve is already zoned PPRZ.

CONSULTATION

Should authorisation to prepare the amendment be granted by the Minister for Planning, the proposed Planning Scheme Amendment will be required to undergo a standard exhibition process, including a 28 day notification period to potentially affected landowners, prescribed Ministers and State Referral Authorities.

CRITICAL DATES

February 2019: Proposed exhibition of the Amendment.

POLICY STRATEGY AND LEGISLATION

The proposed Amendment reflects the ambitions of an extensive set of Council policies.

Several notable Council *Open Space Strategy* objectives the Amendment responds to include:

- Provide a linked network of diverse open spaces at the neighbourhood and local level.
- Locate open spaces within easy and safe walking distance of the community living and working in urban areas.
- Provide a diversity of character, sizes and facilities to appeal and be accessible to the community.

The Amendment is consistent with the Municipal Strategic Statement and Local Planning Policy Framework. Community Wellbeing is identified under Key Issues, to address the demand on existing infrastructure and pressure to deliver new infrastructure. It is an objective of Council to enhancing community wellbeing through building social and physical infrastructure that facilitates community connections. The Amendment addresses this issue by aligning the use of the land with its appropriate zoning and deliver open space more expediently to residents and the community at large.

The proposed Amendment also supports the objectives of *Clause 21.08: Built Environment and Heritage* by facilitating the provision of open spaces and recreation facilities that are welcoming and safe for public gathering.

The early delivery of open space that will be facilitated by the proposed Amendment will support the objectives of *Clause 21.12-1 Community Facilities*. In particular the Amendment will help provide the early delivery of visually attractive sporting facilities, which will help the development of sporting hubs and precincts which will facilitate an integrated service provision.

The above builds upon the strategies and objectives of the State Government's key Metropolitan Strategy *Plan Melbourne 2017-2050* particularly:

- Direction 5.3 – Deliver social infrastructure to support strong communities.
- Direction 5.4 – Deliver local parks and green neighbourhoods in collaboration with communities.

Most importantly the Amendment is in accordance with Planning Practice Note 29 *Ministerial Powers of Intervention*, whereby the proposal is anomalous in nature and the rezoning of each site to PPRZ will expedite the delivery and upgrade of open spaces as envisaged by the relevant strategic frameworks.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Liveable neighbourhoods
Whittlesea 2040 Key Direction	Well-designed neighbourhoods and vibrant town centres
Strategic Objective	We have public spaces and community hubs that bring people together
Council Priority	Planning and Infrastructure

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The Amendment proposes rezoning of eight Council owned reserves to Public Park and Recreation Zone from the General Residential Zone and Comprehensive Development Zone. The rezoning will better align with the intended use of these parcels for open space in accordance with the applicable adopted and approved documentation.

The rezoning will enable Council to expedite the delivery (and some instances upgrade) of open space areas and facilities throughout the municipality, in line with the Council Plan, endorsed strategic documentation and most importantly community expectations.

It is noted that the proposed Amendment will have no adverse impact on the landowners/stakeholders within the immediate proximity to each site. Therefore it is recommended that Council requests the Minister for Planning exempt the proposed Amendment from notice and review to provide a more expedited process under 20(2) of the *Planning and Environment Act 1987*. Should the Minister for Planning not support any level of exemption from notice and review, then a normal amendment process will be required.

RECOMMENDATION

THAT Council resolve to:

1. Seek authorisation from the Minister for Planning to prepare and exhibit an Amendment to the Whittlesea Planning Scheme under Section 20(2) of the *Planning and Environment Act 1987*, to rezone eight Council owned open space reserves from the General Residential Zone – Schedule 1 and the Comprehensive Development Zone to the Public Park and Recreation Zone.
2. In the event that the Minister for Planning does not support the Section 20(2) exhibition approach, undertake the standard planning scheme amendment exhibition process.
3. Advise affected stakeholders of the above and any decision of the Minister for Planning

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 UNANIMOUSLY

6.2 COMMUNITY SERVICES

NIL REPORTS

6.3 CITY TRANSPORT AND PRESENTATION

6.3.1 SUPPLY AND DELIVERY OF TWO SUCTION ROAD SWEEPERS - TENDER EVALUATION - CONTRACT 2014-2Z22

Attachments: 1 **Contract Tender Evaluation Report - Confidential attachment_2014-2Z22 - Confidential**

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

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

Author: **Team Leader Fleet Services**

RECOMMENDATION SUMMARY

It is recommended that contract number 2014-2Z22 for the Supply and Delivery of Two Suction Road Sweepers:

- Is awarded to Hino Motor Sales Australia – CMI Hino Melbourne
- For the lump sum of \$662,932 for the two suction road sweepers

KEY FACTS AND / OR ISSUES

- The current sweepers are 6 years old and have reached the end of their acceptable service life necessitating replacement
- This was a collaborative tender with MAV via the National Procurement Network (NPN) aggregated purchasing truck supply panel contract

REPORT

BACKGROUND

The purpose of this contract is to Supply and Deliver Two Suction Road Sweepers.

Tenders for the contract closed on 26 September 2018. The tendered price and a summary of the evaluation are detailed in the confidential attachment.

MAV VendorPanel is the portal upon which preferred suppliers access the National Procurement Network (NPN) Truck Supply panel contract which provides additional value to Council through aggregated purchasing.

The sweepers are engaged in programmed street sweeping and reactive removal of roadway debris activities.

The sweepers are 6 years old and have reached the end of their acceptable service life due to factors such as cost, maintainability, reliability and condition.

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%
Capability	32.5%
Capacity	25%
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 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.

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	87	1

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

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Efficient and effective Council services are responsive to community need
Council Priority	Organisational Sustainability

The suction road sweepers use forms part of the waste management strategy adopted by Council, and are important to maintaining a well-presented city.

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 \$662,932 (excluding GST) for the following contract:**

Number: 2014-2Z22

Title: Supply and Deliver Two Suction Road Sweepers

Term: 11 December 2018 to 31 July 2019

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

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 UNANIMOUSLY

6.4 CORPORATE SERVICES

6.4.1 PANEL CONTRACT EXPENDITURE DISTRIBUTION

- Attachments:**
- 1 Explanatory Notes** [⇒](#)
 - 2 Panel Contract Expenditure Tables - Confidential**
Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989 as it contains details relating to contractual matters.

Responsible Officer: Director Corporate Services

Author: Team Leader Procurement

RECOMMENDATION SUMMARY

That Council note the report.

