



***City of*  
Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 5 FEBRUARY 2019**

**AT 6.58PM**

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



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## COUNCILLORS

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



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## SENIOR OFFICERS

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SIMON OVERLAND

CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

NICK MANN

DIRECTOR CITY TRANSPORT & PRESENTATION

HELEN SUI

DIRECTOR CORPORATE SERVICES

LIANA THOMPSON

DIRECTOR PARTNERSHIPS, PLANNING &  
ENGAGEMENT

MICHAEL TONTA

MANAGER GOVERNANCE



## ORDER OF BUSINESS

The Chief Executive Officer submitted the following business:

<b>1.</b>	<b>OPENING.....</b>	<b>9</b>
1.1	MEETING OPENING AND PRAYER.....	9
1.2	ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT .....	9
1.3	2009 BUSHFIRE 10 YEAR ANNIVERSARY .....	11
1.4	PRESENT.....	15
<b>2.</b>	<b>APOLOGIES.....</b>	<b>15</b>
<b>3.</b>	<b>DECLARATIONS OF INTEREST.....</b>	<b>15</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>15</b>
<b>5.</b>	<b>QUESTIONS, PETITIONS AND JOINT LETTERS.....</b>	<b>15</b>
5.1	QUESTIONS TO COUNCILLORS.....	15
5.2	PETITIONS.....	15
	NIL REPORTS.....	15
5.3	JOINT LETTERS.....	15
	NIL REPORTS.....	15
<b>6.</b>	<b>OFFICERS' REPORTS .....</b>	<b>17</b>
6.1	PARTNERSHIPS, PLANNING & ENGAGEMENT.....	19
6.1.1	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 .....	19
6.1.2	LALOR SHOPPING CENTRE BUSINESS DEVELOPMENT AND MARKETING SPECIAL RATE SCHEME NOTICE OF INTENT .....	61
6.1.3	PROPOSED PLANNING SCHEME AMENDMENT- 18 DEVELOPMENT BOULEVARD, MILL PARK- REQUEST FOR AUTHORISATION .....	69
6.1.4	INTERSTATE CONFERENCE - 4TH WELCOMING CITIES SYMPOSIUM - BRISBANE CITY, 2 - 3 APRIL 2019 .....	75

6.1.5	ASSEMBLIES OF COUNCIL REPORT - 5 FEBRUARY 2019.....	79
6.1.6	239-255 CRAIGIEBURN ROAD, WOLLERT - PLANNING APPLICATION NO. 717079 TO ALLOW MULTI LOT SUBDIVISION, SUBDIVISION OF LAND ADJACENT TO A ROAD ZONE - CATEGORY 1 AND REMOVAL OF NATIVE VEGETATION.....	83
<b>6.2</b>	<b>COMMUNITY SERVICES.....</b>	<b>109</b>
6.2.1	MERENDA AQUATIC INDOOR SPORTS CENTRE (MAISC) FEASIBILITY STUDY OPTIONS REPORT .....	109
6.2.2	YARRA PLENTY REGIONAL LIBRARY SERVICE MEETING PROCEDURE (AMENDMENT) LOCAL LAW 2018.....	117
6.2.3	YOUTH SERVICES APP .....	121
<b>6.3</b>	<b>CITY TRANSPORT AND PRESENTATION .....</b>	<b>131</b>
	NIL REPORTS.....	131
<b>6.4</b>	<b>CORPORATE SERVICES.....</b>	<b>133</b>
6.4.1	CONTRACT FINALISATION REPORT - PRESENTED QUARTER 3, FY 2019 .....	133
6.4.2	UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING .....	137
<b>6.5</b>	<b>EXECUTIVE SERVICES.....</b>	<b>141</b>
6.5.1	MEETINGS OF THE CHIEF EXECUTIVE OFFICER 29 NOVEMBER 2018 - 23 JANUARY 2019 .....	141
<b>7.</b>	<b>NOTICES OF MOTION .....</b>	<b>145</b>
	NIL REPORTS.....	145
<b>8.</b>	<b>QUESTIONS TO OFFICERS .....</b>	<b>145</b>
<b>9.</b>	<b>URGENT BUSINESS .....</b>	<b>145</b>
<b>10.</b>	<b>REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES .....</b>	<b>145</b>
<b>11.</b>	<b>CONFIDENTIAL BUSINESS.....</b>	<b>147</b>
<b>11.1</b>	<b>PARTNERSHIPS, PLANNING &amp; ENGAGEMENT.....</b>	<b>147</b>
11.1.1	CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS DECEMBER 2018.....	147
11.1.2	CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS JANUARY 2019 PART A.....	147
11.1.3	CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS JANUARY 2019 PART B.....	147



11.2	<b>COMMUNITY SERVICES</b> .....	147
	NIL REPORTS.....	147
11.3	<b>CITY TRANSPORT AND PRESENTATION</b> .....	147
	NIL REPORTS.....	147
11.4	<b>CORPORATE SERVICES</b> .....	147
	11.4.1 LAND ACQUISITION SOUTH MORANG .....	147
11.5	<b>EXECUTIVE SERVICES</b> .....	147
	NIL REPORTS.....	147
11.6	<b>NOTICES OF MOTION</b> .....	147
	NIL REPORTS.....	147
12.	<b>CLOSURE</b> .....	148

**Note:**

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



**1. OPENING**

**1.1 MEETING OPENING AND PRAYER**

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**CHIEF EXECUTIVE OFFICER EXPLANATORY NOTE**

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

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

It is also noted that apologies were received on behalf Deputy Mayor Cr Joseph, Cr Kelly and Cr Kirkham.

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Councillors Desiato, Lalios and Monteleone entered the Council Chamber at 6:58pm.

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The Chief Executive Officer opened the meeting with a prayer at 6:58pm.

**1.2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT**

The Mayor, Cr Cox read the following statement:

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

I as a non-aboriginal or Torres Strait Islander would ask that you may consider a conversation with our Aboriginal and Torres Strait peoples to educate and understand their depth of feeling around the treatment of our first nations peoples and events that have shaped their lives.”



### 1.3 2009 BUSHFIRE 10 YEAR ANNIVERSARY

The Mayor, Cr Cox made the following statement regarding the 2009 Bushfire 10 Year Anniversary:

"This week marks 10 years since the Victorian Bushfires that devastated many local communities, including parts of the City of Whittlesea.

The damage caused to lives, property, wildlife, pets, livestock and the environment was unequalled in the history of the City of Whittlesea.

On Thursday we will pause to remember and honour the 173 people who died in Victoria – 12 in the City of Whittlesea.

We also consider the 230 local people who were displaced, those who lost their homes and all of those who were directly impacted by this natural disaster.

The community has been on a long journey of recovery and while the physical scars may have healed in the landscape, the impact on community, business, families and individuals are significant, ongoing and diverse.

Every year on 7 February at 11am Council observes a minute of silence to remember and pay respects to those who died. And our flags will be flown at half-mast on Monday and Thursday of this week as we remember.

We also take a moment to acknowledge the wonderful work of our emergency services, council staff, volunteers and members of the community who went above and beyond during this time and in the years since.

Our community will be hosting several commemorative events this week including a Community Remembrance Service on 7 February at 6.45pm in the Whittlesea Community Garden.

There will also be a service at Toorourrong Reservoir Park on Saturday 9 February from 9am-10am.

Please stand with me now as we observe a minute's silence."

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One minute of silence was observed.

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**COUNCIL RESOLUTION**

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

**THAT Council resolve to close the meeting to members of the public for the purpose of considering a confidential matter in accordance with Section 89(2) of the Local Government Act 1989.**

**CARRIED**

**DIVISION**

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

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Pavlidis	Cr Lalios	Nil
Cr Kozmevski	Cr Monteleone	
Cr Alessi	Cr Desiato	
Cr Cox		
Cr Sterjova		

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

**CARRIED**

Cr Lalios left the Council Chamber at 7:04pm and did not return to the meeting.

**ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7:04PM.**

**THE MEETING WAS RE-OPENED TO THE PUBLIC AT 7:19PM.**

Councillors Desiato and Monteleone left the Council Chamber at 7:19pm.

**AS NO QUORUM WAS PRESENT THE MAYOR DECLARED THE MEETING ADJOURNED AT 7:29PM TO RECONVENE AT 6:30PM ON THE 12<sup>TH</sup> DAY OF FEBRUARY, 2019.**





**1.4 PRESENT**

**2. APOLOGIES**

**3. DECLARATIONS OF INTEREST**

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

**RECOMMENDATION**

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

**Ordinary Meeting of Council held 11 December 2018;**

**Special Meeting of Council held 18 December 2018;**

**Adjourned Ordinary Meeting of Council held 21 December 2018; and**

**Adjourned Special Meeting of Council held 21 December 2018.**

**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 REPORTS**

**5.3 JOINT LETTERS**

**NIL REPORTS**



6. OFFICERS' REPORTS

RECOMMENDATION

THAT Council resolve to adopt the Recommendations for items numbers .

**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 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
- Heritage Coordination

(EXTERNAL)

- 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**

- This item was originally scheduled for the 11 December 2018 Council Meeting, due to no quorum, following Cr Alessi declaring a conflict of interest, the item was adjourned to the 21 December 2018 Special Council Meeting. Due to no quorum at this meeting, following Cr Alessi's declaration of conflict of interest, this item was adjourned to the 5 February 2019 Council Meeting.
- 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.

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**REPORT**

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**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 (DP) have been required in order to facilitate the proposal.

Council has worked closely with the applicant to prepare a DP 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.

The current proposal was originally presented to Council meetings on both 11 and 21 December 2018, however was unable to be determined as the Council meetings were inquorate. This is the third time that the application will be considered by Council.

**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 Development Plan, 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 (IPO), Schedule 1**

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

Schedule 1 to the IPO 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 (VPO), Schedule 1**

According to the requirements of the schedule to the VPO, 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.
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 has 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 has 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 has 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 has 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 satisfactorily 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.

#### **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 7,900m<sup>2</sup> 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 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 anacardioides* 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-contractors / 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 girdling, 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
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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.

## 6.1.2 LALOR SHOPPING CENTRE BUSINESS DEVELOPMENT AND MARKETING SPECIAL RATE SCHEME NOTICE OF INTENT

**Attachments:** 1 Lalor Activity Centre [⇒](#)

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

**Author:** Business Services Officer

### RECOMMENDATION SUMMARY

1. Resolve to proceed with the intention to renew the Lalor Shopping Centre Business Development and Marketing Special Rate Scheme (Special Rate) for a period of seven years commencing 1 July 2019, collecting \$90,000 plus GST per annum, and indexed by CPI in every subsequent year until 30 June 2026.
2. Give public notice under Section 163 (1A) of the Local Government Act 1989 of Council's intentions to declare a Special Rate for the Lalor Shopping Centre.
3. Establish an Advisory Committee of the South West Ward Councillors to consider any written submissions received on the proposal and make recommendations to Council on any such submissions.

### KEY FACTS AND / OR ISSUES

- The Lalor Shopping Centre includes 92 commercial premises and services within the commercial precinct inclusive of 284 – 368 Station Street, 1 – 87 May Road and 1 - 7 Peter Lalor Walk, Lalor.
- A Special Rate Scheme has been operating for the Lalor Shopping Centre since 1997.
- The Special Rate is proposed to be renewed for a further seven years as the current scheme is due to expire on 30 June 2019.
- The purpose of the Special Rate is to improve business viability and drive economic development within the Lalor Shopping Centre through marketing and promotional initiatives.
- Survey responses from businesses have indicated a favourable level of support for a renewal.

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**REPORT**

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**INTRODUCTION**

The Lalor Shopping Centre Traders Association (Traders Association) has written to Council requesting that the Lalor Shopping Centre Business Development and Marketing Special Rate be renewed for a further seven years. The current rate will expire on 30 June 2019.

The proposed Special Rate amount to be collected will increase from \$87,000 per annum to \$90,000 plus GST per annum and will be indexed by CPI in every subsequent year.

The purpose of the Special Rate scheme is to improve business viability and drive economic development within the Lalor Shopping Centre (the Centre) through marketing and promotional initiatives. The Special Rate scheme involves levying a special rate on each property owner to contribute to a Business Plan to improve commercial viability through marketing and promotional activity. Contribution from property owners varies between \$340 and \$8,300 per annum.

The special rate originally commenced in 1997 and was renewed in 2002, 2007 and 2012.

The purpose of the Special Rate Scheme is aligned with Key Direction 2 of the Economic Development Strategy – *Foster an environment that encourages the development of a vibrant local economy*. Marketing and promotional activities payable by the scheme contribute to the vibrancy of the Centre.

**BACKGROUND**

The Lalor Shopping Centre includes 92 commercial premises and services within the commercial precinct inclusive of 284 – 368 Station Street, 1 - 87 May Road and 1 - 7 Peter Lalor Walk, Lalor. The Centre hosts a variety of professional and personal services, medical services, cafes and restaurants, fresh food and clothing retailers, providing important and sought after services to cater to the needs of the local community.

The Traders Association was formed in 1998 with the purpose to advocate on behalf of all business traders within the precinct and work collectively with Council to enhance the Centre. The Association members comprise of local business owners, whom on a voluntary basis work in collaboration with a Centre Co-ordinator and Council.

The Centre Special Rate was introduced with the support of local traders in 1997 collecting \$35,000 for five years. The Special Rate was subsequently renewed in 2002 collecting \$47,000, in 2007 collecting \$53,000 and again in 2012 collecting \$69,000.

Over the past seven years the Special Rate proceeds have enabled the ongoing engagement of a Centre Co-ordinator who has worked with the Traders Association in organising a range of marketing and promotional activities.

The combined effect of these activities has contributed to:

- Reduced vacancy rate
- Improved Centre image and branding
- Improved communication with businesses
- Improved patronage
- Ongoing liaison with Council.

Since its introduction, the Special Rate has contributed to improving centre image, business performance and customer awareness.



Special Rates are important for traditional shopping centres to revitalise and maintain ongoing viability with there being more than 50 similar schemes in Melbourne. The Special Rate provides an excellent opportunity for businesses to work collectively in partnership with Council and other parties to bring about positive change.

If renewed, the key initiative will be the preparation and implementation of an annual Business Plan that provides businesses with a collective vision for the Centre and co-ordinates and prioritises initiatives relevant to:

- Business development and attraction
- Marketing and communication
- Communication amongst traders

## PROPOSAL

The Traders Association have requested the Special Rate for the Lalor Shopping Centre be renewed for a further period of seven years commencing 1 July 2019 and concluding 30 Jun 2026 on the condition that a formal Agreement outlining key responsibilities is developed and agreed by both Council and Traders Association.

The Traders Association has requested that the total amount be increased to \$90,000 plus GST per annum in order to cover increasing costs of advertising and promotions, special events initiated to compete with other neighbouring shopping centres and overall to achieve the goals of the Business Plan. It is further proposed that the Special Rate raised will be subject to CPI annual increases.

The Special Rate will be assessed on those properties zoned or used in commercial purposes located in the following areas (See attachment 1):

- 284 – 368 Station Street, Lalor
- 1-87 May Road, Lalor
- 1-7 Peter Lalor Walk, Lalor

The proposed Special Rate will be assessed and levied on the basis that the rate in dollar of 0.00099926 be applied to the Capital Improved Value of the property of all rateable land zoned or used for commercial purposes within the geographical area referred to above.

