



*City of*  
**Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 2 APRIL 2019**

**AT 6.30PM**

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



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## COUNCILLORS

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



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## SENIOR OFFICERS

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SIMON OVERLAND

CHIEF EXECUTIVE OFFICER

JANE PRICE

ACTING 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

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**Note:**

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



**1. OPENING**

**1.1 MEETING OPENING AND PRAYER**

The Chief Executive Officer opened the meeting with a prayer at 6.30PM.

**1.2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT**

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 PRESENT**

**Members:**

Cr Lawrie Cox	Mayor (South West Ward)
Cr Caz Monteleone	Councillor (South West Ward)
Cr Kris Pavlidis	Councillor (South West Ward)
Cr Tom Joseph	Deputy Mayor (North Ward)
Cr Ricky Kirkham	Councillor (North Ward)
Cr Emilia Lisa Sterjova	Councillor (North Ward)
Cr Sam Alessi	Councillor (South East Ward)
Cr Alahna Desiato	Councillor (South East Ward)
Cr Norm Kelly	Councillor (South East Ward)
Cr Mary Lalios	Councillor (South East Ward)

**Officers:**

Mr Simon Overland	Chief Executive Officer
Ms Jane Price	Acting Director Community Services
Mr Nick Mann	Director City Transport & Presentation
Ms Helen Sui	Director Corporate Services
Ms Liana Thompson	Director Partnerships, Planning & Engagement
Mr Michael Tonta	Manager Governance

**2. APOLOGIES**

**APOLOGY**

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

**COUNCIL RESOLUTION**

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

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

**CARRIED**

**3. DECLARATIONS OF INTEREST**

NIL

**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 5 March 2019**

**MOTION**

**MOVED:** *CR ALESSI*  
**SECONDED:** *CR JOSEPH*

**THAT THE MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD 5 MARCH 2019 AS CIRCULATED, BE CONFIRMED.**

**PROCEDURAL MOTION**

**MOVED:** *CR KIRKHAM*  
**SECONDED:** *CR MONTELEONE*

**THAT DEBATE ON CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 5 MARCH 2019 BE ADJOURNED UNTIL THE NEXT COUNCIL MEETING ON 7 MAY 2019.**

**CARRIED**

**COUNCIL RESOLUTION**

**MOVED:** *CR KIRKHAM*  
**SECONDED:** *CR MONTELEONE*

**THAT DEBATE ON CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 5 MARCH 2019 BE ADJOURNED UNTIL THE NEXT COUNCIL MEETING ON 7 MAY 2019.**

**CARRIED**

**RECOMMENDATION**

**THAT THE MINUTES OF THE SPECIAL COUNCIL MEETING AS CIRCULATED, BE CONFIRMED:**

**SPECIAL MEETING OF COUNCIL HELD 12 MARCH 2019**

**COUNCIL RESOLUTION**

**MOVED:** *CR ALESSI*  
**SECONDED:** *CR JOSEPH*

**THAT COUNCIL RESOLVE TO ADOPT THE MINUTES OF THE SPECIAL COUNCIL MEETING 12 MARCH 2019.**

**CARRIED**

**RECOMMENDATION**

**THAT THE FOLLOWING MINUTES OF THE PRECEDING MEETING AS CIRCULATED, BE CONFIRMED:**

**SPECIAL MEETING OF COUNCIL HELD ON 26 MARCH 2019**

**COUNCIL RESOLUTION**

**MOVED:** *CR LALIOS*  
**SECONDED:** *CR MONTELEONE*

**THAT COUNCIL RESOLVE TO DEFER CONSIDERATION OF THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 26 MARCH 2019 TO THE NEXT COUNCIL MEETING 7 MAY 2019.**

**CARRIED**

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

**5.1 QUESTIONS TO COUNCILLORS**

**5.1.1 ITEM 6.1.3 258 FIFTH AVENUE EDEN PARK PLANNING APPLICATION NO. 718222**

**Anne McRae**

What will Council value properties in close proximity to the proposed poultry farm if the application is approved?

**The Mayor, Cr Cox**

Thank you for your question.

As from 1 July 2019, the State Government will be responsible for the valuations of all properties within the Whittlesea municipality for rating and taxing purposes and not the City of Whittlesea.

It would also be difficult for a valuer to pre-determine the likely effect on values of adjoining properties.

Also, the Victorian Civil and Administrative Tribunal has continually upheld that the perceived impact of a planning application on property values is not a valid or relevant planning consideration.

**5.1.2 ITEM 6.1.3 258 FIFTH AVENUE EDEN PARK PLANNING APPLICATION NO. 718222**

**Anne McRae**

Has a visual inspection of the site at 258 Fifth Avenue been done?

**The Mayor, Cr Cox**

Thank you for your question.

Yes, a visual inspection of the site has been conducted.

**5.1.3 ITEM 6.1.3 258 FIFTH AVENUE EDEN PARK PLANNING APPLICATION NO. 718222**

**Anne McRae**

Is Council going to include in their recommendations to be provided as part of the permit conditions a "Cultural Heritage Management Plan"?

**The Mayor, Cr Cox**

Thank you for your question.

A Cultural Heritage Management Plan is not required under the Aboriginal Heritage Act and Regulations as there is no significant ground disturbance proposed within the buffer area from the nearby creek. Had it been required, it would be a separate process prior to the planning permit process.

**5.1.4 ITEM 6.1.3 258 FIFTH AVENUE EDEN PARK PLANNING APPLICATION NO. 718222**

**Anne McRae**

How does Council propose to consolidate lots?

**The Mayor, Cr Cox**

Thank you for your question.

Council does not consolidate lots, it is up to the landowner. The subject site was already consolidated in 1991.

**5.1.5 ITEM 6.1.3 258 FIFTH AVENUE EDEN PARK PLANNING APPLICATION NO. 718222**

**Kerry Stewart**

I would like to know why I was not notified as per the letter received from your Development Assessment Team that this matter had gone to a Council meeting as I had lodged an objection and how many other objectors were not notified?

**The Mayor, Cr Cox**

Thank you for your question.

Our records show all objectors were notified of the matter going to Council, including yourself, with a letter sent out on 27<sup>th</sup> March 2019.

<p><i>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's official position on the matter.</i></p>
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## 5.2 PETITIONS

### 5.2.1 MCLEANS ROAD, BUNDOORA KINDERGARTEN DEMOLITION IN 2020

Cr Kelly tabled a petition received from 208 residents regarding Council considering other options with regard to the demolition of McLeans Road, Bundoora Kindergarten in 2020.

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

**MOVED:** *Cr Kelly*  
**SECONDED:** *Cr Alessi*

**THAT Council resolve to receive the petition from 208 residents regarding Council considering other options with regard to the demolition of the McLeans Road, Bundoora Kindergarten in 2020 and a report be prepared.**

**CARRIED UNANIMOUSLY**



### 5.2.2 INSTALLATION OF SPEED HUMPS IN MONTVILLE STREET, DOREEN

Cr Sterjova tabled a petition from 18 residents requesting Council install speed humps in Montville Street, Doreen.

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

**MOVED:** *Cr Sterjova*

**SECONDED:** *Cr Kirkham*

**THAT** Council resolve to receive the petition from 18 residents requesting Council install speed humps in Montville Street, Doreen and a report be prepared.

**CARRIED**

**5.2.3 REMOVAL OF OLD GUM TREES – BLOSSOM PARK DRIVE, MILL PARK**

Cr Desiato tabled a petition received from 32 residents requesting Council remove old gum trees causing drainage problems to properties in Blossom Park Drive, Mill Park.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Desiato*

**SECONDED:** *Cr Alessi*

**THAT Council resolve to receive the petition from 32 residents requesting Council remove old gum trees causing drainage problems to properties in Blossom Park Drive, Mill Park and a report be prepared having regard to Council's adopted Street Tree Master Plan.**

**CARRIED**

**5.3 JOINT LETTERS**

**NIL REPORTS**



6. OFFICERS' REPORTS

COUNCIL RESOLUTION

**MOVED:** Cr Joseph

**SECONDED:** Cr Alessi

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.5, 6.1.6, 6.3.1, 6.3.2 and 6.3.3.**

**CARRIED**

**Group Adoption of Items En Bloc**

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



## 6.1 PARTNERSHIPS, PLANNING & ENGAGEMENT

### 6.1.1 CITY OF WHITTLESEA AUSTRALIA DAY AWARDS COMMITTEE

**Attachments:**

- 1 Draft Terms of Reference with proposed changes [↓](#)
- 2 Awards Criteria [↓](#)

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

**Author:** Governance Officer

#### RECOMMENDATION SUMMARY

That Council resolve to:

- consider and recommend changes to the Terms of Reference for the Australia Day Awards Committee;
- commence an Expression of Interest process for Community Representatives to the Committee; and
- ratify the Award categories for 2020.

#### KEY FACTS AND / OR ISSUES

- The Committee has found that Award recipients have not always been able to participate on the Committee due to various personal reasons and other commitments.
- Two Community Representative positions are currently vacant and require a public Expression of Interest process to commence to seek nominations for these positions.

**REPORT**

**BACKGROUND**

The current City of Whittlesea Australia Day Awards Committee Terms of Reference were first adopted by Council on 15 March 2011 and amended on 18 December 2017.

Since the adoption of the Terms of Reference the Committee has undertaken the successful conduct of the City of Whittlesea Australia Day Awards annually.

**Membership**

Currently the Committee comprises of the following representatives:

- a) *Two Councillor representatives (Mayor of the Day and one other Councillor);*
- b) *Award recipients for the most recent year;*
- c) *Award recipients for the previous year; and*
- d) *A minimum of three and maximum of five community representatives appointed for a fixed term. There is one appointment for a term of four years, two appointments for a term of three years and two appointments for a term of two years. At the first Committee meeting after their appointment the specific term of a community member is determined by lot.*

**Participation of Award Recipient on the Committee**

The Australia Day Awards Committee reviewed the Terms of Reference to address participation of Award recipients on the Committee.

The Committee found that Award recipients have not always been able to participate on the Committee due to various reasons including a recipient's age, ill health, work, study and/or family commitments. For example, the young recipient of the year may be too young to independently participate in the Committee without a parent or guardian present. The Committee understands that this may be an unreasonable expectation for a young person and their parent or guardian and proposes in this circumstance that the young person not be required to join the Committee.

The Committee proposes that when Award recipients are invited to join the Committee there is an option to opt out. If they opt out, it is proposed to advertise the vacant Award recipient position as a Community Representative position for the remainder of the period of the recipient's term (maximum of two years).

**Community Representatives**

The Committee comprises of a minimum of three and maximum of five community representatives. Currently three community representative positions are filled and two are vacant as listed in the table below:

Representative	Year of appointment	Term Duration	Year Term Complete
Mahendra Sukhdeo	2017	3 years	2020
Lillian McClelland	2017	3 years	2020



Representative	Year of appointment	Term Duration	Year Term Complete
Michelle Williams	2017	4 years	2021
Vacant Position	2019	2 years	2021
Vacant Position	2019	2 years	2021

The Committee proposes to seek expressions of interest from the public to fill the vacant community representative positions listed in the table below.

As noted above it is possible there will be more than 5 Community member representatives on the Committee if one or more Award recipients decline the offer to participate in the Committee. In that instance their position converts to a community representative position for the balance of the Award recipient's term.

### Councillor Representatives

The Australia Day Awards Committee also proposes to change the membership of the Councillor Representatives to remove reference to the Mayor of the Day being one of the two Councillor representatives, so that any two Councillors can be nominated to the Committee.

### Chairperson

The Australia Day Awards Committee proposes that reference to the term "Chairman" be replaced with the term "Chairperson" in the Terms of Reference (Attachment 1).

### Award Categories

The Australia Day Awards Committee proposes the same Award categories for 2020 (and subsequent years) as follows:

1. Citizen of the Year;
2. Access & Inclusion Citizen of the Year;
3. Senior Citizen of the Year; and
4. Young Citizen of the Year.

Based on the draft Awards Criteria attached (Attachment 2).

In the current year a minimum age restriction of 12 years old was placed on the Young Citizen of the Year category. It is proposed that this age restriction be removed from this Award category, however that this age restriction be retained for participation on the Committee, as it is unlikely that a young person could participate on the Committee independently without the supervision of a parent or guardian.

### CONSULTATION

The Australia Day Awards Committee is required to review its Terms of Reference annually. The Terms of Reference were last amended on 18 December 2017 when the membership of the Committee was changed to provide for the Mayor and one other Councillor to be the two Councillor representatives instead of the Mayor and immediate past Mayor.

## FINANCIAL IMPLICATIONS

There are no cost implications for the relevant budget. The costs associated with the conduct of the Awards process overseen by the Committee are included 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>Our voice is reflected through inclusive Council decision making processes</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 the relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## CONCLUSION

It is recommended that Council consider the recommend changes to the Terms of Reference for the Australia Day Awards Committee as outlined in Attachment 1 and ratify the Award categories and criteria for 2020 as outlined in Attachment 2. It is also recommended that Council commence an Expression of Interest process for Community Representatives to the Committee.

## RECOMMENDATION

**THAT Council resolve to:**

- 1. Amend the Terms of Reference to replace reference to the term “Chairman” with the term “Chairperson”;**
- 2. Membership of the new Committee is to be:**
  - a) Two Councillor representatives:**
    - i. Reference to the Mayor of the Day being one of the two Councillor representatives is to be removed and that any two interested Councillors can be nominated. This change is to take effect from the next annual appointment of Councillors to organisations and committees on 12 November 2019.**
  - b) Award recipients for the most recent year:**
    - i. Award recipients for the most recent year are to be invited to join the committee and provided with the option of opting out of the**

committee. If this option is selected the Award recipient's position is to be advertised as a Community Representative position for the duration of the Award recipient's term (a maximum of two years).

**c) Award recipients from the previous year:**

- i. Award recipients from the previous year are to be consulted by letter and provided with the option of opting out or continuing on the committee. If the option to opt out is selected the Award recipient's position is to be advertised as a Community Representative position for the duration of the Award recipients term (a maximum of one year).

**d) A minimum of three and maximum of five community representatives for a fixed term, the term is determined by lot.**

As reflected in the draft terms of reference attached (Attachment 1).

**3. Seek expressions of interest from the public to fill vacant community representative positions for the terms listed in the table below:**

Community Representative Positions	Term Duration	Year Term Complete
Vacant Position	2 years	2021
Vacant Position	2 years	2021

**4. Seek expressions of interest from the public to fill any vacancies that may arise following consultation with Award recipients;**

**5. Determine appointments of community representatives to vacant positions following the public Expression of Interest process at a future Council Meeting; and**

**6. Provide Award categories for 2020 (and subsequent years) as follows:**

- a) Citizen of the Year;
- b) Access and Inclusion Citizen of the Year;
- c) Senior Citizen of the Year; and
- d) Young Citizens of the Year;

Based on the draft Awards Criteria attached (Attachment 2).

**COUNCIL RESOLUTION**

**MOVED:** *Cr Sterjova*  
**SECONDED:** *Cr Monteleone*

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

**CARRIED**





## City of Whittlesea Australia Day Awards Committee

### Terms of Reference

#### 1. TITLE

The name of the Committee shall be City of Whittlesea Australia Day Awards Committee.

#### 2. PURPOSE

To undertake the processes and activities relating to the seeking and assessment of nominations and making Awards at the annual Australia Day Awards on behalf of the City of Whittlesea. Determining Award categories shall be the responsibility of the Council of the City of Whittlesea, and the Council may seek the advice of the Committee. The Committee may make recommendations to Council on any variation to the Awards or any proposal for new or additional Awards.

#### 3. MEMBERSHIP

The Committee shall comprise Council representatives and Community representatives. All appointments are to be made by the Council. Specifically membership shall comprise the following:

- a) Two Councillor representatives (~~Mayor of the Day and one other Councillor~~);
- b) Award recipients for the most recent year:
  - i. ~~If an Award recipient chooses to opt out of the Committee their position is to be advertised as a Community Representative position for the duration of the Award recipient's term (a maximum of two years);~~
- c) Award recipients for the previous year:
  - i. ~~If an Award recipient chooses to opt out of the Committee their position is to be advertised as a Community Representative position for the duration of the Award recipient's term (a maximum of one year); and~~
- d) a minimum of three and maximum of five community representatives.

#### 3.1

Community representatives shall be appointed for a fixed term. There shall be one appointment for a term of four years, two appointments for a term of three years and two appointments for a term of two years. At the first Committee meeting after their appointment the specific term of a community member shall be determined by lot.

### 3.2

Other persons (non-Committee) may be invited to attend the meetings at the request of the ~~Chairman~~ Chairperson on behalf of the Committee to provide advice and assistance where necessary. They have no voting rights and may be requested to leave the meeting at any time by the ~~Chairman~~ Chairperson.

### 3.3

A quorum of members must be present before a meeting can proceed. A quorum is more than half of the current number of members of the Committee and must include at least one Council representative. Where a quorum is not achieved the members present may, at the discretion of the ~~Chairman~~ Chairperson, continue the meeting, but any decisions made at the meeting must be ratified at the next Committee meeting.

### 3.4

Decisions will be made by consensus. Where the Committee is unable to reach consensus, a vote shall be conducted and a simple majority will be sufficient. In the event of a tie in votes the ~~Chairman~~ Chairperson has a second and casting vote.

### 3.5

Committee members will cease to be a member if they:

- resign from the Committee;
- fail to attend 3 consecutive meetings without providing apologies to the ~~Chairman~~ Chairperson;
- reach the end of the term of their appointment; and/or
- breach confidentiality.

## 4. VACANT POSITIONS

Any vacant positions will be filled by the Council.

## 5. ~~CHAIRMAN~~ CHAIRPERSON

The ~~Chairman~~ Chairperson shall be elected by the Committee for a period of 12 months. Their responsibilities include:

- Scheduling meetings and notifying Committee members;
- Inviting specialists to attend meetings when required by the Committee;
- Guiding the meeting according to the agenda and time available;
- Ensuring all discussion items end with a decision, action or definite outcome; and
- Review and approve the draft minutes before distribution.

#### 6. MINUTE TAKER/SECRETARY

The role of the minute taker is to:

- Prepare agendas and issuing notices for meetings, and ensuring all necessary documents requiring discussion or comment are attached to the agenda;
- Distributing the Agenda at least one week prior to the meeting;
- Taking notes of proceedings and preparing minutes of meeting;
- Distributing the minutes to all Committee members approximately one week after the meeting and be made available to members; and
- The minutes shall be checked by the ~~Chairman~~ Chairperson and accepted by Committee members as a true and accurate record at the commencement of the next meeting.

#### 7. TIMING AND DURATION OF MEETINGS

A schedule of meetings shall be set by the ~~Chairman~~ Chairperson each year, focussed on making an Award in January of the following year. Meetings shall last no more than 90 minutes.

#### 8. AMENDMENTS

The terms of reference shall be reviewed annually by the Committee and any suggested changes brought to the attention of the Council through one of the Council representatives.





# Australia Day Awards Criteria



## **Citizen of the Year**

A person who has made a noteworthy contribution during the current year, and/or given outstanding service to the local community over a number of years. Nominees must:

- be over 25 years of age on 26 January 2020
- be an Australian citizen
- reside, work or study in the City of Whittlesea

## **Access and Inclusion Citizen of the Year**

A person who has made a noteworthy contribution during the current year and/or given outstanding service to the local community over a number of years by including others whose access to participation is restricted due to physical, social or other challenges. Nominees must:

- be an Australian citizen
- reside, work or study in the City of Whittlesea

## **Senior Citizen of the Year**

A person who has made an outstanding contribution to the quality of life of citizens of that age group. Nominees must:

- be an Australian citizen
- be over the age of 60 years on 26 January 2020
- reside within the City of Whittlesea

## **Young Citizen of the Year**

A person who has made a noteworthy contribution during the current year and/or given outstanding service to the local community over a number of years. Nominees must:

- be aged 25 years of age or under as at 26 January 2020
- be an Australian citizen
- reside, work or study in the City of Whittlesea



**6.1.2 335-355 O'HERNS ROAD, EPPING - AMENDMENT TO PLANNING PERMIT NO. 709220 TO INCREASE HOURS OF OPERATION FOR THE CONCRETE CRUSHING PLANT**

<b>Attachments:</b>	1 <b>Locality Maps</b> <a href="#">↓</a>
	2 <b>Acoustic Assessment</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Partnerships, Planning &amp; Engagement</b>
<b>Author:</b>	<b>Principal Planner</b>
<b>APPLICANT:</b>	<b>Aurora Construction Materials</b>
<b>COUNCIL POLICY:</b>	<b>22.08    Material Recycling Centres Policy</b>
<b>ZONING:</b>	<b>Farming Zone (FZ) Special Use Zone (SUZ4)</b>
<b>OVERLAY:</b>	<b>Not applicable</b>
<b>REFERRAL:</b>	<b>VicRoads (Section 52 referral) EPA (Section 52 referral)</b>
<b>OBJECTIONS:</b>	<b>Three</b>

**RECOMMENDATION SUMMARY**

That Council resolve to approve the Application to Amend Planning Permit No. 709220 and issue a Notice of Decision to Grant an Amendment to a Permit for the proposed increased hours of operation for the concrete crushing plant.

**KEY FACTS AND / OR ISSUES**

- The application seeks to amend Condition No. 10 of Planning Permit No. 709220 to increase the hours of operation for the concrete crushing plant to 5.30am – midnight, Monday to Friday and 5.30am – 6.00pm on Saturdays.
- Current hours of operation for the concrete crushing plant are 5.30 am to 5.00pm, Monday to Friday (non-daylight saving times); and 5.30am to 6.00pm, Monday to Friday (during daylight saving), as well as 5.30am to 1.00pm, Saturdays.
- Three objections have been received, predominantly raising concerns related to additional noise and dust nuisance, and increased traffic in O'Herns Road and surrounding roads.
- The extension of hours of operation is considered appropriate subject to the inclusion of additional management conditions, and continued compliance with existing permit conditions to control off site impacts from activities on the site.

**REPORT****SITE AND SURROUNDING AREA (Including Background)**

The subject site comprises two parcels located on the southern side of O'Herns Road, to the west of the Hume Freeway, in Epping. The site has an overall area of 49.2ha and is part of Whittlesea City Council's former Cooper Street No. 2 landfill site. The applicant has a lease agreement with Council that expires in October 2022 and allows the construction and operation of a rock recycling and concrete batching facility.

Planning Permit No. 709220 was issued at the direction of the Victorian Civil and Administrative Tribunal on 4 October 2006 for the use and development of:

- (i) a concrete batching plant, and
- (ii) a materials recycling/crushing facility which includes one crushing unit comprising a primary, secondary and tertiary crusher.

The permit was issued as a temporary permit, with all uses to cease on the site by 4 October 2021.

The surrounding locality is characterised by a range of uses, including farming uses to the north, quarrying to the west, rural and industrial to the east, with the closest residential properties, located approximately 1km to the north-east.