KEY FACTS AND / OR ISSUES

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

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

REPORT**INTRODUCTION**

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

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

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

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

The expenditure data for this report was prepared on 8 November 2018 for active SoR panel contracts in use throughout the organisation. Expenditure to every contractor on these panels is addressed in the attachments.

BACKGROUND

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

Some key points to note include:

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

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

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

PROPOSAL

Explanatory Notes (Attachment 1) and Panel Contract Expenditure Tables (Confidential Attachment 2) are provided for Council's information. The tables detail payments made under all current panel contracts from the contract commencement date through to 8 November 2018. It is proposed that Council reviews and notes this information.

CONSULTATION

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

FINANCIAL IMPLICATIONS

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

POLICY STRATEGY AND LEGISLATION

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

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

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council monitors and evaluates all of its operations
Council Priority	Organisational Sustainability

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

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

RECOMMENDATION

THAT Council resolve to note 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 UNANIMOUSLY

6.4.2 LALOR STREETSCAPE IMPROVEMENT WORKS (STAGE 1) CONTRACT 2018-78 - TENDER EVALUATION REPORT

Attachments: 1 **Detailed Evaluation - Confidential**

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

Responsible Officer: Director Corporate Services

Author: Senior Contracts Executive

RECOMMENDATION SUMMARY

It is recommended that contract number 2018-78 for Lalor Streetscape Improvement Works (Stage 1):

- is awarded to Evergreen Civil Pty Ltd
- for the lump sum price of \$1,219,351 (excl. GST)

KEY FACTS AND / OR ISSUES

The tender evaluation panel advises that:

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

REPORT

BACKGROUND

The purpose of this contract is to engage a contractor to undertake the Lalor Streetscape improvement works (stage 1).

The objectives of the Lalor Streetscape Improvement project are:

- To promote a safer and more pedestrian friendly shopping precinct;
- To enhance significant retail and community spaces to facilitate improved social interaction;
- To enhance the visitor experience with design improvements to the public realm;
- To encourage improved visitation and economic activity to the Lalor shopping precinct.

Tenders for the contract closed on 10 October 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 and Evaluation Plan was designed specifically for this tender process and it was authorised prior to this tender being advertised. All tenders received were evaluated in accordance with that plan. The evaluation involved scoring of conforming and competitive tenders according to these pre-determined criteria and weightings:

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

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

Only tenders that were conforming were fully scored. Tender submissions that were evaluated as non-conforming 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 Evergreen Civil Pty Ltd	Yes	Yes	88.4	1
Tenderer B	Yes	No	70.1	2

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

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council explores and adopts best practice models
Council Priority	Organisational Sustainability

A Master Plan was prepared for the Thomastown shopping precinct and was adopted by Council on 13 December 2011. Lalor is an important retail activity centre for the local community and is in need of physical improvements as outlined in the master plan to ensure future economic viability.

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 Evergreen Civil Pty Ltd was determined to be best value and it is considered that this company can perform the contract to the required standards.

<h2>RECOMMENDATION</h2>

THAT Council resolve to:

1. **Accept the tender submitted by Evergreen Civil Pty Ltd for the sum of \$1,219,351 (excluding GST) for the following contract:**

Number: 2018-78

Title: Lalor Streetscape Improvement Works (Stage 1)

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.**

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 UNANIMOUSLY

6.4.3 YAN YEAN TENNIS COURTS AND ASSOCIATED RESERVE WORKS (STAGES 2 AND 3) CONTRACT 2018-77 - TENDER EVALUATION REPORT

Attachments: 1 **Detailed Evaluation - Confidential**

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

Responsible Officer: Director Corporate Services

Author: Senior Contracts Executive

RECOMMENDATION SUMMARY

It is recommended that contract number 2018-77 for Yan Yean Tennis Courts and Associated Reserve Works (Stages 2 and 3):

- Is awarded to Dynamic Sports Facilities Pty Ltd for the lump sum price of \$1,404,548.06 (excluding GST).

KEY FACTS AND / OR ISSUES

The tender evaluation panel advises that:

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

REPORT

BACKGROUND

The purpose of this contract is to construct the Yan Yean tennis courts and undertake stages 2 and 3 of the associated reserve works.

The redevelopment of the TH Hurrey Reserve shall achieve the following objectives:

- Increase the standard of the tennis court infrastructure to meet agreed standards
- Increase the standard of the pavilion to meet agreed standards
- Ensure the capacity of the reserve caters for current and projected growth of tennis in the area
- Improve reserve amenities to increase passive recreation user visitation.

Tenders for the contract closed on 14 November 2018. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

EVALUATION

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

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

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

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

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 Dynamic Sports Facilities Pty Ltd	Yes	Yes	86.4	1
Tenderer B	Yes	No	NA	NA
Tenderer C	Yes	No	NA	NA

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

LINKS TO THE COUNCIL PLAN

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

The redevelopment of the TH Hurrey Reserve was placed as a medium to high priority project within the endorsed City of Whittlesea Tennis Strategy 2013-2018.

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

RECOMMENDATION

THAT Council resolve to:

1. **Accept the tender submitted by Dynamic Sports Facilities Pty Ltd for the sum of \$1,404,548.06 (excluding GST) for the following contract:**

Number: 2018-77

Title: Yan Yean Tennis Courts and Associated Reserve Works (Stages 2 and 3)

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.**

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 UNANIMOUSLY

6.4.4 AMENDMENT TO CEO'S DELEGATION FOR ACCEPTANCE OF UTILITIES TENDERS

Attachments: 1 **Amended Instrument of Delegation (Marked up)** [⇒](#)
 2 **Amended Instrument of Delegation (Clean)** [⇒](#)

Responsible Officer: **Director Corporate Services**

Author: **Team Leader Procurement**

RECOMMENDATION SUMMARY

That the Instrument of Delegation to the Chief Executive Officer be amended to include a power for the Chief Executive Officer to accept offers for the supply of Utilities regardless of contract value if there is insufficient time to refer the matter to the Council prior to the expiry of the offer (refer to the attached updated Instrument of Delegation).