The current and preferred method of collection stated above is considered to be a fair and reasonable distribution of the cost as individual contribution varies according to the property value. Proceeds are distributed to the Traders Association in four quarterly instalments per annum.

## CONSULTATION

The consultation process has involved the following methods:

- Agenda item for discussion at trader meetings leading up to the survey process.
- Presentation at the Annual General Meeting.
- Direct mail from Council to all business tenants and property owners, prior to the survey.
- Face to face meetings with individual business operators.
- The survey was distributed in person to all business tenants for feedback and opinions on past marketing and management activities and suggested activities for the future.

Special Rate renewal survey

Active Businesses	Surveys Completed	Response Rate	Support of a renewal
91	42	46 per cent	67.5 per cent

Of the 32.5 per cent who indicated they would not support, in principle, the renewal of the scheme, six of those businesses held a confidential discussion with Council's Business Services Officer to discuss this and other issues related to the centre and their business.

To measure the success of the response rate, a benchmark was conducted with other Melbourne councils including Darebin City Council, Yarra City Council and the City of Boroondara. All councils recorded a lesser response rate indicating that this survey response rate is higher than industry standards.

A summary of the key results and issues from the survey included:

- Overall, a high majority of the respondents were aware the Centre has a Traders Association and a Centre Manager that facilitates all marketing, promotions and events for Lalor Shopping Centre.
- There is generally a high awareness of the Traders Association and its collaboration with Council.
- A vast majority of respondents felt more social media advertising, street entertainment and local newspaper advertising would be most beneficial to their business and the Centre in future.
- Businesses highlighted that it was important that the Traders Association continue to liaise with Council to ensure that the physical environment is kept pleasant and inviting.

An analysis of the survey will be provided to the Traders Association and Centre Co-ordinator that will inform the development of a business plan, particularly with initiatives that:

- Continue to increase awareness and appreciation amongst businesses of the Association's role and function in relation to the Centre's ongoing revitalisation.
- Provide a range of marketing activities appropriate to the diversity represented in the Centre.
- Ensure there is ongoing effective management and administration of the Traders Association.
- Provide a range of effective methods that provide for a two-way communication by the Association with all businesses.
- Provide regular monitoring of the Centre's performance and feedback from traders.

**CRITICAL DATES**

Should Council resolve to proceed with its intention to renew the Special Rate Scheme, the following will occur:

1. Public Notice of Council's intention to declare the Special Rate to be advertised in The Whittlesea Leader and individual notices to be sent to all property owners and tenants who will be made liable for the Special Rate.

2. A person affected by the Special Rate may object to the proposal or make a written submission (which may include a request to be heard) to the Council within 28 days of the publication of this notice. This will be considered in accordance with Section 223 of the Local Government Act. Submissions will be directed to the Chief Executive Officer and referred to an Advisory Committee of South West Ward Councillors to formally hear and consider all submissions. A hearing date is proposed for 1 April 2019.
3. Following the Hearing of Submissions a second report will be made to Council when a decision to proceed to adopt, modify or abandon the Special Rate will be made.
4. If the Special Rate is adopted, notice of the levy will be sent to the businesses and property owners, who then have 30 days to appeal to the Victorian Civil Administrative Tribunal.

It should be noted that Council cannot make the proposed declaration if Council receives objections from a majority of the rateable properties in respect of which the Special Rate would be imposed. If Council resolves that it will not renew the Special Rate, no further action is required however property and business owners will be advised of Council's decision.

If the Special Rate is implemented, it is intended that the Traders Association would continue to partly utilise the fund to employ a part-time Centre Co-ordinator to organise marketing, management and business development activities funded by the proceeds of the Special Rate as well as liaise with Council on behalf of the Association.

A formal agreement will be entered into between Council and the Traders Association confirming the role of the Association in expending the monies raised by the Special Rate is on the behalf of the Council, and is of an administrative nature only and at all times under the direction of and for Council.

Payment of the Special Rate is conditional on the entering into such an agreement.

It is intended that the funds will also be utilised to ensure that the rolling seven year business plan and annual budget be prepared for the Centre. A copy of the business plan, a calendar of annual activities and budget will need to be provided to Council's Economic Development Team. The agreement will encompass these.

Following the approval of the business plan, annual budget and compliance with those other conditions specified in the agreement, Council would provide the Association with the Special Rate proceeds in four quarterly instalments per annum. A key aspect of this arrangement is that the Association is an incorporated entity and acts in accordance with the *Associations Incorporation Reform Act 2012*.

## **FINANCIAL IMPLICATIONS**

Ongoing administration will be carried out as part of the current role of the Economic Development Team.

## **POLICY STRATEGY AND LEGISLATION**

### **Economic Development Strategy, *Growing our economy together***

The proposed Special Rate renewal is supported by Key Direction 2 – *Foster an environment that encourages the development of a vibrant local economy*. The renewal will allow the continuation of marketing and promotional activities to contribute to the vibrancy of the Centre.

**LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN**

<b>Whittlesea 2040 Goal</b>	<b>Strong local economy</b>
<b>Whittlesea 2040 Key Direction</b>	<b>Successful, innovative local businesses</b>
<b>Strategic Objective</b>	<b>Our social enterprise and business initiatives are supported</b>
<b>Council Priority</b>	<b>Health and Wellbeing</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The Lalor Traders Association has requested to renew the Special Rate for a further seven years and increase to \$90,000 per annum and indexed annually by CPI. Its purpose contributes to improving centre image, business performance and customer awareness. The Special Rate scheme has long been supported by traders and aligns with Councils Economic Development Strategy. It is therefore recommended that Council resolve to proceed with its intention to renew the Special Rate and adopt the recommendations as outlined in this report.

**RECOMMENDATION**

**THAT Council resolve to:**

- 1. Give public notice under Section 163 (1A) of the Local Government Act 1989 of its intentions to declare a Special Rate for the Lalor Shopping Centre and raise \$90,000 per annum for the period commencing 1 July 2019 plus CPI index for every subsequent year until 30 June 2026 advising that:**
  - a) The following land be specified for which the proposed Special Rate should be declared:**
    - **284 – 368 Station Street, Lalor**
    - **1-87 May Road, Lalor**
    - **1-7 Peter Lalor Walk, Lalor**
  - b) The proposed Special Rate will be assessed and levied on the basis that the rate in the dollar of 0.00099926 be applied to the Capital Improved Value of the property within the geographical area referred to above. This criterion will be referred to in the public notice.**
  - c) The properties included in the scheme and the Special rates amounts proposed will be subject to general revaluations and supplementary valuations on the same cycles and in the same manner as the City of**

**Whittlesea municipal rates and charges.**

- d) **There will be a special benefit to persons required to pay the proposed Special Rate and the viability of the Lalor Shopping Centre as a commercial area will be enhanced through increased economic activity. The value of the properties included in the scheme, their desirability as letting propositions and their general image and stature will be maintained or enhanced.**
        - e) **In the event that Council proceeds with the proposed Special Rate:**
          - i) **It will be levied by sending notices to the persons liable to pay the proposed Special Rate.**
          - ii) **Council requires interest to be paid in accordance with Section 172 of the Local Government Act 1989 on any amounts of Special Rate not paid by the specific date or dates.**
        - f) **Which persons have the right to object to the proposed declaration, how those persons may object and that objections in writing must be lodged within 28 days of the public notice.**
- 2. Send a copy of the public notice of the proposed declaration under Section 163 (1C) of the Local Government Act to all owners and occupiers of properties who will be liable to pay the proposed Special Rate.**

**A person affected by the proposed Special Rate may make a written submission in accordance with Section 223 of the Act. Submissions will be directed to the Chief Executive Officer and a meeting proposed for 1 April 2019 will be held for an Advisory Committee of the South West Ward Councillors to:**

  - a) Consider objections and other submissions made in accordance with Section 163 (A) and 163 (B) of the Act: and**
  - b) Hear persons who wish to be heard in support of all submissions.**
- 3. Establish an Advisory Committee of the South West Ward Councillors to consider any written submission received on the proposal and make recommendations to Council on any such submissions.**
- 4. Should the Special Rate be renewed, enter into a formal agreement with the Lalor Traders Association prior to the Special Rate or any part being paid to the Association which, amongst other matters, acknowledges and confirms that the role of the Association is in expending the monies raised by the Special Rate on behalf of Council is of an administrative nature only and at all times under the direction of and for Council.**



### 6.1.3 PROPOSED PLANNING SCHEME AMENDMENT- 18 DEVELOPMENT BOULEVARD, MILL PARK- REQUEST FOR AUTHORISATION

**Attachments:**

- 1 Aerial Context Map [⇒](#)
- 2 Zoning Map [⇒](#)
- 3 Concept Plan [⇒](#)

**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 that seeks to:
  - a) Rezone 18 Development Boulevard, Mill Park from the Commercial 2 Zone (C2Z) to the Residential Growth Zone (RGZ);
2. Note that authorisation in Condition 1 above is subject to confirmation from the proponent that they will cover the costs of the amendment process including any subsequent Panel Hearings;
3. Require that matters relating to social and affordable housing be resolved via agreement to the satisfaction of Council, prior to the approval of the amendment;
4. Require that matters relating to noise attenuation and native vegetation be resolved via agreement to the satisfaction of Council prior to the approval of the Amendment;
5. Require that the future of the Government Road and associated access arrangements are resolved prior to the approval of the Amendment; and
6. Advise the proponent of the above.

#### KEY FACTS AND / OR ISSUES

- The site adjoins existing commercial properties which are however accessed from Development Boulevard which is a residential street.
- The site interfaces with a Government Road reserve and Delacombe Park which both contain significant native vegetation.
- The Government Road reserve is required to provide access to the subject site.
- Council has previously resolved to provide support for the developer to purchase the Government Road reserve with a portion of the road reserve containing the vegetation be transferred to Council to be incorporated into Delacombe Park.
- It is recommended that an agreement that deals with the provision of social and affordable housing and which ensures the protection of River Red Gum trees, be negotiated as part of the future development and prior to Council approval of the Amendment.

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**REPORT**

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**INTRODUCTION**

The purpose of this report is to discuss the proposed Planning Scheme Amendment to rezone land at 18 Development Boulevard, Mill Park and to seek the authorisation of the Minister for Planning to commence the exhibition process. It is proposed to rezone the site from the Commercial 2 Zone (C2Z) to the Residential Growth Zone (RGZ) to facilitate the residential development of the land.

**BACKGROUND****Site Context**

The subject site is 18 Development Boulevard, Mill Park (refer to *Attachment 1*). The site is 9,908sqm in area. The site abuts commercial premises located on Heaths Court to the north, a Melbourne Water pipeline reserve and residential aged care facility to the west, a surplus Government Road reserve, Delacombe Park and residential development to the south.

The site and adjoining government road reserve is currently zoned Commercial 2 Zone (C2Z), consistent with the commercial properties to the north. The residential aged care facility is in a Commercial 1 Zone (C1Z) whilst Delacombe Park and surrounding residential properties are in the General Residential Zone (GRZ) (Refer to *Attachment 2*).

The site contains existing vegetation particularly in the south and eastern parts of the site and is covered by a Vegetation Protection Overlay (VPO).

**Government Road Reserve**

DELWP have declared the adjoining Government Road reserve to the south of the site as surplus to their requirements in August 2018. A portion of the Reserve is required to provide access to the subject site's south-west corner. Given the extent of vegetation within the Government Road and its abuttal to Delacombe Park to the south, it is unlikely, and not considered to be appropriate, for the Government Road reserve to be developed as a road for its entire length.

The land owner has been in more recent discussions with the State Government to formally purchase the Government Road reserve (or a part thereof for access purposes). This matter has yet to be resolved and negotiations are ongoing.

**PROPOSAL**

The Planning Scheme Amendment proposes to rezone the subject site from Commercial 2 Zone (C2Z) to the Residential Growth Zone (RGZ).

The rezoning will facilitate the residential development of the site comprising townhouses and/or low level apartments.

**Land Use**

The site has been subject of previous applications for commercial development. Officers during the last application process in 2013 undertook an analysis and identified a preferred residential future for the site. This was driven by the residential and open space character of the area and local road network, notwithstanding this is a direct abuttal to commercial development on the northern boundary. It is considered that this process provides an opportunity to settle the long term future of the land.

Rezoning the site for residential purposes is considered appropriate generally due to:

- the opportunity for an interface and passive surveillance of the Delacombe Park,



- protecting the amenity of existing residents by ensuring that only residential traffic (rather than commercial traffic) is using Development Boulevard which is a residential street,
- the site's proximity to services, facilities and transport, and
- proximity to existing residential precincts.

Given the proximity of the site to the Rivergum Village Shopping Centre, public transport on Plenty Road, the adjoining open space and lack of residential properties immediately abutting the subject site, the Residential Growth Zone (RGZ) is considered the most appropriate zone.

The RGZ is considered appropriate for the subject site to:

- Provide housing at increased densities in buildings up to and including four storey buildings
- Encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres
- Encourage a scale of development that provides a transition between areas of more intensive (commercial) use and residential development
- Ensure residential development achieves design objectives specified in a schedule to this zone, and
- Allow educational, recreational, religious, community and limited range of other non-residential uses to serve local community needs an appropriate location.

Potential amenity issues with the interface to existing commercial properties such as noise will need to be addressed through the detailed design of the development. As the agent of change it is recommended that the developer will need to ensure that all future dwellings contain sufficient noise attenuation measures.

Despite its current Commercial zoning, the land is not known to have been previously used in a manner which potentially may have contaminated the site.

### **Social and Affordable Housing**

The rezoning provides an opportunity to incorporate social and affordable housing as part of the residential development of the land.

Another key driver for proposing the Residential Growth Zone is the proponent's willingness to deliver social and affordable housing as part of the proposal. In this context the Residential Growth Zone offers greater opportunity to maximise development on the site and therefore the extent and nature of social and affordable housing. It is recommended that this be secured via an agreement prior to approval of the Amendment.

Proximity to the shopping centre, public transport on Plenty Road and open space make it suitable for social and affordable housing.

### **River Red Gum Trees**

An arboricultural report prepared for the site identifies that all the River Red Gum trees should be retained. Thirty-nine (39) trees were assessed in detail as part of the site review. This included 20 trees located on the site and 19 trees examined within the Government Road. A further 50 River Red Gums on the site were examined and their trunk diameter dimensions were recorded in the arboricultural report. Given the location of the trees in clusters, it is recommended that they be retained in tree reserves that are consolidated with the adjoining Delacombe Park.

The analysis of the subject site indicated that a design for the future residential development could be accommodated that retains all trees and provides surveillance of the tree reserves.

It is recommended that the retention of all River Red Gums subject to Council requirements be secured via an agreement. *Attachment 3* demonstrates the proposed concept.

The subject site is affected by a Vegetation Protection Overlay (VPO).

### Government Road Reserve

The subject development requires access via an existing Government Road reserve. The *Victorian Government Landholding Policy and Guidelines* (LHPG) requires land owned by government departments and agencies that is no longer required for a current or future service delivery need must be declared surplus to requirements and sold to the private market. This contributes to the efficient and effective management of the government's land assets, as well as freeing up underutilised government land for new purposes on land that would otherwise be vacant.