**PROPOSAL**

Planning Permit No. 709220 was issued on 4 October 2006 and amended on 5 May 2009, 23 April 2010 and 22 November 2010. Condition No. 7 requires uses authorised on the site to cease no later than 15 years after the permit issue date, being 4 October 2021.

It has been predicted that Melbourne will face construction material shortages during the forecast infrastructure boom. The permit holder seeks to amend the operating hours of the existing concrete crushing plant to increase their supply ability in an attempt to reduce unfavourable outcomes of a shortage.

The application seeks to amend Condition No. 10 to increase hours of operation for the concrete crushing plant to 5.30am – midnight, Monday to Friday and 5.30am – 6.00pm on Saturdays. The current hours of operation for the concrete crushing plant are 5.30 am to 5.00pm, Monday to Friday (non-daylight saving times); and 5.30am to 6.00pm, Monday to Friday (during daylight saving), as well as 5.30am to 1.00pm, Saturdays.

In the period 5.00pm to midnight it is proposed to reduce site activity to only include the crushing plant operation, one machine (front end loader) to feed the plant and one machine (front end loader) to stockpile material. The application includes an Acoustic Report which concludes that no adverse noise impacts are likely to result, with the site complying with limits set out in State Environment Protection Policy (SEPP) N-1.

No outbound sales or inbound truck deliveries are proposed during the period after 6.00pm on weekdays or Saturdays and no changes are proposed for Sundays or Public Holidays. No changes are proposed to the hours of operation of the concrete batching plant.

Condition No. 10(vii) is proposed to be amended and Condition Nos. 10(xx), (xxi) and (xxii) added as follows:

10. *The operation of the uses authorised by the permit must comply with the following requirements:*

...

- (vii) *The uses authorised by this permit may operate only between the hours of:*

*Concrete Batching Plant*

- *5.30 am and 5.00pm, Monday to Friday (non-daylight saving times);*
- *5.30am and 6.00pm, Monday to Friday (during daylight saving) and 5.30am and 1.00pm, Saturdays.*

*Concrete Crushing Plant*

- *5.30am – midnight, Monday to Friday;*
- *5.30am – 6.00pm, Saturdays.*

*The use, including deliveries and all truck movements to and from the site, must not operate on Sundays or on Public Holidays.*

...

- (xx) *Only the following plant shall be allowed to continue operating during the period 6pm-12 midnight weekdays and 1pm-6pm Saturday:*

- a. *Crushing and screening;*
- b. *Up to two front end loaders*

- (xxi) *No rock breaking or excavation is to occur after 6pm on weekdays and 1pm Saturday.*

- (xxii) *No sales trucks shall be allowed to access the land after 6pm weekdays and 1pm Saturday.*

## RESTRICTIONS AND EASEMENTS

There are no restrictions on title that affect the proposed amendment to Planning Permit No. 709220.

## PUBLIC NOTIFICATION

The application was advertised to a large number of surrounding properties, by letter, notice in the public notice section of the local paper and a sign erected on site. Advertising of the application has resulted in three objections being received. The grounds of objection can be summarised as follows:

1. Increased noise levels impacting on health and ability to sleep, in particular from reverse beepers, rock breaking hammers and when the rock is dumped into the crusher.
2. Unclear whether amendment affect hours of delivery or the Concrete Batching Plant permit conditions.
3. Increased vibration, dust and pollution, quality of air will have a detrimental effect on our health and wellbeing.
4. Increased traffic along O'Herns Road and surrounding roads.

## PLANNING ASSESSMENT

The relevant State and Local planning policies, particular provisions, zoning and overlay controls were previously considered under the original planning permit application. Whilst the hours of operation for the concrete crushing plant would increase, the purpose and intent of the previously

considered planning controls and other relevant legislation and standards are still considered to be satisfied. A technical assessment and discussion around the merits of the proposed amendment is outlined below:

Planning Permit No. 709220 was issued as a temporary permit and expires on 4 October 2021, upon which the uses authorised by the permit are required to cease operation, with all plant, equipment and works to be removed within six months. The permit holder's lease agreement with Council ends in October 2022.

Increased activities on the site proposed by the amendment application will be limited to concrete crushing for extended hours only, with all other site activities to cease as per the original permit conditions. Site activity will be limited to concrete crushing, with the use of two front end loaders - one to feed the plant and one to stockpile material.

The increased hours of operation do not allow for additional outbound sales and inbound truck deliveries. Additionally, the amendment does not impact hours or operation of the concrete batching plant or allow for additional rock breaking or excavation.

Any noise generated by the concrete crushing plant during the additional hours of operation, will be required to continue to comply with limits set out in State Environment Protection Policy N-1 (SEPP N-1) with testing and modelling undertaken by the applicant's acoustic consultant at proximate sensitive land uses (surrounding dwellings) confirming compliance.

Given the site already operates within the defined 'night period of SEPP N-1, (which has the most stringent noise limits) and continued compliance with these limits, the proposed amendment to hours of operation for the concrete crushing plant is considered to be acceptable.

Due to the temporary nature of the permit and the permit holder's lease agreement with Council over the land, it is considered that any long term use or future use of the site will not be compromised by the amendment.

The existing permit contains a number of conditions relating to the operation of the site, including the implementation of a dust management plan, continued compliance with SEPP N-1 and other noise controls, maintenance and upkeep of O'Herns Road, and conditions relating to drainage, car parking and traffic management, lighting, and vibration. Compliance with existing permit conditions, as well as the plans and other documentation endorsed under the permit, will ensure the site continues to operate in an appropriate manner, whilst minimising impacts on the surrounding locality.

## **COMMENTS ON GROUNDS OF OBJECTION**

### **Increased noise levels impacting on our health and ability to sleep, in particular from reverse beepers, rock breaking hammers and when the rock is dumped into the crusher**

An addendum to the acoustic report submitted with the application demonstrates that the relevant noise levels for the nearest residential property are approximately 10 dB(a) less than the allowable noise limit. Noise levels from the rock crusher will not generate noise levels above the permissible noise levels under SEPP - N1.

There are no 'reverse beepers' proposed to be used on the site during the extended hours. The proposal does not include sales trucks which would be the only vehicles with beeper alarms. Additionally, there are no 'rock breakers' proposed to be used on the site during the extended hours. Based on the monitoring and noise modelling carried out, noise levels would comfortably comply with the relevant noise policies at the objectors properties.

The subject site is within proximity of the Hume Freeway and noise from the proposal is expected to be inaudible because of this. On this basis, no adverse health or sleep disturbance is expected from the proposal.

**Unclear whether amendment affect hours of delivery or the Concrete Batching Plant permit conditions**

The proposed amendment seeks extended hours for the crushing of rock until midnight on Mondays to Fridays and on Saturdays until 6:00pm. No other change is proposed to any of the other activities on site. Accordingly, there will be no delivery of raw material or carting out from the site of concrete beyond the already permitted hours.

**Increased vibration, dust and pollution, quality of air will have a detrimental effect on health and wellbeing**

A recycling and concrete batching plant has potential to generate dust. This dust, whether from cement, sand or aggregate, will contain fine particles that need to be controlled to protect offsite amenity. Condition No. 30 of Planning Permit No. 709220 required the submission of a Dust Management Plan which provides for water, internal roads, water trucks, front end loaders, vehicles leaving the site, stockpiles, crushing plant, management and climatic conditions. A Dust Management Plan was approved by Council and the EPA and endorsed under the permit. The Dust Management Plan is required to be implemented under Condition No. 31 of the permit. It is envisaged that additional dust nuisance as a result of the extended hours of operation will be minimal; however the endorsed dust management will readily address any inappropriate dust nuisance and can be enforced if necessary.

Additionally, Condition No. 11 of the permit requires the amenity of the area not to be detrimentally affected through the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**Increased traffic along O'Herns Road and surrounding roads**

The proposed amendment does not seek to extend the time for delivery of raw materials or carting out of concrete and accordingly no additional truck movements to and from the site are anticipated. Increased traffic associated with the increased hours of operation is considered to be minimal.

**REFERRALS**Environment Protection Authority

Notice of the application was given to the Environment Protection Authority Victoria (EPA). The EPA's response is summarised as follows:

*EPA has no concern with Council issuing this planning permit according to the information that has been provided. However, we recommend Council considers the following conditions for inclusion in the planning permit:*

*The permit holder must ensure that no emissions of noise and/or vibrations from the premises which are detrimental to either of the following:*

- (a) The environment in the area around the premises; and*
- (b) The wellbeing of persons and/or their property in the area around the premises.*

*Noise is considered to be the primary environmental risk posed by this proposal. The Applicant has submitted an acoustic assessment prepared by Octave Acoustics dated 14 September 2018. EPA has not undertaken a comprehensive technical review of the methodology or findings of the acoustic assessment, however considering that the premises already operates within the defined 'night' period of State Environment Protection Policy N-1 (most stringent limits) and the lack of pollutions attributed to the site, the proposal is acceptable.*

*The acoustic assessment recommends three permit conditions to limit operations to those that were assessed in the acoustic report to demonstrate compliance with SEPP N-1. Council should include these recommendations, or similar, to control activities at the site to those that comply with SEPP N-1.*

The condition recommended by EPA is generally addressed by existing Condition No. 11 of the permit which requires that the amenity of the area not be detrimentally affected by the use or development through the transport of materials, goods or commodities to and from the land; appearance of any building, works or materials; emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or the presence of vermin.

The conditions recommended by the applicant's acoustic consultant should be included in any amended permit that issues.

#### VicRoads

Notice of the application was given to VicRoads. VicRoads had no objection to the proposal.

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

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

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

### **CONCLUSION**

The application has been assessed against the planning zone provisions and other relevant planning provisions, including the Planning Policy Framework of the Whittlesea Planning Scheme, and is considered to be consistent with the relevant policies and strategies of the Planning Scheme. It is considered that the proposed amendment to Condition No. 10 to increase the hours of operation for the concrete crushing plant is appropriate and will not result in detrimental impacts on the surrounding area. Therefore, it is recommended that an amended Planning Permit be issued.

<b>RECOMMENDATION</b>
-----------------------

THAT Council resolve to approve the Application to Amend Planning Permit No. 709220 and issue a Notice of Decision to Grant an Amended Permit to amend Condition No. 10 to increase the hours of operation for the concrete crushing plant in accordance with the endorsed plans and subject to the following amendments:

1. Amendment to Condition No. 10 as follows:

- Split (vii) into two parts (underline used to highlight changes):

(vii) The uses authorised by this permit may operate only between the      hours of:

#### Concrete Batching Plant

- 5.30 am and 5.00pm, Monday to Friday (non-daylight saving times);
- 5.30am and 6.00pm, Monday to Friday (during daylight saving) and 5.30am and 1.00pm, Saturdays.



Concrete Crushing Plant

- 5.30am – midnight, Monday to Friday;
- 5.30am – 6.00pm, Saturdays.

The use, including deliveries and all truck movements to and from the site, must not operate on Sundays or on Public Holidays.

- Add the following three conditions as recommended by the acoustic expert:

(xx) Only the following plant shall be allowed to continue operating during the period 6pm-12 midnight weekdays and 1pm-6pm Saturday:

- a. Crushing and screening;
- b. Up to two front end loaders

(xxi) No rock breaking or excavation is to occur after 6pm on weekdays and 1pm Saturday.

(xxii) No sales trucks shall be allowed to access the land after 6pm weekdays and 1pm Saturday.

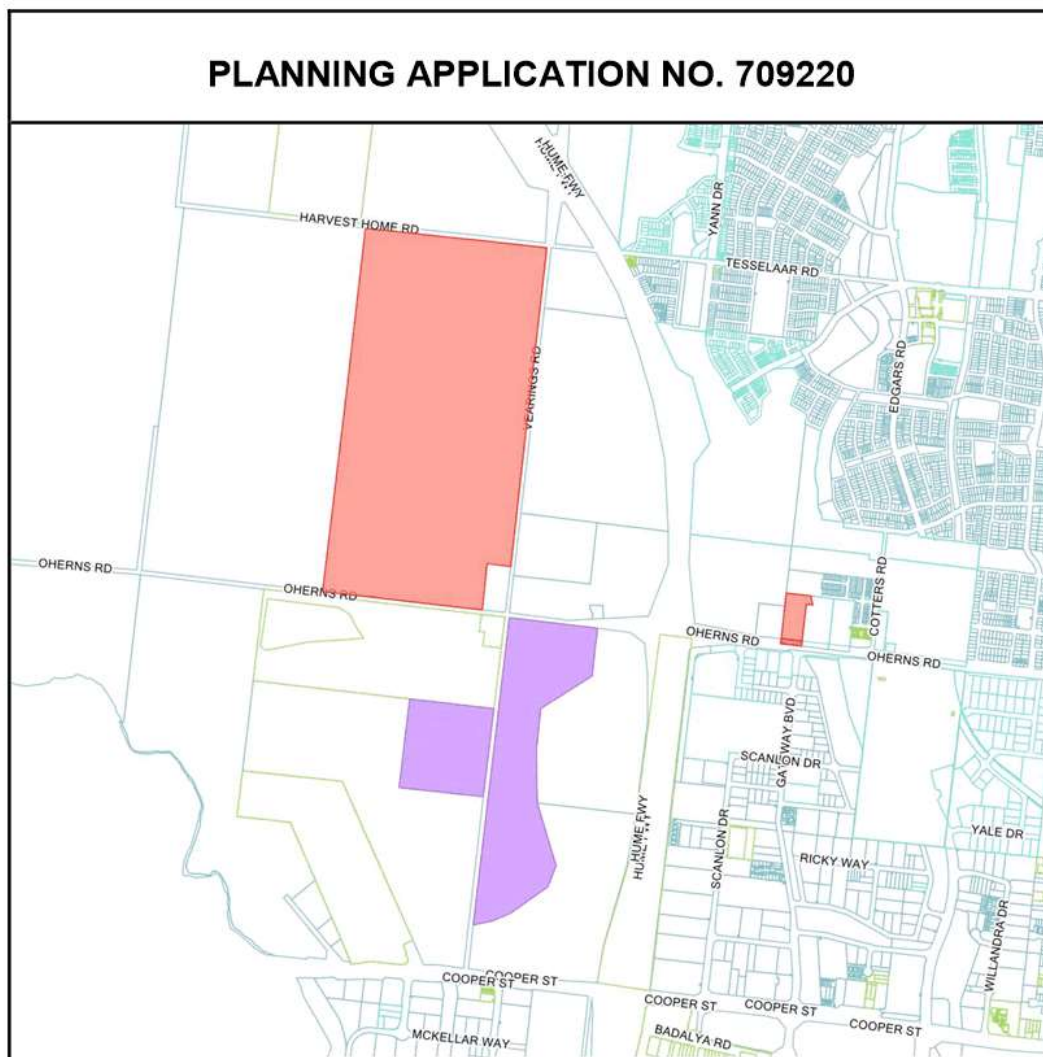
**COUNCIL RESOLUTION**

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

**THAT Council resolve to defer item 6.1.2 in relation to Planning Application No. 709220 for an amendment to the planning permit to increase hours of operation for crushing associated with the concrete batching plant, to a future Council meeting to allow for further discussions to occur between the permit applicant, operators, Council officers and objectors regarding potential concerns with night time activity.**

**CARRIED**





**Subject Land**



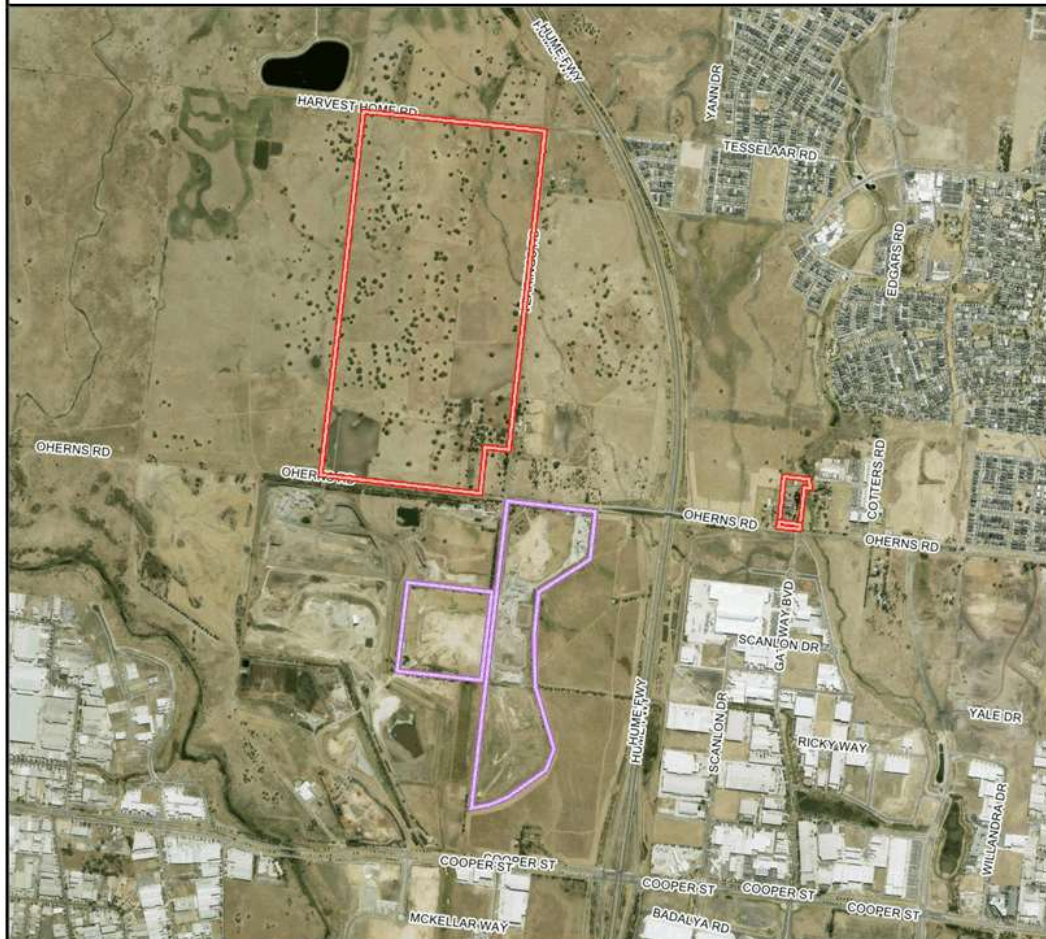
**Objector (1 objector outside locality map area)**



**City of  
Whittlesea**

**BUILDING AND PLANNING ASSESSMENT  
REPORT**

## PLANNING APPLICATION NO. 709220



**Subject Land**



**Objector (1 objector outside locality map area)**



**City of  
Whittlesea**

## **BUILDING AND PLANNING ASSESSMENT REPORT**



# PERMIT 709220 AMENDMENT APPLICATION, 335 OHERNS ROAD, EPPING Acoustic Assessment

Aurora Construction Materials (ACM)

14 SEPTEMBER 2018





Project Permit 709220 Amendment Application, 335 Oherns Road, Epping

Client Aurora Construction Materials (ACM)

Document number AA496ME-01E02 Acoustic Report (r0).docx

Revision	Date	Comment	Author	Reviewer
0	14.09.2018	Submitted to Client	DT	

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## 1 Scope of Work

Octave Acoustics has been engaged by Aurora Construction Materials (ACM) to assess potential noise impacts from their rock crushing plant located at the rear of 335 Ohearns Road, Epping (Subject Land). It is understood that ACM are applying to amend Condition 10 (vii) of Permit 709220 (Amended) was issued by City of Whittlesea 22 November 2010.

- (vii) the uses authorised by this permit may operate only between the hours of:
- 5.30 am and 5.00pm, Monday to Friday (non-daylight saving times);
  - 5.30am and 6.00pm, Monday to Friday (during daylight saving) and 5.30am and 1.00pm, Saturdays.

The use, including deliveries and all truck movements to and from the site, must not operate on Sundays or on Public Holidays.

ACM's proposal is to extend crushing operational hours (Proposal), as follows:

Current Permit	Proposed Amended Permit
5:30am – 5pm Mon-Fri (non daylight saving)	5:30am – 12 midnight Mon-Fri
5:30am – 6pm Mon-Fri (daylight saving)	
5:30am – 1pm Saturdays	5:30am – 6pm Saturdays

The current permit also includes land use for a concrete batching plant on the Subject Land. There are no proposed changes to the Permit relating to the concrete batching plant.

Octave Acoustics has carried out on-site testing of crushing operations as well as 3D computational noise modelling to assess the likelihood of noise impacts at proximate sensitive land uses. This report provides technical evaluation of the Proposal based on the measurements and modelling work carried out.

## 2 Site Description

The Subject Land is on a mix of SUZ4 and Farming zoning.

Site inspections and review of aerial photography indicated that there are only two dwellings proximate the Subject Land, as follows:

Dwelling ID	Distance from Primary Crusher	Address
R1	Approx. 650m North	330 Ohearns Road
R2	Approx. 950m South	410 Cooper Street

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### 3 Proposed Amendment

ACM propose to extend operational hours to 12 midnight on weekdays and 6pm Saturdays.

The only operations that are proposed to occur during the extended hours are as follows:

- Crushing and screening plant;
- One off front end loader transferring rock into the primary hopper, located on the existing upper bench; and
- One off front end loader transferring crushed rock and stockpiling at ground level.

No rock breaking, excavation or sales trucks are proposed during the amended operational period.

It is important to note that the hours 10pm-12 midnight are within the defined 'Night' period of State Environment Protection Policy No. N-1, which results in more stringent noise limits than would apply during normal business hours. However, we also note that the existing Permit already allows for operations between 5:30am to 7am which are also within the defined 'Night' period and therefore subject to the same assessment procedure. There would not be any quantitative difference between operations 5:30am to 7am and 10pm to midnight which infers that compliance with the existing Permit would also result in compliance with the proposed amended permit.

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## 4 Noise Regulations

The following is stated in Condition 12 of the Permit:

### Noise levels

12. (a) noise emissions from any plant and equipment must comply with State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1;
- (b) the construction and operation of the acoustic measures proposed at the site and in particular the noise attenuation walls must be assessed and certified by an acoustic consultant as being conformant with SEPP N-1 to the Council's satisfaction within three months of the date of the endorsement of the revised plans.

There are no proposed changes to noise targets and SEPP N-1 is State Legislation.

Background noise measurements were carried out between 10pm-12 midnight on 4 September 2018. Observations and noise readings carried out proximate to R1 indicate relatively high traffic noise levels from the Hume Highway, resulting in a level of  $L_{90}$  44dB(A). Similarly, relatively high traffic noise levels were recorded proximate to R2 because of Cooper Street, resulting in a level of  $L_{90}$  45dB(A). High background levels are normal for sites that only propose operations during the shoulders of the 'Night' period, in this instance just after 10pm and just before 7am.

