



*City of*  
**Whittlesea**

# **MINUTES**

## **OF ORDINARY COUNCIL MEETING**

**HELD ON**

**TUESDAY 30 MAY 2017**

**AT 6.30PM**

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



---

## COUNCILLORS

---

RICKY KIRKHAM

MAYOR, NORTH WARD

JOHN BUTLER

NORTH WARD

EMILIA LISA STERJOVA

NORTH WARD

NORM KELLY

DEPUTY MAYOR, SOUTH EAST WARD

SAM ALESSI

SOUTH EAST WARD

ALAHNA DESIATO

SOUTH EAST WARD

MARY LALIOS

SOUTH EAST WARD

LAWRIE COX

SOUTH WEST WARD

STEVAN KOZMEVSKI

SOUTH WEST WARD

CAZ MONTELEONE

SOUTH WEST WARD

KRIS PAVLIDIS

SOUTH WEST WARD



---

## SENIOR OFFICERS

---

LIANA THOMPSON

ACTING CHIEF EXECUTIVE OFFICER

RUSSELL HOPKINS

DIRECTOR COMMUNITY SERVICES

STEVE O'BRIEN

DIRECTOR PLANNING AND MAJOR PROJECTS

NICK MANN

DIRECTOR CITY TRANSPORT & PRESENTATION

HELEN SUI

DIRECTOR CORPORATE SERVICES

BELGIN BESIM

ACTING DIRECTOR PARTNERSHIPS &  
ENGAGEMENT

ANGELO MAMATIS

TEAM LEADER GOVERNANCE



## ORDER OF BUSINESS

The Acting Chief Executive Officer submits the following business:

<b>1.</b>	<b>OPENING.....</b>	<b>9</b>
1.1	<b>MEETING OPENING AND PRAYER.....</b>	9
1.2	<b>ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT .....</b>	9
1.3	<b>PRESENT.....</b>	9
1.4	<b>STATE TAXATION ACTS AMENDMENT BILL.....</b>	9
1.5	<b>EDGARDS ROAD EXTENSION .....</b>	10
<b>2.</b>	<b>APOLOGIES .....</b>	<b>11</b>
<b>3.</b>	<b>DECLARATIONS OF INTEREST.....</b>	<b>11</b>
<b>4.</b>	<b>CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....</b>	<b>11</b>
<b>5.</b>	<b>CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS .....</b>	<b>13</b>
5.1	<b>PETITIONS.....</b>	<b>13</b>
5.1.1	EDGARS ROAD.....	13
5.2	<b>JOINT LETTERS.....</b>	<b>15</b>
<b>6.</b>	<b>OFFICERS' REPORTS .....</b>	<b>17</b>
6.1	<b>PLANNING AND MAJOR PROJECTS.....</b>	<b>19</b>
6.1.1	94 PRINCE OF WALES AVENUE, MILL PARK - CONSTRUCTION OF A DWELLING TO THE REAR OF AN EXISTING DWELLING.....	19
6.1.2	788 AND 790 PLENTY ROAD, SOUTH MORANG - CONSTRUCTION OF 15 DWELLINGS, REDUCTION OF CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1 .....	27
6.1.3	33 CENTRAL AVENUE, THOMASTOWN - CONSTRUCTION OF SIX DWELLINGS.....	41
6.1.4	AMENDMENTS TO THE COOKES ROAD DEVELOPMENT PLAN AND BOND PROPERTY DEVELOPMENT PLAN.....	53
6.1.5	PLANNING SCHEME AMENDMENT REQUEST- COOPER STREET, EPPING .....	59
6.1.6	20-22 SETTLEMENT ROAD BUNDOORA - CONSTRUCTION OF A FOUR STOREY RESIDENTIAL BUILDING COMPRISING 24 DWELLINGS WITH BASEMENT CAR PARKING AND CREATION OF AN ACCESS TO A ROAD ZONE (CATEGORY 1).....	71
6.1.7	3 DEVELOPMENT BOULEVARD, MILL PARK - USE AND DEVELOPMENT OF A CHILDCARE CENTRE, REMOVAL	