The landowner has been in recent discussions with the State Government to formally purchase the land to resolve access arrangements to the site. Whilst negotiations have yet to result in an outcome it is important that this matter is resolved prior to approval of the Amendment.

Council has previously resolved to support this purchase subject to the substantial portion of the reserve containing River Red Gum trees being transferred to Council for incorporation into broader Delacombe Park. As part of the further review it is considered that this portion should be extended to capture more River Red Gum trees. Should this include any land unencumbered by vegetation, it is considered reasonable to credit any transfer of unencumbered land for the purposes of open space against any public open space liability as part of the subject development.

### 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

Date	Key Milestone
4 September, 2008	Council resolve to support the sale of government road abutting 18 Development Boulevard and for a portion of the road to be transferred to Council.
20 March 2012	Planning Permit issued for warehouses on the site. 16 objections were received from surrounding residents.
June, 2013	Analysis Report prepared internally recommends residential land use
2018	Further discussion with Council and DEWLP officers commence.
December 2018	Council receives verbal confirmation of government road valuation from DELWP and that process to dispose the land will commence

### FINANCIAL IMPLICATIONS

All costs involved in the Planning Scheme Amendment will be borne by the applicant.

### POLICY STRATEGY AND LEGISLATION

#### Ministerial Directions

The Amendment will be prepared considering the following ministerial directions:

*Ministerial Direction – The Form and Content of Planning Schemes*

*Direction No. 9 Metropolitan Strategy*

*Direction No. 11 Strategic Assessment of Amendments*

### **Planning Practice Notes**

The Amendment documents will be prepared considering the following practice notes:

- PPN46: Strategic Assessment Guidelines
- PPN78: Applying the Residential Zones

### **State Planning Policy Framework (SPPF)**

The amendment will implement the SPPF, particularly the following:

- Clause 16.01-2R: Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.
- Clause 16.01-2S: To locate new housing in designated locations that offer good access to jobs, services and transport.
- Clause 16.01-4S: To deliver more affordable housing closer to jobs, transport and services.

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

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

- Whittlesea Municipal Strategic Statement (MSS)
- River Red Gum Protection Policy
- City of Whittlesea Open Space Strategy
- City of Whittlesea Housing Diversity Strategy
- City of Whittlesea Social and Affordable Housing Policy and Strategy.

### **LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN**

<b>Whittlesea 2040 Goal</b>	<b>Liveable neighbourhoods</b>
<b>Whittlesea 2040 Key Direction</b>	<b>Housing for diverse needs</b>
<b>Strategic Objective</b>	<b>Housing is diverse and delivers social and affordable outcomes</b>
<b>Council Priority</b>	<b>Health and Wellbeing</b>

The proposed amendment will contribute towards the strategic objective of the Council Plan to use Urban Design outcomes to build connection to place and the community as well as facilitate the future development of land.

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

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

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

### **CONCLUSION**

The proposed Amendment will facilitate the development of land for residential development on site in close proximity to services, facilities and transport.

The Amendment will have the benefit of providing surveillance of an existing open space reserve and protecting the amenity of existing residents. In this context it is important that

this Amendment be advanced to provide the strategic direction supporting a residential future for the land, noting that it cannot be developed for commercial purposes under the existing controls. A range of more specific matters will be able to be resolved prior to, or conditional on subsequent Council approval of the Amendment.

The Amendment provides the opportunity to make provision for affordable housing as part of the future development of the site and for the retention of all existing River Red Gum trees.

The subject development requires access via an existing Government Road Reserve which has been deemed surplus by DELWP. It is proposed at this stage for the reserve to be secured by the proponent with a portion containing River Red Gum trees to be transferred to Council for incorporation into broader tree reserve. This will be secured by means of an agreement to be entered into with the proponent once the reserve is formally acquired.

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

1. **Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme that seeks to:**
  - a) **Rezone 18 Development Boulevard, Mill Park from the Commercial 2 Zone (C2Z) to the Residential Growth Zone (RGZ);**
2. **Note that authorisation in Condition 1 above is subject to confirmation from the proponent that they will cover the costs of the amendment process including any subsequent Panel Hearings;**
3. **Require that matters relating to social and affordable housing be resolved via agreement to the satisfaction of Council, prior to the approval of the amendment;**
4. **Require that matters relating to noise attenuation and native vegetation be resolved via agreement to the satisfaction of Council prior to the approval of the Amendment;**
5. **Require that the future of the Government Road and associated access arrangements are resolved prior to the approval of the Amendment; and**
6. **Advise the proponent of the above.**

**6.1.4 INTERSTATE CONFERENCE - 4TH WELCOMING CITIES SYMPOSIUM -  
BRISBANE CITY, 2 - 3 APRIL 2019**

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

**Author:** Governance Officer

**RECOMMENDATION SUMMARY**

1. Authorise the attendance of interested Councillors at the 4<sup>th</sup> Welcoming Cities Symposium, 2 – 3 April 2019 in Brisbane; and
2. Endorse the process that interested Councillors advise the Office of the Chief Executive Officer as soon as possible of their expected attendance at this conference.

**KEY FACTS AND / OR ISSUES**

The Welcoming Cities Symposium brings together international, national and local practitioners, policy-makers, researchers, business innovators and civic leaders to share and discuss the challenges, benefits and opportunities of migration, settlement, cultural diversity and inclusion.

**REPORT****BACKGROUND**

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

**PROPOSAL**

To authorise Councillor attendance at the 4<sup>th</sup> Welcoming Cities Symposium to be held on 2-3 April 2019 in Brisbane.

**FINANCIAL IMPLICATIONS**

The cost of attending a conference includes the registration fee of \$220 plus airfares, accommodation and meals.

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**

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

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 the 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 conference listed in the report and that interested Councillors advise the office of the Chief Executive Officer as soon as possible of their expected attendance at the conference.

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

- 1. Authorise interested Councillors to attend the 4<sup>th</sup> Welcoming Cities Symposium, 2 – 3 April 2019 in Brisbane; and**
- 2. Endorse the process that interested Councillors advise the Office of the Chief Executive Officer as soon as possible of their expected attendance at this conference.**





**6.1.5 ASSEMBLIES OF COUNCIL REPORT - 5 FEBRUARY 2019**

**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
Council Forum <b>20 November 2018</b>	Cr Cox (Mayor) Cr Alessi Cr Kozmevski Cr Monteleone	CEO DCRS DCS DCTP DPPE ICO MCAP MFA SSA TLCPI	1. Audit & Risk Committee Chair's Report 2. Long Term Financial Plan and New Works Program Update 3. Council Plan 2017-21 (Update) 'A Place For All' <i>Nil disclosures</i>
Chief Executive Officer Employment Matters Advisory Committee Meeting <b>20 November 2018</b>	Cr Cox (Mayor) Cr Alessi	CEO MG	1. Confidential Item: Quarter 1 Report on 2018-19 CEO KPIs and Close Out of 2017-18 CEO KPIs 2. Confidential Item: Further Discussion on a 360 Degree Feedback Process for the CEO <i>Nil disclosures</i>
Council Forum <b>27 November 2018</b>	Cr Cox (Mayor) Cr Joseph (Deputy Mayor) Cr Alessi Cr Kozmevski Cr Monteleone Cr Pavlidis Cr Sterjova	CEO DCRS DCS DCTP DPPE MCCD MG SIE TLAHE	1. Vic Roads Service Provision Future Direction Report 2. Community Events Funding Program 3. Review of Forum Guidelines 4. CEO and Councillor Time <i>Nil disclosures</i>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
Council Forum <b>4 December 2018</b>	Cr Cox (Mayor) Cr Joseph (Deputy Mayor) Cr Alessi Cr Kozmevski	AMCP AMMF CEO DCRS DCS DCTP DPPE HCS MBP MSP	<ol style="list-style-type: none"> <li>1. Plenty Ranges Arts &amp; Convention Centre Business Plan</li> <li>2. Food Organic Waste Kerbside Collection Service Options</li> <li>3. Waste Resource Recovery Centre Development</li> <li>4. Councillor Questions for Upcoming Council Meetings</li> <li>5. CEO and Councillor Time</li> </ol> <p><i>Nil disclosures</i></p>
Chief Executive Officer Employment Matters Advisory Committee Meeting <b>17 December 2018</b>	Cr Cox (Mayor) Cr Alessi Cr Monteleone Cr Kris Pavlidis (via tele-conference)	CEO MG	<ol style="list-style-type: none"> <li>1. Confidential Item: Legal Advice on Notice of Motion for Special Council Meeting Schedule for 18 December 2018</li> <li>2. Confidential Item: Proposed Protocol to manage matters relating to the Informers' Royal Commission</li> </ol> <p><i>Nil disclosures</i></p>
City of Whittlesea Australia Day Committee <b>19 December 2018</b>	Cr Cox (Mayor) Cr Joseph (Deputy Mayor)	GO	<ol style="list-style-type: none"> <li>1. Access &amp; Inclusion Citizen of the Year Nominees</li> <li>2. Citizen of the Year Nominees</li> <li>3. Senior Citizen of the Year Nominees</li> <li>4. Young Citizen of the Year Nominees</li> </ol> <p><i>Nil disclosures</i></p>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
AMCP	Acting Manager City Presentation – Brad Byrne	MBP	Manager Building & Planning – Julian Edwards
AMMF	Acting Manager Major Facilities – Stuart Hoysted	MCAP	Manager Corporate Accountability & Performance – Frank Joyce
CEO	Chief Executive Officer – Simon Overland	MCCD	Manager Community Cultural Development – Catherine Rinaudo
DCS	Director Community Services – Russell Hopkins	MFA	Manager Finance & Assets – Amy Montalti
DCRS	Director Corporate Services – Helen Sui	MG	Manager Governance – Michael Tonta
DCTP	Director City Transport and Presentation – Nick Mann	MSP	Manager Strategic Planning – George Saisanas
DPPE	Director Partnerships, Planning and Engagement – Liana Thompson	SIE	Senior Infrastructure Engineer – Alan Thatcher
GO	Amanda Marijanovic Diana Vukic Felicity Maddern	SSA	Strategy & Systems Accountant – Emily Dlugosz
HCS	Head of Commercial Services – Craig Emmerson	TLAHE	Team Leader Arts, Heritage & Events – Rachel Francis
ICO	Internal Compliance Officer – David Gauci	TLCPI	Team Leader Corporate Planning & Improvement – Robert Kisgen

## CONSULTATION

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

## FINANCIAL IMPLICATIONS

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

## POLICY STRATEGY AND LEGISLATION

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

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

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

## LINKS TO 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.**

**6.1.6 239-255 CRAIGIEBURN ROAD, WOLLERT - PLANNING APPLICATION NO. 717079 TO ALLOW MULTI LOT SUBDIVISION, SUBDIVISION OF LAND ADJACENT TO A ROAD ZONE - CATEGORY 1 AND REMOVAL OF NATIVE VEGETATION**

**Attachments:**

- 1 Proposed subdivision layout plan [⇒](#)
- 2 Locality Maps [⇒](#)
- 3 Trees [⇒](#)

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

**Author:** GADA Planner

**APPLICANT:** Lenn Comm Pty. Ltd.

**COUNCIL POLICY:** 22.10 River Redgum Protection Policy

**ZONING:** Comprehensive Development Zone

**OVERLAY:** Development Plan Overlay  
Vegetation Protection Overlay

**REFERRAL:** (Internal)

Development Engineering Department  
Parks and Open Space Department  
Strategic Planning  
Sustainability Team

(External)

APT O&M Services Pty. Ltd.  
Country Fire Authority  
Melbourne Water  
Public Transport Victoria  
AusNet Electricity Services Pty. Ltd.  
VicRoads  
Yarra Valley Water

**OBJECTIONS:** N/A - Exempt

**RECOMMENDATION SUMMARY**

That Council resolve to approve Planning Application No.717079 and issue a Planning Permit for a multi lot subdivision and removal of native vegetation.

**KEY FACTS AND / OR ISSUES**

- This application proposes a multi lot subdivision of land adjacent to Craigieburn Road, including the consequent removal of native vegetation comprising four River Red Gum trees of varying health and condition.

- There are nine River Red Gum trees that will be retained and the four that are required to be removed are impacted by the subdivision's road layout, however remain generally in accordance with the Aurora Development Plan: Part 2.
- The subdivision layout has been largely dictated by both the Development Plan and adjoining layouts and road networks. Alternative layouts were explored in an effort to retain the trees, however this compromised the road network, lot shapes and layouts, as well as good urban design.
- Support is recommended having regard to a balanced assessment of all competing considerations and compliance with the relevant sections of the Whittlesea Planning Scheme.

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**REPORT**

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**SITE AND SURROUNDING AREA**

The land proposed for subdivision with associated works and vegetation removal, consists of a small parcel within the Aurora Development Plan : Part 2 area, and within the Epping North Strategy Plan's area. Although planned as part of the broader area, an agreement with the land owner was not obtained at the same time as surrounding landholdings to the south, west and east. This residual site is consequently being developed separately.

The land is on the south side of Craigieburn Road, in Wollert. The site is at the northern edge of the land currently being developed generally for residential purposes, known as Aurora.

The site presently consists of an existing house, outbuildings and fences formerly associated with grazing. The northern frontage to Craigieburn Road includes some dry stone wall, while there is a scattering of trees across the site – notably river red gums amongst others. All the river red gums excepting one are in the north-eastern part of the site. The applicant advises that the land has been used as a residence, and with pasture for grazing. This use is generally identical to surrounding land before development works commenced in late 2015.

The site, though generally flat, rises from the north-east approximately 3.5m to the centre-southern part of the property, falling from there a metre to the south-west and three metres to the south-east. The landscape more broadly slopes east and south-east towards Edgars Creek.

To the north of Craigieburn Road (which will be upgraded and widened), the Wollert Precinct Structure Plan area has open space fronting the road opposite the site with substantial development occurring.

**RESTRICTIONS AND EASEMENTS**

The site is subject to one Caveat, one Section 173 agreement, and one easement. Neither caveat or agreement are of direct relevance to a subdivision application, though a subdivision "triggers" the need for payment under the Section 173 requirements. The agreement under Section 173 of the *Planning and Environment Act 1987* concerns development contributions to be paid, while the caveat concerns a transfer of ownership. The easement runs diagonally through the north-east corner of the lot, and is for drainage and sewerage from Lots in LP 113855. This easement will be inconsequential to the proposed subdivision as that land is intended for public open space.

**PROPOSAL**

The proposal seeks to subdivide Lot 1 on Plan of Subdivision 510647D, to create a 55 lots (46 residential lots, 8 "townhouse" style lots, and 1 medium density site, as shown in *attachment 2*). The site is also proposed to have a number of roads and parkland linked in to the adjoining Edgars Creek parkland under development.

The site is adjacent to Craigieburn Road (which is a Road Zone – Category 1), though it is not proposed to have any vehicle access to the site from this road, and it is consequently not proposed to alter the dry stone wall along this frontage.

The applicant additionally proposes to remove vegetation comprising four River Red Gum trees and will retain a further nine within a park.

## PUBLIC NOTIFICATION

Pursuant to Clause 43.04-3 and 37.02-2 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.

The application is considered to generally accord with the approved *Aurora Development Plan : Part 2*.

## PLANNING CONTEXT

### Planning Policy Framework

#### Clause 11.02-2S Structure Planning

This clause relates to ensuring effective planning and management of development through the preparation of plans for new areas.