In accordance with SEPP N-1, the noise limits at R1 and R2 are 47dB(A) and 48dB(A) respectively. These limits would likely be lower were 24-hour operations proposed.

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## 5 Operational Noise Assessment

On 4 September 2018 between approximately 2pm and 5pm, ACM simulated the proposed amended operation for the purposes of acoustic simulation testing, by:

1. Shutting down the concrete batching plant;
2. Closing sales early, including closure of entry gates; and
3. Ensuring that only crushing plant and two off front end loaders continued to operate.

Octave Acoustics carried out the following measurements during this period to obtain representative noise emission data for the Proposal:

1. Nearfield noise measurements around crushing, screening and mobile plant (including front end loaders picking and dumping materials), for the purposes of:
  - a. Isolating individual plant noise emissions; and
  - b. Determining the Sound Power Level of plant for use in propagation modelling;
2. Boundary and farfield noise measurements at boundaries and other spot locations for purposes of:
  - a. Observing audibility of plant at distances;
  - b. Observing the effects of intervening structures, walls and ground terrain; and
  - c. Providing suitable noise validation points for use in propagation modelling.

During this assessment, it was observed that noise was inaudible at both R1 and R2 due to appreciably high traffic and other ambient noise sources during this period. Because crushing operations emitted relatively low noise levels at R1 and R2, noise propagation modelling has been carried out to determine the likely noise emission level at these premises.

The instrumentation used for the noise surveys was a Bruel & Kjaer 2270 precision sound level meter. All instrumentation used were Class 1 having accuracy suitable for field and laboratory use. The instruments were calibrated prior and subsequent to measurements using a Bruel & Kjaer Type 4231 calibrator. No significant drift in calibration was observed. All instrumentation complies with AS IEC

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61672.1 2004 'Electroacoustics - Sound Level Meters' and carries current NATA certification (or if less than 2 years old, manufacturers certification).

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## 6 Predictive Noise Modelling

A 3D environmental computational noise prediction model was generated using CadnaA software and utilising well established environmental noise propagation algorithms (ISO 9613). The noise model allows assessment of noise emissions under worst-case meteorological conditions (i.e. favourable propagation of noise from source to receivers) and considers:

- Sound Power Levels of discrete plant;
- Topography effects due to landfill terrain on the Subject Land;
- Absorption effects from air and ground surfaces
- The effects of obstacles to noise propagation (e.g. noise walls and structures)
- Geometrical spreading

The following Sound Power Levels were determined based on the noise survey results:

Plant	Overall SWL
Primary Crusher	106-114 dB(A)*
Secondary Crusher	114 dB(A)
Tertiary Crusher	105 dB(A)
Screening and Pugmill Plant	109 dB(A)
Front end loaders, driving forward and material handling	107 dB(A)**
Notes:	<ul style="list-style-type: none"> <li>• *The primary crusher emitted variable sound power levels on each side of the plant due to directivity effects from exposed pulleys and drums. This has been accounted for in the modelling</li> <li>• **This is based on the maximum noise level for the source. Other operations were noted to be quieter, including reversing, idling, etc. The total SWL observed over a 30-min period for front end loaders was approximately -20dB(A) due to variation in operation, including significant periods of lower noise activity</li> </ul>

We note that both front end loaders observed had broadband reversing alarms which would need to be retained for future operations, should the Proposal be approved.

Modelling the sound propagation based on the above Sound Power Levels resulted in good correlation (+/- 2dBA) with farfield noise measurements where plant was still clearly audible. The noise level measured at the rear of the Subject Land (south boundary) was 53dB(A) and the level measured proximate the concrete batching plant to the north was 54dB(A). These validation points are still approximately 650m and 300m from R2 and R1 respectively.



The propagation modelling resulted in the following noise levels at proximate dwellings:

Dwelling ID	Modelled Noise Level	Noise Limit, 10pm-12 midnight
R1	43 dB(A)	47 dB(A)
R2	38 dB(A)	48 dB(A)

The modelled noise levels both comply comfortably with the noise emission target.

The modelled noise emission contour map is provided in Appendix A.

## 7 Conclusion

Octave Acoustics has completed an acoustic assessment of the potential noise impacts associated with ACM's proposed amended hours for crushing operations. On the basis of the measured operations which simulated the proposal, no adverse noise impacts are expected to occur and the land would continue to comply with SEPP N-1.

Based on the outcomes of this assessment, the permit amendment of Condition 10 (vii) should be approved for:

- Crushing operations between the hours 5:30am – 12 midnight, Monday-Friday.

We recommend that the permit amendment include other conditions which clearly limit the types of operations that can occur during the extended hours, to the effect of:

1. Only the following plant shall be allowed to continue operating during the period 6pm-12 midnight weekdays and 1pm-6pm Saturday:
  - a. Crushing and screening;
  - b. Up to two front end loaders
2. No rock breaking or excavation is to occur after 6pm on weekdays and 1pm Saturday.
3. No sales trucks shall be allowed to access the land after 6pm weekdays and 1pm Saturday.



## Appendix A: Noise Emission Contour Map

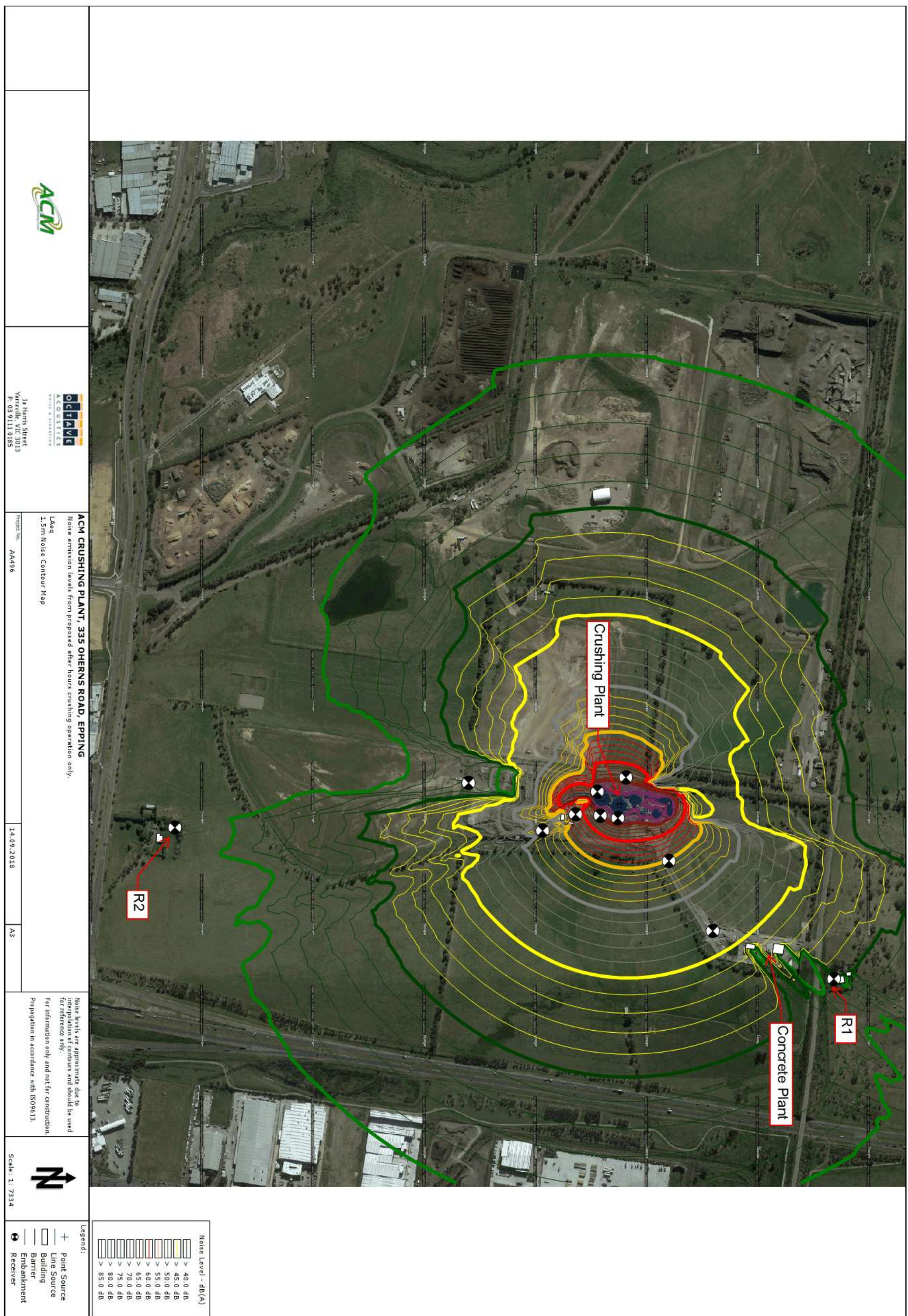
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**6.1.3 258 FIFTH AVENUE EDEN PARK**

<b>Attachments:</b>	<b>1</b>	<b>Locality map</b> <a href="#">↓</a>
	<b>2</b>	<b>Town Planning Report</b> <a href="#">↓</a>
	<b>3</b>	<b>Site Plan</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Partnerships, Planning &amp; Engagement</b>	
<b>Author:</b>	<b>Planning Officer</b>	
<b>APPLICANT:</b>	<b>Beachside Inspections</b>	
<b>COUNCIL POLICY:</b>	<b>Nil</b>	
<b>ZONING:</b>	<b>Green Wedge Zone</b>	
<b>OVERLAY:</b>	<b>Restructure Overlay</b>	
<b>REFERRAL:</b>	<b>Sustainability Planning</b>	
<b>OBJECTIONS:</b>	<b>49 Objections &amp; 1 Petition with 51 Signatures (at the time of reporting)</b>	

**RECOMMENDATION SUMMARY**

That Council resolve to approve Planning Permit Application No. 718222 and issue a Notice of Decision to grant a Planning Permit for the Use and Development of a Poultry Farm at 258 Fifth Avenue, Eden Park.

**KEY FACTS AND / OR ISSUES**

- The proposed agricultural use of the land will produce organic free-range eggs, with a maximum of 4800 chickens to be kept on site. The use will begin at a reduced capacity of 1200 chickens, and will gradually increase in a staged process over 2 years. Prior to the commencement of each stage the site must be inspected by a Council Officer to ensure that best practice land management techniques are being adhered to.
- The development will consist of 4 mobile sheds (9m x 15m), and 5 feed silos (1 at 17 tonnes and 4 at 2 tonnes) to be implemented over time. The sheds are to be relocated fortnightly to ensure that the land is not overgrazed. The sheds will be located a minimum of 100m from nearby dwellings at all times. The approximate location of each shed is shown in **Attachment 3**.
- The subject land is a battle-axe lot, 86,900m<sup>2</sup> in size, and has no clear sightlines from Fifth Avenue.
- Eggs are to be collected and packaged on site, and exported from the site 1-2 times per week.
- At the time of reporting, 49 Objections had been received and one petition with 51 signatures, all raising concerns with respect to noise, odour, pests and traffic, decrease in property value, impacts on the environment and the health of residents.

**REPORT****SITE AND SURROUNDING AREA**

The site is located to the eastern side of Fifth Avenue Eden Park, and is approximately 8.6 hectares (86,900m<sup>2</sup>) in size (See **Attachment 1**) The land has been consolidated into a restructured lot in accordance with the Eden Park Restructure Plan. The land forms a battle axe shape, with access from Fifth Avenue. The site features a dwelling and ancillary outbuilding (shed) located nearest the south-west boundary. The site is arranged into approximately 6 fenced grassed paddocks, with two dams, and is bisected diagonally north-west to south-east by a watercourse that terminates at the larger of the two dams. A portion of the north property boundary abuts Barbers Creek. The site slopes downhill from the creek, with a 5-6m fall from the north boundary to the water course in the centre of the site.

The land directly abutting the site is comprised primarily of lots ranging between 40,500m<sup>2</sup> – 518,000m<sup>2</sup>, while the adjacent land on the west side of Fifth Avenue is primarily comprised of smaller lots of approximately 8000 – 16,000m<sup>2</sup> (it is however noted that some of these lots are likely to increase in size once consolidated in accordance with the Restructure Overlay). The abutting land directly to the north, south and west feature existing dwellings. The dwelling to the north is approximately 105m from the shared boundary, the dwelling to the south is abutting the boundary and the dwelling to the west is approximately 60m from the shared boundary.

**RESTRICTIONS AND EASEMENTS**

The site is formally described as Land in Plan of Consolidation 166711Q.

There are no restrictions on Title that affect the subject land. There are also no easements that encumber the land.

**PROPOSAL**

The proposal is for the use and development of the land for free range organic egg production.

The development consists of 4 mobile sheds (9m width x 15m length x 3.7m height), and 5 feed silos (1 at 17 tonnes and 4 at 2 tonnes), which are to be constructed in a staged process over two (2) years. Each shed will house a maximum of 1200 chickens, with a maximum of 4800 chickens to be allowed on site at any one time. The sheds will be relocated on a fortnightly basis to provide new grazing areas for the chickens. The sheds will be sustainably powered by solar panels.

The existing shed (11m x 8m) on site nearest the south-west boundary will be utilised as a hatchery, where the chickens are raised to 16 weeks before being transferred to the mobile sheds.

The chickens will be fed organic feed, which will be stored in 2 tonne silos located near each shed, with a larger 17 tonne storage silo to be located near the hatchery. All silos will be fully enclosed and vermin proof. The feed will be delivered to the storage silos every 3-4 weeks.

Any solid waste collected from the sheds will be bagged and sold off-site. Any additional waste will be used to fertilise the soil of pastures, and a ground cover of over 50% is to be maintained.

Eggs produced on site will be packaged and collected from the site by a large transport van 1-2 times per week.

## PUBLIC NOTIFICATION

Advertising of the application resulted in 49 objections and 1 petition with 51 signatures being received at the time of reporting. There are exemptions from advertising for low impact poultry farms similar to that proposed, however as no details of the following were provided, advertising needed to occur:

- The minimum setback requirements shown in Table 1 have not adequately been met.
- A Nutrient Management Plan was not provided to demonstrate that chickens are kept outdoors on paddocks with a minimum of 50% ground cover; and mobile housing and feeding infrastructure that is relocated at least every two weeks.

It is noted that statements were made by the applicant that these would be complied with, however this could not be confirmed at the time of advertising.

The grounds of objection can be summarised as follows:

1. Increase in noise and odour
2. Increase of pests and vermin
3. Increase of traffic and large vehicular traffic
4. Decrease in property value
5. Impacts on the environment
6. Impacts on health
7. Impacts on the character of Eden Park
8. Contravention of the purposes of the Green Wedge Zone
9. Inappropriate precedent for more “commercial and industrial” buildings in the area

A response to these grounds is provided later within the report. Refer to **Attachment 1** for the location of objectors.

## PLANNING ASSESSMENT

The application has been assessed against the following relevant policies:

### State Planning Policies

Clause 11.01-1R - Green Wedges – Metropolitan Melbourne  
 Clause 12.01-1S - Protection of biodiversity  
 Clause 12.05-1S - Environmentally sensitive areas  
 Clause 13.07-1S - Land use compatibility  
 Clause 14.01-1S - Protection of agricultural land  
 Clause 14.01-1R - Protection of agricultural land - Metropolitan Melbourne  
 Clause 14.01-2S - Sustainable agricultural land use  
 Clause 15.01-6S - Design for rural areas

### Local Planning Policies

Clause 21.05 – Environmental and Landscape Values  
 Clause 21.10 – Economic Development  
 Clause 22.01 – Environmentally Sustainable Development

The proposed poultry farm is considered to be a sustainable agricultural use of the land that meets the objectives of all of the above State and Local planning policies. The sustainable production of food within the Melbourne Metropolitan foodbowl is encouraged and supported on land that can support agricultural production.

## Zoning and Overlay Provisions

### Green Wedge Zone (Clause 35.04)

The subject site is located within the Green Wedge Zone (GWZ). Pursuant to Clause 35.04-1 of the Whittlesea Planning Scheme, a Poultry Farm is a Section 2 – permit required use, therefore a planning permit is required. Additionally, Clause 35.04-5 of the Whittlesea Planning Scheme, states that any buildings and works associated with a Section 2 use require a planning permit.

The use of the land is defined as an agricultural use, which is an appropriate and encouraged use within this zone. The zone encourages sustainable farming activities and productive agricultural uses, and recognises, protects and conserves green wedge land for its agricultural and environmental resources.

The site is a consolidated lot of a size that is considered adequate in size to accommodate the proposed use and development. The proposal has generally been sited appropriately from the neighbouring properties and the agricultural use of a small scale Poultry Farm is suitable for a Green Wedge zoned rural area, and would be inappropriate in a built up urban area.

The site is screened from Fifth Avenue by several vegetation buffers ensuring minimal visibility of the use. An Environmental Management Plan (EMP) must be prepared for and approved by Council prior to the commencement of the use. The plan is required to ensure that the Poultry Farm is managed appropriately and will not have any negative impacts on the tributary of the Barbers Creek that traverses the property. It is noted that a buffer of 30m must be maintained around all dams and waterways on and near the site.

There is no vegetation proposed to be removed and both Environmental and Land Management Plans will be required to manage the proposed use and any potential impacts on the environment. The use will also be required to comply with the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines*, prepared by the Victorian State Government (June 2018).

The Poultry Farm is not anticipated to detrimentally impact on the existing rural infrastructure. The existing road infrastructure is considered capable of handling an increase in additional vehicle movements associated with the Poultry Farm, given the moderate demands of egg collection and feed importation.

Planning Permit conditions will prevent the Poultry farm from expanding or intensifying in the future without further approval and Council will inspect the site prior to the commencement of each stage of development to ensure strict adherence to the Land & Environmental Management Plan and all planning permit conditions.

It is considered that the proposed Poultry (egg) farm is in accordance with the purpose and objectives of the Green Wedge Zone.

### Restructure Overlay (45.05)

The subject site is covered by the Restructure Overlay – Schedule 1, which applies the Eden Park Restructured Allotment Plan. The plan identifies old and inappropriate subdivisions which are to be restructured in order to preserve and enhance the amenity of the area and reduce the environmental impacts of dwellings and other development.

The subject site has been consolidated in Plan of Consolidation 166711Q (Created 19/07/1991) in accordance with the Eden Park Restructured Allotment Plan.

## Particular Provisions

### Poultry Farm (Clause 53.09)

Clause 53.09 of the Whittlesea Planning Scheme relates to Planning Permit applications for the use and development of Poultry Farms. The purpose of the provision is:

*‘To facilitate the establishment and expansion of poultry farms, including broiler farms, in a manner that is consistent with orderly and proper planning and the protection of the environment’.*

The Poultry Farm is defined as an Agricultural Land use, which is an expected and encouraged use within land in the Green Wedge Zone.

The four (4) mobile chicken sheds to be installed on site will be of a relatively low scale and form, and are in keeping with the character of the built form in the Eden Park area. Moreover, the mobile sheds should be only partially visible from the roadway or surrounding properties, as the site is bounded by well-established vegetation buffers that provide extensive screening of the site. A permit condition will also be applied requiring the planting of additional trees to fill in any gaps in the screening vegetation, and in particular, to provide natural screening of the site from the dwelling to the immediate south.

The maximum height of the four (4) mobile sheds will be 3.7 metres, which is considered suitable for the location, however a permit condition will be applied requiring elevation plans of the proposed silos on site to ensure they are designed and constructed to Council's satisfaction.

The planning permit conditions to be imposed will assist in managing the amenity of neighbouring properties, however it must be noted that this is not a residential area, rather a rural area where agricultural uses are encouraged. A risk assessment and waste management plan will need to be submitted to Council's satisfaction prior to the commencement of the use, and no activities relating to the poultry farm shall be conducted within the buffer distance designated in the Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines.

A Nutrient Management Plan must also be prepared to the satisfaction of Council prior to the use commencing to ensure the land is appropriately managed.

The proposal, subject to some conditions, provides an acceptable response to this provision and it is noted that had some of the additional information been supplied earlier, the application would have been exempt from advertising as a low impact use.

## COMMENTS ON GROUNDS OF OBJECTION

### 1. Increase in noise and odour

The noise that would be generated by the proposal is considered acceptable for an agricultural use within the Green Wedge Zoned area, and in considering the distance of nearby dwellings. Objective 3 of the *Victorian Low Density Mobile Outdoor Poultry Farm Planning Permit Guidelines* (Victoria State Government June 2018; and hereafter referred to as “the Guidelines”) addresses impacts to community amenity. The site location, design and farm management of the low density mobile outdoor poultry farm protects the community from odour, dust and other amenity impacts. The proposal meets Standard 3.1 (Separation Distances) of the Guidelines, in providing a minimum

100 metre buffer to sensitive land uses. It is noted that the hatchery located near the south-west boundary is located nearer to the neighbouring dwelling than the required 100 metres. A condition will be included on the permit requiring the relocation of the hatchery, or limiting the number of chickens in the hatchery to below 1000, which will reduce the mandatory separation distance to 50 metres and ensure compliance with the standard.

A risk assessment and waste management plan must be conducted and prepared by the applicant and provided to the satisfaction of the Responsible Authority prior to the commencement of the use and development. The assessment and waste management plan will ascertain the emissions (noise & odour) from the Poultry Farm, and provide methods to contain and prevent any such emissions. Once operating, if the responsible authority determines that the amenity of the nearby residents is adversely affected by the emission of an unreasonable level of odour, dust, or noise from the site, the operator must immediately, and to the satisfaction of the responsible authority, take action to prevent those emissions, which may include adjusting stocking density, greater separation distances between the poultry and residents, or any other actions reasonably required to rectify the unreasonable emissions.

## **2. Increase of pests and vermin**

The chicken feed storage silos on site will be fully enclosed and made vermin and pest safe. Birds may be housed overnight for protection from predators in accordance with the Guidelines. A condition will be applied to the permit that will stipulate that the use must not cause detriment by the presence of vermin on site, as is standard practice.

## **3. Increase of traffic and large vehicular traffic**

The site will be accessed by a large van once or twice per week to collect packaged eggs, and chicken feed will be delivered to the farm every 3-4 weeks. This number of vehicle movements is considered minimal and suitable for the area, and the road is capable of supporting the increased vehicle movements.

## **4. Decrease in property value**

The Victorian Civic and Administrative Tribunal has consistently held on many occasions that property values are not a relevant planning consideration.

## **5. Impacts on the environment**

An Environmental Management Plan (EMP) must be provided to Council prior to the commencement of the use and development. The EMP must be to the satisfaction of Council, and must address the Guidelines. The guidelines state that:

*Low density mobile outdoor poultry farms are a type of outdoor poultry production system which, if well managed, presents very low environmental and amenity risks.*

Concerns have also been raised in relation to the site's proximity to Barber's Creek to the north. It is noted that the topography of the site falls 5-6 metres to the south; therefore the potential for runoff from the site to reach the creek is considered unlikely.