	OF NATIVE VEGETATION, BUILDINGS AND WORKS ASSOCIATED WITH AN OFFICE AND WAREHOUSE, A REDUCTION IN CAR PARKING REQUIREMENTS AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE .....	87
6.1.8	2365 PLENTY ROAD, WHITTLESEA - BUILDINGS AND WORKS ASSOCIATED WITH AN EXISTING FACILITY USED FOR LEISURE AND RECREATION (FUNFIELDS) .....	103
<b>6.2</b>	<b>COMMUNITY SERVICES</b> .....	<b>111</b>
6.2.1	CITY OF WHITTLESEA STRETCH RECONCILIATION ACTION PLAN 2017-2020 .....	111
<b>6.3</b>	<b>CITY TRANSPORT AND PRESENTATION</b> .....	<b>115</b>
6.3.1	ROAD MANAGEMENT PLAN .....	115
6.3.2	ORCHARD ROAD PETITION .....	121
6.3.3	TASMAN DRIVE, BUNDOORA - PARKING ISSUES (JOINT LETTER) .....	125
6.3.4	SERVICE PLANNING & REVIEW REPORT - WASTE MANAGEMENT SERVICES .....	135
<b>6.4</b>	<b>CORPORATE SERVICES</b> .....	<b>143</b>
6.4.1	PROPERTY STRATEGY .....	143
6.4.2	ASSEMBLIES OF COUNCILLORS - 30 MAY 2017 .....	149
6.4.3	ADOPTION OF 'SHAPING OUR FUTURE' COUNCIL PLAN 2017-2021 .....	153
6.4.4	DECLARATION OF RATES AND ADOPTION OF 2017/18 BUDGET .....	157
<b>6.5</b>	<b>PARTNERSHIPS &amp; ENGAGEMENT</b> .....	<b>171</b>
6.5.1	CITY OF WHITTLESEA PARTICIPATION AND ENGAGEMENT POLICY AND FRAMEWORK .....	171
6.5.2	EXTENSION OF APPOINTMENT - ACTING CHIEF EXECUTIVE OFFICER .....	175
<b>6.6</b>	<b>EXECUTIVE SERVICES</b> .....	<b>177</b>
	NIL REPORTS .....	177
<b>7.</b>	<b>NOTICES OF MOTION</b> .....	<b>179</b>
7.1	LIVE STREAMING OF COUNCIL MEETINGS .....	179
<b>8.</b>	<b>QUESTIONS TO OFFICERS</b> .....	<b>179</b>
<b>9.</b>	<b>URGENT BUSINESS</b> .....	<b>179</b>
<b>10.</b>	<b>REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES</b> .....	<b>179</b>
<b>11.</b>	<b>QUESTIONS TO COUNCILLORS</b> .....	<b>179</b>
<b>12.</b>	<b>CONFIDENTIAL BUSINESS</b> .....	<b>181</b>



<b>12.1</b>	<b>PLANNING AND MAJOR PROJECTS.....</b>	<b>181</b>
12.1.1	EXTENSION AND RENOVATION WORKS AT JANEFIELD COMMUNITY CENTRE, BUNDOORA CONTRACT 2017-44 - TENDER EVALUATION REPORT .....	181
<b>12.2</b>	<b>COMMUNITY SERVICES.....</b>	<b>181</b>
	NIL REPORTS.....	181
<b>12.3</b>	<b>CITY TRANSPORT AND PRESENTATION .....</b>	<b>181</b>
12.3.1	HANSON LANDFILL SERVICES AGREEMENT 1986 (AMENDED) PROVISION OF TIP VOUCHERS - CONTRACT VARIATION .....	181
12.3.2	2016-62 MECHANICAL SERVICES.....	181
12.3.3	PROVISION OF CONCRETE MAINTENANCE WORKS CONTRACT NO 2016-186 - TENDER EVALUATION.....	181
<b>12.4</b>	<b>CORPORATE SERVICES.....</b>	<b>181</b>
12.4.1	PANEL CONTRACT EXPENDITURE DISTRIBUTION.....	181
12.4.2	TENDER EVALUATION - 2017-13 BILL PAYMENT SERVICES.....	181
<b>12.5</b>	<b>PARTNERSHIPS &amp; ENGAGEMENT .....</b>	<b>181</b>
	NIL REPORTS.....	181
<b>12.6</b>	<b>EXECUTIVE SERVICES.....</b>	<b>181</b>
12.6.1	MEETINGS OF THE CHIEF EXECUTIVE OFFICER 1 MAY TO 19 MAY 2017 .....	181
<b>13.</b>	<b>CLOSURE.....</b>	<b>182</b>

**Note:**

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



**1. OPENING**

**1.1 MEETING OPENING AND PRAYER**

The Director City Transport & Presentation opened the meeting with a prayer at 6.30PM.

**1.2 ACKNOWLEDGMENT OF TRADITIONAL OWNERS STATEMENT**

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

**1.3 PRESENT**

**Members:**

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

**Officers:**

Ms Liana Thompson	Acting Chief Executive Officer (arrived at 7.38pm)
Mr Steve O'Brien	Director Planning and Major Projects
Mr Russell Hopkins	Director Community Services
Mr Nick Mann	Director City Transport & Presentation
Ms Helen Sui	Director Corporate Services
Ms Belgin Besim	Acting Director Partnerships & Engagement
Mr Angelo Mamatis	Team Leader Governance

**1.4 STATE TAXATION ACTS AMENDMENT BILL**

The Mayor read the following statement:

I need to bring to your attention a bill currently before Parliament that is seeking to fundamentally change the way land valuations are undertaken in Victoria. If the bill passes, it will have significant impacts not just for the City of Whittlesea's revenue but for the whole the Victorian Local Government sector.