#### Clause 11.03-2S Growth Areas

This clause seeks to locate urban growth close to transport and services that provide efficient and effective infrastructure.

#### Clause 12.01-1S Protection of Biodiversity

This clause relates to biodiversity and the protection of Victoria's natural habitat. The objective of this clause is to assist the protection and conservation of Victoria's biodiversity.

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

This clause has the objective that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. It seeks to have decisions involving loss of native vegetation, apply the three-step approach in accordance with the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017).

#### Clause 15 Built Environment and Heritage

This clause recognises the role of design, heritage, energy and resource efficiency in delivering liveable and sustainable places. Specifically Clause 15.01-3S concerns subdivisions design, and outlines strategies to achieve attractive, safe, accessible, diverse and sustainable neighbourhoods. Clause 15.03-2S recognises the importance of protection of aboriginal cultural heritage places.

#### Clause 16 Housing

This clause recognises the need for diversity of housing, placed appropriately for infrastructure and services, and which provides a range of housing options to suit differing needs.

#### Clause 16.02-6R

This clause seeks to strengthen the integrated metropolitan open space network by developing open spaces that are accessible and high quality.

#### Clause 19.03-1S Development and infrastructure contributions plans

This clause seeks to ensure the timely provision of infrastructure to communities through development contribution and infrastructure contribution plans.



## LOCAL PLANNING POLICY FRAMEWORK

### Clause 22.10 River Red Gum Protection Policy

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

## ZONE AND OVERLAY DECISION GUIDELINES

### Zone

#### Comprehensive Development Zone – Schedule 4

The site is entirely within the Comprehensive Development Zone – Schedule 4 (Aurora Comprehensive Development Plan).

Pursuant to Clause 37.02-3, a permit is required to subdivide land, and any requirement of the schedule to the Zone must be met. A subdivision must meet the requirements of Clause 56, excepting Clauses 56.03-1, 56.03-3, 56.03-5, 56.06-1, 56.06-3.

The schedule to the Zone specifies that a permit may be granted to subdivide land where the responsible authority is satisfied that the proposed subdivision is generally in accordance with any relevant development plan approved under a Development Plan Overlay and where services can be provided to meet the requirements of authorities specified as referral authorities.

Clause 3.3 of Schedule 4 specifically exempts from advertising any subdivision which generally accord with any relevant development plan.

### Overlays

The site is affected by the following overlays:

- Development Plan Overlay – Schedule 23
- Vegetation Protection Overlay – Schedule 2

#### Development Plan Overlay – Schedule 23 (Aurora Development Plan)

Clause 43.04 of the Whittlesea Planning Scheme specifies - of relevance - that a permit must not be granted to use or subdivide land or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

Once a development plan has been prepared to the satisfaction of the Responsible Authority, applications are exempt from notice and review.

The Schedule to the Overlay specifies a number of conditions and requirements which must be included on any permit, where relevant, to the satisfaction of the Responsible Authority.

These conditions can be applied on any permit issued.

#### Vegetation Protection Overlay – Schedule 2 (River Redgum Grassy Woodland)

Clause 42.02 of the Whittlesea Planning Scheme requires a planning permit for the removal, destruction and lopping of native vegetation on land affected by the overlay. Schedule 2 to this overlay relates to the River Red Gum Grassy Woodland region within the Epping North area, where the subject site is located.

## Particular Provisions

### Clause 52.17 – Native Vegetation

This application was lodged with Council prior to the State Government's recent review of the planning provisions relating to native vegetation removal and a review of Clause 52.17 – Native Vegetation. Accordingly, this application must be assessed under the former provisions.

Pursuant to the former provisions, planning approval is required to remove, destroy or lop native vegetation.

This does not apply:

- *If the table to Clause 52.17-7 specifically states that a permit is not required.*
- *To the removal, destruction or lopping of native vegetation specified in the schedule to this clause.*
- *To an area specified in the schedule to this clause.*

The permit exemptions in Clause 52.17-7 do not apply to this proposal.

Therefore, vegetation removal must follow the Department of Environment and Primary Industries' *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and one of the risk-based assessment pathways.

The applicant's advice is that the removal of four additional River Red Gums is considered "low risk", allowing a Biodiversity Assessment Report to be generated using the Native Vegetation Information Management tool. The resultant offset calculated was 0.029 General Biodiversity Equivalence Units and must be secured in the Port Philip and Westernport Catchment Management Area. This must have a minimum strategic biodiversity score of 0.270 and will be required by way of conditions on any approval granted.

### Clause 56 – Subdivisions

The application has been assessed against the requirements of Clause 56 of the Whittlesea Planning Scheme as follows:

	√ - Compliance X - Non compliance	Objectives	Standards	COMMENTS
C1	Policy Implementation	√	√	Complies
C2	Compact and Walkable Neighbourhoods	N/A	N/A	N/A
C3	Activity Centre objective	√	√	Complies. No activity centre within the site, but paths and road networks are arranged to link to centres in accordance with the Development Plan.
C4	Planning for Community Facilities	N/A	N/A	N/A
C5	Built Environment	√	√	Complies
C6	Neighbourhood Character	N/A	N/A	N/A

<b>C7</b>	<b>Lot Diversity and Distribution</b>	√	√	Complies. The proposal provides a development layout and lot size generally according to the vision provided for by the Development Plan. Lot density at 18.2 dwellings per hectare is above Aurora Development Plan : Part 2 (14 lots per hectare), however Aurora's target is acknowledged as behind current development trends and therefore the proposed is generally consistent with the Development Plan.
<b>C8</b>	<b>Lot Area and Building Envelopes</b>	√	√	Complies. Proposed lot design allows for standard building footprint excepting lots specifically intended for higher density and townhouse-like development.
<b>C9</b>	<b>Solar Orientation</b>	√	√	Complies.
<b>C10</b>	<b>Street Orientation</b>	√	<b>Condition required</b>	Complies subject to conditions. Corner lots can be required to provide glazing to secondary streets, including the townhouse lot beside Craigieburn Road to ensure appropriate visibility and surveillance of the public realm.
<b>C11</b>	<b>Common Area</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>C12</b>	<b>Integrated Urban Landscape</b>	√	<b>Condition required</b>	Complies to the extent required. Further details to be provided as part of Functional Layout Plans and civil plans required by condition.
<b>C13</b>	<b>Public Open Space Provision</b>	√	√	Complies, as generally consistent with the space size and shape described in the Development Plan and having regard to all competing considerations.
<b>C14</b>	<b>Integrated Mobility</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>C15</b>	<b>Walking and Cycling Network</b>	√	<b>Condition required</b>	Complies subject to conditions. Paths have been indicated and will be required to be detailed as part of Functional Layout and Civil plans to be conditioned.
<b>C16</b>	<b>Public Transport Network</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>C17</b>	<b>Neighbourhood Street Network</b>	√	√	Complies.
<b>C18</b>	<b>Walking and Cycling Network Detail</b>	√	<b>Condition required</b>	Complies subject to conditions as detailed in C15.
<b>C19</b>	<b>Public Transport Network Detail</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b> . No stops proposed within the development.
<b>C20</b>	<b>Neighbourhood Street Network Detail</b>	√	<b>Condition required</b>	Complies subject to detail required by Functional Layout Plans and Civil design details, to be required by conditions.
<b>C21</b>	<b>Lot Access</b>	√	<b>Condition required</b>	Complies subject to detail required by Functional Layout Plans and Civil design details, to be required by conditions.

<b>C22</b>	<b>Drinking Water Supply</b>	√	√	Complies. Yarra Valley Water has not objected to the proposal and indicates this service is available.
<b>C23</b>	<b>Reused and Recycled Water</b>	√	√	Complies. Yarra Valley Water has not objected to the proposal and indicates this service is available.
<b>C24</b>	<b>Waste Water Management</b>	√	√	Complies. Melbourne Water has not objected to the proposal.
<b>C25</b>	<b>Urban Run-off Management</b>	√	<b>Condition required</b>	Complies. Neither Melbourne Water or Council's Development Engineering Department have raised concerns with run-off from the site. Drainage will form part of detailed design conditioned on any permit.
<b>C26</b>	<b>Site Management</b>	√	<b>Condition required</b>	Complies subject to a site management plan being required as a condition of any permit.
<b>C27</b>	<b>Shared Trench</b>	√	√	Complies. The applicant advises that opportunities will be maximised.
<b>C28</b>	<b>Electricity, Telecommunications and Gas</b>	√	√	Complies. The electricity and gas authorities have not objected to the proposal.
<b>C29</b>	<b>Fire Hydrants</b>	√	<b>Condition required</b>	Complies subject to a condition required by CFA to be placed on any permit issued.
<b>C30</b>	<b>Public Lighting</b>	√	<b>Condition required</b>	Complies subject to conditions.

## REFERRALS

The application was referred internally to the following Council Departments and teams, with a summary of their final responses provided:

- **Development Engineering**  
Design, layout and road network concerns addressed throughout the application process and conditions required as part of any approval.
- **Parks and Open Space**  
The full land requirement for the reserve would be beneficial and the preferred outcome that would capture some of the trees proposed for removal and a preference for a road to continue around all edges of the reserve.
- **Strategic Planning**  
The public open space is below that required by the Section 173 agreement which applies to the land, however if a lesser portion of the site is set aside for public open space, revised contributions would be calculated on the increased developable area, and the Section 173 agreement would require an amendment.  
Careful consideration is needed on the suitability of the site for medium density, however flexibility is provided in the Aurora Development Plan: Part in context of proximity to open spaces.
- **Sustainability**  
Preference for increased tree retention and larger open space to achieve the retention. Conditions requested on any permit issued.

The application was also referred externally to the following authorities, all of which offered no objection, subject to the inclusion of conditions on any permit issued:

- APT O&M Services Pty. Ltd.
- Country Fire Authority
- Melbourne Water
- Transport for Victoria
- AusNet Electricity Services Pty. Ltd.
- VicRoads
- Yarra Valley Water

## PLANNING COMMENTS

The importance particularly of River Red Gum trees, as a visual and environmental feature within the municipality is noted. However, in this instance, the request to remove four River Red Gum trees from the land to enable the residential subdivision of the land with its associated roads and infrastructure, is considered acceptable on balance.

Extensive review and rework of the subdivision layout occurred throughout the application process that explored opportunities and associated implications of design changes to achieve a balance between all competing considerations.

The subdivision layout was largely guided by the approved Development Plan and also by approved development on adjoining lots that has dictated road network locations.

There are four trees to be removed as follows:

- Tree 27, is given a “low” arboricultural rating, and is in “fair to poor” health.
- Tree 9, is given a “low” arboricultural rating, and is in “fair to poor” health.
- Tree 7 is given a “Moderate B” arboricultural rating, and is in a “fair” health.
- Tree 8 is given a “Moderate C” arboricultural rating, and is in a “fair” health.

Removal of these trees has only been considered acceptable after extensive consideration of alternative options to develop this land generally in accordance with the Aurora Development Plan : Part 2, over the last 14 months.

It is considered inevitable that Tree 27 must be removed, as the adjoining development directs a road alignment towards it. Various alternative designs were trialled as part of discussions with the applicant to retain the other three trees. This process determined that an alternative subdivision layout which retained any of these trees would:

- Compromise the road network within the proposed development;
- Provide non-standard lot shapes which would be difficult to accommodate normal housing product that significantly affects design and construction costs for future home owners;
- Have the potential at detailed design stage to result in difficult road designs which may not be made to function in accordance with Council's intersection and road safety design expectations.

The remaining nine River Red Gum trees on the site are to be retained within Council open space, which will adjoin the space being developed along Edgars Creek. The area of open space has been increased from an initial 0.79Ha proposed, to the present 0.836Ha now proposed. Vegetation loss will be offset in accordance with the guidelines specified in Clause 52.17.

Given the scale of the development and remaining biodiversity values on site, it is unlikely that offsetting can be achieved onsite. As a result, a condition on any permit issued can require that offsets be undertaken in line with the State Government's Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEPI 2013).

#### General Subdivision Layout

The proposed subdivision is considered to generally accord with the Aurora Development Plan: Part 2. The development has been designed as an "infill" subdivision to respond to the layout of the subdivision layout approved for the broader area under Permit No. 715411 (Amended), which has been constructed on adjoining land.

The proposal generally accords with the guidelines and objectives set out in the Planning Policy Framework, and with the requirements of Clause 56 (Subdivisions) of the Whittlesea Planning Scheme, including the Aurora Development Plan: Part 2.

It is considered that the relevant policy objectives relating to Clauses 22.10 (River Red Gum Protection Policy), 42.02 (Vegetation Protection Policy Overlay Schedule 2), and 52.17 (Native Vegetation Removal) of the Whittlesea Planning Scheme have been appropriately considered, balanced against competing objectives and addressed in the planning assessment. Offsets in accordance with the provisions of the Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Gain Scoring Manual (DEPI 2013) will be required as conditions on any planning permit.

#### Aboriginal Cultural Heritage

The application includes an approved Aboriginal Cultural Heritage Management Plan. A condition on any permit issued can require works to be carried out in accordance with this plan and its recommendations.

#### Bushfire Prone Area

This area applies to the northern edge of the property only, and will impact some lots north of the Botany Avenue/Osmond Crescent east-west road. The result of this is that dwellings on these lots will have particular building regulations apply, and does not concern planning consideration directly. A condition on the permit can require such lots to be identified, to alert potential owners to the requirement and likely consequent additional construction cost.

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

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

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

### **CONCLUSION**

It is considered that the proposal is in accordance with the relevant provisions of the Whittlesea Planning Scheme and that the subdivision and removal of native vegetation (including four River Red gum trees) from the site is acceptable in this instance. It is therefore recommended that the permit be approved.