KEY FACTS AND / OR ISSUES

- A delegation from Council to the CEO is required to enable City of Whittlesea to accept the best value tenders for supply of Utilities.
- The Department of Treasury & Finance (DTF) conducts a tendering process for the supply of natural gas and electricity for periods of approximately 3 to 5 years. This large collaborative contract typically generates best value offers for Council.
- A copy of the evaluation report from DTF will only be available just prior to the existing contract expiring and there will be a very short acceptance deadline of just a few days or weeks.
- Previous experience has repeatedly demonstrated that tenders for Utilities are incompatible with Council's normal contract award processes due to short response requirements of the market and long approval requirements of the Council.
- A delegation of power to the CEO for acceptance of tender offers will enable Council to take advantage of best value offers for Utilities contracts.
- A memorandum will be presented to Councillors as soon as possible after the exercise of the CEO's delegation in relation to a Utilities contract.
- Additional amendments are also proposed to remove unnecessary duplication of text.

REPORT**BACKGROUND**

Council is currently contracted for its natural gas supply to large sites via a State Purchasing Contract (SPC) established by the Department of Treasury and Finance (DTF). The SPC for the supply of natural gas and electricity to small sites is due to expire on 31 December 2018. DTF plans to seek tenders for a replacement SPC in late November 2018.

A similar tender was recently let by MAV Procurement in late 2017 when they established contracts for supply of gas and electricity to large and small sites. That tender process revealed incompatibility between the timing required for obtaining and accepting offers from the utilities sector and the time it takes to submit a report to Council.

Due to the volatility in the Utilities market, tender offers from gas and electricity suppliers are typically only valid for a term from a few days to two weeks. This does not allow enough time for an evaluation report to be presented to Council in order to obtain approval to accept the best value offer.

The only options available are either to not accept any offer or to accept an offer pending subsequent approval by the Council. The MAV process demonstrated that some suppliers are unwilling to hold offers open for months until councils approve acceptance of offers. The primary reason is that the value of the offer is contingent upon the volume of supply committed by the buyers. Without guaranteed commitment the offers will be withdrawn.

PROPOSAL

It is proposed that Council delegates a power to the CEO to accept best value tender offers from the Utilities sector regardless of the value of potential spend (but within budget) whenever there is insufficient time to seek approval for same from the Council via the normal reporting process.

Following the exercise of that power by the CEO it is proposed that Officers will notify the Council via memorandum.

This proposal can be actioned by the insertion of another exception into paragraph 5.1 in the Instrument of Delegation to the Chief Executive Officer allowing the CEO to accept a tender for a contract for the supply of Utilities, regardless of contract value, if a decision needs to be made urgently and cannot conveniently be deferred until the next meeting of Council for consideration.

It is further proposed to:

- Make minor improvements to the wording of paragraph 5.1 as suggested by Council's legal advisors.
- Remove the reference to types of contracts in paragraph 5.1 and then delete paragraph 5.2 (currently these are unnecessarily duplicated now that the CEO's delegation for works contracts is the same as it is for services and goods contracts).

Copies of the updated Instrument of Delegation to the Chief Executive Officer are attached. One is a marked up copy which easily allows the reader to easily identify all proposed changes. The other is a clean version of the amended document - this copy is recommended for approval.

CONSULTATION

Consultation has taken place with Manager Governance and Director Corporate Services. It was determined that a delegation is the most appropriate mechanism to address the issue. The Chief Executive Officer has been consulted and has confirmed his support for this approach.

Council's legal advisors have been consulted to ensure the amended Instrument of Delegation to the Chief Executive Officer has been properly drafted.

CRITICAL DATES

Expiry dates of existing Utility supply arrangements are as follows:

- The SPC for the supply of natural gas to large sites is due to expire on 30 September 2020.
- The SPC for the supply of natural gas and supply of electricity to small sites is due to expire on 31 December 2018.
- The National Procurement Network contract for supply of electricity for public street lighting is due to expire on 31 December 2018.
- The SPC for the supply of electricity to large sites is due to expire on 30 June 2019.

To achieve best value in each category, the acceptance of new Utilities offers could happen as often as two or three times in a year. This is due to the three different supply types (gas, electricity and water) and the different categories within each energy offer (i.e. separate offers are made for small sites, large sites and for public street lighting).

FINANCIAL IMPLICATIONS

There will be a financial benefit to Council if the Chief Executive Officer is delegated the power to accept Utilities offers made with short validity periods as the best tender offer in the market can be accepted within the deadline. This will prevent Council being limited to only accepting longer validity offers at higher rates.

The proposed delegation will enable Council to leverage off the buying power of the Department of Treasury and Finance and other external tendering agents such as MAV Procurement and Procurement Australia to obtain best value for money.

POLICY STRATEGY AND LEGISLATION

The Council may delegate its powers in accordance with section 98(3) of the *Local Government Act 1989*.

Delegating specific functions to staff members is administratively efficient and it enables decisions to be made more promptly to secure best value when the opportunity arises.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council explores and adopts best practice models
Council Priority	Organisational Sustainability

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

It is advantageous to the Council to delegate a power to the CEO to accept utilities offers where timelines prevent the usual approval process. The retrospective notification of the evaluation outcomes to Council allows for full transparency as soon as possible without jeopardising the opportunity to achieve best value.

RECOMMENDATION

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached Instrument of Delegation to the Chief Executive Officer, Council resolve that:

1. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached *Instrument of Delegation to the Chief Executive Officer*, subject to the conditions and limitations specified in that Instrument.
2. The Instrument comes into force immediately the common seal of Council is affixed to the instrument.
3. On the coming into force of the Instrument all previous delegations to the Chief Executive Officer are revoked.
4. The duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.
5. It is noted that the instrument includes a power of delegation to members of Council staff; in accordance with section 98(3) of the Act.
6. If the CEO accepts a tender for the supply of Utilities under paragraph 5.1 of the Instrument of Delegation to the Chief Executive Officer, a memorandum will be promptly presented to the Councillors.

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 UNANIMOUSLY

6.4.5 ASSET MANAGEMENT STRATEGY ADOPTION

Attachments: 1 **Asset Management Strategy** [⇒](#)

Responsible Officer: Director Corporate Services

Author: Manager Finance & Assets

RECOMMENDATION SUMMARY

1. That the proposed Asset Management Strategy be adopted.
2. That Councillors note the current level of knowledge in our Asset Management Processes and the strategy to address the current knowledge gaps.
3. That Councillors note the renewal funding requirements to provide a consistent level of service to our community identified in this strategy and included in the 4/15 New Works Program.