## **6. Impacts on health**

Biosecurity measures to be undertaken on the farm are set by Egg Standards Australia, who will be undertaking regular audits of the farm to ensure that all standards and measures are being adhered to. A Biosecurity plan must also be prepared by the applicant, and approved by Council prior to the commencement of use and development.



**7. Impacts on the character of Eden Park**

Eden Park is zoned Green Wedge which supports sustainable productive agricultural uses and farming activities such as that proposed. Subject to management conditions that protect and conserve the biodiversity and rural character of the area, the proposal will have minimal impact on the character of Eden Park as a semi rural, farming and agricultural area.

**8. Contravention of the purposes of the Green Wedge Zone**

The proposed use and development is considered suitable pursuant to the purpose of the Green Wedge Zone, specifically:

- *To provide for the use of land for agriculture;*
- *To encourage sustainable farming activities and provide opportunity for a variety of productive agricultural uses;*
- *To encourage use and development that is consistent with sustainable land management practices.*

As noted above, this is an expected use within the zone.

**9. Inappropriate precedent for more “commercial and industrial” uses in the area**

The proposed use is defined as an Agricultural use of the land. Moreover, the approval of a use or development does not mean that future use or development will be approved, as each application must be assessed on its merits based on the existing features of the subject land as well as the surrounding environment.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The application has been assessed against the Whittlesea Planning Scheme and in particular, Clause 35.04, Clause 45.05, Clause 53.09 and the Planning Policy Framework. The proposal demonstrates a satisfactory level of compliance, subject to minor modifications. The proposal is in keeping with the agricultural and rural character of the Eden Park area and it is considered that the proposal will not have a detrimental impact on the surrounding area. Accordingly, approval of the application is recommended.

**RECOMMENDATION**

THAT Council resolve to approve Planning Application No. 718222 and issue a Notice of Decision to Grant a Permit for the Use and Development of a Poultry Farm in accordance with the endorsed plans and subject to the following conditions:

**Plans Required**

1. Before the use or development hereby permitted starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans submitted to Council on 12 December 2018 but modified to show:
  - a. Vegetation buffer to east boundary to provide natural filtration in the event that there is any groundwater runoff;
  - b. Screening planting, planted at a mature height of 2.0m along the south boundary of the site, to screen the site from the dwelling to the south;
  - c. The hatchery building located a minimum of 100 metres from the nearest neighbouring dwelling;
  - d. A clear outline of the areas where chickens will be permitted to roam, with a minimum 100 metre buffer distance from neighbouring dwellings;
  - e. The location of all feed storage silos;
  - f. Elevation drawings of all silos - including heights;
  - g. A 30 metre buffer zone to all dams and waterways; and
  - h. Sediment fences to protect all dams and waterways from runoff water pollution.

2. Before the use or development hereby permitted starts, a Land Management Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified professional to the satisfaction of the Responsible Authority.

The approved Land Management Plan must be carried out and completed to the satisfaction of the Responsible Authority. The land must continue to be used in accordance with the approved Land Management Plan unless amended to the satisfaction of the Responsible Authority.

3. Before the use or development hereby permitted starts, an Environmental Management Plan must be submitted to and approved by the Responsible Authority. The plan must show:
  - The presence of any native flora & fauna on site; and,
  - Measures to prevent the proposed use and development from adversely affecting any native flora & fauna.

The land must continue to be used in accordance with the approved Environmental Management Plan unless amended to the satisfaction of the Responsible Authority.

4. Before the use or development hereby permitted starts, a Nutrient Management Plan must be submitted to and approved by the Responsible Authority. The plan must be prepared by a suitably qualified professional to the satisfaction of the Responsible Authority.

The endorsed Nutrient Management Plan must not be amended without prior written consent of the Responsible Authority.

5. A Risk Assessment, to detail the likely emissions (noise & odour) from the Poultry Farm, including methods to contain and prevent any such emissions.
6. Before the use or development hereby permitted starts, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority. The Plan must provide the following details of a regular private waste (including recyclables) collection service for the subject land including:-
  - The type/s and number of waste bins;
  - Screening of bins;
  - Type/size of trucks;
  - Frequency of waste collection;
  - Hours of collection (to comply with EPA Regulations); and,
  - Any chicken waste that is to be bagged must not be stored on site in excess of 24 hours after being bagged. During this time the bagged waste must be stored in an enclosed area, and it must be demonstrated how odour will be contained. Bagged waste must not be stored within 100m of neighbouring dwellings.

The endorsed Waste Management Plan must not be amended without prior written consent of the Responsible Authority.

#### Layout Not Altered

7. The use and 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.
8. The site must be inspected by a Council Land Management & Biodiversity officer, and written approval provided prior to the use of each additional mobile shed on site.
9. Once the use and development have started they must be continued and completed to the satisfaction of the Responsible Authority.

#### Use Conditions

10. Unless with the prior written consent of the Responsible Authority, deliveries to and from the site (including waste collection) must only take place between the following hours:
 

Monday - Friday 8.00am – 6:00pm

Saturday – Sunday 9:00am – 3:00pm
11. Eggs must not be exported from the site in excess of 2 times per week.
12. Feed may only be delivered to the site once every 3 weeks.
13. The maximum number of chickens on site at any one time must not exceed 4800.
14. A minimum 50% ground cover must be maintained in the fenced areas where chickens are contained.

15. Mobile chicken enclosures to be relocated fortnightly, must not be located within 100 metres of neighbouring dwellings.

General amenity

16. The development and use hereby permitted must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. *Transport of materials, good or commodities to or from the land;*
  - b. *Appearance of any building, works or materials;*
  - c. *Emissions of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
  - d. *Presence of vermin.*
17. No native vegetation, other than that shown on the endorsed plan, shall be destroyed, felled, lopped, ring barked or uprooted, without the consent of the Responsible Authority.
18. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s).
19. 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 reinstated to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
20. All access ways shall be constructed and maintained to the satisfaction of the Responsible Authority.
21. All batters resulting from excavation or filling shall be properly stabilised and vegetated to prevent erosion.
22. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect to adjoining land.
23. 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.
24. 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.
25. Goods must not be stored or left exposed outside the building so as to be visible from any public road or adjoining site, to the satisfaction of the Responsible Authority.
26. Before the use starts, a sediment fence shall be marked on a plan and erected to ensure that sediment is contained within the subject site. The sediment fence shall be maintained in good condition to the satisfaction of the Responsible Authority until the completion of the construction works on the site.

27. The sediment fence shall be constructed of a geotextile filter fabric approved by the Responsible Authority and erected to a height of 700mm with an additional 200mm buried and compacted into an upstream trench.

Permit Expiry

28. In accordance with the Planning and Environment Act 1987 a permit for the use and development expires if:

- (a) the development or any stage is not completed within four years after the issue of the permit;
- (b) the use does not start within two years after completion of the development; or,
- (c) the use is discontinued for a period of two years.

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

NOTES:

Noise Control

The permit holder should be aware that the operation of the use is at all times required, pursuant to the Environmental Protection Act 1970, to meet the requirements of the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.

**MOTION**

**MOVED:** *Cr Joseph*  
**SECONDED:** *Cr Sterjova*

**THAT Council resolve to defer the item and that a further report be prepared and presented at a future Council Meeting which includes detailed assessments of the following matters prior to Council considering the application:**

1. Provision of a detailed and to scale plan of the complete operation including siting of all sheds and other infrastructure;
2. A fully detailed land management plan;
3. A fully detailed Environmental Management plan;
4. A fully detailed Nutrient Management Plan;
5. A fully detailed Risk Assessment report including likely emission of noise and odour and the proposed containment of such;
6. A fully detailed Waste Management Plan;
7. A fully detailed report on the impact of Aboriginal Overlay; and
8. A fully detailed Traffic Management Plan including potential physical impacts on local roads.

**EXTENSION OF SPEAKING TIME**

**MOVED:** *Cr Kelly*  
**SECONDED:** *Cr Lalios*

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

**CARRIED**

**AMENDMENT**

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

**THAT the motion be amended to include an additional point 9, to read as follows:**

- 9. Should the applicant appeal the matter to VCAT that Council will determine and represent its position relating to the application to VCAT.**

**CARRIED**

**DIVISION**

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

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Pavlidis	Cr Monteleone	Cr Cox
Cr Kirkham		
Cr Alessi		
Cr Kelly		
Cr Lalios		
Cr Desiato		
Cr Sterjova		
Cr Joseph		

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

**CARRIED**

**EXTENSION OF SPEAKING TIME**

**MOVED:** *Cr Kirkham*  
**SECONDED:** *Cr Joseph*

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

**CARRIED**

The Amendment was put and carried and became the substantive motion. The Substantive Motion was then put and carried.

**SUBSTANTIVE MOTION**

**MOVED:** *Cr Joseph*  
**SECONDED:** *Cr Sterjova*

**THAT Council resolve to defer the item and that a further report be prepared and presented at a future Council Meeting which includes detailed assessments of the following matters prior to Council considering the application:**

1. Provision of a detailed and to scale plan of the complete operation including siting of all sheds and other infrastructure;
2. A fully detailed land management plan;
3. A fully detailed Environmental Management plan;
4. A fully detailed Nutrient Management Plan;
5. A fully detailed Risk Assessment report including likely emission of noise and odour and the proposed containment of such;
6. A fully detailed Waste Management Plan;
7. A fully detailed report on the impact of Aboriginal Overlay; and
8. A fully detailed Traffic Management Plan including potential physical impacts on local roads; and
9. Should the applicant appeal the matter to VCAT that Council will determine and represent its position relating to the application to VCAT.

**CARRIED**

**DIVISION**

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

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Pavlidis	Cr Monteleone	Cr Cox
Cr Kirkham		
Cr Alessi		
Cr Kelly		
Cr Lalios		
Cr Desiato		
Cr Sterjova		
Cr Joseph		

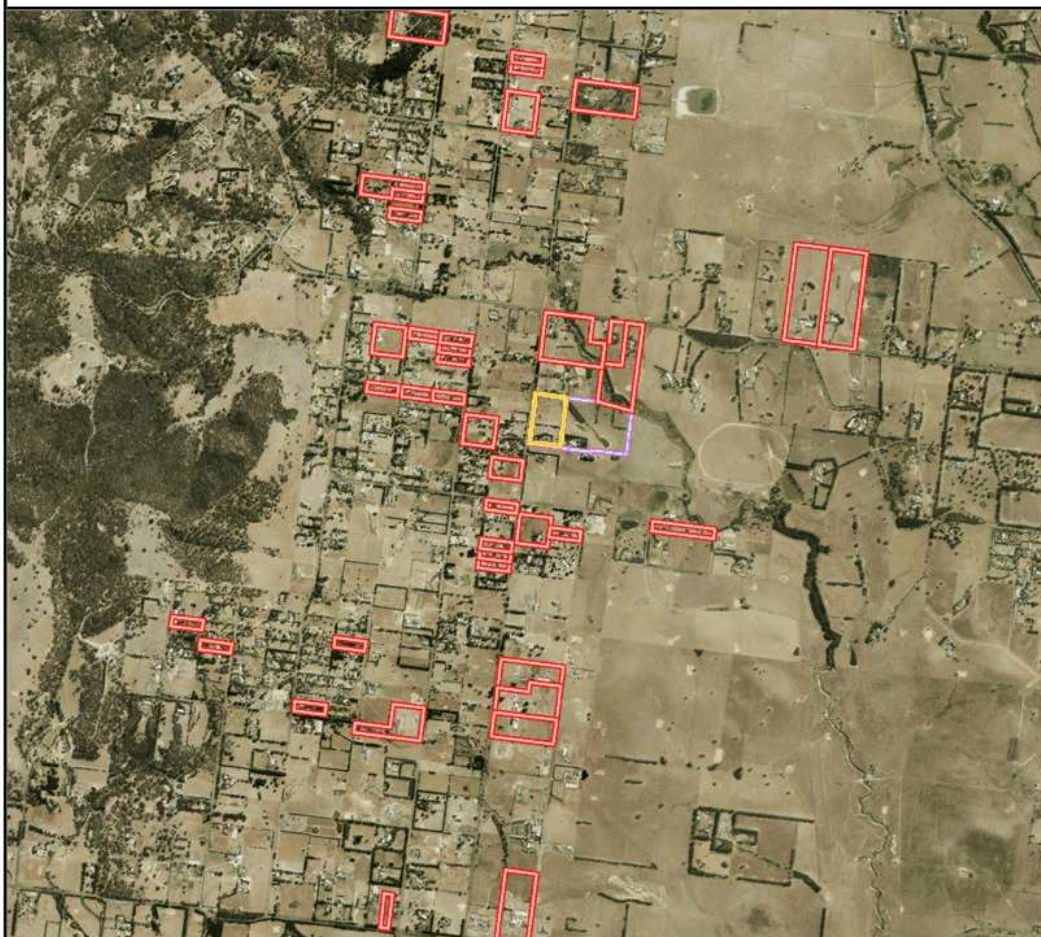
Based on the votes cast during the Division, the motion was carried.

**CARRIED**





**PLANNING APPLICATION NO. 718222**



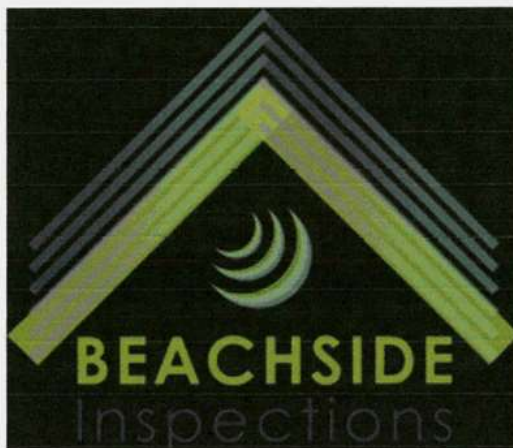
- Subject Land**
- Petition Head (52 signatories included)**
- Objector (20 anonymous objectors not shown on map)**



**City of  
Whittlesea**

**BUILDING AND PLANNING ASSESSMENT  
REPORT**





Planning Submission – Explanatory Information – Proposed 4 Mobile Chicken Sheds – Staged over 2 years.  
258 Fifth Avenue Eden Park VIC 3757

Whittlesea Council Zones & Overlays Applicable to site – GWZ1, RO1

Site, Use & Proposal Details – Explanatory Information:

The site is located to the eastern side of Fifth Avenue Eden Park. The site is approximately 8.6 hectares in size. This larger size of allotment is typical to this area of Eden park with many of the surrounding allotments having provisions to keep livestock, farm the land or other rural activities. The site has been used in the past to keep cattle.

The proposal consists of 4 mobile chicken sheds for free range and organic egg production. The sheds will be built as a staged process over the next two years. Each shed will house maximum 1200 birds giving a total maximum number of 4800 onsite which is under the 5000 birds allowable by the simplified planning process.

The birds will be Isa or Hyline layers.

The mobile chicken sheds are approximately 9.2m x 15m and are on wheels making them easy to move around the property with a tractor.

Please see below for approximate starting locations of each shed.





As shown by red circles on aerial photo above each shed will be located and will remain a minimum of 100m from any sensitive areas on adjoining allotments (any residential buildings on adjoining GWZ allotments).

Each shed will be moved approximately every two weeks to provide new grazing to the birds.

The birds will be bought onto the farm at 1 day old and raised to 16 weeks in part of the existing shed (area of approx 11m x 8m). They will then be transferred to the proposed mobile sheds where they will stay for 72 weeks. After 72 weeks the birds will be removed by contractors and processed, and the cycle then starts again.

Expected mortality rate is approximately 5%. Any mortalities will be stored in a freezer in rearing shed to be disposed of by contractors

The birds will be fed on organic chicken feed, each mobile shed will have a 2 tonne fibreglass silo nearby which will be replenished from the main silo of 17 tonnes located next to rearing shed. All silos are fully enclosed and vermin proof. A 2 tonne silo will feed 1200 birds for 14 days. The feed will be delivered in 20tonne loads every 3 to 4 weeks.

Any solid waste collected from the sheds will be collected in bags and sold offsite. Any extra or any solid waste in the paddocks from roaming birds will be used to fertilise soil of pastures. It will be closely monitored and if there is any excessive build up in particular locations this will be rectified by being taken to another paddock for fertilisation, not used by the chickens. The paddocks will also be monitored to ensure there is always more than 50% ground cover.

The sheds will not have any plumbing systems for stormwater as they will be moved regularly around the area.

The sheds will be powered by solar panels. (please refer to shed specifications for further details)

The sheds when all installed will use approximately 250litres of water a day which will be delivered to them by relocatable poly pipes. The existing 1ML and 5ML dams on site will adequately provide this amount of water, which can be backed up by water deliveries if required.

Biosecurity measures to be undertaken on farm are set by Egg Standards Australia, who will also be undertaking regular audits of the farm to ensure all standards and measures are being adhered to.

It is expected the mobile sheds will have minimal impact on the surrounding land. Due to the small scale of the operation, and the fact the birds will be housed in mobile sheds and allowed to roam outdoors for most of the time, manure will not build up and cause odours to escape from the site. There will be minimal deliveries to the site the most common being the feed which is only once every 3-4 weeks. Due to the already rural nature of this area this schedule of deliveries will have minimal impact on the surrounding area. The sheds will not have lighting so light spill will not be an issue. As the sheds are small mobile the water runoff from the roof areas will fall directly back onto the paddock for its benefit & maintenance. Paddocks will be monitored closely for their health and any adjustments made to them to ensure it is sustained.

#### **Assessment of state and local policies in relation to Development – GWZ**

##### **Applicable General issues**

As the land has been used to keep livestock in the past, and numerous properties surrounding the proposal also keep livestock the land has been deemed capable of accomodating the small scale organic free range egg farm proposed. The development should have very minimal effect on any urban areas as there are non located that immediately abut proposal, and the size and small scale of proposal will prevent any issues with odour, sound and light affecting any of the surrounding properties negatively.

The proposal meets all requirements set out by Clause 53.09 of VPP.

##### **Applicable Rural Issues**

The proposal will not take much maintenance and should not impact on the rural economy of the area due to the small scale of the operation, there should also be little impact on the rural infrastructure due to the small nature of the proposal. The proposal will be approached in stages, with one shed being constructed every months for the next two years until complete. There will be no expansion of the development past the 4 sheds as this is the maximum the owner would like on the site, and the maximum allowed under the requirements set out by clause 53.09 of VPP.

**Environmental Issues** – To be address under environmental management report. (to follow)

##### **Design & Siting Issues**

The design and siting of buildings is minimal impact, due to the mobile nature of the sheds, they will be moved around the allotment every two weeks, however will always remain the specified 100m from any adjoining sensitive areas to remain low impact on adjoining sites. The sheds will also be constructed of colours that are muted tones of greens and beiges, helping the sheds blend into the natural colours of the surrounding allotment reducing their visual impact on the landscape.

As the proposed mobile sheds will not house more than 5000 birds, the birds will be kept outside in paddocks, there will not be more than 1500 birds per hectare, the birds will be housed with mobile sheds and watering systems and will not be located within 100m of any sensitive buildings, the sheds therefore fulfil all requirements to be assessed using the simplified application process.

Supporting Documents

Application form

Copy of Title

Existing site plan

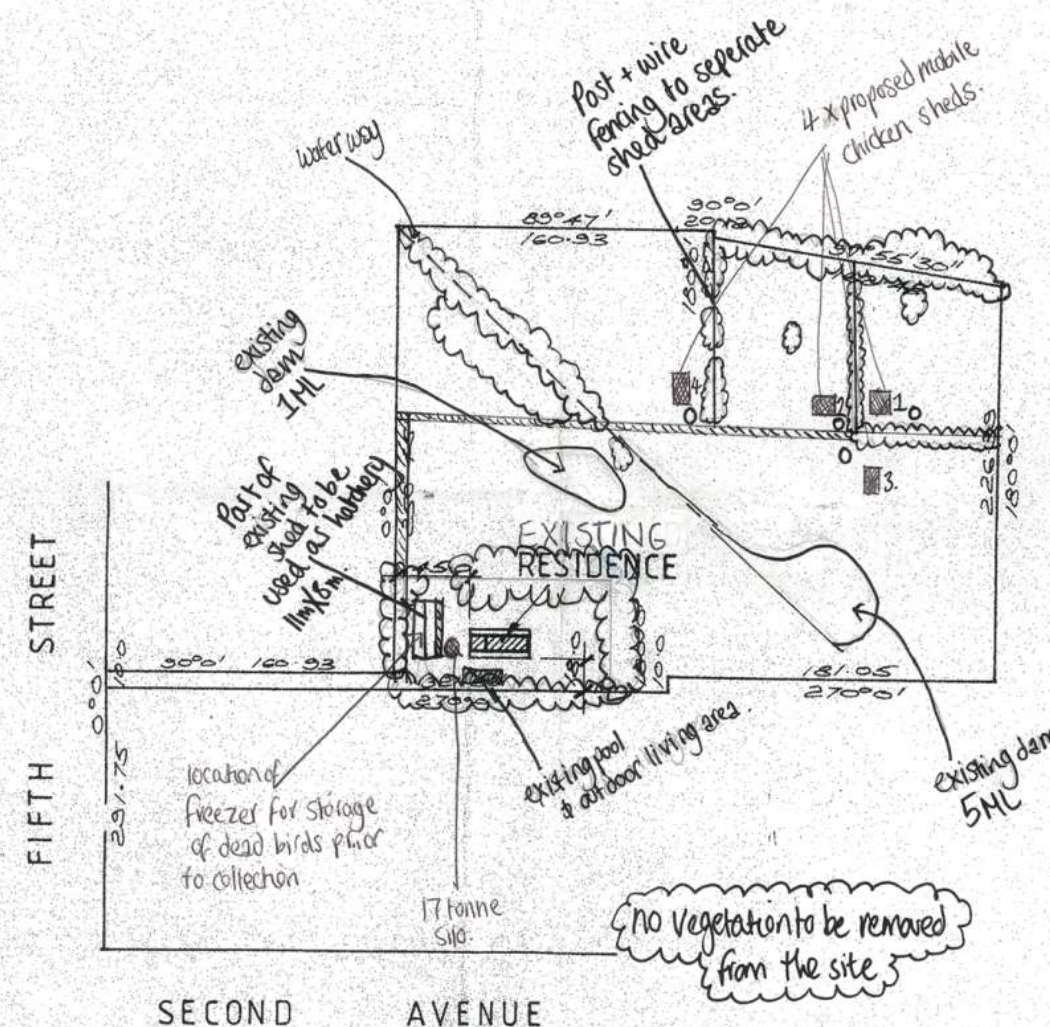
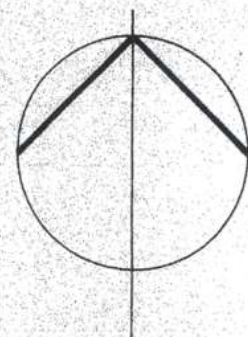
Proposed site plan  
Mobile chicken shed specifications

To follow – Environmental management plan if required.