**RECOMMENDATION**

**THAT Council resolve to approve Planning Application No. 717079 and issue a Permit for multi lot subdivision and removal of native vegetation in accordance with the endorsed plans and subject to the following conditions:**

**1. Subdivision Layout Plan**

**Before development starts, an amended subdivision Layout Plan, generally in accordance with the Estate Development Plan by Reeds Consulting, reference 23136, Version K, dated 13 December 2018, must be submitted to and approved to the satisfaction of the Responsible Authority. The plan must show:**

- a) The “Paper Access (4m)” road adjoining the public open space, to continue from its northern end to the west parallel to Craigieburn Road, and link with Dorriga Way.**

**2. Layout not altered**

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

**3. Amendment to Section 173 agreement**

**Prior to the commencement of the subdivision or associated works, the agreement under Section 173 of the Planning and Environment Act 1987 applying to this property (Restriction AN53870A), must be amended to revise calculations for contributions based on the provision of unencumbered public open space shown on the Endorsed Subdivision Layout Plan.**

**PRIOR TO COMMENCEMENT OF DEVELOPMENT**

**4. 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 provisions of the Biodiversity Assessment Guidelines (DEPI 2013) and Native Vegetation Gain Scoring Manual (DEPI 2013)**

**The offset, unless otherwise agreed to in writing by the Responsible Authority, must:**

- a) Contribute a gain of 0.029 General Biodiversity Equivalence Units (BEUs);**
- b) Be located within the boundary of the Whittlesea municipality or the Port Phillip and Westernport Catchment Management Authority area; and**
- c) Have a strategic biodiversity score of at least 0.338 of the native vegetation approved for removal.**

**Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the Responsible Authority.**

**PRIOR TO CERTIFICATION**

**5. Functional layout plan**

**Before the submission and approval of construction plans (engineering plans) and the certification of the relevant plan of subdivision, a functional layout plan for the 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 endorsed subdivision layout plan, but amended to show:***

- a) a fully dimensioned subdivision layout, including proposed street names, 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), for all trees to be retained on site;***
- e) all trees proposed for removal from the site (including dead native trees) clearly designated with a red "X";***
- f) typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Aurora Development Plan : Part 2;***
- g) a table of offsets for all utility services and street trees;***
- h) 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;***
- i) the proposed minor drainage network and any land required for maintenance access;***
- j) the major drainage system, including any watercourse, lake, wetland, silt pond and/or piped elements showing preliminary sizing;***
- k) overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination;***
- l) drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for construction and maintenance;***
- m) preliminary location of reserves for electrical kiosks;***
- n) traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays;***
- o) proposed linkages to future streets, open space, regional path network and upstream drainage;***
- p) any existing overhead services which are re-used, must be relocated underground;***
- q) no intrusion of any private land, paving, or other infrastructure into the Tree Protection Zone of any retained tree.***

**6. 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.***

**7. 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.*

#### **8. Restriction on Plan of Subdivision**

*Prior to the certification of the Plan of Subdivision, a restriction must be registered on the Plan of Subdivision for all lots, requiring:*

- a) *the side wall of the first level of any dwelling on a corner lot must not be constructed:*
  - i. *less than 900mm from the ground level wall that faces a side street; or*
  - ii. *with less than 30% glazing for the area of the wall and the remainder of the wall must be constructed in contrasting material finishes.*
- b) *any garage on a burdened lot must not be constructed less than 5 metres from the road alignment at the front of the lot; and*
- c) *development of lots with a width of 10 metres or less at the lot frontage must not contain any garage other than a single garage where access is proposed from the lot frontage.*

*And for the required lots:*

- d) *a restriction must be registered on the Plan of Subdivision for all lots abutting a paper road, requiring the lot to front the paper road.*
- e) *The Plan of Subdivision must identify whether Type A or Type B of the Small Lot Housing Code applies to each lot under 300 square metres.*
- f) *The plan of subdivision must identify lots which are located within a bushfire prone area.*

#### **PRIOR TO DETAILED PLAN APPROVAL**

#### **9. 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 subdivision;*
- b) *the type or types of species to be used for street tree planting in the subdivision;*
- c) *the principles of the proposed treatment of the open space and drainage reserves; and*
- 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.*

#### **10. 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.***

#### **11.1 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 certified 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,***
- i) shared paths in accordance with the approved 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, and*
- u) a separate signage and line marking plan identifying the road layout, proposed signs, line marking, RRPMS and a sign schedule.*

#### **11.2 Landscape Works Plans**

*Prior to the approval of civil works plans for each stage, a draft landscape works plan for that stage 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) 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);*
- d) mechanisms for the exclusion of vehicles,*
- e) 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);*
- f) hazard reduction pruning of trees to be retained, to the satisfaction of the responsible authority.*

*Where sufficient detail is shown on the endorsed landscape masterplan, to the satisfaction of the Responsible Authority, stage landscape plans may not be required.*

**PRIOR TO COMMENCEMENT OF WORKS**

**12. 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.*

**13. 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.*

**14. Site Management Plan**

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

- a. Four copies of a site management plan for the relevant stage 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.*
- 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.*

#### **15. 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.*

### **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION WORKS**

#### **16. Amenity**

*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.*

#### **17. Entry to site**

*No access to the site for construction works may occur over the approved public open space, and no gateways are to be added to the remnant dry stone wall on Craigieburn Road. Entry to the site must occur via the adjoin subdivision road network.*

#### **18. Native vegetation removal**

*No native vegetation must be destroyed, felled, lopped, ring barked or uprooted, without the written consent of the Responsible Authority.*

#### **19. Trees to be Removed**

- a. *Wherever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or in open*

*space as urban art, park furniture etc. to the satisfaction of the responsible authority. All timber less than 300mm diameter and branch/leaf material should be shredded for reuse as mulch.*

- b. Each native tree nominated for removal or pruning works 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.*
- c. 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.*

**20. 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.*

**21. 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.*

**PRIOR TO ISSUE OF A STATEMENT OF COMPLIANCE**

**22. 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.*

**23. Development and open space contributions**

*Prior to the issue of a Statement of Compliance for any stage of the subdivision, development and open space contributions must be paid to the Responsible Authority in accordance with the approved agreement under Section 173 of the Planning and Environment Act 1987 applying to the land, unless otherwise agreed to in writing by the Responsible Authority.*

**24. 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:*

**24.1 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.*

**24.2 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.*

**25. 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.*

**26. 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.*

***CONDITIONS TO BE SATISFIED FOLLOWING CONSTRUCTION WORKS******27. 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.*

***28. 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.*

***29. 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.*

***30. 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.*

***30.1 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.*

### **30.2. 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.*

**GENERAL CONDITIONS****31. Aboriginal Cultural Heritage**

*Requirements and recommendations of the Aboriginal Cultural Heritage Management Plan "239-255 Craigieburn Road, Wollert Residential Development (Subdivision of Land) Cultural Heritage Management Plan 15001" by Archeology at Tardis, dated 8 December 2017, must be carried out, to the satisfaction of the Responsible Authority.*

**32. 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.*

**33. Reticulated Services**

*Reticulated water, drainage, sewerage and electricity reticulation underground must be available to each lot shown on the endorsed plans before any lot can be used for houses.*

**34. Time Limit**

*This permit will expire if:*

- a. The plan of subdivision for the first stage is not certified within 2 years of the date of this permit; or*
- b. The plan of subdivision for any subsequent stage of the subdivision is not certified within 2 years of the date of the certification of the previous stage of the subdivision.*
- c. 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.*

**SERVICE AUTHORITY CONDITIONS**

**APT O&M Services Pty. Ltd.**

**35. Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.**

**36. 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.**

**Country Fire Authority**

**37. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:**

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.**
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.**

**Melbourne Water**

**38. Prior to the issue of a Statement of Compliance, 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.**

39. *No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.*
40. *Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 9 of the Subdivision Act 1988.*
41. *Prior to the issue of a Statement of Compliance 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.*
42. *Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.*
43. *Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.*
44. *The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.*
45. *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.*
46. *Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.*
47. *The developer is to negotiate with any 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.*
48. *Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).*
49. *Prior to the issue of a Statement of Compliance for the subdivision, 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.*

**AusNet**

50. *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.*
51. *The Applicant must:*
  - a. *Enter into 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 electricity 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 lease for a period of 30 years, at a nominal rent 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 plans 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.*

#### **VicRoads**

- 52. Prior to the commencement of the development, the existing vehicle crossover on Craigieburn Road must be removed with kerb and channel, footpath and nature strip reinstated to the satisfaction of, and at no cost to, VicRoads.*

#### **Yarra Valley Water**

- 53. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.*
- 54. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of recycled water services.*
- 55. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.*

#### **NOTES:**

##### **Country Fire Authority**

*CFA's requirements for identification of hydrants are specified in "identification of Street Hydrants for Fire fighting purposes" available under publications of the CFA website ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).*

##### **AusNet Electricity Services Pty. Ltd.**

*It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without further delay (the release to the municipality enabling a Statement of*

***Compliance with the conditions to be issued).***

***Arrangement for the supply will be subject to obtaining the agreement of other Authorities and any landowner affected by routes of the electric power lines required to supply the lots and for any tree clearing.***

***Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.***

***Yarra Valley Water***

***The Plan of Subdivision must be sent to Yarra Valley Water prior to certification.***

***Tree protection zone requirements***

***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.***

***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.***



## 6.2 COMMUNITY SERVICES

### 6.2.1 MERNDA AQUATIC INDOOR SPORTS CENTRE (MAISC) FEASIBILITY STUDY OPTIONS REPORT

**Attachments:** 1 Mernda Aquatic Centre Planning Study [⇒](#)

**Responsible Officer:** Director Community Services

**Author:** Manager Leisure & Community Facilities

#### RECOMMENDATION SUMMARY

1. Council endorse Option 7 of the Mernda Aquatic Centre Planning Study (MACPS) for further development through a detailed Business Case.
2. Officers to develop and report back to Councillors on the completed Business Case.

#### KEY FACTS AND / OR ISSUES

- Councillors have sought a proposal for the delivery of an aquatic and leisure centre which balances capital and recurrent cost while meeting the documented community need.
- Industry advice and recent evidence indicates aquatics facilities need to transition from 'fitness' based service models to more holistic health and wellbeing hubs.
- The percentage of Whittlesea residents with preventable diseases (e.g. heart disease, type 2 diabetes and osteoporosis) is higher than the State average, and there is an increasing rate of adult obesity.
- The MACPS presents a total of four options distilled from a larger number of total options; the Base Model and a further three alternative options with capital expenditure ranging from \$47,402,000 to \$50,246,000.
- Officers recommend that Option 7 be further explored through a detailed Business Case.

## REPORT

### BACKGROUND

The proposed Mernda Aquatic and Indoor Sports Centre (MAISC) is being designed as a multi-purpose, aquatic, leisure and indoor sports court facility to service the Mernda and Doreen areas. Identified in the 2011 Mernda Regional Recreation Reserve (MRRR) Master Plan, the centre was a key recommendation from the 2014 Major Leisure and Aquatic Facilities Strategy (MLAFS) and Indoor Sports Facility Feasibility Study (ISSFS). The MLAFS stipulated the four guiding principles of the centre as;

- Accessible and Equitable
- Maximising Social and Health Benefits
- Affordable
- Viable

The MLAFS and ISSFS recommend combining the proposed indoor court sports facility into the same location as the 'local' aquatic and leisure centre within the MRRR precinct on Plenty Road; as such, planning undertaken to date has been inclusive of the indoor courts requirements. Whilst any infrastructure delivered will most likely co-locate the indoor stadiums and aquatics provision, the costing and feasibility of indoor court provision has been removed from the attached Mernda Aquatic Centre Planning Study (MACPS). The feasibility of indoor court provision will be fully explored through the development of Council's Netball and Basketball Plan which is due for completion this financial year. Inclusion of the potential indoor courts provision within the Netball and Basketball Plan provides a more holistic municipal wide consideration of demand.

Councillors have sought investigation of facility options which provide for the delivery of an aquatic and leisure centre which balances capital and recurrent cost while meeting documented community health and wellbeing needs.

At the 15 August 2017 Councillor Forum, Councillors were presented with three facility options for discussion and consideration in commencing the detailed facility planning stage. The Forum discussion identified several points relating to the cost of the centre, Council's ability to borrow for the project and comparable local government benchmarking.

At the 30 January 2018 Councillor Forum, Councillors were presented with responses to the items raised at the 15 August 2017 Councillor Forum and provided feedback on four revised facility options. Councillors sought additional information relating to the life-cycle and construction cost of the centre and raised the need to provide a localised 'boutique' style facility.

During March 2018, an internal Council Officer workshop identified a necessity to further explore the commercial or private market interest in the project, and an organisational preference to investigate non-traditional aquatics provision.

At the 4 September 2018 Council meeting, Council adopted the City of Whittlesea Active Whittlesea Policy and Strategy in recognition that;

- The percentage of Whittlesea residents with preventable diseases (e.g. heart disease, type 2 diabetes and osteoporosis) is higher than the State average, and there is an increasing rate of adult obesity.
- The City of Whittlesea has the second highest percentage of sedentary residents (who do no physical activity per week) in Victoria and 35% of the population is doing less than one hour of physical activity per week.



- There is a recent movement away from structured sport.

Recent evidence from Sport and Recreation Victoria and data collected throughout the development of the Active Whittlesea Strategy suggests there is a need for aquatics and leisure centres (ALC's) to transition from being fitness centres to focusing more on improving community health and well-being outcomes, and prevention of chronic illnesses.

Between February and November 2018, Council Officers progressed the project including creation of facility options with a dedicated focus on health and well-being, and improving health outcomes. Such ALC's would provide targeted programs and access for those in most need of improved health (people with diabetes, obesity and coronary diseases) but who at the same time are the least likely to visit a health and fitness centre. Targeted programs could be achieved through partnership with Dianella Plenty Valley Community Health, the Northern Hospital, private health care providers and the employment of specialist staff.

Throughout this period, Officers also investigated the potential for innovative or alternative models of delivery, commercial or private sector interest in the project and facility options. This process included an EOI to the 'commercial' sector exploring alternative delivery models and two facilitated workshops with key consultants and industry leaders. Following the EOI and workshops it was concluded that a Council 'traditional' delivery model was most suitable and any potential private/public partnerships would compromise Council's operational autonomy, social/community outcomes and guiding principles. Further, they did not provide for any beneficial financing or operational alternatives.

The attached MACPS report is the next stage of the Feasibility Study involving the financial analysis of the original Option 2 (Base Model) and three alternative facility options (NB; as these options are in addition to the four previously considered by Councillors, they are numbered Options 5 – 7), and a dedicated focus of health and wellbeing provision, not solely 'fitness'.

These facility options need to be considered by Council prior to the detailed life-cycle financial analysis being undertaken on a single and preferred model as part of the subsequent business case development. Consistent with industry trends, advice from Sport and Recreation Victoria, community needs, the MACPS has a stronger focus on social inclusion, health and prevention of chronic disease than earlier facility options. A modified version of this report is attached, with the full version previously circulated to Councillors via memorandum on 11 January 2019.

## OPTIONS ASSESSMENT

The MACPS explores a range of options available that best meet community needs, whilst being sensitive to the implications of the costs involved, and the need to balance those costs against Council's financial responsibilities to its other infrastructure priorities.

The MACPS includes the description and analysis of an additional three options. These options, along with the original option (2) are briefly summarised in the table overleaf:

Option 2 Base	Option 5	Option 6	Option 7
8-lane 25-m pool Warm Water Exercise Pool (WWEP) - 170m <sup>2</sup> Water play – 290m <sup>2</sup> Teaching pool - 100m <sup>2</sup> Gymnasium - 450m <sup>2</sup> 2 x Program rooms Steam & sauna	4-lane 25-m pool WWEP – 250m <sup>2</sup> Water play – 350m <sup>2</sup> Teaching pool – 150m <sup>2</sup> Gymnasium – 600m <sup>2</sup> 3 x Program rooms Spa, steam and sauna Health consult rooms	8-lane outdoor pool WWEP – 300m <sup>2</sup> Water play – 350m <sup>2</sup> Teaching pool – 200m <sup>2</sup> Gymnasium – 600m <sup>2</sup> 3 x Program rooms Spa, steam and sauna Health consult rooms	No 25-m pool WWEP – 300m <sup>2</sup> Water Play – 350m <sup>2</sup> Teaching pool – 200m <sup>2</sup> Gymnasium – 600m <sup>2</sup> 3 x Program rooms Spa, steam and sauna Health consult rooms

In assessing the relative benefits associated with each option, officers have considered a range of factors including;

#### Capital Costs

The size and complexity of aquatic and leisure centres means that they are expensive to build due to the variety of spaces, air and water handling, and the scale of the facility. Each of the proposed options provides for a facility that services a 'local' catchment and is of a comparatively modest scale while still meeting community needs.