KEY FACTS AND / OR ISSUES

- The City of Whittlesea has assets valued at more than \$3 billion dollars.
- Council's assets have increased by approximately \$80 million dollars per year for the past decade, predominantly from development works in new growth areas, and this is expected to continue through to 2040.
- There is currently an identified asset renewal gap of approximately \$40 million, meaning those assets are not in the desired condition to provide the services our community expects from them.
- The proposed Asset Management Strategy provides:
 - A snapshot of the information we currently know about our assets
 - What service we expect from them
 - The asset composition of the approximately \$40 million renewal gap and the proposed Strategy to reduce costs and increase funding to address the gap
 - Our strategic approach to ensure assets provide a sustainable level of service into the future.

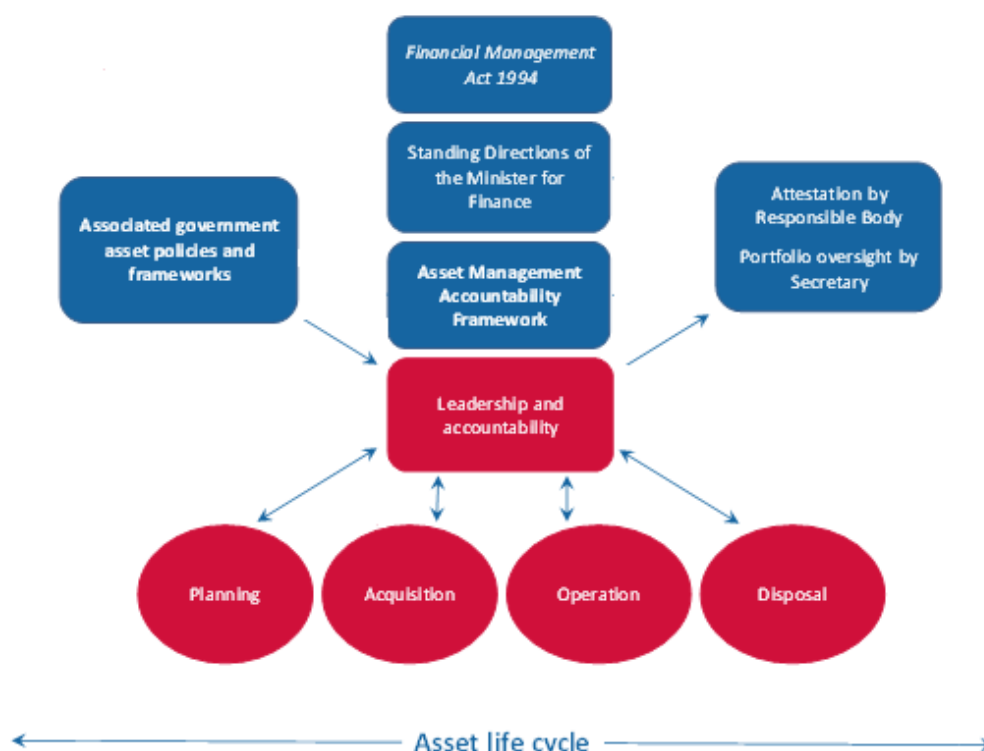
REPORT

BACKGROUND

The City of Whittlesea is one of the most rapidly developing municipalities within Australia. As such, the historic focus has been on the provision of assets in response to growth related demands. The infrastructure network is currently valued at approximately \$3 billion dollars and increasing by approximately \$80 million per year. With this growing infrastructure network comes an increasing liability to renew an increasing amount of assets as they reach end of life, which requires a balancing of expenditure between provision of new assets and renewal of existing assets.

In February 2016, The Victoria State Government *Department of Treasury and Finance* issued the *Asset Management Accountability Framework* (AMAF). Council will utilise this model to assist in meeting its asset management obligations under the Local Government Act. The AMAF depicts its relationship with other government policies and legislation as per Figure 1 below. It is noted that leadership and accountability is central to this model throughout all aspects of the asset life cycle.

Figure 1: The relationship between the AMAF and other government policies



Within the context of strategic asset management, The *Local Government Act 1989* specifies that:

cl. 3C (1) “The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.”

And

cl. 3E (1) “The functions of a Council include:

- (b) planning for and providing services and facilities for the local community;
- (c) providing and maintaining community infrastructure in the municipal district.

This Strategy outlines Council's commitment to delivering our community the right services, through the right assets, using best practice management and continuous improvement initiatives. At Council Forum on 5 December 2017, Councillors were presented with an update on the asset management position of Council's roads and the projected renewal funding requirements for the transport asset portfolio. Since this presentation, officers have been undertaking work to:

- Consolidate and centralise knowledge for all asset portfolios (Transport, Buildings, and Parks and Open Space)
- Identify the linkage between the infrastructure assets Council manages and the services Council delivers to the community
- Assess the gaps in our knowledge, processes and future sustainability modelling
- Determine a strategy to address the identified gaps.

The outcome from this process is the proposed Asset Management Strategy.

The draft strategy was presented to Council Forum on 9 October 2018 for discussion, consideration and inviting Councillor feedback.

PROPOSAL

To adopt the proposed Asset Management Strategy which sets our strategic direction for addressing the identified knowledge gap in the management of our assets throughout their lifecycle.

CONSULTATION

The development of the first version of the proposed Strategy has been undertaken through internal consultation to capture current knowledge and work processes and model future sustainability from current knowledge, data and budgets. Future iterations of the Strategy will involve further internal and community consultation once the asset management system has matured to a level where it can facilitate meaningful participation.

FINANCIAL IMPLICATIONS

This Strategy has identified and outlined a required increase in the renewal funding of the overall New Works Program to address the need to renew those assets that have reached the end of their useful life. As such, Council's Long Term Financial Plan has provided for an increase in renewal funding of \$2.8 million with the aim of closing Council's asset renewal gap over the next 15 years. As the works outlined in the Strategy's improvement plan are undertaken, asset knowledge is increased and better data is collected, the projected financial requirements will change. Some identified factors that will contribute are:

- Factors that may decrease costs:
 - Effective Asset Management Practices and Renewal Modelling facilitating intervention at the most cost-effective point
 - Economies of Scale reducing individual work costs through completing a higher quantity of works
 - Increased efficiencies through reviewing current processes and practices against best practice and technological opportunities
 - New products, services and methodologies available on the market that provide alternative solutions.

- Factors that may increase costs:
 - Increased demand throughout the wider city/state infrastructure industry (i.e. from developers, state government) increasing the cost of materials and services
 - Better data providing an increased understanding of the extent of works required and the identification of additional work requirements.

POLICY STRATEGY AND LEGISLATION

The proposed Asset Management Strategy is closely linked with Whittlesea 2040 and the Asset Management Policy.