Beachside Inspections is acting on behalf of owner of the site Anna Pachioli please send all correspondence to [charlotte@beachsideinspections.com.au](mailto:charlotte@beachsideinspections.com.au)



57840



▬ - road

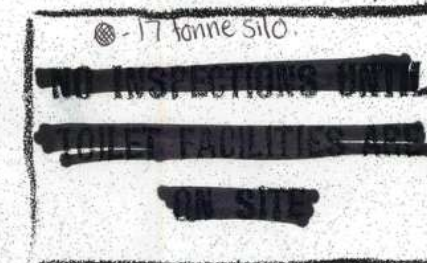
Site Area :- 8.687 ha  
21.46 acres.

☁ :- Existing Vegetation - all to remain

▨ :- Proposed chicken shed (mobile)

○ :- 2 tonne silo 9.2x15m holding 1200 birds each for egg production.

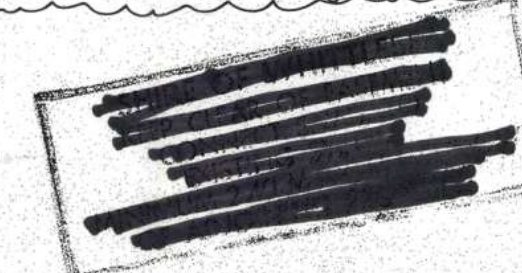
● - 17 tonne silo.



All mobile chicken sheds are to remain 100m from sensitive areas (ie. adjoining res. buildings in NWZ)

There will be no more than 1500 birds/hectare

There will be no external lighting to sheds



# Proposed LOCALITY PLAN.

NOT TO SCALE  
Installation of 4 x mobile chicken sheds.  
for egg production (less than 5000 birds)







**6.1.4 69 COULSTOCK STREET EPPING - PLANNING PERMIT APPLICATION NO. 716968-02 - AMEND PLANNING PERMIT NO. 716968 TO USE THE LAND FOR A FUNERAL PARLOUR**

<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">↓</a>
<b>Responsible Officer:</b>	<b>Director Partnerships, Planning &amp; Engagement</b>
<b>Author:</b>	<b>Senior Planner</b>
 <b>APPLICANT:</b>	 <b>Alawi Islamic Association of Victoria</b>
<b>COUNCIL POLICY:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>Activity Centre Zone – Schedule 1</b>
<b>OVERLAYS:</b>	<b>Development Contributions Plan Overlay – Schedules 3 and 14 Parking Overlay – Schedule 1</b>
<b>REFERRALS:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>Advertising exempt – Four submissions received</b>

**RECOMMENDATION SUMMARY**

That Council resolve to approve Planning Permit Application No. 716968-02, and issue an Amended Planning Permit for the use of a funeral parlour, buildings and works and a reduction of car parking requirements associated with a place of assembly, at 69 Coulstock Street, Epping.

**KEY FACTS AND / OR ISSUES**

- The proposal seeks to amend Planning Permit No. 716968 to allow for a funeral parlour use to operate from the land, in conjunction with the existing Place of Assembly and parking reduction previously approved.
- Advertising of the application is exempt, however notices were sent out to neighbouring properties resulting in four submissions being received opposing the proposal on grounds relating to; lack of car parking spaces, complaints of noise and traffic from existing uses, a funeral parlour being at odds with existing residential uses, noise from the funeral parlour and decreased property values.
- The proposal demonstrates a satisfactory level of compliance with the Activity Centre Zone and subject to the provision of a Patron Management Plan, the proposal is unlikely to have a negative impact on the surrounding area and it is therefore recommended the application be approved subject to conditions.

**REPORT****SITE AND SURROUNDING AREA**

The subject site is located within the Epping Central Metropolitan Activity Centre on the southern side of Coulstock Street, approximately 850m northwest of Epping Railway Station (*see Attachment 1*).

The subject site is regular in shape and has a northern frontage of 55.0m to Coulstock Street, an eastern frontage of 25.4m to Coulstock Street and a total site area of 1,397.3m<sup>2</sup>. The site currently contains a double storey commercial building, which is occupied by the Alawi Islamic Association of Victoria as a place of assembly. Vehicle access to the subject site is from both the northern and eastern sides of Coulstock Street, which leads to eleven car parking spaces, including one disabled car parking space.

Directly to the north of the subject site is Coulstock Street and the Epping Hotel. Coulstock Street contains 57 car parking spaces, with sixteen directly in front of the subject site. While the Epping Hotel contains 40 car parking spaces on its site. Directly to the east of the subject site are commercial buildings fronting the southern side of Coulstock Street and High Street, with informal car parking arrangements at the rear of the buildings. Directly to the south of the subject site is a Council owned public car park, which contains 33 car parking spaces. Finally, directly to the west of the subject site is a vacant parcel of land fronting Wedge Street.

The immediate area contains a combination of commercial buildings fronting High Street and part of Coulstock Street, single and medium density residential developments fronting Rufus, Coulstock and Wedge Streets and industrial developments fronting Miller Street.

**BACKGROUND**

Planning Permit No. 716968 was issued on 22 June 2018 and allows for buildings and works and a reduction of car parking requirements associated with a place of assembly on the subject site. Condition No. 14 of the Planning Permit limits the use of the subject site to 90 patrons at any one given time.

**RESTRICTIONS AND EASEMENTS**

The subject site is legally described as Lot No. 1 on Plan of Subdivision No. 146528F. The subject site is not covered by any Restrictive Covenants, Section 173 Agreements or easements.

**PROPOSAL**

The proposal seeks to amend Planning Permit No. 716968 to allow for a funeral parlour use to operate from the land, in conjunction with the existing place of assembly and parking reduction previously approved.

Funeral services are likely to occur once a month, with a maximum of 90 patrons across the funeral parlour and place of assembly uses. Funeral services will typically occur between 10:00am and 1:00pm, however the proposal seeks hours of operation from 9:00am to 5:00pm, seven days a week. No additional buildings or works are proposed as part of the current amendment application.

## PUBLIC NOTIFICATION

Notification of the application is exempt within the Activity Centre Zone and due to a change of use usually being required to be advertised, in addition to the complex exemption requirements, notice was ultimately given to neighbouring properties. This resulted in four submissions being received that objected to the proposal on the grounds detailed below. Although those who submitted have no planning rights in the process, their concerns have been taken into account as part of the decision making process and a response to their concerns is provided later within the report.

Grounds within the submissions included:

1. Lack of car parking spaces;
2. Complaints of noise and traffic from existing uses;
3. A funeral parlour being at odds with existing residential uses;
4. Noise from the funeral parlour; and
5. Decreased property values.

## PLANNING ASSESSMENT

### Planning Policy Framework

Relevant Planning Policy Frameworks include:-

- Clause 11.03-1S - Activity Centres;
- Clause 11.03-1R – Activity Centres – Metropolitan Melbourne;
- Clause 13.05-1S – Noise Abatement;
- Clause 13.07-1S – Land Use Compatibility;
- Clause 17.01-1S – Diversified Economy;
- Clause 17.01-1R – Diversified Economy Metropolitan Melbourne;
- Clause 17.02-1S – Business; and
- Clause 21.10 – Economic Development.

Epping Central is one of eleven Metropolitan Activity Centres across Melbourne, whereby a range of land uses to service the wider community is highly encouraged. The proposed funeral parlour is generally in accordance with this planning direction for the State.

The Planning Policy Framework also seeks to ensure that community amenity is not reduced by noise emissions. The proposed funeral parlour must comply with the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*, which should be addressed as a condition on any permit issued.

Finally, the proposed funeral parlour will provide a service required by the local community and will provide jobs within the area.

### Activity Centre Zone – Schedule 1

A planning permit is required to use the land as a funeral parlour.

Relevant purposes of the Activity Centre Zone include to:-

- Encourage a mixture of uses and the intensive development of the activity centre as a focus for business, shopping, working, housing, leisure, transport and community facilities; and
- Significantly increase the provision of community services and facilities that respond to the needs of existing and future residents of all cultural backgrounds, life stages and abilities.

The subject site is located within Precinct 1A of the Epping Central Framework Plan. Relevant precinct objectives include to:-

- Develop Precinct 1 as a high-change, mixed use precinct; and

- In Precinct 1A, to encourage increased provision of business uses on the ground floor with office and residential uses above.

The proposed funeral parlour will be located on the ground floor of the existing building. The proposed hours of operation will be limited to 9:00am to 5:00pm, seven days a week. These hours of operation are complementary to surrounding commercial uses, particularly the Epping Hotel, which is likely to have peak patron numbers outside these times. The proposed hours of operation and associated noise will be limited to daytime hours, which is reasonable for the amenity of the existing commercial and partially residential area.

### **Development Contributions Plan Overlay – Schedules 3 and 14**

As the current application does not propose any buildings and works, the Development Contributions Plan Overlay – Schedules 3 and 14 is not applicable.

### **Parking Overlay – Schedule 1**

As the current application does not propose to increase the overall number of patrons on the subject site from the existing approval of 90 patrons, the Parking Overlay – Schedule 1 and Clause 52.06 – Car Parking are not applicable.

## **COMMENTS ON GROUNDS OF OBJECTION**

A response to the concerns raised within the submissions is provided below and whilst it is noted that the submitters do not have appeal rights in the process, their concerns have still been considered and informed the assessment and recommendation.

### **1. Lack of car parking spaces**

Planning Permit No. 716968 was issued on 22 June 2018 and allows for buildings and works and a reduction of car parking requirements associated with a place of assembly on the subject site. Condition No. 14 of the Planning Permit limits the use of the subject site to 90 patrons at any one given time. The current application seeks to also use the subject site for a funeral parlour, noting the maximum number of patrons associated with both the place of assembly and funeral parlour uses will not exceed 90 patrons in total at any one given time. To ensure the permitted patron numbers are maintained, a Patron Management Plan should form a condition of any permit issued.

### **2. Complaints of noise and traffic from existing uses**

Council manages complaints on an individual merits basis, noting a higher level of noise and traffic is acceptable for a mixed use area.

### **3. A funeral parlour being at odds with existing residential uses**

As discussed earlier in this report, the proposed funeral parlour is considered acceptable in an activity centre and will contribute to the variety of uses found in the area.

### **4. Noise from the funeral parlour**

The proposed funeral parlour must comply with the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*, which should be addressed as a condition on any permit issued.

### **5. Decreased property values.**

This is not a relevant planning consideration.

## **CONSEQUENTIAL CHANGES TO THE PERMIT**

As a result of the inclusion of the use of a funeral parlour, a number of permit conditions will require amending to cover the use as well as the development. This applies to condition 3, 5, 6 and 22 and also requires condition 3 (a) be deleted as it previously required removal of all reference to a funeral parlour which was not part of the original application.

Additionally, five new conditions will be included to assist managing the inclusion of the use of a funeral parlour.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The proposal is considered consistent with the Planning Policy Framework and the Activity Centre Zone. A funeral parlour is complementary to the existing, as of right, place of assembly and other existing commercial and residential uses found within the area and will not create any further impact on parking demand through no increase in patron numbers. Therefore, it is recommended the application be approved, subject to the conditions contained in this report.

<b>RECOMMENDATION</b>
-----------------------

THAT Council resolve to approve Planning Application No. 716968-02 and issue an Amended Permit for, use of the land as a funeral parlour, buildings and works and a reduction of the car parking requirements associated with a place of assembly, at 69 Coulstock Street, Epping, including the following changes:

- Amend the permit preamble to include the use of the land as a funeral parlour;
- Amend condition 3 as follows (underline used for identification):

**Plans Required**

3. Before the use and development hereby permitted starts, one (1) digital copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be generally in accordance with the plans Project No. 03-EPP, Sheet Nos. A101-A112, Revision B, dated April 18, by Arkitektus, but modified to show:-

- a. Deleted;
- b. The width of the accessway and associated landscaping;
- c. The parallel car parking spaces to have a length of 6.7 metres in accordance with Design Standard No. 2 – Car Parking Spaces of Clause 52.06 – Car Parking of the Whittlesea Planning Scheme;
- d. The provision of a disabled car parking space, in accordance with the current Australian Standard;
- e. Deletion of the access doors (except those required for emergency purposes) from the kitchen, funeral preparation room and mourning areas;
- f. The balcony screening reduced to the minimum extent necessary for balustrading purposes; and
- g. A Landscape Plan in accordance with Condition No. 4 of this Permit.

- Amend condition 5 and 6 as follows (underline used for identification):

**Layout Not Altered**

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

- Include the following new conditions 8, 16, 17, 18 and 19:

#### Actions Before Use Commences

8. Before the funeral parlour use hereby permitted commences, one (1) digital copy of a Patron Management Plan, prepared by a suitably qualified (or experienced) Professional, 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 Patron Management Plan must show:-
  - a. Staffing and other measures, which are designed to ensure the orderly arrival and departure of patrons;
  - b. Signage to be used to encourage responsible off-site patron behaviour;
  - c. The training of staff in the management of patron behaviour;
  - d. Staff communication arrangements;
  - e. Measures to control noise emissions and traffic from the premises; and
  - f. Measures to ensure no more than 90 patrons on the site at any one given time.

#### Use and Car Parking

16. Unless with the prior written consent of the Responsible Authority, the funeral parlour use may operate only between 9:00am to 5:00pm, seven days a week.
17. The drop off and pick up of caskets must at all times be carried out within the existing car park area at the front of the site.
18. The amenity of the area must not be detrimentally affected 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;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - d. Presence of vermin.
19. The Permit Holder must be aware that the operation of the use is at all times required, pursuant to the *Environmental Protection Act 1970*, to meet the requirements of the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*. The onus to demonstrate compliance with this policy in the event of request will lie with the Permit Holder.

- Amend condition 22 as follows (underline used for identification):

#### Permit Expiry

22. This permit will expire if:-
  - a. The approved development does not start within two years of the date of this permit;
  - b. The approved development is not completed within four years of the date of this permit;
  - or
  - c. The approved use is not commenced with two years of the completed development.

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.

Date of Amendment	Description of Amendment
2 April 2019	<ul style="list-style-type: none"> <li>Preamble amended to include the use of the land as a funeral parlour;</li> <li>Condition No. 3 amended to require the submission of plans prior to the commencement of the use and development;</li> <li>Condition No. 3a. deleted;</li> <li>Condition Nos. 5 and 6 amended to reference both use and development;</li> <li>New Condition Nos. 8, 16, 17, 18 and 19 and the subsequent renumbering of remaining Conditions; and</li> <li>Condition No. 22 amended to reference both use and development.</li> </ul>

### MOTION

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

THAT Council resolve to approve Planning Application No. 716968-02 and issue an Amended Permit for, use of the land as a funeral parlour, buildings and works and a reduction of the car parking requirements associated with a place of assembly, at 69 Coulstock Street, Epping, including the following changes:

- Amend the permit preamble to include the use of the land as a funeral parlour;
- Amend condition 3 as follows (underline used for identification):

#### Plans Required

3. Before the use and development hereby permitted starts, one (1) digital copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be generally in accordance with the plans Project No. 03-EPP, Sheet Nos. A101- A112, Revision B, dated April 18, by Arkitektus, but modified to show:-

- a. Deleted;
- b. The width of the accessway and associated landscaping;
- c. The parallel car parking spaces to have a length of 6.7 metres in accordance with Design Standard No. 2 – Car Parking Spaces of Clause 52.06 – Car Parking of the Whittlesea Planning Scheme;
- d. The provision of a disabled car parking space, in accordance with the current Australian Standard;
- e. Deletion of the access doors (except those required for emergency purposes) from the kitchen, funeral preparation room and mourning areas;
- f. The balcony screening reduced to the minimum extent necessary for balustrading purposes; and
- g. A Landscape Plan in accordance with Condition No. 4 of this Permit.

- Amend condition 5 and 6 as follows (underline used for identification):

#### Layout Not Altered

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

6. Once the use and development has started it must be continued and completed to the satisfaction of the Responsible Authority.

- Include the following new conditions 8, 16, 17, 18 and 19:

#### **Actions Before Use Commences**

8. Before the funeral parlour use hereby permitted commences, one (1) digital copy of a Patron Management Plan, prepared by a suitably qualified (or experienced) Professional, 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 Patron Management Plan must show:-
  - a. Staffing and other measures, which are designed to ensure the orderly arrival and departure of patrons;
  - b. Signage to be used to encourage responsible off-site patron behaviour;
  - c. The training of staff in the management of patron behaviour;
  - d. Staff communication arrangements;
  - e. Measures to control noise emissions and traffic from the premises; and
  - f. Measures to ensure no more than 90 patrons on the site at any one given time.

#### **Use and Car Parking**

16. Unless with the prior written consent of the Responsible Authority, the funeral parlour use may operate only between 9:00am to 5:00pm, seven days a week.
17. The drop off and pick up of caskets must at all times be carried out within the existing car park area at the front of the site.
18. The amenity of the area must not be detrimentally affected 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;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - d. Presence of vermin.
19. The Permit Holder must be aware that the operation of the use is at all times required, pursuant to the *Environmental Protection Act 1970*, to meet the requirements of the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*. The onus to demonstrate compliance with this policy in the event of request will lie with the Permit Holder.

- Amend condition 22 as follows (underline used for identification):

#### **Permit Expiry**

22. This permit will expire if:-
  - a. The approved development does not start within two years of the date of this permit;
  - b. The approved development is not completed within four years of the date of this permit; or
  - c. The approved use is not commenced with two years of the completed development.



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.

Date of Amendment	Description of Amendment
2 April 2019	<ul style="list-style-type: none"> <li>• Preamble amended to include the use of the land as a funeral parlour;</li> <li>• Condition No. 3 amended to require the submission of plans prior to the commencement of the use and development;</li> <li>• Condition No. 3a. deleted;</li> <li>• Condition Nos. 5 and 6 amended to reference both use and development;</li> <li>• New Condition Nos. 8, 16, 17, 18 and 19 and the subsequent renumbering of remaining Conditions; and</li> <li>• Condition No. 22 amended to reference both use and development.</li> </ul>

#### EXTENSION OF SPEAKING TIME

**MOVED:** Cr Kelly  
**SECONDED:** Cr Sterjova

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

#### COUNCIL RESOLUTION

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

THAT Council resolve to approve Planning Application No. 716968-02 and issue an Amended Permit for, use of the land as a funeral parlour, buildings and works and a reduction of the car parking requirements associated with a place of assembly, at 69 Coulstock Street, Epping, including the following changes:

- Amend the permit preamble to include the use of the land as a funeral parlour;
- Amend condition 3 as follows (underline used for identification):

#### Plans Required

3. Before the use and development hereby permitted starts, one (1) digital copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be generally in accordance with the plans Project No. 03-EPP, Sheet Nos. A101- A112, Revision B, dated April 18, by Arkitektus, but modified to show:-

- a. Deleted;
- b. The width of the accessway and associated landscaping;

- c. The parallel car parking spaces to have a length of 6.7 metres in accordance with Design Standard No. 2 – Car Parking Spaces of Clause 52.06 – Car Parking of the Whittlesea Planning Scheme;
- d. The provision of a disabled car parking space, in accordance with the current Australian Standard;
- e. Deletion of the access doors (except those required for emergency purposes) from the kitchen, funeral preparation room and mourning areas;
- f. The balcony screening reduced to the minimum extent necessary for balustrading purposes; and
- g. A Landscape Plan in accordance with Condition No. 4 of this Permit.

- Amend condition 5 and 6 as follows (underline used for identification):

#### Layout Not Altered

- 5. The use and development allowed by this Permit and shown on the plans and / or schedules endorsed to accompany this Permit must not be amended for any reason without the consent of the Responsible Authority.
  - 6. Once the use and development has started it must be continued and completed to the satisfaction of the Responsible Authority.
- Include the following new conditions 8, 16, 17, 18 and 19:

#### Actions Before Use Commences

- 8. Before the funeral parlour use hereby permitted commences, one (1) digital copy of a Patron Management Plan, prepared by a suitably qualified (or experienced) Professional, 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 Patron Management Plan must show:-
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  - b. Signage to be used to encourage responsible off-site patron behaviour;
  - c. The training of staff in the management of patron behaviour;
  - d. Staff communication arrangements;
  - e. Measures to control noise emissions and traffic from the premises; and
  - f. Measures to ensure no more than 90 patrons on the site at any one given time.

#### Use and Car Parking

- 16. Unless with the prior written consent of the Responsible Authority, the funeral parlour use may operate only between 9:00am to 5:00pm, seven days a week.
- 17. The drop off and pick up of caskets must at all times be carried out within the existing car park area at the front of the site.
- 18. The amenity of the area must not be detrimentally affected 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;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
  - d. Presence of vermin.
- 19. The Permit Holder must be aware that the operation of the use is at all times required, pursuant to the *Environmental Protection Act 1970*, to meet the requirements of the *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2*. The onus to demonstrate compliance with this policy in the event of request will lie with

the Permit Holder.

- Amend condition 22 as follows (underline used for identification):

#### Permit Expiry

22. This permit will expire if:-

- a. The approved development does not start within two years of the date of this permit;
- b. The approved development is not completed within four years of the date of this permit; or
- c. The approved use is not commenced with two years of the completed development.

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.