#### Operational Return

Areas such as group fitness and programs, gym space and learn to swim/programmable water space provide strong revenue streams, while activities such as lap swimming are costly by comparison to the space they require. The options provided seek to maximise operational return from those areas most utilised.

#### Funding Models

A range of funding models have been investigated including sourcing funds from major financial institutions and partnership arrangements with other organisations/operators from the private or public sector. Ultimately these options require Council to provide either a guaranteed return on investment to the funder, to provide long term tenure with the facility returned at the 'end' of its life, or to compromise on Council's social imperatives for such a facility. As such, Council is best served by using its own funding sources and maximising support from State and/or Federal Governments.

#### Community Health and Wellbeing Benefit

The guiding principles for the centre have previously been outlined. As explained elsewhere in this report, given the health status of many of our residents the centre needs to maximise social, health and wellbeing benefits to the community through the provision of a range of programs, particularly to those members of the community not typically served by the private sector.

#### Facility Capacity

The size and nature of the facility needs to be of a scale which relates to likely patronage. Given that the population of the immediate Mernda/Doreen catchment will be in the order of 55 – 60,000, a smaller (and therefore cheaper) centre would not meet the demand generated by users and pressure would quickly mount for an expansion.

The main differences between the options is the scale of the aquatic components, the inclusion of a larger cardio and weights area (gymnasium), one additional program room and a health consulting area in options 5, 6 and 7.

Option 2 Base Model – Capital Costs \$48,738,000; Annual Net Performance \$50,000–\$150,000

- Poor provision for people with a disability, older adults and people with mobility issues.
- Good provision for lap swimmers.
- Financial performance impacted by small health and fitness area.
- Lack of health consulting suites limits opportunities to deliver specific initiatives to improve community health.

Option 5 – Capital Cost \$49,802,000; Annual Net Performance \$200,000–\$400,000

- Good provision for people with a disability, older adults and people with mobility issues.
- Increased capacity to service children and families.
- Some negative impact on lap swimmers.
- Strong financial performance due to expanded health and fitness components.
- Health consulting suites provide capacity to deliver specific initiatives to improve community health.
- Would cost \$1,000,000 more to construct than Option 2 (Base Model).

Option 6 – Capital Cost \$50,246,000; Annual Net Performance Break-even to \$100,000

- Good provision for people with a disability, older adults and people with mobility issues.
- Increased capacity to service children and families.
- Health consulting suites provide capacity to deliver specific initiatives to improve community health.
- Some negative impact on lap swimmers.
- Comparatively weak financial position due to outdoor pool operating costs.
- Highest capital cost option.

Option 7 – Capital Costs \$47,402,000; Annual Net Performance \$200,000 - \$400,000

- Good provision for people with a disability, older adults and people with mobility issues.
- Health consulting suites provide capacity to deliver specific initiatives to improve community health.
- No provision for lap swimming.
- Strong financial performance.
- Least expensive option.

### **Aquatics Provision**

The aquatics area presented the most significant opportunity for cost variations and savings due to the high construction and operational cost. The 25-metre pool was a key element for review. Evidence shows that lap swimming pools have comparatively low usage levels outside of peak periods and that usage per square metre of space is lower than all other aquatic components. Such aquatic specific areas support the equally specific needs of users, whereas health and fitness areas are far more versatile and can be adapted to meet the needs of many users. Therefore, the scale of provision of aquatic services will have an impact on specific user groups and by extension of this, the health and wellbeing of those individuals. Lap swimmers are also relatively well serviced with availability at TRAC, Mill Park Leisure Centre, WaterMarc, and (during warmer months) Whittlesea outdoor pool.

In addition, during the industry consultation, industry leaders were asked which aquatic space they would reduce or eliminate if the capital budget required significant savings to be made. The unanimous response was the 25-metre pool. This was on the basis that there was comparatively low demand for lap swimming compared with water play and warm water exercise programs, and that on balance the cost of operating the 25-metre pool exceeded its contribution to revenue and community health outcomes.

## PROPOSAL

Option 7 is the preferred option when considering the impact on the Guiding Principles adopted in MLAFS and Council's adopted Active Whittlesea Policy which states;

*The City of Whittlesea will make a positive contribution to community health and wellbeing outcomes by enhancing opportunities for residents to be more physically active, through addressing barriers to active participation across a diverse range of sport and physical recreation activities and environments.*

### Accessible and Equitable

Option 7 on balance offer larger scale facilities, programs and access to a broader range of community users, especially people with a disability, older adults and people with mobility issues. Through the large provision of Warm Water Education and Gymnastic areas the facility will be able to more suitably services community members that are reluctant or unable to access private health and fitness centres.

### Maximising Social and Health Benefits

Option 7, because of its capacity to better service broad sectors of the community will present the maximum opportunity in this area. Through the proposed health consulting suites Options 7 will provide opportunities for targeted programs that can assist with delivery of Council's Active Whittlesea Strategy and Policy. Secondly, its mix of facility components means that of all the options, Option 7 will best service the whole of community, thus providing the capacity to influence health across many community sectors.

### Affordable

Option 7 is the least expensive option from a capital cost.

### Viable

A 2017 Industry Benefits Report by Royal Life Saving aimed to estimate the economic benefits of an individual aquatic facility visit by measuring the links between an increase in physical activity from an average pool visit and reduced risk of mortality, morbidity and health care expenditure, as well as reduced absenteeism. The intangible benefits include developing a sense of community, social capital, access to water safety education and patron enjoyment. The study outlined that the average Australian visits a public aquatic facility 4.4 times a year, with the average aquatic facility creating \$2.72 million a year in value to the community. Furthermore, a weekly visit to a pool is enough to take most people out of the "physically inactive" category. As a result of these health benefits, every aquatic facility visit creates economic benefits worth an average of \$26.39 in addition to the leisure value gained by users.

Option 7 provides larger facility provision and of the four options the annual financial performance of Option 7 (and option 5) are likely to be the most financially viable from an operational perspective. Option 7 is therefore most suitable to be further explored through the detailed business case.

## CONSULTATION

Community engagement conducted to date indicates that there is strong community demand and expectation for an aquatic centre in Mernda with 76.7% of survey respondents (1180 total survey responses), indicating they do not use an aquatic and leisure centre (ALC) due to travel distance and time. Industry research has identified that ALCs provide significant benefits including developing whole-of-community service provision, promoting social connection and cohesion, and improving community health and wellbeing. This is particularly relevant given the reality that Whittlesea residents have a higher rate of Type 2 diabetes, high blood pressure and osteoporosis in comparison to the Victorian average. Further, Sport and Recreation Victoria (SRV) suggests there is a need for ALCs to transition from being fitness centres to focusing more on integrating and improving community health and wellbeing outcomes, and recently referred to ALCs as “preventative hospitals”. The acknowledgement from SRV regarding the broader role that ALCs can play in community health and wellbeing benefit is congruent to Council’s recently adopted *Active Whittlesea Policy* that articulates: *The City of Whittlesea will make a positive contribution to community health and wellbeing outcomes by enhancing opportunities for residents to be more physically active, through addressing barriers to active participation across a diverse range of sport and physical recreation activities and environments.*

While the capital and operational costs of the provision of aquatic and leisure centres is significant, they are typically one of the most highly used of all Council’s community facilities. For example, in 2017/18 Thomastown Recreation and Aquatic Centre had approximately 484,000 total visits, Mill Park Leisure Centre had approximately 415,000 total visits, and in its first year of operation, SPLASH in neighbouring Craigieburn had just over 1,000,000 visits. It is estimated that a facility of the scope and scale proposed would attract in the vicinity of 500,000 – 550,000 visits per annum.

## CRITICAL DATES

Adoption of the MAISC Feasibility Study and Business Case report and recommendations is a 2018/19 Council Action Plan item.

## FINANCIAL IMPLICATIONS

The four options being presented to Councillors in the MACPS range from \$47.4M to \$50.2M. Importantly, these prices don’t incorporate the provision of the indoor sports courts which can be staged and have been omitted from the current study to provide greater clarity in relation to the cost of the aquatic and leisure components.

Representatives of the Victorian Government (Sport and Recreation Victoria) have identified a high level of interest in the project and indicated a strong alignment with the Government’s \$3M Better Pools Grants Scheme. Whilst securing Victoria Government and potentially Federal grants from the project will be a priority, it is currently proposed that the project costs will be sourced via Council’s borrowing. Development and delivery of the project is currently included on Council’s long-term capital works pipeline.

## POLICY STRATEGY AND LEGISLATION

The feasibility and planning for a potential MAISC is closely linked to Whittlesea 2040; specifically, Goal 1: Connected Community. Progression of the Business Case is also a 2018/19 Council Action Plan and aligned to Council’s recently adopted Active Whittlesea Policy.

**LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN**

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

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

Option 7 will generate the greatest health and well-being benefit, is most likely to meet Council's Active Whittlesea policy commitments and well aligned to the MLAFS guiding principles. It is recommended that Council endorse Option 7 as presented in MACPS to enable officers to undertake the detailed assessment as the next stage of the Feasibility Study, ultimately developing the final Business Case for Councillors' consideration.

**RECOMMENDATION**

**THAT Council resolve to endorse Option 7 of the Mernda Aquatic Centre Planning Study (MACPS) for further development through a detailed Business Case for Councillors' consideration.**

**6.2.2 YARRA PLENTY REGIONAL LIBRARY SERVICE MEETING PROCEDURE  
(AMENDMENT) LOCAL LAW 2018****Attachments:** 1 Local Law Amendment [⇒](#)**Responsible Officer:** Director Community Services**Author:** Director Community Services**RECOMMENDATION SUMMARY**

THAT Council resolve to ratify the draft Yarra Plenty Regional Library Meeting Procedure (Amendment) Local Law 2018 to allow for out-of-session resolutions to be made.

**KEY FACTS AND / OR ISSUES**

- The Yarra Plenty Regional Library service (YPRL) Agreement with Council states in part that *“a resolution of the Board to adopt or amend a Local Law must not be passed unless and until the proposed Local Law has been ratified by each Council”*.
- The YPRL seeks to amend its Meeting Procedure Local Law to allow for resolutions to be made out-of-session.
- The YPRL Board has considered and approved the draft Meeting Procedure (Amendment) Local Law 2018 at its meeting on 20 December 2018 and now seeks Council's ratification.

## REPORT

### BACKGROUND

The Yarra Plenty Regional Library service (YPRL) operates as an independent legal entity providing public library services to the Local Government Authorities of Whittlesea, Banyule and Nillumbik. It is constituted under the Local Government Act 1989 and as such has certain requirements in relation to its operation. These are primarily outlined in two documents, being the:

- Regional Library Agreement, and;
- Meetings Procedure Local Law.

At its 20 December 2018 meeting, the Library Board supported an amendment to the existing Meeting Procedure Local Law (see Attached). Hunt & Hunt Lawyers were requested to review the amendment for compliance with the Library's legislative obligations, and the proposed changes have been incorporated into the draft Meeting Procedure (Amendment) Local Law 2018. In summary, this amendment allows for the Board to make resolutions out-of-session in extraordinary circumstances or to meet major opportunities. The specific changes as proposed by Hunt and Hunt are shown below.

*Add new clause 6A to the Principal Local Law as follows:*

#### **6A. Out-of-Session Resolutions**

*(i) An out-of-session resolution may be circulated in writing via mail or email to all Library Board Representatives.*

*(ii) The out-of-session resolution is deemed to have passed when a majority of the Library Board Representatives entitled to vote on the resolution respond in favour of the resolution.*

*(iii) The date the out-of-session resolution is deemed to have passed is the date of the last response resulting in a majority vote.*

*(iv) The outcome of the out-of-session resolution will be notified to the Library Board by the Chief Executive Officer. The result of the resolution will be noted in the minutes at the next Library Board meeting.*

The YPRL Agreement states in part that "a resolution of the Board to adopt or amend a Local Law must not be passed unless and until the proposed Local Law has been ratified by each Council". Accordingly, the YPRL Board has considered and approved the draft Meeting Procedure (Amendment) Local Law 2018 and now seeks Council's ratification.

### PROPOSAL

That Council ratify the proposed changes to the YPRL Meeting Procedure Local Law.

### CONSULTATION

The draft of the proposed amendment was published by YPRL in the Government Gazette on 1 November 2018 and in the Leader Newspaper, Diamond Valley, Heidelberg and Whittlesea editions, in the week beginning 29 November 2018. The proposed document was also advertised on YPRL's website and displayed in Branch libraries of each Member Council. Members of the public who wished to make a submission could do so in writing by 6 December 2018. No submissions were received.



## FINANCIAL IMPLICATIONS

There are no financial implications arising from proposed changes to the YPRL Meeting Procedure Local Law.

## LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

<b>Whittlesea 2040 Goal</b>	<b>Strong local economy</b>
<b>Whittlesea 2040 Key Direction</b>	<b>Education opportunities for all</b>
<b>Strategic Objective</b>	<b>We can access expanded library services</b>
<b>Council Priority</b>	<b>Health and Wellbeing</b>

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

The draft YPRL Meeting Procedures (Amendment) Local Law 2018 authorises the Board to make resolutions out-of-session in extraordinary circumstances or to meet major opportunities. This Amendment has been endorsed by the Library Board which now seeks ratification of this Local Law by Council to then allow for it to be passed and operationalised.

## RECOMMENDATION

**THAT Council resolve to ratify the draft Yarra Plenty Regional Library Meeting Procedure (Amendment) Local Law 2018.**



**6.2.3 YOUTH SERVICES APP**

**Attachments:** 1 **Code for Australia Report** [⇒](#)

**Responsible Officer:** **Director Community Services**

**Author:** **Team Leader Youth Services**

**RECOMMENDATION SUMMARY**

This report addresses each of the key elements of the 6 February 2018 resolution in relation to the development of a Youth App and recommends that Council:

1. Continue to widen the use of a range of social media channels and explore the use of platforms such as Instagram and Snapchat to engage with young people and their families.
2. Continue discussions with other Councils to consider the sharing of technology and costs associated with the development, implementation and maintenance of a Council Youth App.

**KEY FACTS AND / OR ISSUES**

- At its meeting on 6 February 2018 Council resolved that officers explore a 'youth app' to promote Council events, activities and available services for young people and potentially replace the school holiday Grab Bags. The purpose of the app would also be to provide a mechanism for greater engagement of young people in civic life.
- Officers engaged Code for Australia to develop a range of options available to achieve the goals outlined in the resolution. Code for Australia worked with officers to undertake a thorough investigation and research into IT systems, functionality and consider a number of solutions and the financial implications for each option.
- After consideration of available options, there are not significant benefits in developing a customised youth app as:
  - There is little evidence to show that the app would be widely used by young people.
  - The development and ongoing costs are significant.
  - The current Grab Bag process meets the need of young people and their families and avoids some of the challenges and risks associated with making this an online process.
  - Evidence shows that young people are much more likely to use social media, and officers should seek to optimise connection and engagement via existing and future social media platforms.

**REPORT****INTRODUCTION**

At its meeting on 6 February 2018 Council resolved to explore a 'youth app' to promote Council events, activities and available services for young people, and potentially replace the current school holiday Grab Bags. The purpose of the app would also be to provide a mechanism for greater engagement of young people in civic life.

This report addresses each of the key elements of the resolution and provides information and options for Council's consideration.