This Strategy is part of Council's approach to meet the requirements of the Victorian State Government's Asset Management Accountability Framework (AMAF).

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council strives to achieve long term financial sustainability
Council Priority	Organisational Sustainability

The proposed Strategy continues Council's strong commitment to providing services to our growing community, in a sustainable way, by setting the strategic approach to the management of our resources in consideration of today's demands and future service requirements.

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The City of Whittlesea has been actively working on advancing the clarity of asset information and the maturity of asset systems over the past 12 months. The proposed Strategy outlines our current level of knowledge, how we will approach future asset suitability and sustainability based on our community's desired service levels and our plan to continually improve systems to better inform decision making. Once adopted, this provides a clear path forward over the next four years to utilise our assets in service delivery to our community.

RECOMMENDATION

THAT Council resolve to adopt the Asset Management Strategy.

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 UNANIMOUSLY

6.4.6 COUNCIL ACTION PLAN 2018/19 - PROGRESS UPDATE

Attachments: 1 Council Action Plan 2018/19 - Q1 update [⇒](#)

Responsible Officer: Director Corporate Services

Author: Corporate Planner

RECOMMENDATION SUMMARY

That Council resolve to note the report.

KEY FACTS AND / OR ISSUES

- The Council Action Plan 2018/19 has 46 Major Initiatives to be delivered in 2018/19.
- A total of 51 quarterly milestones were allocated in Quarter 1.
- Council achieved 100% of the milestones allocated in Quarter 1.
- Three out of six Major Initiatives from the 2017-18 Council Action Plan were re-defined to be delivered in 2018-19. Council is closely monitoring the progress of the remaining three Major Initiatives to be completed.

REPORT

INTRODUCTION

The Council Action Plan 2017/18 contains 46 Major Initiatives (See attachment 1 for details). The performance of all Major Initiatives is managed with milestones developed for each quarter to ensure accurate and transparent monitoring of progress towards achieving each initiative.

There are 51 milestones allocated in Quarter 1, with an achievement rate of **100%**. This result is an improvement of **25%** over the same period in the 2017/18 financial year.



Figure 1. Council Action Plan 2018-19 – Q1 result.

Outstanding Council Action Plan 2017-18

There were six outstanding Major Initiatives from the 2017-18 Council Action Plan, in this quarter Council resolved the three outstanding initiatives within its control. Three Major Initiatives outside Council's control remain outstanding for completion as summarised in the following table. Updates to Council will continue to be provided in future quarterly reports.

Major Initiative	Status	Comments
Economic Development Strategy	Closed	The implementation of the 2017-18 Economic Development Strategy has been reviewed, updated and included in the new 2018-19 Council Action Plan.

Major Initiative	Status	Comments
Recreation Strategy 2018-28 development	Closed	The new Active Whittlesea Strategy 2019-28 adopted by Council on 4 September 2018 substitutes the former Recreation Strategy.
Municipal Biodiversity Action Plan development	Closed	This Major Initiative has been included in the 2018-19 Council Action Plan for completion.
Construction of Findon Road extension*	Ongoing	Negotiations continue to resolve the dispute over the land valuation for 135 Williamsons Road with Melbourne Water.
Plenty Valley Town Centre Structure Plan*	Ongoing	C204 Amendment documents submitted to the Minister. Awaiting ministerial approval.
Mernda Town Centre rail extension*	Ongoing	Mernda Town Centre Development Plan adopted. Awaiting finalisation of the Section 173 Agreement by the proponent.

(*) Completion outside Council's control

BACKGROUND

Council adopted the 'Shaping our Future' Council Plan 2017-21 and Council Action Plan 2017/18 on 30 May 2017. The Council Plan is the key strategic document providing direction over the Council term. The Council Action Plan is developed annually as an accompaniment to the Council Plan and includes the major initiatives that are to be achieved each year.

PROPOSAL

That Council resolve to note the report.

CONSULTATION

The Council Action Plan 2018/19 was developed by Council, consulted with the community from 27 April to 25 May 2018, and adopted on 26 June 2018.

Staff have also been consulted throughout the development process to provide details, comments and to confirm the status of each Major Initiative milestone and annual measure.

FINANCIAL IMPLICATIONS

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

POLICY STRATEGY AND LEGISLATION

This report is in accordance with the Section 223 of the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014 to enhance Council's accountability with the community on the delivery of the Council Action Plan 2017/18.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council monitors and evaluates all of its operations
Council Priority	Organisational Sustainability

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

The delivery of the 47 Major Initiatives in the 2018/19 Council Action Plan is currently on-track, with 100% of the 51 milestones allocated in Quarter 1 having been achieved.

Council continues to monitor closely the progress of the three outstanding Major Initiatives from the 2017-18 Council Action Plan and will provide continue to provide status updates on a quarterly basis.

RECOMMENDATION

THAT Council resolve to note 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 UNANIMOUSLY

6.4.7 SAFETY AND WELLBEING REPORT

Responsible Officer: Director Corporate Services

Author: Manager Corporate Accountability and Performance

RECOMMENDATION SUMMARY

That Council note the report.

KEY FACTS AND / OR ISSUES

- Council has over 1150 employees undertaking a diverse range of roles in various locations within the community.
- Occupational Health and Safety (OHS) management systems and processes are in place to meet the requirements of Council under the *OHS Act 2004*.
- Council's OHS Roadmap sets the strategic direction, actions and measures to improve safety performance. This is updated and reported to the Executive Leadership Team quarterly.
- Six priority safety risks have been identified and a process is in place to review these and determine actions to mitigate the risks.
- There has been a significant reduction in the number of lost time injuries following implementation of the OHS Roadmap which has included significant training, documentation and prioritising of safety and wellbeing initiatives.
- Council's annual staff wellbeing awards were held on 25 October and 32 individuals and three teams were recognised for safety and wellbeing leadership and initiatives.
- A request to review the worksite classification for Epping Depot was successful with WorkSafe determining that the appropriate classification was 'Local Government Administration' rather than 'Road and Bridge construction'. This resulted in a reimbursement of \$561,846 (including GST) and reduces Council's WorkCover premium by approximately \$90,000 per annum.
- Council has had a consistent reduction in WorkCover claims and claim costs since 2016.

REPORT

INTRODUCTION

Council has over 1150 employees undertaking a diverse range of roles in various locations. This includes staff working in the community in such areas as aged services, maternal and child health, youth, community development, roads, parks, school crossing, local laws as well as office based employees and professionals. Council has a duty of care to comply with legislation and to take reasonable steps to provide a safe environment for Councillors, staff, contractors, volunteers and members of the public.