Currently, local councils carry out general valuations of land every two years, and supplementary valuations when a property changes. The valuer general reviews our valuations to make sure they are as accurate as possible. These valuations are used to determine the amount of rates a property owner pays. We also provide these valuations to Water Corporations and the State Revenue Office, for a fee. The value of this to the City of Whittlesea is \$4.5 million per year.

The State Taxation Acts Amendment Bill is trying to change the land valuation system so that the Valuer General will be solely responsible for carrying out land valuations which will be done on a yearly basis. Not only will local councils lose the revenue we would have otherwise have received from carrying out land valuations, but we will also be hit with bills from the Valuer General for receiving their land valuations. Instead of Councils earning money to spend on what our community needs, the new system will mean we will essentially be paying the State Government for that same service.

This is bad news for local councils and our residents for a number of reasons.

- Firstly, we estimate that these changes will cost the City of Whittlesea \$4.5 million per year in lost income and the local government sector at least \$50 million. This is money we will no longer be able to spend on community services and infrastructure.
- Secondly, we have serious concerns about the integrity of a process where the Valuer General will be responsible for both carrying out the valuations and reviewing them for accuracy. The current system where the Valuer General reviews our valuations is considered best practice. Other States and Territories in Australia where the Valuer General undertakes valuations have come under heavy scrutiny from their Auditor Generals.
- Thirdly, the move to annual valuations will see many property owners paying more in rates and land taxes than they would under the current system of valuations every two years because of the compounding impact of annual increases. The State Government already receives \$2.4 billion in land taxes and this will increase under the new system by approximately \$200 million by 2019/2020.

The City of Whittlesea has been very proactive in advocating to stop these changes going ahead. We have spoken numerous times to the State opposition and have met with most of the cross benchers to put our case forward. We are encouraging all other councils to write to their local members and the cross benchers as well. Based on what has been said in Parliament to date, our letters to MPs are clearly having an impact.

The bill is set to be debated in the upper house of Parliament next week and we will continue to work our hardest to stop these changes going ahead.

## **1.5 EDGARDS ROAD EXTENSION**

The Mayor read the following statement:

There has been some recent discussion around the topic of Edgars Road and I'd like to take this opportunity to make a statement.

The construction of Edgars Road between Willandra Drive and O'Herns Road is a very high priority in Council's Road and Public Transport Plan.

The construction of this section of road is the responsibility of a developer who has recently purchased the relevant parcel of land

Council will work with the developer to seek the construction of the full length of the road as soon as possible. We will help to facilitate this by forward funding developer contributions associated with this section of Edgars Road that we will collect in the future.

However, this process will only achieve a two lane Council road. Given the significant existing congestion in the area, it is Council's view that a four lane State Government road is required on day one, in line with the State Government's plan for this area.

This means the State Government would need to fund the construction of the additional two lanes now, rather than some time into the future.

We were disappointed in the recent State Budget did not include a Northern Outer Suburban Arterial Roads package, similar to what is being delivered in the West.

This package could have included funding for the construction of roads like Edgars Road and improvements to existing congested arterial roads.

So we will continue to lobby to have Edgars Road included as a State Government Road.

**2. APOLOGIES**

**APOLOGY**

An apology was received on behalf of Cr Butler.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Lalius*  
**SECONDED:** *Cr Monteleone*

**THAT the apology from Cr Butler be received and leave be granted.**

**CARRIED**

**3. DECLARATIONS OF INTEREST**

NIL

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

**COUNCIL RESOLUTION**

**MOVED:** *Cr Kelly*  
**SECONDED:** *Cr Monteleone*

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

**Ordinary Meeting of Council held 9 May 2017**

**CARRIED**



**5. CONSIDERATION AND ACTION ON PETITIONS AND JOINT LETTERS**

**5.1 PETITIONS**

**5.1.1 EDGARS ROAD**

Cr Pavlidis tabled a petition received from a large number of residents regarding the completion of the connection of Edgars Road between Cooper Street and O'Herns Road in Epping. Petitioners call on Council to fulfil its promise to the residents of the Thomastown district to take responsibility and complete this road.

**MOTION**

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

THAT Council resolve to receive the petition and a report be prepared.