**BACKGROUND**

At its meeting on 6 February 2018, Council resolved to:

1. *Prepare a report on the effectiveness of current online platforms, especially social media used by Council to attract, educate and incorporate young people and their families in civic life.*
2. *Prepare a report that will outline current youth activities that Council is subsidising.*
3. *Introduce and explore a Council youth app which will replace the school holiday grab bags. This app will work to include all discounts found in school holiday grab bags that can be utilized on an app (bags given to families with discounts for local goods and services).*
  - a. *Use this new app to advertise Council events, news to educate young people of youth services available. This will ensure that Council has a new, cost effective means of advertising and educating the community. This information can be obtained from the baseline youth services website.*
  - b. *Regularly update the app utilising information from the baseline youth services website.*
  - c. *Focus on and promote local businesses in the City of Whittlesea by only providing discounts to local businesses, in particular small businesses that may not provide student discounts with other organisations.*
  - d. *Promote the inclusion of local businesses in this new app through a number of means including but not limited to; Facebook, Instagram, Email, Whittlescene magazine, local newspapers and radio stations.*
  - e. *Explore sponsorship from local businesses to pay a fee to be included in the app. This fee will support the creation of the app.*
  - f. *Explore sources of funding to create and maintain the app including Council's budget process.*
  - g. *Report back to Council after one year with the progress of the Council youth app.*

4. *Write a letter to surrounding Councils to ask to combine resources to establish a cost effective app.*

This report seeks Council's consideration of options and decision to implement a Council Youth App to replace the current delivery model of the school holiday Grab Bag initiative, and provide a platform to engage with young people about its events and services.

## DISCUSSION

Further to initial investigation the Youth Services team engaged Code for Australia to assist in gaining a clear understanding of the options available, to achieve the goals stated in the resolution. Code for Australia runs programs that bring together governments, industry and individuals to tackle social issues and allow the general public to meaningfully contribute to civic issues.

Following investigation and research undertaken by Code for Australia, a report has been delivered that provides options available to Council, highlighting features and benefits of the options and the financial implications of each. The final report is provided as Attachment 1.

To ensure consideration has been given to all issues raised in the 6 February 2018 Council resolution components have been separated and responded to individually.

1. ***Prepare a report on the effectiveness of current online platforms, especially social media used by Council to attract, educate and incorporate young people and their families in civic life.***

*Baseline for Young People* (Baseline) has its own social media presence, distinct from the broader City of Whittlesea in that young people are the specific target audience. This is used to promote activities and events of the service, as well as to engage in a dialogue with young people and their families. Currently, Facebook is the only platform used by Baseline, however discussions are ongoing about expanding to other platforms such as Instagram and Snapchat.

Findings from Council's recent Communications Survey revealed that younger respondents (aged 15 to 34 years) were more likely than any other cohort to use Facebook and Instagram in general, and were also more likely to engage with Council via social media than older respondents. Younger respondents were also the most likely to be interested in receiving emails about notifications and important reminders from Council. Interestingly however, only a small proportion (2.8%) of younger persons reported that they prefer to find information about services, events, and activities via an instant messaging app.

### **Baseline for Young People's Facebook Page**

At the time of writing this report Baseline's Facebook page had a total of 2,111 fans, with a relatively even gender split (female 48% and male 52%). The fans of the page are typically young people, with 48.1% aged between 13 and 24 years.

Over the past 12 months, Baseline's Facebook page has achieved a total of 93,000 impressions (which is the measure of how often posts were seen), with an average daily user reach of 154 people. The most popular posts reached upwards of 6,000 users and for this period there were 713 engagements (reactions, comments, shares).

### **City of Whittlesea's Facebook Page**

The City of Whittlesea Facebook page had nearly 5.8 million impressions over the last 12 months, and has approximately 12,500 fans. However, less than 6% of those fans were young people in the 13 to 24 year-old age category.

## Baseline for Young People's Website

In addition to its social media presence Baseline also has a stand-alone website. This site is primarily used to advertise upcoming programs and events, as well as providing information about locally available services for young people. Anecdotal evidence shows that this page is most often accessed by parents/carers and professionals, with young people tending to go to the Facebook page.

Evidence suggests that young people appear to favour access to and sharing of information through the Baseline Facebook page in the first instance, with the website used by parents/carers and professionals as well as young people to access information. Officers will continue to provide opportunity for promotion and engagement with young people and their families through existing social media channels while investigating other platforms such as Instagram.

### ***2. Prepare a report that will outline current youth activities that Council is subsidising.***

Baseline for Young People is Council's dedicated Youth Service. Baseline provides and facilitates programs and services as well as advocating for, and with, young people. Baseline ensures the voice of young people and their families informs the content and direction of programs as well as broader activities and planning within Council.

Council has recently adopted YouthPlan2030+ which has an associated two-year Action Plan. In general, Council provides an overall investment into direct services to young people of approximately \$2.018M per annum via the annual budget process. While the school holiday Grab Bags include a fee to offset costs, ultimately all income and expenditure generated is included in the Youth Services budget. Typically, fees are not charged for programs run by Baseline.

In addition, Council also provides subsidised accommodation at EDGE, Council's youth facility located at Westfield Plenty Valley, to attract external service providers to locate services for young people within the municipality. Services currently located at EDGE include:

- Neami Yflex program - Mental health support for young people (12 to 25 years) who face barriers to accessing mental health services.
- headspace - Outreach arrangement with the Greensborough site, two social workers and a psychologist working on the Enhancing Mental Health program working with students from local secondary schools.
- Youth Projects YNOT2.0 - Outreach youth alcohol and other drug supports for young people 12 to 25 years in the City of Whittlesea.
- Northern Centre Against Sexual Assault - Counselling for survivors of sexual assault and community education about respectful relationships.
- PRACE - Skills First Reconnect supports young people with a range of personal factors to improve their ability to engage in community, education or employment.
- Jesuit Social Services - Skills First Reconnect supports young people with a range of personal factors to improve their ability to engage in community, education or employment.
- Youth Projects - Youth-At-Risk specialist Disability Employment Services for young people aged 16 to 25 years.

3. ***Introduce and explore a Council youth app which will replace the school holiday grab bags. This app will work to include all discounts found in school holiday grab bags that can be utilized on an app (bags given to families with discounts for local goods and services).***
  - a. ***Use this new app to advertise Council events, news to educate young people of youth services available. This will ensure that council has a new, cost effective means of advertising and educating the community. This information can be obtained from the Baseline youth services website.***
  - b. ***Regularly update the app utilising information from the Baseline youth services website.***
  - c. ***Focus on and promote local businesses in the City of Whittlesea by only providing discounts to local businesses, in particular small businesses that may not provide student discounts with other organisations.***
  - d. ***Promote the inclusion of local businesses in this new app through a number of means including but not limited to; Facebook, Instagram, email, Whittlescene magazine, local newspapers and radio stations.***
  - e. ***Explore sponsorship from local businesses to pay a fee to be included in the app. This fee will support the creation of the app.***
  - f. ***Explore sources of funding to create and maintain the app including Council's budget process.***
  - g. ***Report back to Council after one year with the progress of the Council youth app.***

### **Explore a Council Youth App**

Code for Australia was engaged to investigate potential options for an app to replace Council's school holiday Grab Bag program, as well as advertising news, events and services for young people. The intention of the app would also be to improve awareness of, engagement with, and understanding of Baseline and its services, while reducing the total annual cost of the Grab Bag program.

Through a user-centred design process, Code for Australia created personas for each of the relevant stakeholders, i.e. Council, young people, parents/carers and local businesses, to map the individual journeys of each and highlight key design considerations and challenges of the current process (see Attachment 1).

Whilst the Grab Bag program is in itself a simple initiative, Code for Australia's investigation uncovered a range of complexities to the process of incorporating that functionality into a digital process. Any online process would need to include capability for the app to:

- Check and verify eligibility criteria (between 12 and 17 years of age, live within the municipality, currently attend school).
- Allow local and potentially other businesses (e.g. Melbourne Show, Luna park) to upload and manage offers.
- Provide a secure payment and redemption/ticketing platform.

- Provide redemption limits i.e. ensure that individuals cannot access the offers multiple times.

In addition, there would be considerable risk and officer time involved in managing such a system compared to the current process of physically providing a bag:

- Officers would need to assess any business offer to ensure that it was appropriate (e.g. age appropriate, does not promote dangerous or unhealthy activity, goods or food/beverages), that it was of a reasonable quality and value, and that it was current.
- Evidence has shown that the many existing sites that specialise in brokering special 'deals' such as Groupon or BookMe are often contacted by unhappy customers as a result of product unavailability or poor quality. As such, the quality assurance associated with allowing access to businesses to provide offers is significant and contains inherent risk, and would be very time consuming, particularly as the offers would be seen as having Council's endorsement. This is manageable currently as the number of activities is limited.
- Once any offers or activities have been 'purchased' from a business, this business would then need to invoice Council for that service. Officers would then need to verify that the service was actually provided, which would be a time consuming task.
- Council may need to 'cap' the number of subsidised offers for some services to ensure that the program runs within budget. Further, if there are a limited number of passes provided to a particular activity, how do we ensure equitable distribution of these passes?

Code for Australia has proposed two options for consideration, with one being a customised solution with varying degrees of functionality, and the second being a more standardised approach. Each of the options has been assessed against the following goals:

1. Awareness - will a Council Youth App increase the awareness of the Grab Bags initiative?
2. Engagement - will a Council Youth App increase Grab Bag sales, social sharing and offer redemption?
3. Understanding - will a Council Youth App improve the understanding of Baseline programs and activities?
4. Cost - will a Council Youth App reduce the total annual running costs of operating the Grab Bag initiative?

### **Option 1 – Customised Solution**

Code for Australia developed a range of options for an app that focusses on utilising digital platforms for the Grab Bag program as well as promoting Baseline's programs and services more generally. Within this option there are three variations to the functionality and cost for each. A full comparison of features is provided in the Code for Australia report provided as Attachment 1.

- Option 1A (no tech/basic): \$10,000 - \$30,000
- Option 1B (low tech/intermediate): \$60,000 - \$100,000
- Option 1C (high tech/full functionality): \$165,000+

Initial costs for the variations within this option range from \$30,000 to \$165,000+. These options all have ongoing costs, estimated at \$100/month for hosting, and \$150/hour for any updates and enhancements. Each variation is outlined in more detail below.



### Option 1A

Option 1A offers some process automation benefits to the Grab Bag process (online registration and eligibility management, plus email messaging alerts), however the bulk of the process would remain as it is currently, with physical bags being sold in person at EDGE and from Council's community centres and libraries.

It is a low cost, no-frills option that does not provide any significant functionality.

Awareness	x	Not public facing.
Engagement	✓	Will allow for greater promotion of Grab Bags and on-line registration.
Understanding	x	Doesn't provide public information.
Cost	?	\$10,000 - \$30,000 Unlikely to result in savings.

### Option 1B

Option1B allows some current processes to be automated, as well as having an externally facing system which would allow Baseline to promote and update information on programs and events, and send 'push notifications' to young people. Like option 1A this variation does not enable Grab Bags to be purchased or redeemed online. It does however provide significant opportunities for information provision and sharing.

Awareness	✓	Public facing with 'push' notifications and email messaging.
Engagement	✓	Registration and eligibility process automated.
Understanding	✓	Has newsfeed, calendar and website integration.
Cost	?	\$60,000 - \$100,000 Savings associated with eligibility and sales processes will be offset by increases in oversight and management of the system.

### Option 1C

Option 1C would provide a product which not only automates a range of processes, but also provides a range of data-driven insights collected through the app. It features a number of different (but connected) systems that would:

- Allow parents/carers to notify of a young person's eligibility for the Grab Bag program.
- Allow parents/carers or young people to purchase Grab Bags online and receive electronic copies of coupons for redemption.
- Allow businesses to electronically update their 'offers'.
- Allow businesses to scan electronic coupons for redemption, and on-charge Council for the cost.

The estimated time period for development, testing, and implementation of this option is six months.

Awareness	✓	Public facing with 'push' notifications and email messaging.
Engagement	✓	Sales and eligibility process automated.
Understanding	✓	Has newsfeed, calendar and website integration.
Cost	?	\$165,000+ Savings associated with eligibility and sales processes will be offset by increases in oversight and management of the system.

While this variation allows for full automation of the Grab Bag process and provides for excellent information sharing and data collection, it does not overcome some of the inherent risks and complexities associated with an on-line Grab Bags process as outlined earlier in the report.

### Option 2 – Standard App

This simplified app concept is a communication platform, but does not support the Grab Bags functionality (such as registration and eligibility management). It would feature:

- A newsfeed of posts by Baseline staff.
- Have a calendar function, to highlight any upcoming programs or events.
- ‘Push notifications’ to alert users to new posts, events or any other new information.
- Integration with the Baseline website and would read and display information from the website in the app.

Timelines for this option would be approximately 12 weeks for development, testing and implementation. Total cost for this option would be approximately \$70,000 with ongoing costs estimated at \$100/month for hosting, and \$150/hour for any updates and enhancements.

Awareness	✓	Public facing with ‘push’ notifications and email messaging.
Engagement	✓	Will likely increase Grab Bag sales.
Understanding	✓	Has newsfeed, calendar and website integration.
Cost: \$70,000	x	Existing Grab Bag process will continue, although the app will provide for greater promotion.

This Option is similar to Option 1B except that it doesn’t allow for any Grab Bag functionality such as online registration which is of questionable benefit. It is a less customised and complex Option which still provides significant benefits for engagement and information sharing with young people. Under this option the existing Grab Bag system would continue.

It is important to note that Option 2 is a more attractive option for other Councils to consider as a collaborative approach as the features included are generic and broad reaching, as opposed to Option 1 with its greater degree of customisation.

### ***4. Write a letter to surrounding councils to ask to combine resources to establish a cost-effective app***

Correspondence was sent to all neighbouring Councils in September 2018. The letter outlined the process that Council was undertaking, offering the opportunity to have further conversations taking a collaborative approach to the project. To date responses have been received from three other Councils expressing their interest in being involved in future conversations. These conversations will continue based on Council’s decision regarding its preferred option from this report.

As outlined within this report, a number of options exist in relation to the development and utilisation of a youth app. Of those considered, it appears that on balance Option 2 provides the greatest benefit although it does not replace the current Grab Bag process. However, even then, the benefits are limited and while the intent of the development of a youth app has merit, the cost involved in its development and maintenance outweigh the functionality at this stage. While young people remain regular users of apps, the most popular ones tend to be those with a very specific purpose, that either:

- Connect them with their friends (Facebook, Snapchat, Instagram).
- Provide them with a means to access content (Spotify, YouTube).

- Act as a platform for a very specific, high-demand services (Google Maps, Uber, Amazon).

At this stage Officers do not believe that such an app as proposed would be widely used. Coming at a significant expense to Council a youth app of this kind would not be cost effective as it will likely be used by only a small number of young people. However, should other surrounding Councils wish to partner in the development and funding of an app as proposed under Option 2, this would be a more cost-effective approach.

Evidence shows that 99% of young people spend time online daily, and that they prefer to engage with Council via social media. Additionally, Council's recent Communications survey showed that only a small proportion (2.8%) of younger persons (aged 15-34) wanted to find information about services, events, and activities via an instant messaging app. Officers will continue to work to widen the range of different social media channels and explore the use of platforms such as Instagram and Snapchat to engage with young people and their families.