As 'Officers' under the *OHS Act 2004*, Council has a responsibility to take reasonable steps to acquire knowledge, make decisions and verify performance to be comfortable that Council is meeting the OHS responsibilities.

BACKGROUND

A Council forum was held on 15 May 2018 where Barry Sherriff, Lawyer and OHS Consultant presented "Effectively managing health and safety – leadership, risk management and compliance". This included outlining responsibilities for Council as senior officers under the *OHS Act 2004*.

Regular reports will be provided to Council to provide an overview of Council's safety performance and initiatives to build a wellbeing culture and effectively manage safety risks.

PROPOSAL

For Council to note the information in the report in relation to safety and wellbeing management at Council.

Council has an Occupational Health and Safety (OHS) management system, policy, procedures and guidelines in place to meet the requirements of the *OHS Act 2004*. A proactive approach to managing safety and reducing hazards and risks has been implemented through Council's OHS Roadmap which supports the People Strategy (developed 2017) which includes 'Wellbeing' as one of five key focus areas.

OHS Roadmap

Council's OHS Roadmap includes 23 actions to be achieved during 2018 sitting under 12 elements. All actions are on track or have been achieved as summarised below.

	Roadmap Element	# Actions	Status
1	Develop leadership, capability and accountability of frontline supervisors / team leaders / managers	4	Achieved
2	Ensure caring focus of support for ill and injured staff	1	Achieved
3	Implementation of targeted mental health and wellbeing programs	3	Achieved
4	Implementation of an OHS business partner model	1	Achieved
5	Implementation and training of the Risk Management Safety System (Online OHS management system)	4	Achieved
6	Each business will identify their key OHS risks and implement an Action Plan to mitigate each key risk area	2	In progress - on track
7	Conduct an audit of the current OHS management systems	2	Achieved

	Roadmap Element	# Actions	Status
8	Implement simplified OHS systems and tools	1	In progress - on track
9	Procurement include OHS systems in contracts	1	In progress - on track
10	Contractors participate in annual OHS management audits	2	In progress - on track
11	Benchmarking with external industries demonstrating excellence in OHS culture	1	In progress - on track
12	Wellbeing awards are held	1	achieved

Priority Risks

As part of the People Plan Wellbeing actions, priority safety risks have been identified for review and to ensure suitable actions are put in place to mitigate these risks.

The identified risks and the timeframes for these reviews are listed below:

Review timeframe

Priority Risks	Jul 2018	Aug 2018	Sep 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019
Occupational Violence								
Working Alone or in Isolation								
Emergency Management/Response								
Psychological Wellbeing								
Manual Handling								
Contractor Management								

There is ongoing review of hazards and risks embedded into the OHS Management system and reporting system.

Outcomes from the risk review have resulted in updated procedures, a focus on better use of technology and recruitment of emergency wardens to meet Council's emergency management response needs.

Wellbeing awards

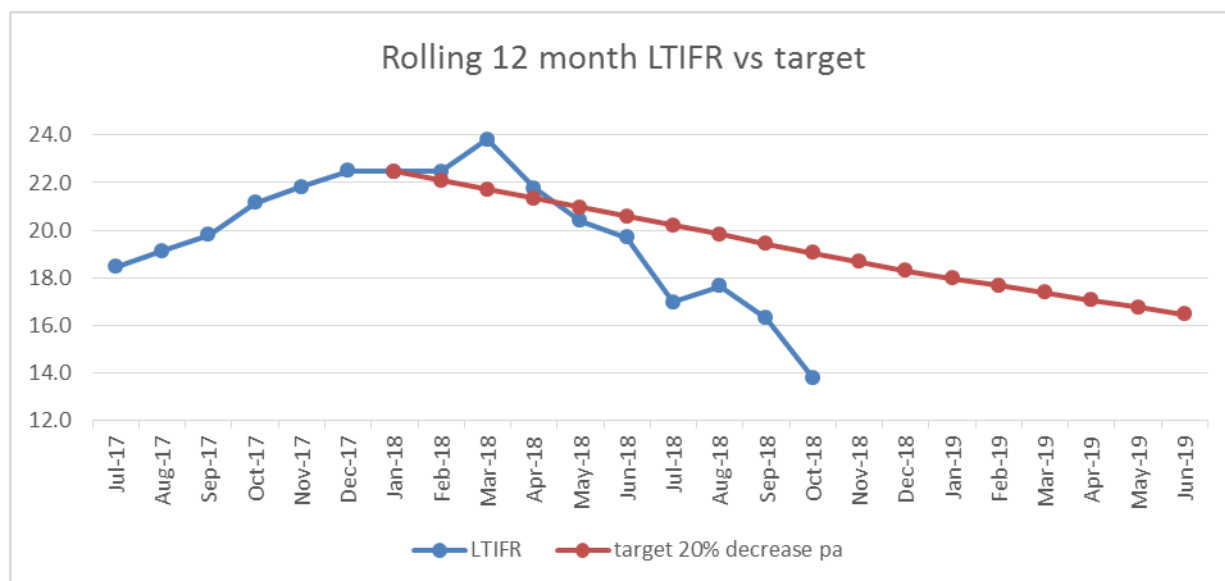
Council's annual staff wellbeing awards were held on 25 October to recognise and celebrate leadership and initiatives that improve the health, safety and wellbeing of staff. Three teams and 32 individuals were recognised for leadership in health safety and wellbeing or for safety or wellbeing initiatives they had implemented.

Lost time injuries

Lost Time Injury Frequency Rate (LTIFR) is a standard and indicative measure for safety performance. LTIFR refers to the number of lost time injuries (a work injury that results in a full day or full shift away from work) within a given period relative to the number of hours worked in that period. Council use a rolling 12 months as the period.

A key focus on the OHS Roadmap is to reduce our lost time injury frequency rate (LTIFR) by 20% each year.

Since implementing Council's Roadmap in February 2018, our LTIFR has decreased from 22.5 to 13.8 which is a 38% decrease; an excellent result and significantly better than target. This is the lowest LTIFR since Council commenced monthly reporting in December 2015. This positive result is due to a focus on early return to work and proactive approaches to managing risks.