Date of Amendment	Description of Amendment
2 April 2019	<ul style="list-style-type: none"> <li>• Preamble amended to include the use of the land as a funeral parlour;</li> <li>• Condition No. 3 amended to require the submission of plans prior to the commencement of the use and development;</li> <li>• Condition No. 3a. deleted;</li> <li>• Condition Nos. 5 and 6 amended to reference both use and development;</li> <li>• New Condition Nos. 8, 16, 17, 18 and 19 and the subsequent renumbering of remaining Conditions; and</li> <li>• Condition No. 22 amended to reference both use and development.</li> </ul>

**CARRIED**

#### DIVISION

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

#### For

Cr Pavlidis  
Cr Alessi  
Cr Cox  
Cr Sterjova  
Cr Joseph

#### Against

Cr Kelly  
Cr Lalios  
Cr Monteleone  
Cr Desiato

#### Abstained

Cr Kirkham

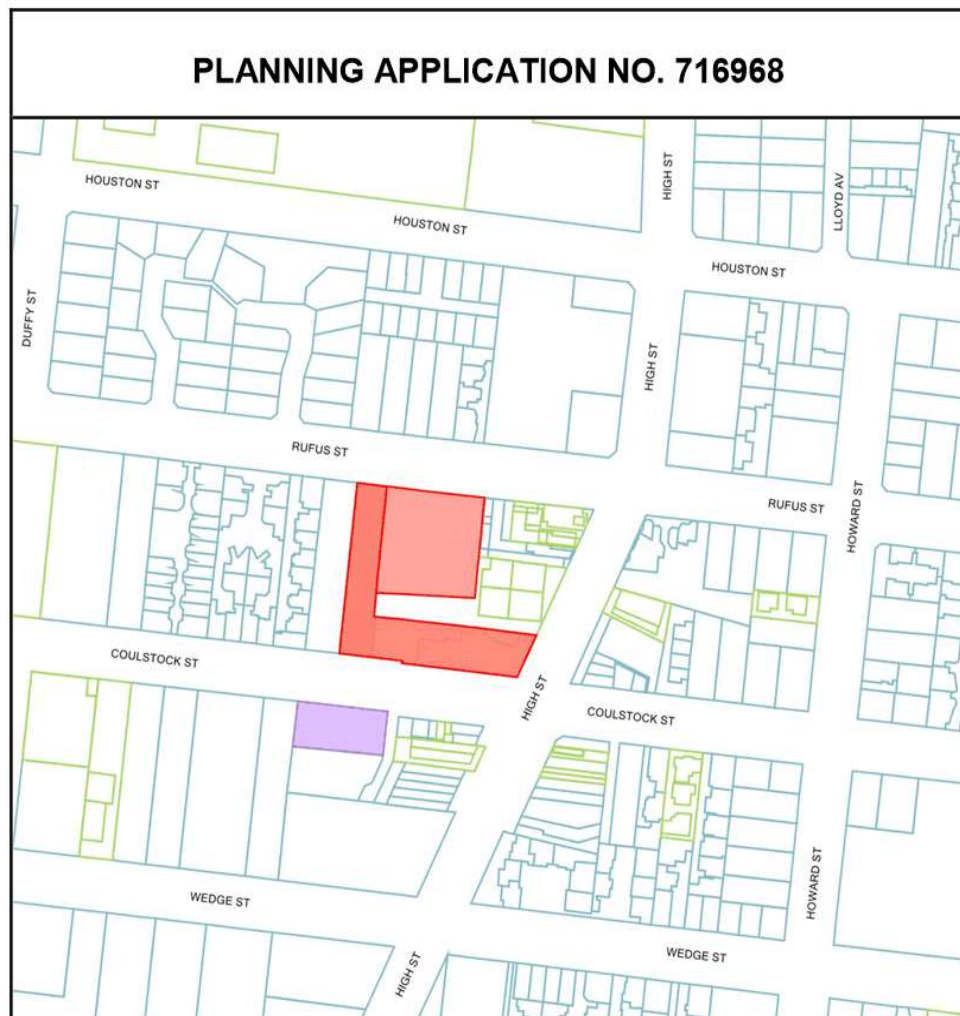
Based on the votes cast during the Division, the votes were tied.

**TIED**

<b>CASTING VOTE</b>
---------------------

In accordance with Clause 68 of the Procedural Matters Local Law, the Mayor exercised his right to a casting vote and voted for the motion which was carried.

**CARRIED**



**Subject Land**



**Objector (2 objectors outside locality map area)**



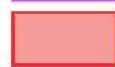
**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**

**PLANNING APPLICATION NO. 716968**



**Subject Land**



**Objector (2 objectors outside locality map area)**



**City of  
Whittlesea**

**DEVELOPMENT ASSESSMENT REPORT**

**6.1.5 AMENDMENT TO THE GARDEN ROAD DEVELOPMENT PLAN**

<b>Attachments:</b>	<b>1</b>	<b>Site Map <a href="#">↓</a></b>
	<b>2</b>	<b>Current Garden Road Development Plan <a href="#">↓</a></b>
	<b>3</b>	<b>Proposed Garden Road Development Plan <a href="#">↓</a></b>

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

**Author:** Team Leader Strategic Planning & Design

**RECOMMENDATION SUMMARY**

It is recommended that Council endorse the proposed amendment to the Garden Road Development Plan contained in Attachment 3 of this report to allow for the consideration of any proposal for a swim centre and medical centre for the property at 31A Yellow Brick Road, Doreen.

1. Advise the affected landowners.

**KEY FACTS AND / OR ISSUES**

- The owner of the property at 31A Yellowbrick Road, Doreen is seeking to develop the site for the purposes of a swim centre, medical Centre and associated car park.
- The Garden Road Development Plan earmarks the site as Low Density Residential and it is proposed to place an annotation (asterisk) on the Development Plan to provide for the ability to consider a subsequent application for the proposed use.
- The amended Development Plan was informally exhibited to surrounding landowners and authorities. Three submissions were received from authorities none of which objected to the proposal.

It is recommended that the amendment to the Garden Road *Development Plan* be approved by Council.



**REPORT****INTRODUCTION**

The purpose of this report is to discuss the proposed amendment to the Garden Road Development Plan (GRDP). Specifically, this report seeks an amendment of the GRDP to allow for consideration for the development of 31A Yellow Brick Road, Doreen for the purposes of a swim centre, medical centre and associated car park. The site is currently earmarked Low Density Residential (LDRZ) within the Development Plan and it is proposed to place an annotation on the Development Plan to provide for the ability to consider a subsequent application for the proposed use.

**BACKGROUND**

The GRDP was originally approved by Council at its meeting on 19 April 2005. The GRDP sets the framework and general road network for the subdivision and development of land for residential purposes at a range of densities.

The property is bounded by Garden Road to the west, Yan Yean Road to the east and Bridge Inn Road to the north. The property directly opposite the site has been developed as a KFC store. The overall property on the corner of Yan Yean Road and Bridge Inn Road comprises a mixed use development including a service station, car wash, motor repairs and food and drink premises (*Attachment 1*).

**PLANNING ASSESSMENT**

The subject site is located within Precinct 2B of the Mernda Strategy Plan (MSP) and forms part of the GRDP. The MSP also contains an overall plan for the entire growth area and more detailed 'precinct plans' for each development precinct within the MSP. The key requirements of the MSP and the Precinct 2B plan, as they relate to the subject land, are as follows:

- Low density residential development along Bridge Inn Road and Yan Yean Road to achieve a gradual transition from rural to urban at the edge of the development area.
- Standard density residential development for the remainder of the GRDP area.
- Nomination of the area surrounding the Yan Yean Road/Bridge Inn Road intersection for a local convenience centre.
- Garden Road is nominated as a collector road and future bus route.
- The surrounding locality has been identified as an area which has a high archaeological sensitivity for scarred River Red Gum trees.
- Off-road shared bicycle/pedestrian trails located within the transmission line easement in the north-west corner of the Development Plan area.
- Bridge Inn Road is nominated as a primary arterial and will require widening on the south side within the GRDP area to achieve its ultimate cross-section.
- Yan Yean Road is nominated as a secondary arterial road.
- Direct allotment access to Yan Yean Road to be discouraged with low density allotments fronting Yan Yean Road to be accessed internally from the future subdivisional road layout. Buffer planting for these low density lots along Yan Yean Road is also required.



In addition to specifying relevant requirements and more general objectives, the MSP also specifies the extent of coverage required for Development Plans within each precinct. In this instance, the GRDP comprises the full Development Plan area as required by the MSP. The current GRDP layout is provided in *Attachment 2*.

## Zoning

The subject land is affected by the General Residential Zone (**GRZ1**) (Clause 32.08).

The GRZ aims to provide a diversity of housing types and moderate growth in locations offering good access to services and transport, as well as allowing some education, religious, and community uses to serve the local community.

## Overlays

The subject land is covered wholly by four planning scheme overlays, which include:

Vegetation Protection Overlay – Schedule 1 (**VPO1**) (Clause 42.02);

Incorporated Plan Overlay – Schedule 1 (**IPO1**) (Clause 43.03);

Development Plan Overlay – Schedule 5 (**DPO5**) (Clause 43.04); and

Development Contributions Plan Overlay – Schedule 6 (**DCPO6**) (Clause 45.06).

The IPO1 requires the preparation of a strategic plan that will guide the future use and development of the land, prior to any formal consideration of any subdivision, use or development of the land. Schedule 1 of the IPO relates to the MSP.

The DPO5 applicable to the subject land requires that a Development Plan be prepared and endorsed by Council prior to formal consideration of any subdivision, use or development of the subject landholdings. The Development Plan must be produced in accordance with the provisions of the DPO Schedule 5 and the MSP.

The VPO1 provisions more specifically aim to preserve and maintain significant native vegetation.

The DCPO6 sets out the requirements to deliver development contributions in accordance with the MSP.

## DEVELOPMENT PLAN PROPOSAL

The proposed amendment to the GRDP was received on 23 October 2018 (**Attachment 3**) and specifically affects known as 31A Yellow Brick Road, Doreen. The proponent is keen to develop the site for the purpose of a swim centre and medical centre etc.

Under the current Development Plan determination it is considered that such a proposal would not be generally in accordance with the GRDP and could not be considered. The amendment proposes to alter the designation of the subject site by nominating it for a swim centre and medical centre.

It is important to note that this does not provide approval for any development but would allow for consideration of a subsequent application for such uses. Any application would need to be assessed on its merits against relevant planning controls.

## **CONSULTATION AND NON-STATUTORY EXHIBITION**

Although there is no statutory requirement to advertise a Development Plan or amendment thereto, the Garden Road Development Plan underwent a non-statutory exhibition period with key stakeholders including relevant government agencies, Shire of Nillumbik; and affected surrounding properties via direct mail-out.

At the conclusion of the exhibition only three (3) submissions were received from statutory agencies, which noted the proposal and offered no objection. These include APA, CFA and Melbourne Water. No submissions were received from surrounding residents or property owners.

## **DEVELOPMENT CONTRIBUTIONS**

Development Contributions Plan Overlay – Schedule 6 (DCPO6) (Clause 45.06) applies to the Garden Road Development Plan area. The DCPO6 sets out the requirements to deliver development contributions in accordance with the MSP. Any permit that is granted for a subdivision/development will include a condition that will require contribution to be made to Council for infrastructure upgrades within the City of Whittlesea.

## **DISCUSSION**

The proposed amendment to the GRDP is to allow for consideration of subsequent proposals for the development of 31A Yellow Brick Road, Doreen for the purposes of a swim centre, medical facility and associated car park. The proposal makes administrative updates to the Development Plan by means of an annotation (asterisk) to allow for the above mentioned uses.

A draft proposal submitted for discussion purposes provides for a double storey building which provides for a swim centre facility and 6 medical consulting suites on the upper floor to accommodate a range of medical and ancillary services

### **Suitability of Proposed Uses**

Despite the existing Low Density Residential classification, it is considered that the development proposal is suitable on the subject site, especially when taking into account the context of the surrounding area. In particular, additional non-residential uses such as community and health services comprising a swim centre and large medical centre will complement the precinct immediately to the north of the site and provide access to a service that currently is not readily available.

### **Residential and commercial interface**

It is considered that the proposed uses will provide an interface to the surrounding residential areas. The delivery of community type of uses such as proposed by the application, can serve as a 'soft transition' between commercial/industrial uses to the north of the site and the adjoining residential area to the south and west of the site.

### **Green Wedge Interface**

The opposite side of Yan Yean Road to the west is located within the Nillumbik Shire Council area and in the Green Wedge Zone outside of the Urban Growth Boundary. Appropriate landscaping will buffer the car parking from this sensitive area. The amendment proposal was circulated to the Nillumbik Shire Council and no comments were received.

## POLICY STRATEGY AND LEGISLATION

### State Planning Policy Framework (SPPF)

- Clause 12 Environmental and Landscape Values

The Development Plan is consistent with this clause.

- Clause 15 Built Environment and Heritage

- The Development Plan is generally consistent with this clause. The proposed development includes elements which will assist in making it attractive, liveable, walkable and cyclable. Site features including the gas pipeline constrain the development from providing diversity and have affected the design parameters.

- Clause 18 Transport

The Development Plan is consistent with this clause. The Development Plan includes significant walking and cycling infrastructure and connections. The development does not prejudice the operation of the Melbourne airport.

- Clause 19 Infrastructure

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

### Local Planning Policy Framework (LPPF)

- Clause 21.05 Environmental and Landscape Values

- The Development Plan is consistent with this clause.

- Clause 21.11 Transport

The Development Plan is consistent with this clause.

- Clause 21.12 Community and Development Infrastructure

The Development Plan is consistent with this clause and includes a contribution towards transport and community infrastructure.

## 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 healthy and safe community</b>
<b>Strategic Objective</b>	<b>Health and human services are accessible and responsive to the needs and aspirations of all people</b>
<b>Council Priority</b>	<b>Health and Wellbeing</b>

The proposed amendment will enable the delivery of a 'wellness centre' and will comprise swimming pools, multi-purpose medical rooms and consulting suites. It is on this basis that the proposal is considered to meet the direction of creating health and human services that accessible and responsible to all.

## 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 amendments to the Development Plan seek to place an annotation on the Development Plan at 31A Yellow Brick Road, Doreen to enable any subsequent planning permit application for a swim centre, medical facility and associated car park to be considered. This potential development would not be considered generally in accordance with the current Development Plan. It is considered that such a potential development has merit within the area.

It is noted that this amendment does not provide an approval for such a proposal but rather would simply allow for any subsequent application to be considered on its planning merits. It is recommended that Council endorse the amended Development Plan at Attachment 3 of this report which provides an asterisk on the subject site and on the subject site and associated annotation nominating a swim centre and a medical centre uses. No other changes are proposed to the Development Plan.

**RECOMMENDATION**

**THAT Council resolve to:**

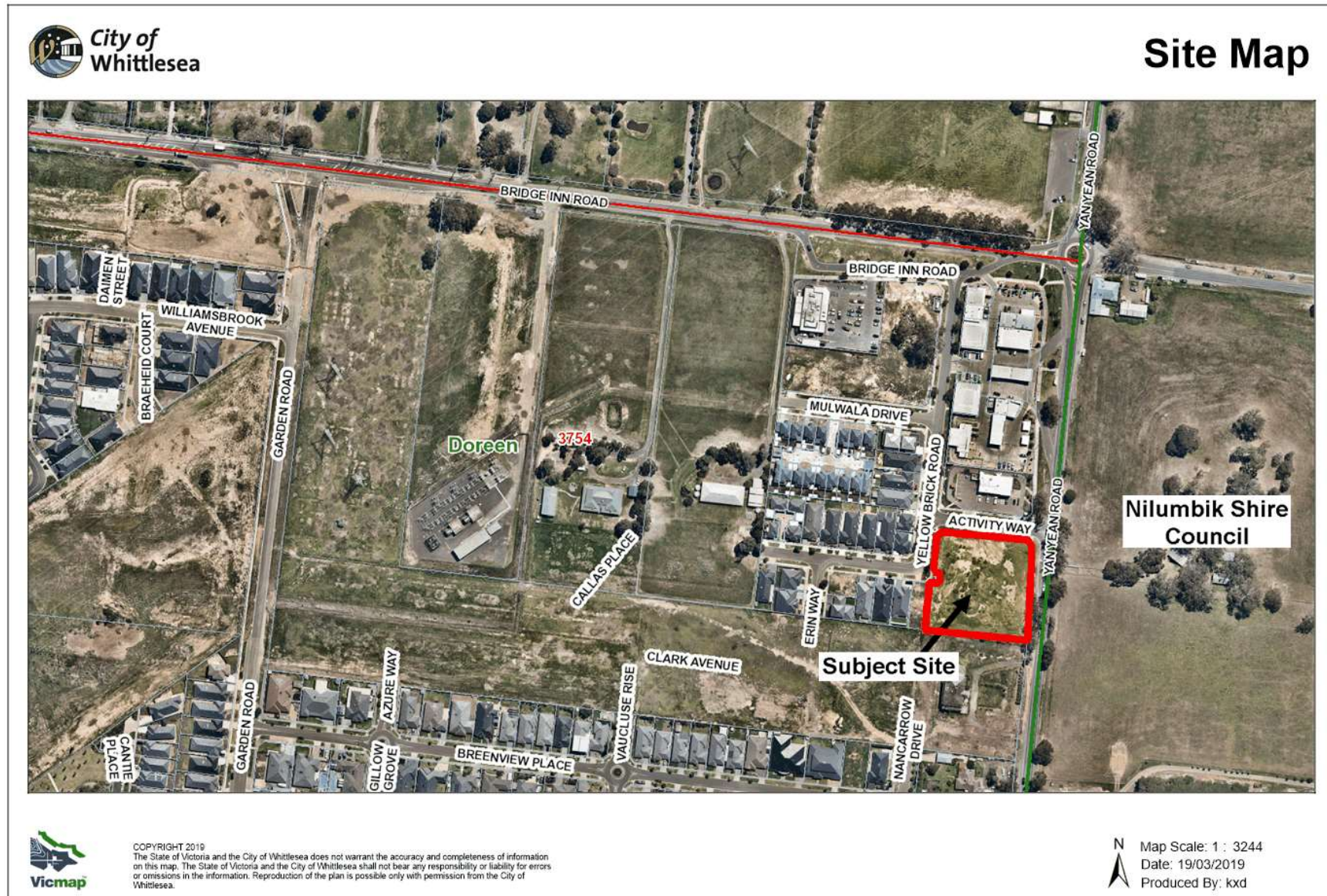
1. **Endorse the proposed amendment to the Garden Road Development Plan contained at Attachment 3 of this report.**
2. **Advise the affected landowners.**

**COUNCIL RESOLUTION**

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

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

**CARRIED**



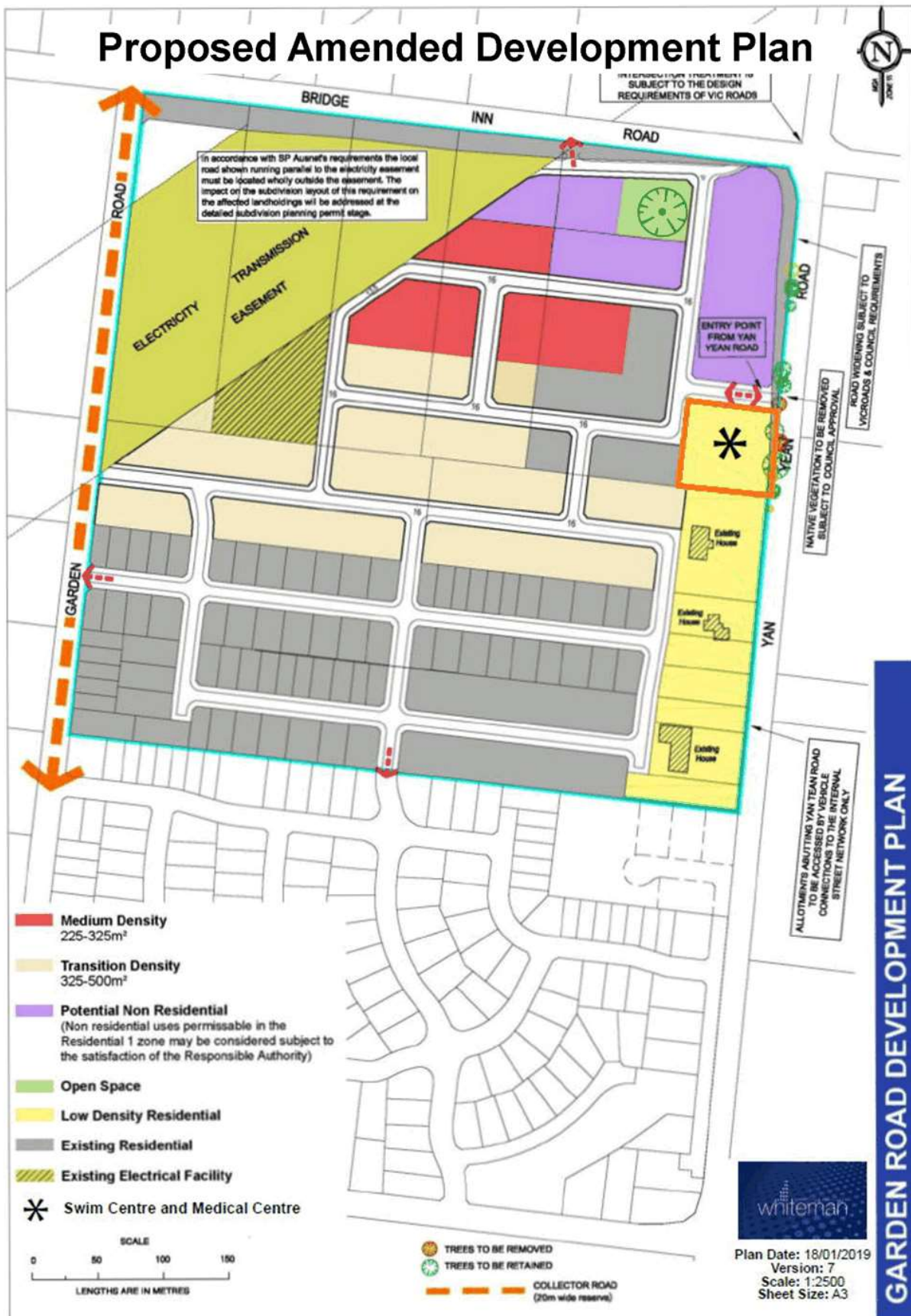














**6.1.6 ASSEMBLIES OF COUNCIL REPORT - 2 APRIL 2019**

**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
Arts Cultural and Sporting Grants Program for Young People <b>4 February 2019</b>	Cr Cox (Mayor) Cr Pavlidis	MCBP DSO CDGO TLCI	1. Caitlin Dagher – Sporting Grant – Overseas event – Successful  <i>Nil disclosures</i>
Councillor Briefing <b>19 February 2019</b>	Cr Cox (Mayor) Cr Joseph (Deputy Mayor) Cr Alessi Cr Desiato Cr Kirkham Cr Kozmevski Cr Pavlidis Cr Sterjova	CEO DCS DCRS DCTP DPPE	1. 2019/20 Proposed Budget  <i>Nil disclosures</i>
Councillor Briefing <b>26 February 2019</b>	Cr Cox (Mayor) Cr Joseph (Deputy Mayor) Cr Alessi Cr Kozmevski Cr Monteleone Cr Pavlidis Cr Sterjova	CEO DCS DCRS DCTP DPPE	1. Water and Energy Sustainability Flagship Project 2. 2019 Federal Election Campaign 3. Local Road Deterioration in Mernda and Doreen 4. South Morang Activity Centre Options  <i>Nil disclosures</i>

The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
CDGO	Community Development Grants Officer	DPPE	Director Partnerships, Planning and Engagement – Liana Thompson
CEO	Chief Executive Officer – Simon Overland	DSO	Department Support Officer – Cheryl Gallagher
DCS	Director Community Services – Russell Hopkins	MCBP	Manager Community Building and Planning – Belgin Besim
DCRS	Director Corporate Services – Helen Sui	TLCI	Team Leader Community Inclusion – Kelisha Nikitas
DCTP	Director City Transport and Presentation– Nick Mann		

## 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.

<b>RECOMMENDATION</b>
-----------------------

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

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

**MOVED:**                      *Cr Joseph*

**SECONDED:**              *Cr Alessi*

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

**CARRIED**

**6.1.7 ANIMAL REGISTRATION AND REFUND POLICY**

**Attachments:** 1 **Animal Registration and Refund Policy** [↓](#)

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

**Author:** **Manager City Safety and Amenity**

**RECOMMENDATION SUMMARY**

That Council adopts the Animal Registration and Refund Policy.