## PROPOSAL

After consideration of available options, officers do not believe that there are significant benefits in developing a customised youth app as:

- There is little evidence to show that the app would be widely used by young people.
- The development and ongoing costs are significant.
- The current Grab Bag process meets the need of young people and their families and avoids some of the challenges and risks associated with making this an on-line process.
- Evidence shows that young people are much more likely to use social media, and officers should seek to optimise connection and engagement via existing and future social media platforms.

However, officers will continue discussions with other Councils to consider a collaborative funding arrangement for a youth app as detailed in Option 2. An app of this kind is easily replicable for other Council Youth Services teams and shared funding would reduce the cost to Council.

## CONSULTATION

Code for Australia was engaged to provide expert advice and to assist understanding of the options available to achieve the aims stated in the resolution. Through the process Code for Australia's research was informed by data collected from parents/carers through the annual Grab Bag Satisfaction Survey and the knowledge and experience of staff. Input and interest has also been sought from other Councils.

## FINANCIAL IMPLICATIONS

Initial costs for the variations of Option 1 range from \$30,000 to \$165,000+. These options also have ongoing costs, estimated at \$100/month for hosting, and \$150/hour for any updates and enhancements.

Initial cost for Option 2 would be approximately \$70,000 with ongoing costs estimated at \$100/month for hosting, and \$150/hour for any updates and enhancements.

By comparison, the expenditure on the existing Grab Bag program is \$29,000/annum, offset by income of \$7500.

Preliminary discussions with other Councils to take a collaborative approach to funding this project has begun. To date responses have been received from three other Councils expressing their interest in being involved in future conversations. These conversations will continue dependant on Council's resolution.

## POLICY STRATEGY AND LEGISLATION

Council has recently adopted YouthPlan 2030+, and the development of a youth app is consistent with the direction provided in this Strategy, particularly Focus Area 2, Relationships and Settings: Connected and Engaged.

## LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

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

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

In response to Council's resolution on 6 February 2018 Code for Australia was engaged to assist in developing options available to achieve the goals as outlined in the resolution. Code for Australia and Council Officers undertook a process which culminated in a number of options and the benefits and financial implications of each. This report has addressed each of the key elements of the resolution and provides information and options for Council's consideration.

Of those considered, it appears that on balance Option 2 provides the greatest benefit although it does not replace the current Grab Bag process. However, even then the benefits are limited and while the intent of the development of a youth app has merit, the cost involved in its development and maintenance outweigh the functionality at this stage.

Officers will continue to work to widen the use of a range of different social media channels and explore the use of platforms such as Instagram and Snapchat to engage with young people and their families, while also continuing to seek a collaborative approach to the development and funding of a Council youth app.

## RECOMMENDATION

**THAT Council resolve to:**

- 1. Continue to widen the use of a range of social media channels and explore the use of platforms such as Instagram and Snapchat to engage with young people and their families, and;**
- 2. Continue to seek a collaborative approach with other Councils in the development and funding of a Council youth app.**

**6.3 CITY TRANSPORT AND PRESENTATION**

**NIL REPORTS**



#### 6.4.1 CONTRACT FINALISATION REPORT - PRESENTED QUARTER 3, FY 2019

## 1 Details of Finalised Contracts - Confidential

**Author:** Team Leader Procurement

It is recommended that Council resolve to note finalisation of the contracts listed in the recommendation and as detailed in the confidential attachment.

For all finalised contracts:

- The data has been consolidated into a single quarterly report.
- All initial contract totals and any further variations were previously approved in reports presented to Council.
- The contracts have all reached Final Completion and there are no outstanding matters.

## REPORT

### BACKGROUND

This report seeks a Council resolution to note finalisation of several contracts from across the organisation. The financial and other details of those contracts are listed in the confidential attachment. The process of presenting a consolidated report in this format has been in place since July 2017.

### VARIATIONS

On award of each contract Council approved an initial contract sum and funding arrangements. If any variations were required, another report seeking approval of those variations was later presented for Council's consideration.

### ON TIME / ON BUDGET REPORTING

In accordance with the Council's endorsed Procurement Policy the extent of contracts delivered on time and on budget is detailed in the confidential attachment.

Delivery was considered on time if it was within the agreed delivery deadline. Note that this could be either the original completion date or a later date approved by the contract manager.

The contract was considered delivered on budget if the final cost was within the initially approved total. In the case of a service contract with extension options, the initially approved total also includes any reported expenditure estimate for a contract extension that was approved by the Council.

### FINALISATION

The contracts listed in the confidential attachment have all reached Final Completion. Wherever applicable, any remaining security deposit has been returned and the defects liability period has elapsed. Each Contract Manager has confirmed there are no outstanding matters.

### FUNDING

All contract expenditure was funded from operational budgets approved by the Council.

### LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN

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

The efficient review and approval of contract finalisations is an important component of monitoring the effectiveness of contract management.

### 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

All contracts listed in the confidential attachment have been completed satisfactorily and all outstanding matters have been addressed.

## RECOMMENDATION

**THAT Council resolve to note finalisation of the following contracts:**

- **2015-43: Prefabricated Modular Building for the Lalor Community Pavilion**
- **2015-160: Extension and Refurbishment Works at the Barry Road Community Activity Centre, Thomastown**
- **2016-4: Construction and Signalisation to Intersection of Bridge Inn and Painted Hills Rd, Doreen**
- **2016-34: Renewal of Athletics Track at Meadowglen International Athletics Stadium**
- **2016-89: Supply and install park and playground works at Main Street Recreation Reserve, Thomastown**
- **2017-91: Construction of Concrete Deck Overlay at Findon Road**
- **CT101103: Growling Frog Golf Course Maintenance**
- **CT000105: Animal welfare shelter development and operation - Cooper Street, Epping.**



**6.4.2 UNCONFIRMED MINUTES OF AUDIT & RISK COMMITTEE MEETING**

**Attachments:** 1 **Unconfirmed Minutes of Audit & Risk Committee Meeting - 22 November 2018** [⇒](#)

**Responsible Officer:** **Director Corporate Services**

**Author:** **Internal Compliance Officer**

**RECOMMENDATION SUMMARY**

The Audit & Risk Committee met on 22 November 2018. The minutes of that meeting are attached for the information of Council.

That Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 22 November 2018.

**KEY FACTS AND / OR ISSUES**

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

**REPORT****BACKGROUND**

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

The Audit & Risk Committee considered a number of reports at the meeting held on 22 November 2018, as well as confirming minutes from the previous meeting held on 30 August 2018.

Main agenda items included:

- Audit & Risk Committee Work Plan
- Financial Performance Report for the Period Ended 30 September 2018
- Risk Management Update
- Internal Audit:
  - Internal Audit Status Report
  - Internal Audit Reviews: Leases and Licences
- Outstanding Action Items Report from Previous Internal Audits
- External Audit:
  - Final Management Letter 2017-2018
- Internal Compliance Reviews
- Significant Contract Controls
- Update on Significant Legal Matters
- External Agency Examinations
- Review of Audit & Risk Committee Performance

**LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN**

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

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

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

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

<b>RECOMMENDATION</b>
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**THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 22 November 2018.**



**6.5 EXECUTIVE SERVICES**

**6.5.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 29 NOVEMBER 2018 - 23 JANUARY 2019**

**Responsible Officer:** Chief Executive Officer

**Author:** Executive Assistant

**RECOMMENDATION SUMMARY**

The Council note the record of meetings held by the Chief Executive Officer with external persons and organisations and significant internal issues as set in the table in the report.

**KEY FACTS AND / OR ISSUES**

This is to report to Council details of meetings held by the Chief Executive Officer with external persons and organisations and significant internal issues.

## REPORT

### BACKGROUND

Council has previously resolved, as part of the Chief Executive Officer's annual performance review, that the Chief Executive Officer provide Council with a regular report containing details of external persons and organisations with whom he has met and the purpose of such meetings and any significant internal issues. The report is designed to promote openness and transparency in the Office of the Chief Executive Officer.

### PROPOSAL

It is proposed that a standard report be included in the Council Notice paper in future meetings which will record details of external meetings and details of significant internal events.

This report will appear in the closed section of the Notice Paper as it will disclose the identity of individuals. Information which identifies an individual is defined as personal information and is protected under the Privacy and Data Protection Act 2014.

EXTERNAL MEETINGS		
Date	Organisation or Individual	Purpose of Meeting
29/11/18	CEO Forum – Melbourne's Northern Councils	Bi-monthly meeting.
03/12/18	Mantra Epping	Meeting with Managing Director, Too Build Group and General Manager Mantra Epping. Also in attendance Director Partnerships Planning & Engagement LThompson and Manager Strategic Planning GSaisanas
04/12/18	Melbourne Wholesale Fruit, Vegetable and Flower Market	Tour of market facilities. Also in attendance Mayor Cr Cox, Cr Joseph, Director Community Services RHopkins and Director Partnerships Planning & Engagement LThompson.
04/12/18	Yarra Integrated Water Management Forum	Development of an Integrated Water Management Plan for the Yarra Forum Area.
05/12/18	Interface CEO Meeting	CEO pre-meeting.
05/12/18	Interface CEO/Mayor's Meeting	Mayoral induction. Also in attendance Mayor Cr Cox.
05/12/18	VPA Working Group Meeting	Quarterly meeting.
05/12/18	Quest Epping	Opening event. Also in attendance Mayor Cr Cox and Cr Joseph.
06/12/18	CPR Communications	Introductory meeting with Strategy Counsel and Head of Government Practice
11/12/18	Public Transport Victoria	Interface Councils delegation.
11/12/18	Costa Group	Stakeholder meeting. Also in attendance Director Partnerships Planning & Engagement LTompson, Manager Strategic Planning, GSaisanas and Manager Building & Planning JEdwards.
12/12/18	YSAS Board Marketing Committee	Chair (external meeting)
13/12/18	Dyson Group	Stakeholder meeting. Also in attendance Director Partnerships Planning & Engagement LThompson and Manager Strategic Planning GSaisanas
20/12/18	LaTrobe University	Relationship Meeting
03/01/19	EPA/Worksafe/CFA/DEWLP/Hume	Teleconference. Chemical Storage Epping and Campbellfield



EXTERNAL MEETINGS		
Date	Organisation or Individual	Purpose of Meeting
04/01/19	EPA/Worksafe/CFA/DEWLP/Hume	Teleconference. Chemical Storage Epping and Campbellfield
07/01/19	EPA/Worksafe/CFA/DEWLP/Hume	Teleconference. Chemical Storage Epping and Campbellfield
08/01/19	EPA/Worksafe/CFA/DEWLP/Hume	Teleconference. Chemical Storage Epping and Campbellfield
09/01/19	EPA/Worksafe/CFA/DEWLP/Hume	Update Meeting. Chemical Storage Epping and Campbellfield
11/01/19	Brash Consulting	Introductory Meeting. Also in attendance Director Partnerships Planning and Engagement LThompson and Manager People and Capability S Roy
14/01/19	NORTH Link	Relationship Meeting. Also in attendance Director Partnerships Planning and Engagement LThompson
15/01/19	EPA/Worksafe/CFA/DEWLP/Hume	Teleconference. Chemical Storage Epping and Campbellfield
16/01/18	Interface Councils	CEO Strategic Planning workshop
17/01/19	Russell Kennedy	Relationship Meeting. Also in attendance Manager Governance MTonta
17/01/19	Victorian Ombudsman	Also in attendance Manager Governance MTonta
22/01/19	EPA/Worksafe/CFA/DEWLP/Hume	Teleconference. Chemical Storage Epping and Campbellfield
23/01/19	Banksia Palliative Care	Introductory Meeting. Also in attendance Manager Aged and Disability JPrice

SIGNIFICANT INTERNAL ISSUES	
03/12/18	ELT meeting (Strategy)
04/12/18	Council Forum Meeting
05/12/18	ELT Meeting (Council)
11/12/18	Ordinary Council Meeting
12/12/18	ELT meeting (Council)
17/12/18	CEMAC Meeting
17/12/18	ELT meeting (Operational)
17/12/18	Citizenship Ceremony
18/12/18	Special Council Meeting
19/12/18	ELT meeting (Council)
21/12/18	Adjourned Council Meeting
21/12/18	Adjourned Special Council Meeting
16/01/19	ELT meeting (Governance)
21/01/19	ELT meeting (Operational)
23/01/19	ELT meeting (Governance)

## CONSULTATION

Nil

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**FINANCIAL IMPLICATIONS**

Costs associated with these meetings are covered in the recurrent budget.

**LINKS TO WHITTLESEA 2040 AND THE COUNCIL PLAN**

<b>Whittlesea 2040 Goal</b>	<b>Connected community</b>
<b>Whittlesea 2040 Key Direction</b>	<b>A participating community</b>
<b>Strategic Objective</b>	<b>We have access to information, skill development and knowledge to participate in decision-making in an informed way</b>
<b>Council Priority</b>	<b>Organisational Sustainability</b>

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The Council note the record of meetings held by the Chief Executive Officer with external persons and organisations and significant internal issues as set in the table in the report.

<b>RECOMMENDATION</b>
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**THAT Council resolve to receive and note the report containing a record of meetings held by the Chief Executive Officer with external persons and organisations and significant internal issues.**

**7. NOTICES OF MOTION**

**NIL REPORTS**

**8. QUESTIONS TO OFFICERS**

**NIL**

**9. URGENT BUSINESS**

**NIL**

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

**NIL**



**11. CONFIDENTIAL BUSINESS**

**11.1 PARTNERSHIPS, PLANNING & ENGAGEMENT**

**11.1.1 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS DECEMBER 2018**

**11.1.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS JANUARY 2019 PART A**

**11.1.3 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS JANUARY 2019 PART B**

**11.2 COMMUNITY SERVICES**

**NIL REPORTS**

**11.3 CITY TRANSPORT AND PRESENTATION**

**NIL REPORTS**

**11.4 CORPORATE SERVICES**

**11.4.1 LAND ACQUISITION SOUTH MORANG**

**11.5 EXECUTIVE SERVICES**

**NIL REPORTS**

**11.6 NOTICES OF MOTION**

**NIL REPORTS**

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**RECOMMENDATION**

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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:

11.1.1 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS DECEMBER 2018  
*Confidential in accordance with Section 89(2)(a) and (d) of the Local Government Act 1989.*

11.1.2 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS JANUARY 2019 PART A  
*Confidential in accordance with Section 89(2)(a) and (d) of the Local Government Act 1989.*

11.1.3 CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS ADVISORY COMMITTEE (CEMAC) REPORT OF ACTIVITIES AND RECOMMENDATIONS JANUARY 2019 PART B  
*Confidential in accordance with Section 89(2)(a) and (d) of the Local Government Act 1989.*

11.4.1 LAND ACQUISITION SOUTH MORANG  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*

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ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 7:04PM.

THE MEETING WAS RE-OPENED TO THE PUBLIC AT 7:19PM.

**12. CLOSURE**

THE MAYOR DECLARED THE MEETING ADJOURNED AT 7:29PM TO RECONVENE AT 6:30PM ON THE 12<sup>TH</sup> DAY OF FEBRUARY, 2019.

CONFIRMED THIS 5<sup>TH</sup> DAY OF MARCH, 2019.

CR LAWRIE COX  
MAYOR