

1.2 WAVERLEY PARK ESTATE – OPEN SPACE AND COMMUNITY BENEFITS PACKAGE (TP57: PP/SMc)

Responsible Acting Director: Natasha Swan

RECOMMENDATION

That Council:

- 1. Notes the minor changes proposed to the park upgrade package by Mirvac to bring the upgrades within the \$612,000 budget allowance.*
- 2. Resolves to approve the amended park upgrade plans submitted by Mirvac in response to condition 53(c & d) as per the permit issued by the Minister for Planning STA/2001/00714B.*
- 3. Notes that Mirvac is to deliver the existing park improvements (allowance \$612,000) as required by condition 53(c & d) and that these improvements generally accord with plans approved at the 29 August 2017 Council meeting.*
- 4. Writes to the Minister for Planning expressing disappointment that the amended permit made no allowance for inflation or increased construction costs.*

INTRODUCTION

The purpose of this report is to consider minor changes proposed by Mirvac to the existing park upgrade component of the overall Waverley Park Community Benefits Package. The proposed changes are required to bring the improvements in line with the allocated budget of \$612,000 provided for in Condition 53 (d) of the permit as a result of an increase in costs since the permit was amended.

BACKGROUND

The Mirvac Waverley Park Estate has been under development since the original permit issued in March 2002. The Minister for Planning gazetted Amendment C30 to the Monash Planning Scheme. That amendment made the Minister for Planning the Responsible Authority for the development of Waverley Park.

The permit originally required Mirvac to underground the transmission lines across the site.

In 2013 Mirvac sought to amend the planning permit to retain the transmission lines above ground. This request was refused by the Minister for Planning in 2014, with Mirvac lodging an appeal with VCAT.

Appeal called in by Minister for Planning - Advisory Committee

In August 2014 the Minister for Planning “called in” the VCAT hearing and appointed an

Advisory Committee to hear submissions and make a recommendation on the proposed permit amendment.

The Committee produced a written report and submitted this report to the Minister for Planning in February 2015.

The report recommended that the permit be amended so that Mirvac was no longer required to put the power lines underground. It said the existing transmission towers should be replaced with above ground poles.

The report also set out agreement with an indicatively costed Community Benefits Package as proposed by Mirvac.

Approval of amended permit

On 2 November 2016, the Governor in Council (under Clause 61 of Schedule 1 of the Victorian Civil and Administrative Act 1998) directed the Minister for Planning, to grant an amendment to Planning Permit No STA/2001/000714 and this was issued on the 9 November 2016.

Amended permit conditions

The amendments to the permit that were made are consistent with the recommendations contained in the Advisory Committee report.

The amended permit allows for the power lines to be retained above ground and requires an open space Community Benefits Package to be provided.

Community benefits package – proposed by Mirvac

The amended permit included a Community Benefits Package and was generally as proposed by Mirvac.

The Community Benefits Package proposes:

- Open Space Improvements - \$612,000 of improvements/additions to 5 existing small parks.
- Community facility - \$690,000 to locate community facilities in the Stadium building
- Additional Open Space improvement - \$1 million for additional public open space improvements in Waverley Park or outside of the estate but accessible to the Waverley Park community
- New Open Space - \$4.2 million for new open space and wetland under and adjacent to the power lines easement – This component was part of the original development approval but has been increased by 2.4 hectares as a result of the decision to retain the power lines above ground.

The dollar amounts specified in the permit were derived from Mirvac cost estimates at the time. The permit does not include provision to index these amount for inflation or increases in construction or materials costs.

DISCUSSION

At its meeting of 29 August 2017 Council endorsed the community benefits package for the Waverley Park Estate. This package included upgrades to existing small parks in the estate. The report also noted that Mirvac was finalising costs and would present final costings for the Community Benefits Package to Council for review and approval.

Since that time Mirvac have progressed detailed design works and construction plans for the park upgrades in accordance with the approved upgrade plans.

Mirvac recently tendered these upgrades and they have been costed at \$696,000. This exceeds the budget allowance of \$612,000 provided for in the planning permit. Mirvac have proposed some minor changes to the upgrades to bring the costs back to the \$612,000.

The minor modifications involve the reduction in concrete and paved areas and the removal and reuse of some existing seating in consolidated locations in the parks.

Officers have reviewed these proposed changes and they are considered consistent with the intention of the upgrade package and are acceptable.

The revised upgrade plans are at Attachments 1, 2, 3, 4 & 5.

Updated summary of Community Benefits Package Permit Conditions

The following table updates the summary of the Community Benefits Package conditions of the permit.

Condition item	Issue/status	Funds
Small parks (\$612,00) Condition 53 c & d	Revised to meet allocated budget	No residual funds
Community facility (\$690,000) Condition 53 e & f	To be determined at a later date.	\$690,000 residual
Wetlands (\$4.2million) Condition 53 a & b	Concept plans finalised. Toilets, kiosk and parking require additional funds. Detailed plans underway	Over budget allowance. Allocate \$690,000 from above residual amounts to see construction of these facilities
Additional Open space fund (\$1 million) Condition 53 g & h	Allocate a portion of funds to cover toilets, kiosk and parking in wetland park	Currently not allocated. Proposed to be transferred to Council to be held in trust and open on open space within the estate

FINANCIAL ISSUES

The permit conditions require Mirvac to fund the additional open space improvements.

As a result of cost increases to the Park Upgrades there are no residual funds related to Condition 53 (c).

There are no other changes to the proposed to the funding allocations for the other open space improvements.

CONCLUSION

The revisions to the park upgrade are appropriate and bring the works back to the allocated budget. The revisions are recommended to be approved.

It is noted that it is disappointing that these adjustments were required as when the Minister for Planning amended the planning permit conditions it did not include indexation of the Community Benefits Package amounts to account for inflation or increases in construction costs.