**KEY FACTS AND / OR ISSUES**

The Domestic Animals Act 1994 requires all pet cats and dogs over the age of 3 months to be registered.

Council must by resolution:

- Fix fees to be raised for registration or renewal of registration on an annual basis;
- Fix fees to be paid if Council permits a pro rata fee to be paid during the registration year; and
- Include circumstances in which a fee or part fee may be refunded.

Current practices regarding refunds and pro-rata registration fees require formalisation. A draft policy is attached to this report.

The policy proposes to:

- Extend the refund period for animal registrations from 10 May to 30 June each year. Refunds are often requested from customers where their pet dies following the registration fee being paid.
- Introduce a nominal registration fee for cats and dogs under 12 months of age. Pets are legally required to be registered by 3 months of age, however many animals cannot be desexed until they reach 6 months of age, which results in a much higher registration fee being applied. A nominal fee in the first year is a financial saving incentive for pet owners to register and desex their pet.
- Formalising 50% pro rata fees for animals registered from 10 October onwards.
- Introducing a nominal foster carer registration fee in response to legislative changes that come into effect from 1 July 2019.

**REPORT****BACKGROUND**

The Domestic Animals Act 1994 requires all pet cats and dogs over the age of 3 months to be registered.

In 2018, legislation changed requiring Councils to provide a nominal registration fee to recognised foster carers who are required to register cats or dogs in their care to meet legislative requirements.

The Domestic Animals Act specifies that a reduced fee must be applied for animals that are desexed to act as an incentive. Fees are set on an annual basis as part of Council's annual budget process.

The policy is intended to ensure that Council's process for animal registration refunds is transparent and all refund requests are processed equitably.

**PROPOSAL**

To introduce a policy that:

- Encourages timely and increased dog and cat registrations.
- Ensures a fair and consistent approach to requests for animal registration refunds.
- Encourages owners to desex their pets to reduce unwanted breeding and euthanasia to control animal populations.

**CONSULTATION**

Customer feedback regarding our current refund practices was the catalyst for this review and development of a policy, with customers requesting a longer period of time in which refunds should be honoured.

Benchmarking was undertaken with several other councils to ascertain best practice. Benchmarking found that there are several methods for managing animal registration refunds across Victoria.

**CRITICAL DATES**

Animal registrations are due by 10 April each year. It is envisaged a policy will be adopted in time for this year's animal registration period.

**FINANCIAL IMPLICATIONS**

Council anticipates approximately \$1M for dog and cat registration fees in 2018/19. Requests for refunds in the last registration period had a total value less than \$1,000.

It is anticipated that the value of refunds will increase if the policy is adopted, however the financial impact is not expected to exceed 1% of total revenue.

**POLICY STRATEGY AND LEGISLATION**

The policy relates to the Domestic Animals Act 1994 which makes councils responsible for collecting and setting the amount of animal registration fees.



## 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 services are transparent, equitable and accessible</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 the relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## CONCLUSION

The policy would result in a fair and consistent approach to how refunds are managed and will incentivise animal registration by offering a discounted rate in the first year of registration.

## RECOMMENDATION

THAT Council resolve to adopt the Animal Registration and Refund Policy.

## MOTION

**MOVED:** *Cr Joseph*  
**SECONDED:** *Cr Pavlidis*

THAT Council resolve to adopt the Animal Registration and Refund Policy with the following point added under the heading "Policy":

- Where the pet owner requesting a refund on the basis that the pet has died, been surrendered or relocated out of the State of Victoria is an eligible pension card holder, a full refund will be offered until 10 October of the current registration year. Thereafter, a pro rata refund will be offered throughout the remainder of the registration year.

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<b>PROCEDURAL MOTION</b>
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**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Sterjova*

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

**CARRIED**

---

Cr Lalios left the Council Chamber at 8.33pm prior to the vote on this item.

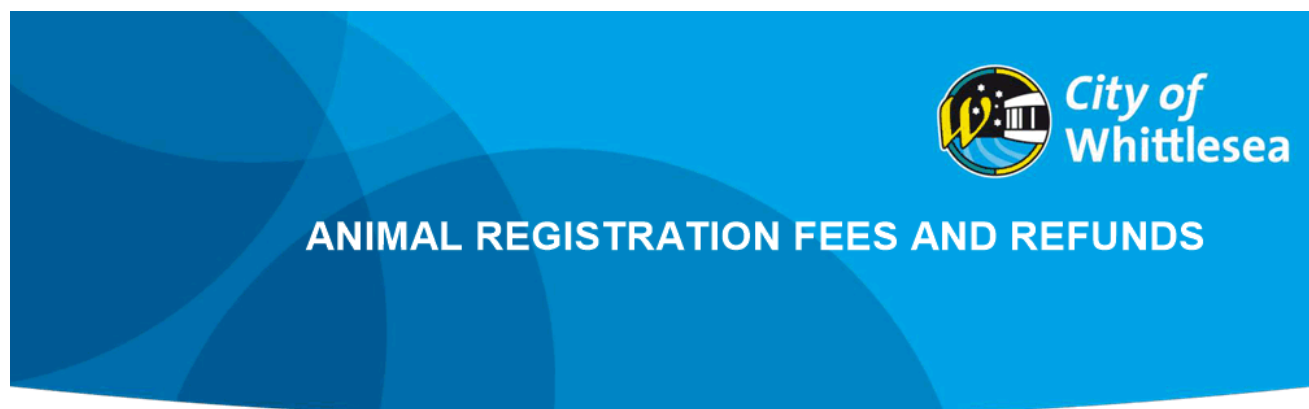
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<b>COUNCIL RESOLUTION</b>
---------------------------

**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Sterjova*

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

**CARRIED**



<b>Category</b>	Pet owners within the municipality
<b>Date of Adoption by ELT/Council</b>	TBA
<b>Directorate Responsibility</b>	Partnerships, Planning and Engagement

### Scope

The Domestic Animals Act 1994 requires all pet cats and dogs over the age of 3 months to be registered.

Council must by resolution:

- Fix fees to be raised for registration or renewal of registration on an annual basis
- Fix fees to be paid if Council permits a pro rata fee to be paid during the registration year
- Include circumstances in which a fee or part fee may be refunded

This policy seeks to address the above requirements.

### Policy

To ensure the effective and consistent application of the Domestic Animals Act, Council will:

- Fix fees on an annual basis as part of its Annual Fees and Charges for each of the registration categories as nominated by the Act
- Provide a 50% pro rata fee between 10 October and 31 January the following year.
- Offer a nominal fee for unsterilised cats and dogs under 12 months of age to incentivise registration and encourage desexing within the first registration year
- Offer a nominal fee for Foster Carers who are required to register foster cats or dogs in their care to encourage compliance with legislative requirements
- Allow free registration for the remainder of the registration period for any pet transferring from another Victorian municipality upon proof of existing registration
- Reimburse to 100% of the annual registration fee up until 30 June of the current registration year.
- Reimburse to a maximum 50% of the full annual registration fee up until 10 October of the current registration year if the pet has died, been surrendered to the Epping Animal Welfare Facility or an appropriate agency and no longer in the owner's care, or the pet has moved out of the State of Victoria

City of Whittlesea – <<Name of Department>> Department			
Document Name:		Date:	
Document Owner:		Version:	1
Approved By:		Page Number:	Page 1 of 3

**This Policy meets the requirements of the Charter of Human Rights and Responsibilities**

## Objectives

The objectives of this policy are:

- To encourage timely registration of all cats and dogs
- To ensure a fair and consistent processing of all requests for an animal registration refund
- To encourage desexing to mitigate unwanted breeding and a reduction in the requirement for euthanasia to control animal populations.

These Objectives will be achieved by

- The offer of discounted registration fees
- Providing information on the Council website informing residents of the registration fees
- Having a procedure to assist staff in consistently considering an application for a refund

## Context/Rationale

Just as there are many benefits to owning a pet, there is equally several benefits to registering a pet, namely:

- Pets can be identified if they are microchipped and wearing its registration tag and returned to the owner if it is found lost or injured
- Funding animal management services
- Funding pet facilities including off lead park areas
- Subsidising the mobile cat desexing service twice a year

## Key linkages

Domestic Animals Act 1994

Whittlesea 2040: A Place for all

Annual Budget Fees and Charges

City of Whittlesea – <<Name of Department>> Department

Document Name:

Date:

Document Owner:

Version: 1

Approved By:

Page Number: Page 2 of 3

**6.2 COMMUNITY SERVICES**  
**NIL REPORTS**



### 6.3 CITY TRANSPORT AND PRESENTATION

### 6.3.1 CONTRACT 2018-133 - ALL ABILITIES PLAY SPACE - JUNIOR PLAY TENDER EVALUATION

**Attachments:** 1 2018-133 Tender Evaluation - Confidential

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

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

**Author:** Senior Parks Project Management Officer

## RECOMMENDATION SUMMARY

This report summarises the evaluation of tenders received for the construction of the Junior Play area of the All Abilities Play Space under Contract No. 2018-133.

It is recommended that contract number 2018-133 for the All Abilities Play Space Junior Play Area:

- is awarded to Naturform Pty Ltd
- for the lump sum price of \$596,185.93 (excl. GST)

### KEY FACTS AND / OR ISSUES

- The All Abilities Play Space is one of four major community parks being developed across the municipality which will enable the whole community to play, connect and socialise. The play space will provide a broad range of play opportunities including physical, social, creative and cognitive, and will focus on universal access for all ages and abilities.
- The new play space will have a focus on ensuring all individuals can access the entire space through the inclusion of uninterrupted paths and access to all play elements, services and infrastructure. Every part of the play space has been thoughtfully designed to promote inclusivity for all ages and abilities whilst facilitating development, both physically and cognitively, through play.
- The Junior Play Space Contract 2018-133 is one of many contracts which will make up the All Abilities Play Space project.
- Three tenders were received
- The recommended tender was the highest ranked and is considered best value

<b>REPORT</b>
---------------

**BACKGROUND**

The purpose of this contract is to supply and install all materials and equipment required to construct the Junior Play area of the All Abilities Play Space in Mill Park Recreation Reserve.

Tenders for the contract closed on 13<sup>th</sup> February 2019. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

**EVALUATION**

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

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

Criteria	Weighting
Price	40%
Capability	30%
Capacity	20%
Impact	10%

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

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

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A - Naturform Pty Ltd	Yes	Yes	76.7	1
Tenderer B	No	Yes	N/A	N/A
Tenderer C	Yes	No	N/A	N/A

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



**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 healthy and safe community</b>
<b>Strategic Objective</b>	<b>People of all ages and abilities are supported to live well with appropriate program, service and infrastructure delivery</b>
<b>Council Priority</b>	<b>Health and Wellbeing</b>

Construction of the All Abilities Play Space will provide an inclusive space within the Municipality where all members of the community and their care givers feel supported and welcome visiting for an extended period of time.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

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

<b>RECOMMENDATION</b>
-----------------------

**THAT Council resolve to:**

1. **Accept the tender submitted by Naturform Pty Ltd for the sum of \$596,185.93 (excluding GST)**  
**Number: 2018-133**  
**Title: All Abilities Play Space – Junior Play**  
**subject to the following conditions:**
  - a) **Tenderer to provide proof of currency of insurance cover as required in the tender documents.**
  - b) **Price variations to be in accordance with the provisions as set out in the tender documents.**
  - c) **Tenderer to provide contract security as required in the tender documents.**
2. **Approve the funding arrangements detailed in the confidential attachment.**
3. **Sign and seal the Contract documents.**

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

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

**CARRIED**

### 6.3.2 CONTRACT 2018-56 - TREE REMOVAL, SUPPLY, PLANTING & MAINTENANCE - TENDER EVALUATION

**Attachments:** 1 **2018-56 Tender Evaluation - Confidential - Confidential**  
 Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989 as it contains details relating to contractual matters.

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

**Author:** Senior Arborist

#### RECOMMENDATION SUMMARY

It is recommended that contract number 2018-56 for Tree Removal, Supply, Planting and Maintenance:

- is awarded to
  - Citywide Service Solutions Pty Ltd as Primary supplier for Part A and Secondary supplier for Part B
  - GLG Green Life Group Pty Ltd as Secondary supplier for Part A and Primary supplier for Part B
- for the tendered schedule of rates with total expenditure for the initial 3 year contract period is limited to \$2,637,400.00.
- for a term from 01/05/2019 to 30/04/2022 with extension options to 30/04/2025

#### KEY FACTS AND / OR ISSUES

This tender is key to delivering Council's street tree planting program, which seeks to create attractive, tree lined local streets that significantly contribute to the character of the city's neighbourhoods.

The tender evaluation panel advises that:

- 13 tenders were received and were evaluated as per pre-approved evaluation process.
- the recommended tenders were the highest ranked and are considered best value because they offered lower rates as compared to their competitors and met Council's requirements in the RFT while conforming with Council Terms and Conditions

This was a collaborative tender with Mitchell Shire Council to expand the supply base and leverage economies of scale.

## REPORT

### BACKGROUND

The purpose of this contract is to assign a panel of suppliers to provide Tree Removal, Planting and Maintenance Services. The services to be delivered are in addition to the lump sum services delivered via other endorsed contracts (i.e. Contract 2016-201 Provision of Park and Open Space Maintenance Services Part B Tree Maintenance Services) and is mainly utilised to deliver tree services demanded by New Works programs. As the contract is based on a Schedule of Rates an estimate of the anticipated expenditure has been based on analysis of the previous spend data and projected outcomes.

This was a collaborative tender with Mitchell Shire Council to expand the supply base and leverage economies of scale. To maximise competition the contract was structured in two parts and Tenderers could bid for single or both the parts for either or both municipalities:

- Part A – Supply, Planting and Establishment Maintenance
- Part B – Trees Removal and Maintenance

A mix of best practice procurement techniques were employed in this tender to help achieve best value outcomes and to drive innovation and efficiency. These included requirements to tender:

- 'Glidepath Savings' percentages which reduce the tender price each year in recognition of anticipated improved efficiency gains by the Supplier,
- 'Volume discounts' if both the collaborating councils award to the same supplier and if aggregated business increases over a million dollars over the life of the contract.

and

- a 'Savings Share' arrangement whereby savings generated through innovative practices initiated by the Supplier are shared with the Council.

Tenders for the contract closed on 28/11/2018. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

### EVALUATION

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

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

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

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

including (but not restricted to) the time, quality, risk and contract management requirements which were likely to have the most impact on the achievement of best value.

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

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	PART A		PART B	
			SCORE	RANK	SCORE	RANK
Tenderer A Citywide Service Solutions Pty Ltd	Yes	Yes	88.4	1	76.0	2
Tenderer B GLG Green Life Group Pty Ltd	Yes	Yes	76.9	2	91.0	1
Tenderer C	Yes	Yes	69.8	3	N/A	N/A
Tenderer D	Yes	No (A), Yes (B)	44.1	4	74.3	3
Tenderer E	No	N/A	N/A	N/A	N/A	N/A
Tenderer F	No	N/A	N/A	N/A	N/A	N/A
Tenderer G	Yes	No	N/A	N/A	58.8	4
Tenderer H	Yes	No	N/A	N/A	44.4	5
Tenderer I	No	N/A	N/A	N/A	N/A	N/A

Four other tenderers (J, K, L and M) only bid to provide services to Mitchell shire so they were excluded from the evaluation conducted by the Whittlesea panel. Refer to the confidential attachment for further details of the evaluation of all tenders.

## 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 explores and adopts best practice models</b>
<b>Council Priority</b>	<b>Organisational Sustainability</b>

In this collaborative trees services tender a mix of industry best practices were employed to help achieve best value outcomes and to drive innovation and efficiency to improve the amenity and liveability of the municipality.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

Best value can be achieved by awarding:

- Part A of the contract to Citywide as the Primary Supplier and GLG as the secondary supplier, and
- Part B of the contract to GLG as the Primary Supplier and Citywide as the secondary supplier -

with a work distribution of approximate 70% to 90% of the orders placed under each part of the contract being allocated to the respective primary supplier.

This approach is expected to achieve multiple benefits including reduced administrative overhead and improved prices which are anticipated to achieve very significant savings over the term of the contract.

<b>RECOMMENDATION</b>
-----------------------

**THAT Council resolve to:**

**1. Accept the tenders submitted by:**

- a) Citywide Service Solutions Pty Ltd as Primary supplier for Part A and Secondary supplier for Part B.**
- b) GLG Green Life Group Pty Ltd as Secondary supplier for Part A and Primary supplier for Part B.**

**for the schedule of rates detailed in the confidential attachment for the following contract:**

**Number: 2018-56**

**Title: Tree Removal, Supply, Planting and Maintenance**

**Term: 01/05/2019 to 30/04/2022**

**Options: Term extensions up to 30/04/2025 (only to be exercised if separately approved by Council)**

**Value: Total expenditure for the initial 3 year contract period is limited to a maximum of \$2,637,400.00. (excluding GST) unless otherwise approved by Council**

**subject to the following conditions:**

- a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.**
  - b) Price variations to be in accordance with the provisions as set out in the tender documents.**
- 2. Note the funding arrangements detailed in the confidential attachment.**
- 3. Sign the Contract documents.**

---

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

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

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

**CARRIED**





### 6.3.3 Contract No: 2019-26 - Security Services - Tender Evaluation

**Attachments:** 1 **2019-26 Security Services Confidential Attachment - Confidential**

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

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

**Author:** Manager City Presentation

#### RECOMMENDATION SUMMARY

It is recommended that contract number 2019-26 for the provision of Security Services is awarded to Southern Cross Protection to a total Contract value of \$850,000 (excl. GST) for the term from 1 June 2019 to 31 May 2022 with extension options to 31 May 2026.

#### KEY FACTS AND / OR ISSUES

- The Northern Region Group of Councils undertakes collaborative procurement arrangements for selected services to deliver social and economic benefits for the residents and businesses within the region.
- As part of this program Banyule City Council was appointed to act as tendering agent on behalf of Darebin, Mitchell, Moreland and Whittlesea Council's for the purpose of seeking tenders for the provision of security services.
- 15 tenders were received. The submission provided by Southern Cross Protection was recommended by the tender evaluation panel as being the best value for Council.
- Southern Cross Protection was recommended on the basis that they are a well-established business, have a very good level of industry experience, have the demonstrated resources to fulfil the requirements of the contract, and were competitively priced.

**REPORT****BACKGROUND**

In October 2017 the Northern Region (Melbourne's north) Group of Councils entered into a collaboration to deliver economic, social and value for money benefits for the residents and businesses in the region. As part of this joint effort, a Request for Tender (RFT) for the provision of Security Services was developed collaboratively by five (of seven) Northern region Councils:

- Banyule City Council
- Darebin City Council
- Mitchell Shire Council
- Moreland City Council
- Whittlesea City Council.

Banyule was appointed to act as tendering agent on behalf of Darebin, Mitchell, Moreland and Whittlesea for the purpose of seeking tenders for the Contract. Submissions were sought from suitably qualified and capable contractors to provide Security Services within the following categories:

- Routine Security Services – security equipment maintenance, security monitoring, security patrol and lock/unlock services; and
- Reactive Security Services - security equipment maintenance call-outs, security alarm response call-outs, lock/unlock services, security patrol and guarding services.

Tenderers were also requested to submit a response that delivers social and economic initiatives to the Northern Region Community, providing employment for residents from disadvantaged backgrounds.

The Contract term sought is for 3 years, with the option to extend for further periods of any duration up to a maximum period of 4 years. The tender was advertised in The Age on Saturday 18 August 2018 and on Council's website. A briefing session for tenderers was conducted on 27 August 2018. Tenders closed at 3:00 pm, Tuesday 25 September 2018 and 15 submissions were received by the closing time.

**EVALUATION**

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

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

Criteria	Weighting
Price	40%
Capability	30%
Capacity	20%
Impact	10%

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Southern Cross Protection Pty Ltd	Yes	Yes	84.0	1
Supplier B	Yes	Yes	77.5	2
Supplier C	Yes	Yes	77.5	3
Supplier D	Yes	Yes	75.5	4
Supplier E	Yes	Yes	73.0	5
Supplier F	Yes	Yes	73.0	6
Supplier G	Yes	Yes	72.0	7
Supplier H	Yes	Yes	68.5	8
Supplier I	Yes	Yes	68.0	9
Supplier J	Yes	No	N/A	10
Supplier K	Yes	No	N/A	11
Supplier L	Yes	No	N/A	12
Supplier M	Yes	No	N/A	13
Supplier N	Yes	No	N/A	14
Supplier – O <i>Tender Withdrawn</i>	Yes	No	N/A	15

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

#### 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 healthy and safe community</b>
<b>Strategic Objective</b>	<b>We have a police presence that deters crime and violence</b>
<b>Council Priority</b>	<b>Community Safety</b>

The Contract will enhance Councils' ability to maintain its buildings as fit for purpose and comply with legislative requirements and meet the expectations of the Community.

#### DECLARATIONS OF CONFLICTS OF INTEREST

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

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

#### CONCLUSION

The tender from Southern Cross Protection Pty Ltd was determined to be best value and it is considered that this company can perform the contract to the required standards. This tender achieved multiple benefits including significant savings, increased service levels and social procurement outcomes that created local jobs for disadvantaged persons.

**RECOMMENDATION**

**THAT Council resolve to:**

1. **Accept the tender submitted by Southern Cross Protection Pty Ltd for the following contract:**

**Number: 2019-26**

**Title: Security Services**

**Term: 1 June 2019 to 31 May 2022**

**Options: Term extensions up to 31 May 2026 (only to be exercised if separately approved by Council)**

**Value: Total expenditure is limited to a maximum of \$850,000 (excluding GST) unless otherwise approved by Council**

**subject to the following conditions:**

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

**COUNCIL RESOLUTION**

**MOVED: Cr Joseph**

**SECONDED: Cr Alessi**

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

**CARRIED**

## 6.4 CORPORATE SERVICES

### 6.4.1 CONTRACT 2018-128 - DESIGN AND CONSTRUCTION OF MODULAR ROOM AT DUFFY STREET, EPPING - TENDER EVALUATION REPORT

**Attachments:** 1 **Detailed Evaluation - Confidential**

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

**Responsible Officer:** Director Corporate Services

**Author:** Senior Contracts Executive

#### RECOMMENDATION SUMMARY

It is recommended that contract number 2018-128 for Design and Construction of Modular Room at Duffy Street, Epping:

- Is awarded to Newpol Construction
- For the lump sum price of \$1,473,717 (excluding GST).

#### KEY FACTS AND / OR ISSUES

The tender evaluation panel advises that:

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

**REPORT**

**BACKGROUND**

The purpose of this contract is to engage a contractor to undertake the design and construction of an additional change room (modular building), and the reconfiguration of the existing pavilion.