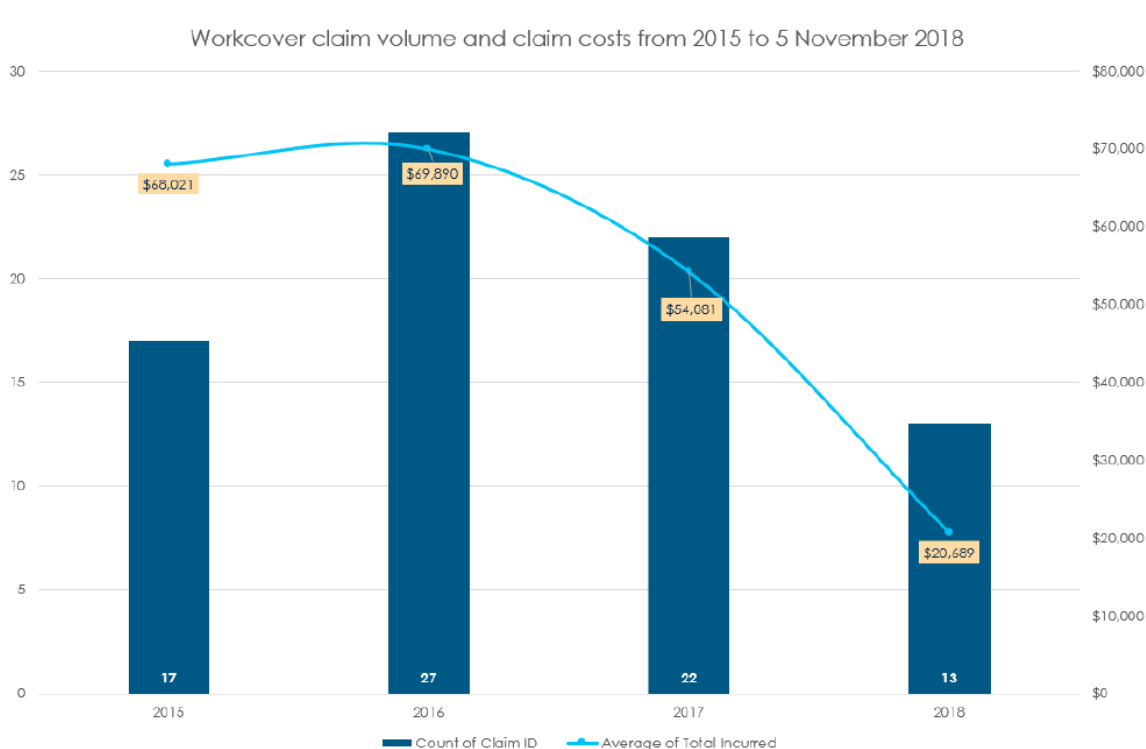


WorkCover Premium

Council officers requested WorkSafe to review the worksite classification for Epping Depot. This request resulted in WorkSafe determining that the appropriate classification for the Epping Depot was 'Local Government Administration' rather than 'Road and Bridge construction'. This resulted in a reimbursement of \$561,846 (including GST) and reduces Council's WorkCover premium by approximately \$90,000 per annum.

WorkSafe performance

The number and cost of Council's WorkCover claims have consistently reduced since 2016. The graph below shows the claim history and costs since January 2015. Whilst Council's WorkCover premium is high, the recent claims history is expected to result in a reduction of WorkCover premium in the longer term, noting that claims that occurred back in 2015 are still impacting on Council's premium.



CONSULTATION

Monthly reporting is provided to the Executive Leadership Group and Council has an OHS Committee which meets bimonthly to review all safety data and the OHS Roadmap implementation.

CRITICAL DATES

The OHS Roadmap is reviewed and updated annually. The 2019 Roadmap will be prepared for Executive Leadership endorsement by December 2018.

FINANCIAL IMPLICATIONS

WorkCover premium costs are allocated in the budget. Good OHS practices can lead to reduced absenteeism and reduced lost time injuries resulting in a reduced WorkCover premium.

POLICY STRATEGY AND LEGISLATION

Safety and wellbeing of staff is directly linked with Council's People Plan key focus area of 'Wellbeing' and Council's Value of 'Wellbeing'.

LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

Whittlesea 2040 Goal	Enabling the vision
Whittlesea 2040 Key Direction	Making it happen
Strategic Objective	Our Council explores and adopts best practice models
Council Priority	Organisational Sustainability

DECLARATIONS OF CONFLICTS OF INTEREST

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

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

CONCLUSION

Safety and wellbeing are a priority as outlined in the People Plan and Council Values. The OHS Roadmap has been successfully implemented with all actions achieved or on track for completion. There has been a significant decrease in lost time injuries over the past six months resulting in an improved OHS performance and significant reduction in lost time injury frequency rate.

<h2>RECOMMENDATION</h2>

THAT Council resolve to note 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 UNANIMOUSLY

6.5 EXECUTIVE SERVICES

NIL REPORTS

7. NOTICES OF MOTION

NIL

8. QUESTIONS TO OFFICERS

NIL

9. URGENT BUSINESS

NIL

10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES**10.1 YARRA PLENTY REGIONAL LIBRARY**

Cr Alessi provided an overview of a recent meeting of the Yarra Plenty Regional Library when the following items were discussed:

- A chart for July – September quarter that showed the outcomes achieved for the period including:
 - Usage of materials (hard and digital), number of events undertaken, staff and finance figures.
- CEO has now been in place for over 6 months, doing a great job, very experienced;
- Structural changes with staffing, changes put into place for the library system;
- Purchased a new mobile library to replace the previous one which was no longer serviceable, which was quite a considerable expense;
- Fantastic events were held with an enormous number of people attended the events;
- Pleased to be Chair however the position ceases in February and will be taken over by a Nillumbik representative;
- Headquarters will be moving location to Danaher Drive, South Morang.

COUNCIL RESOLUTION

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

THAT Council resolve to note the Delegate's report.

CARRIED UNANIMOUSLY

MEETING ADJOURNED

The Mayor adjourned the meeting at 7:30pm for three minutes.

MEETING RESUMED

The meeting resumed at 7:33pm.

10.2 WESTGARTHTOWN PIONEER PRECINCT ADVISORY COMMITTEE

Cr Alessi provided an overview of a recent meeting of the Westgarthtown Pioneer Precinct Advisory Committee when the following items were discussed:

- Zeibels Farmhouse and gardens look fantastic it is a credit to the Council that they have looked after a heritage precinct for such a long time;
- Now classified as a museum;
- 374 paying visitors attended over a recent weekend;
- Funds have been raised to assist in running of the organisation;
- 756 visitors this year through booked tours; and

- Council has an agreement with Lutheran church to finalise that part of the property over 20 to 30 years it may be time to finalise that process but still guarantee members of the congregation usage.