The project objectives are:

- To provide an additional wet and dry unisex change facility at Duffy Street Recreation Reserve
- To reconfigure the existing soccer pavilion to meet Building Code and DDA compliance and to meet the current club needs for female participation.

Tenders for the contract closed on 6 February 2019. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

**EVALUATION**

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

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

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

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

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

The evaluation outcome was as follows:

TENDERER	CONFORMING	COMPETITIVE	SCORE	RANK
Tenderer A Newpol Construction	Yes	Yes	88.4	1
Tenderer B	No	NA	NA	NA
Tenderer C	No	NA	NA	NA
Tenderer D	No	NA	NA	NA

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

## 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>

This project directly links to the *City of Whittlesea Soccer Strategy 2017-2026*. This strategy notes that due to the rapid population increase, there is increased need for quality community infrastructure, including soccer facilities. The strong culture of soccer in the municipality will ensure continued strength of local competition and clubs. There is a high demand for soccer in the northern Melbourne metropolitan region with soccer facilities in neighbouring municipalities at capacity. Increased interest and participation in soccer by females has and will continue to have an impact on the provision of quality soccer facilities and result in the need to upgrade existing facilities to service the needs of female participants.

## DECLARATIONS OF CONFLICTS OF INTEREST

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

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

## CONCLUSION

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

## RECOMMENDATION

**THAT Council resolve to:**

- 1. Accept the tender submitted by Newpol Construction for the sum of \$1,473,717 (excluding GST) for the following contract:**

**Number: 2018-128**

**Title: Design and Construction of Modular Room at Duffy Street, Epping**  
**subject to the following conditions:**

- a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.**
- b) Price variations to be in accordance with the provisions as set out in the tender documents.**
- c) Tenderer to provide contract security as required in the tender documents.**

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

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

**SECONDED:** *Cr Sterjova*

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

**CARRIED**



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

- Attachments:**
- 1 **Unconfirmed Minutes of Audit & Risk Committee Meeting 7 March 2019** [↓](#)
  - 2 **In-Camera Minutes - For Councillors Only - Confidential**  
Confidential in accordance with Section 89(2)(h) of the Local Government Act 1989 as it contains details relating to Any other matter which the Council or special committee considers would prejudice the Council or any person.

**Responsible Officer:** Director Corporate Services

**Author:** Internal Compliance Officer

#### RECOMMENDATION SUMMARY

The Audit & Risk Committee met on 7 March 2019. 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 7 March 2019.

#### 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 7 March 2019, as well as confirming minutes from the previous meeting held on 22 November 2018.

Main agenda items included:

- Audit & Risk Committee Work Plan
- Financial Performance Report for the Period Ended 31 December 2018
- Update on New Accounting Standards
- Update on Changes Occurring in the Valuations Area
- Asset Management Framework Presentation
- Risk Management Update
- Cyber Security and Business Continuity & Disaster Recovery Planning
- Internal Audit:
  - Internal Audit Status Report
  - Internal Audit Reviews: Road Management Act Compliance and Assurance Mapping
- Outstanding Action Items Report from Previous Internal Audits
- External Audit:
  - Outstanding Action Items from External Audit Reports
- Internal Compliance Reviews
- Development Contributions Management Plan Update
- External Agency Examinations
- Local Government Performance Reporting Framework Quarter 2 Performance Report
- Audit & Risk Committee Charter
- In-camera Discussion

### 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.

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Cr Lalios returned to the Council Chamber at 8.35PM prior to the vote on this item.

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Cr Lalios left the Council Chamber at 8.36PM prior to the vote on this item.

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Cr Desiato left the Council Chamber at 8.38PM prior to the vote in this item.

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<b>RECOMMENDATION</b>
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**THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 7 March 2019.**

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

**THAT Council resolve to note the unconfirmed minutes of the Audit & Risk Committee meeting held on 7 March 2019.**

**CARRIED UNANIMOUSLY**



Audit & Risk Committee Minutes  
Thursday 7 March 2019



Audit & Risk Committee Minutes  
4.30pm Thursday  
7 March 2019

Location: Conference Room 1, Civic Centre

	Present	Apology
<b>Members:</b>		
<b>Independents</b>		
Geoff Harry, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Ulbrick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Theresa Glab	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Councillors</b>		
Cr Stevan Kozmevski	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cr Sam Alessi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Officers:</b>		
Simon Overland, Chief Executive Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Helen Sui, Director Corporate Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amy Montalti, Manager Finance & Assets	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Gauci, Internal Compliance Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frank Joyce, Manager Corporate Accountability & Performance	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Nicole Montague, Team Leader Financial Accounting	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Samantha Boyle, Risk Coordinator	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Butler, Team Leader Asset Management (Item 6.5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Ali, Manager City Presentation (Item 8.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Saisanas, Manager Strategic Planning & Design (Item 11.2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hans Wolf, Chief Information Officer (Item 7.3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>In attendance:</b>		
Martin Thompson, Partner, Crowe Horwath	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gabrielle Castree, Senior Manager, Crowe Horwath	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kathie Teasdale, Partner, RSD	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Audit & Risk Committee Minutes  
Thursday 7 March 2019



## Matters in Discussion

The meeting commenced with the Committee Chairperson noting that items 11.2, 6.5 and 7.3 would be considered out of sequence and would follow after Item 4.

### 1. DISCLOSURE OF CONFLICTS OF INTEREST

No declarations were made.

Mr. Harry advised that he was recently appointed as Chair of the Audit and Risk Management Committee of Brimbank City Council. Ms. Glab also advised that her term on the Audit Committee of Mitchell Shire Council recently concluded.

### 2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

#### ITEM 2.1 Resolution:

**That the minutes of the Audit & Risk Committee meeting held on 22 November 2018 be noted and confirmed.**

Moved by: Mr Ulbrick

Seconded by: Ms Glab

CARRIED

### 3. MATTERS ARISING FROM PREVIOUS MEETING(S)

**ITEM 3.1** The Outstanding Items Register from Previous Meetings was presented for discussion. The Committee briefly discussed the items listed and queried the following:

- Had a timeframe for the development and roll out of an internal data analytics program been established. Management advised that the development of a program was still in its early stages. The Committee requested a further update be provided at the 30 May 2019 meeting outlining a proposed plan and timeframes.
- A number of questions in relation to Service Reviews, in particular, the current status of the Immunisation Service Review, the process for selecting services to be reviewed and the involvement of external parties with reviews.

Resolution:

**That the Matters Arising from Previous meetings be noted.**

Moved by: Cr Alessi

Seconded by: Mr Ulbrick

CARRIED

### 4. AUDIT & RISK COMMITTEE WORK PLAN

**ITEM 4.1** The Annual Work Plan Matrix was presented for general discussion. The Committee requested the Work Plan be amended to include a column to indicate when an item is presented to the Committee and its corresponding Agenda Item number.

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**5. CEO'S REPORT ON COMPLIANCE/NON-COMPLIANCE WITH LEGISLATION AND POLICIES INCLUDING TENDERING AND PROCUREMENT**

This item was considered along with Item 7.1, as part of an in-camera session with the Committee, CEO and Director Corporate Services.

**6. FINANCIAL REPORT**

**ITEM 6.1 FINANCIAL PERFORMANCE REPORT FOR PERIOD ENDED 31 DECEMBER 2018**

A copy of the Financial Performance Report for the period ended 31 December 2018 was presented, with management responding to questions from the Committee. In particular, the Committee queried the progress of the implementation of Council's Capital Works Program and the status of forward commitments. The Director Corporate Services advised that the program was on track to achieve a high completion rate.

The Manager Finance & Assets provided the Committee with an overview of work being undertaken by management in relation to the development of a Capital Management Strategy. Discussion centred on management's proposed approach and any potential role of the Audit & Risk Committee. The Committee noted it would be able to provide feedback on any policy and strategy developed, as well as ongoing oversight of the governance structure established.

Resolution:

**That the Committee note the Financial Performance Report for the period ended 31 December 2018.**

Moved by: Ms Glab  
Seconded by: Cr Alessi

CARRIED

**ITEM 6.2 SHELL ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDING 30 JUNE 2019**

This item was taken as read, with no further discussion.

Resolution:

**That the Committee note the Shell Annual Financial Statements – year ending 30 June 2019 and the summary of changes to the 2018/19 Model Financial Statements.**

Moved by: Mr Ulbrick  
Seconded by: Ms Glab

CARRIED

**ITEM 6.3 NEW ACCOUNTING STANDARDS - UPDATE FOR THE YEAR ENDING 30 JUNE 2019**

An update on the new Accounting Standards was provided, with management highlighting key changes and their impact on the preparation of the annual Financial Statements. The Committee acknowledged the work undertaken by management to date in responding to the changes and the quality of the report.

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Resolution:

**That the Committee note the New Accounting Standards update for the year ending 30 June 2019.**

Moved by: Mr Ulbrick  
Seconded by: Ms Glab

CARRIED

**ITEM 6.4 UPDATE ON CHANGES OCCURING IN THE VALUATIONS AREA**

The Director Corporate Services provided the Committee with an update on changes that have occurred in the Valuations area and the key risks facing Council.

The Committee noted that there were issues with the responsiveness and understanding of Council's requirements by the Valuer General and suggested management raise issues encountered with VAGO, as a mechanism to assist with addressing risks.

Resolution:

**That the Committee note the report.**

Moved by: Cr Alessi  
Seconded by: Mr Ulbrick

CARRIED

**ITEM 6.5 ASSET MANAGEMENT FRAMEWORK**

The Team Leader Asset Management provided the Committee with a presentation on the development of Council's Asset Management Framework and responded to questions from the Committee.

The Committee complimented management for the quality of the presentation and the work undertaken in relation to Asset Management.

Resolution:

**That the Committee note the presentation on the Asset Management Framework.**

Moved by: Cr Alessi  
Seconded by: Mr Ulbrick

CARRIED

**7. RISK MANAGEMENT**

**ITEM 7.1 GOVERNANCE RISKS**

*This item has been designated as confidential by the CEO under Section 77(2)(c) of the Local Government Act 1989 under the grounds set out in Section 89(2) -*

(h) Any other matter which the Council or special committee considers would prejudice the Council or any person

This item was considered as part of an in-camera session with the Committee, CEO



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and Director Corporate Services.

## ITEM 7.2 RISK MANAGEMENT REPORT

The Manager Corporate Accountability & Performance and Risk Coordinator presented the Risk Management report and responded to questions from the Committee.

The Committee noted the work being undertaken in relation to Risk Management and that Council was headed in the right direction. Committee members provided feedback for consideration on the Risk Management System and Business Continuity Plan. The Committee discussed Council's current level of maturity with regard to the effectiveness of risk management. The Committee also requested that future documents be provided with track changes in order for the Committee to easily identify changes made.

### Resolution:

**That the Committee note:**

1. The revised Strategic Risks Register.
2. The progress made in relation to managing strategic risks, developing the risk action plan and maturity assessment.
3. The progress made in relation to increasing the maturity of the Business Continuity Plan.
4. The update on insurances.

Moved by: Ms Glab

Seconded by: Cr Alessi

CARRIED

## ITEM 7.3 CYBER SECURITY AND BUSINESS CONTINUITY & DISASTER RECOVERY PLANNING

The Chief Information Officer provided the Committee with an update on recent activities undertaken in relation to Cyber Security. In particular, changes being made to Council's data storage and disaster recovery processes were outlined. The Committee asked what processes have been established to test the security of Council's systems.

The Committee also asked if Council has considered applying the Victorian Protective Data Security framework. Management advised that Council was exempt from this framework, however would monitor other councils that were considering the framework and determine what Council's best approach would be.

Discussion concluded with the Committee requesting an update on cyber security be provided on annual basis or sooner if required.

### Resolution:

**That the Committee note the report.**

Moved by: Ms Glab

Seconded by: Cr Alessi

CARRIED

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## 8. INTERNAL AUDIT

### ITEM 8.1 INTERNAL AUDIT STATUS REPORT

Crowe Horwath presented the Internal Audit Status Report and responded to questions from the Committee.

#### Resolution:

**That the Committee note the Internal Audit Status Report.**

Moved by: Mr Ulbrick  
Seconded by: Ms Glab

CARRIED

### ITEM 8.2 INTERNAL AUDIT REVIEWS

- Road Management Act Compliance

Crowe Horwath presented the Road Management Act Compliance report and gave an overview of the findings. Officers responded to the report and questions from the Committee.

- Assurance Mapping

Crowe Horwath presented the Assurance Mapping report and gave an overview of the findings. Officers responded to the report and questions from the Committee. There was discussion about the degree to which Council relies on the annual Compliance Management programme for controls assurance around several compliance areas. The Chair asked that the Compliance Management programme be considered for internal audit activity when the internal audit plan for 2019/20 is being developed.

#### Resolution

**That the Committee note the contents and findings of Crowe Horwath's internal audit reviews: Road Management Act Compliance and Assurance Mapping.**

Moved by: Cr Alessi  
Seconded by: Mr Ulbrick

CARRIED

### ITEM 8.3 OUTSTANDING ACTION ITEMS FROM INTERNAL AUDIT REPORTS

The Outstanding Action Items Report from Previous Internal Audits was presented.

#### Resolution:

**That the report of Outstanding Action Items from Previous Internal Audit Reports be received and noted.**

Moved by: Ms Glab  
Seconded by: Cr Alessi

CARRIED

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## 9. EXTERNAL AUDIT

### ITEM 9.1 EXTERNAL AUDIT STRATEGY

This item was deferred to the 30 May 2019 meeting.

### ITEM 9.2 OUTSTANDING ACTION ITEMS FROM EXTERNAL AUDIT REPORTS

The Outstanding Action Items Report from External Audit reports was presented for discussion.

Resolution:

**That the report of Outstanding Action Items from External Audit Reports be received and noted.**

Moved by: Mr Ulbrick  
Seconded by: Ms Glab

CARRIED

## 10. COMPLIANCE

### ITEM 10.1 INTERNAL COMPLIANCE REVIEWS

An update on the status of Internal Compliance Reviews undertaken since the last meeting was provided with officers responding to questions from the Committee.

Discussion centred on access to confidential information and what processes were in place to track and identify access to Council documents. The Committee requested an update be provided at the 30 May 2019 meeting outlining any controls established to track access to Council documents (i.e. audit trails).

Resolution:

**That the Committee note the Internal Compliance Reviews report.**

Moved by: Cr Alessi  
Seconded by: Mr Ulbrick

CARRIED

## 11. OTHER RESPONSIBILITIES

### ITEM 11.1 UPDATE ON SIGNIFICANT LEGAL MATTERS

This item was taken as read, with no further discussion.

### ITEM 11.2 DEVELOPMENT CONTRIBUTIONS PLAN MANAGEMENT PLAN STRATEGY UPDATE

The Manager Strategic Planning provided a presentation on the status of Council's Development Contributions and responded to questions from the Committee.

The Committee requested an annual update be provided on Developer Contributions

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Management, with the next update to include an overview of the infrastructure built, as well as a summary of work to be undertaken going forward and key risks.

Resolution:

**That the Committee note the presentation on Developer Contributions Management.**

Moved by: Cr Alessi  
Seconded by: Mr Ulbrick

CARRIED

**ITEM 11.3 LGPRF QUARTER 2 PERFORMANCE REPORT**

The Manager Corporate Accountability & Performance gave an update on the status of the LGPRF quarter two results.

Resolution:

**That the Audit and Risk Committee note the LGPRF Quarter Two Performance Report.**

Moved by: Ms Glab  
Seconded by: Cr Alessi

CARRIED

**ITEM 11.4 EXTERNAL AGENCY EXAMINATIONS**

This item was taken as read, with no further discussion.

Resolution:

**That the Committee note the External Agency Examinations report.**

Moved by: Mr Ulbrick  
Seconded by: Ms Glab

CARRIED

**ITEM 11.5 AUDIT & RISK COMMITTEE CHARTER**

This item was taken as read, with no further discussion.

Resolution:

**That the Committee note and approve the updated Audit & Risk Committee Charter.**

Moved by: Mr Ulbrick  
Seconded by: Ms Glab

CARRIED

**12. CORRESPONDENCE**

Nil

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**13. GENERAL BUSINESS ITEMS**

Nil

**14. CONFIRMATION OF DATE OF NEXT MEETING:**

- 30 May 2019

**15. IN-CAMERA DISCUSSION**

The Committee met in-camera with the CEO and Director Corporate Services. Confidential minutes of this discussion were taken.

**Meeting concluded at 9.30 pm**



**6.5 EXECUTIVE SERVICES**

**6.5.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 21 FEBRUARY TO 20 MARCH 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.

<b>REPORT</b>
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**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.

EXTERNAL MEETINGS		
Date	Organisation or Individual	Purpose of Meeting
21/02/2019	Ivanhoe Grammar School	Official Opening: Ivanhoe Grammar School University Campus
21/02/2019	VPA - Stuart Moseley, CEO	Catch-up meeting
21/02/2019	LGPro Annual Conference Dinner	Annual dinner. Also in attendance: City of Whittlesea Directors
25/02/2019	Rob Mitchell, MP	Advocacy meeting
26/03/2019	EPA/Worksafe/CFA/DEWLP/Hume	Executive Oversight Group. Chemical Storage Epping and Campbellfield
28/02/2019	Brash Consulting	Interview
01/03/2019	Linda Burney, MP and Rob Mitchell, MP	Meeting with Whittlesea Reconciliation Group
06/03/2019	Interface Councils	CEOs meeting
06/03/2019	Interface Councils	CEO/Mayors meeting
07/03/2019	YMCA – Michelle Rowse, CEO	Meet and greet
11/03/2019	Labour Day Public Holiday	
12/03/2019	EPA/Worksafe/CFA/DEWLP/Hume	Executive Oversight Group. Chemical Storage Epping and Campbellfield
14/03/2019	Gillian Borack, Citizen of the Year	Meet and greet
14/03/2019	Alan Thorpe, Dardi Munwarrow	Meet and greet
14/03/2019	DPV Health -Don Tidbury, CEO	Meet and greet
15/03/2019	VPA	ICP Steering Group meeting
15/03/2019	Metropolitan Partnership	Conference Day
18/03/2019	Brash Consulting	Consultant meeting. Also in attendance: City of Whittlesea Directors



SIGNIFICANT INTERNAL ISSUES	
25/02/2019	Citizenship Ceremony
25/02/2019	ELT Operational Meeting
26/02/2019	Councillor Briefing
27/02/2019	ELT Governance Meeting
05/03/2019	Ordinary Council Meeting
06/03/2019	ELT Governance Meeting
07/03/2019	Audit & Risk Committee Meeting
08/03/2019	ELT Strategy Quarterly Meeting
11/03/2019	Labour Day Public Holiday
12/02/2019	Special Council Meeting – Budget Initiatives
13/03/2019	ELT Governance Meeting
19/03/2019	All Staff Forum
20/03/2019	All Staff Forum
20/03/2019	ELT Governance Meeting

## CONSULTATION

Nil

## 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.

Cr Desiato and Cr Lalios returned to the Council Chamber at 8.40PM prior to the vote on this item.

**RECOMMENDATION**

**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.**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Sterjova*

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

**CARRIED**

**DIVISION**

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

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

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

**CARRIED**

## 7. NOTICES OF MOTION

### 7.1 NOTICE OF MOTION NO 867 - LIVE STREAMING OF COUNCIL MEETINGS

**Author:** Cr Caz Monteleone

Councillor Monteleone of South West Ward has given notice that it is his intention to move the following Motion at the Ordinary Meeting of Council to be held on Tuesday 2 April 2019 at 6:30pm:

#### **Preamble**

The matter of live streaming and video recording of Council Meetings was previously considered by Council at its meeting on 13 November 2018 when Council considered the following motion, moved by Cr Monteleone, which was put to a vote and lost.

THAT Council resolve to:

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

For clarity, the proposed Notice of Motion is not in the nature of a rescission or variation motion as Council did not make a resolution with respect to live streaming at the Ordinary Council meeting held on 13 November 2018 and 5 March 2019.

The motion put by Cr Monteleone at the 13 November 2018 and 5 March 2019 meeting was lost and there was no alternative resolution made which expressly stated that Council would not live stream meetings. There is, therefore, no resolution to be rescinded or amended with respect to live streaming.

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

1. **Live stream Council meetings to Council's website commencing in April 2019 and video record the live stream; and**
2. **Publish the video footage of Council meetings on Council's website for a minimum period of 12 months.**

**COUNCIL RESOLUTION**

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

**THAT Council resolve to:**

1. Live stream Council meetings to Council's website commencing in April 2019 and video record the live stream; and
2. Publish the video footage of Council meetings on Council's website for a minimum period of 12 months.

**LOST**

**DIVISION**

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

<b>For</b>	<b>Against</b>	<b>Abstained</b>
Cr Kirkham	Cr Pavlidis	Nil
Cr Kelly	Cr Alessi	
Cr Laliou	Cr Cox	
Cr Monteleone	Cr Sterjova	
Cr Desiato	Cr Joseph	

Based on the votes cast during the Division the votes were tied.

**TIED**

**CASTING VOTE**

In accordance with Clause 68 of the Procedural Matters Local Law the Mayor exercised his right to a casting vote and voted against the motion resulting in the motion being lost.

**LOST**

**8. QUESTIONS TO OFFICERS**

**8.1     Question in relation to complaints received from elderly residents regarding Council's leaders:**

**Cr Mary Lalios to the Chief Executive Officer:**

How many complaints have been received by Council from elderly residents regarding the reduction in lawn mowing, plumbing and other trade services?

**Chief Executive Officer:**

I will take that question on notice and provide all Councillor's with an answer.

**9.     URGENT BUSINESS**

**NIL**

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

**NIL**



**11. CONFIDENTIAL BUSINESS**

**11.1 PARTNERSHIPS, PLANNING & ENGAGEMENT**

**NIL REPORTS**

**11.2 COMMUNITY SERVICES**

**NIL REPORTS**

**11.3 CITY TRANSPORT AND PRESENTATION**

**NIL REPORTS**

**11.4 CORPORATE SERVICES**

**NIL REPORTS**

**11.5 EXECUTIVE SERVICES**

**NIL REPORTS**

**11.6 NOTICES OF MOTION**

**NIL REPORTS**

**11.7 URGENT BUSINESS**

VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION  
MATTER

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

**SECONDED:** *Cr Pavlidis*

**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:**

**11.7.1 VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS MATTER**

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

**CARRIED**

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**ACCORDINGLY, THE MEETING WAS CLOSED TO THE PUBLIC AT 8.47PM.**

**THE MEETING WAS RE-OPENED TO THE PUBLIC AT 9.00PM.**

**12. CLOSURE**

**THERE BEING NO FURTHER BUSINESS THE MAYOR DECLARED THE MEETING CLOSED AT 9.01PM.**

**CONFIRMED THIS 7<sup>th</sup> DAY OF MAY 2019.**

**CR LAWRIE COX  
MAYOR**