COUNCIL RESOLUTION

MOVED: *Cr Kozmevski*

SECONDED: *Cr Joseph*

THAT Council resolve to note the Delegate's report.

CARRIED UNANIMOUSLY

10.3 METROPOLITAN LOCAL GOVERNMENT WASTE FORUM

Cr Alessi provided an overview of a recent meeting of the Metropolitan Local Government Waste Forum when the following items were discussed:

- SPAG updated their Terms of Reference;
- Submitted to the State Government budget process the following funding requests to assist with:
 - The purchase and marketing of recycling products;
 - Education programs to promote Food Organics and Garden Organics (FOGO);
 - Resource recovery services for e-waste; and
 - Large scale advanced waste processing infrastructure education.
- Motion from the chair that supports local government to advocate to state and federal government for better advocacy and funding.

COUNCIL RESOLUTION

MOVED: *Cr Pavlidis*

SECONDED: *Cr Kozmevski*

THAT Council resolve to note the Delegate's report.

CARRIED UNANIMOUSLY

10.4 WHITTLESEA YOUTH COMMITMENT MANAGEMENT GROUP

Cr Sterjova provided an overview of a recent meeting of the Whittlesea Youth Commitment Management Group when the following items were discussed:

- Key themes were retention and transition, youth mental health and youth homelessness;
- Real Industry job interviews took place with 480 students and 53 interview volunteers resulting in:
 - Giving participants confidence in the interview process;
 - Taught skills around speaking confidently in a job interview;
 - How to prepare a resume;
 - Real life examples of jobs that they would like to apply for were given;
 - Feedback was received that a number of last year's participants had obtained

employment; and

- Programs like this are very valuable.
- Vocational Education Awards occurred in November, different from traditional academic awards as they focus on VET and VCAL students, recognising those who have never been recognised previously for their efforts and are aimed at recognising merit beyond academic participation;
- Finding their feet program helping parents of students in years 8 and 9 to discuss skills and future work force opportunities in conjunction with the Head Start apprentice program;
- Youth mental health advocacy program was a forum of over 150 representatives from schools, government, groups, parents and students wanting more direct support and focus from the committee next year;
- Engaged with RMIT to carry out research of City of Whittlesea students in their middle years to ascertain why there are middle students dropping out of school and how they can be assisted moving into the future; and
- A Police Officer spoke about a recent project focused on community safety through the art program community scape. Short videos are currently being produced for mid next year.

COUNCIL RESOLUTION

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

THAT Council resolve to note the Delegate's report.

CARRIED

10.5 HOPE STREET YOUTH HOMELESSNESS INITIATIVE

Cr Sterjova provided an overview of a recent meeting of the Hope Street Youth Homelessness Initiative when the following items were discussed:

- Engaged with Whittlesea Youth Commitment;
- Provides long-term substantial housing as opposed to crisis accommodation;
- Eight units provided in Thomastown where youth are supported and engaged in education and employment, also supported with a range of services such as financial counselling;
- Taking young people out of the cycle of homelessness, not just a token action but to sustain housing in the long term;
- Issue of homelessness going unseen; and
- Also applied to Council successfully for land for a crisis centre to provide young people with immediate support and receive some form of short-term housing and then continue with Hope Street to learn how to maintain long term housing.

COUNCIL RESOLUTION

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

THAT Council resolve to note the Delegate's report.

CARRIED UNANIMOUSLY

10.6 NATIONAL GROWTH AREA ALLIANCE (NGAA) CONFERENCE

The Mayor, Cr Cox provided an overview of the National Growth Area Alliance Conference:

- The Conference was held at Campbelltown, NSW hosted by three Councils: Camden, Campbelltown and Wollondilly.
- The Welcome reception was held at the reconstructed railway exhibit at Thirimere museum.
- The Minister for Cities, Urban Infrastructure and Population gave a brief oversight of the Federal Government involvement.
- The theme of the Conference was “Are we there yet” a 10 year review of the Alliance.
- Smarter cities funding announcements to be made.
- Questions regarding population growth and lack of pre-planning or follow up of infrastructure were raised.
- Shadow Minister outlined getting back to business dealing directly with Local Government.
- Deloitte spoke about the development of precincts;
- The three host Councils presented an overview of regional challenges and issues specific to each Council.
- Advocacy continues to State and Federal Governments regarding lack of connectivity.
- A panel discussion was held regarding population growth and changes over the next ten years.
- The Keynote address by Professor Greg Clarke discussed principles for good growth in Australia’s cities and suburbs and was followed by a Q&A Skype session with Professor Clarke.
- Western Australia received a number of awards.
- The City of Whittlesea was recognised for providing secretariat support to the NGAA for the past ten years.
- A review of the Alliance’s governance structure is currently being undertaken.

COUNCIL RESOLUTION

MOVED: *Cr Pavlidis*
SECONDED: *Cr Joseph*

THAT Council resolve to note the Delegate's report.

CARRIED

10.7 OPENING OF QUEST APARTMENTS EPPING

The Mayor, Cr Cox provided an overview of the opening of the Quest Apartments Epping:

- The event was very well attended;
- Great effort from Council's Economic Development Team for the work they have done on this event; and
- The feedback from businesses regarding this event has been extremely complimentary for Council.

10.8 NORTHERN BUSINESS AWARDS BREAKFAST

Cr Cox provided an overview of the Northern Business Awards Breakfast:

- Two awards were won by businesses in our area being the B2C Technologies computer supply business, and also the Melbourne Fruit and Vegetable Market.

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 1 NOVEMBER TO 28 NOVEMBER 2018

11.5.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES DECEMBER 2018

11.6 NOTICES OF MOTION

NIL REPORTS

COUNCIL RESOLUTION

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

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 1 NOVEMBER TO 28 NOVEMBER 2018

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

11.5.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES DECEMBER 2018

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

CARRIED UNANIMOUSLY

ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7:56PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 8:17PM.

12. CLOSURE

THE MAYOR DECLARED THE MEETING ADJOURNED AT 8:17PM TO RECONVENE AT 11:00AM ON FRIDAY 21ST DECEMBER 2018.

CONFIRMED THIS 5TH DAY OF FEBRUARY 2019.

CR LAWRIE COX
MAYOR