**AMENDMENT**

*MOVED:* Cr Lalius  
*SECONDED:* Cr Kelly

THAT Council receive the petition and resolve to:

1. Note that land in question is in the hands of a private owner who is not yet ready to develop the land.
2. Advocate to Bronwyn Halfpenny, other local Members of Parliament and the State Government for funding to enable the construction of a four lane State Government arterial road on day one and not settle for a two lane Council road.
3. To fast track the construction of Edgars Road as a four lane road, Council forward fund an amount equal to associated developer contributions for this section of the road.
4. Immediately release the above information via media release to inform residents and write to every petitioner to explain Council's position.

**CARRIED**

The Amendment was put and carried and became the Substantive Motion.

The Substantive Motion was then put and carried.

**SUBSTANTIVE MOTION**

**MOVED:** *Cr Laliος*  
**SECONDED:** *Cr Kelly*

THAT Council receive the petition and resolve to:

1. Note that land in question is in the hands of a private owner who is not yet ready to develop the land.
2. Advocate to Bronwyn Halfpenny, other local Members of Parliament and the State Government for funding to enable the construction of a four lane State Government arterial road on day one and not settle for a two lane Council road.
3. To fast track the construction of Edgars Road as a four lane road, Council forward fund an amount equal to associated developer contributions for this section of the road.
4. Immediately release the above information via media release to inform residents and write to every petitioner to explain Council's position.

**CARRIED**

**DIVISION**

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

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

Based on the votes cast during the Division, the vote was tied.

**CASTING VOTE**

In accordance with Clause 68 of the Procedural Matters Local Law the Mayor exercised his right to a casting vote to vote in favour of the substantive motion.

**CARRIED**

**SUSPENSION OF STANDING ORDERS**

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

THAT Council resolve to suspend Standing Orders to consider Officer's Reports in the



Notice Paper for the benefit of members of the public in the gallery.

CARRIED

**5.2 JOINT LETTERS**

**NIL REPORTS**

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

**MOVED:** *Cr Laliou*  
**SECONDED:** *Cr Kelly*

**THAT Council resolve to consider the report in relation to item 12.3.2 - Service Planning and Review Report – Waste Management, which is currently in the confidential section of the meeting, in the section of the meeting which is open to members of the public but with the exception of the attachment to the report which will remain confidential.**

CARRIED



**6. OFFICERS' REPORTS**

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

**MOVED:** Cr Laliros  
**SECONDED:** Cr Kelly

**THAT Council resolve to adopt the Recommendations for items numbers 6.1.3, 6.1.4, 6.3.2, 6.4.1, 6.4.2 and 6.5.2.**

**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 PLANNING AND MAJOR PROJECTS****6.1.1 94 PRINCE OF WALES AVENUE, MILL PARK - CONSTRUCTION OF A DWELLING TO THE REAR OF AN EXISTING DWELLING**

<b>File No:</b>	<b>716223</b>
<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">⇨</a> <b>2</b> <b>Development Plans</b> <a href="#">⇨</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer</b>
<b>APPLICANT:</b>	<b>Ikonomidis Reid</b>
<b>COUNCIL POLICY:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay (Schedule 3)</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>Five</b>
<b>RECOMMENDATION:</b>	<b>That Council refuse the application</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to construct a double storey dwelling behind the existing single storey dwelling on a corner allotment. The existing dwelling is to be modified to provide a refurbished two-bedroom dwelling. The new dwelling will comprise a four-bedroom dwelling fronting Lamina Avenue.

Advertising of the proposal resulted in five objections being received. The grounds of objection relate to overlooking, overshadowing, inadequate parking and traffic congestion, construction impacts and property devaluation. Objections received were from adjoining and opposite property owners/ occupiers.

The proposal has been assessed as being deficient in terms of compliance with Clause 55 of the Whittlesea Planning Scheme and in particular does not meet objectives relating to neighbourhood character, residential policy, solar access to open space and design detail.

The Housing Diversity Strategy nominates the site as being within the Suburban Residential change area. The proposal has been assessed as not being compliant with a number of Key Design Principles for this change area. The proposed development and its design is considered deficient and not capable of being amended through conditions of any permit that may be issued. Accordingly, it is recommended that Council refuse the application.

**SITE AND SURROUNDING AREA**

The subject site is located on the southern side of Prince of Wales Avenue, approximately 260m west of Pindari Avenue, Mill Park. The site is flat and a regular shaped allotment. It provides a curved frontage to Prince of Wales Avenue of approximately 17.5m and a depth of approximately 33.0m, providing an overall site area of 530.6m<sup>2</sup>.

The site is currently developed with a detached single storey brick dwelling with a pitched tile roof and detached garage to the rear of the site. Access to the site is currently provided through a single concrete crossing located off the southern corner of the property. There is no vegetation of significance contained within the site.

The surrounding area is generally characterised by residential land uses with single storey dwellings being typical of the prevailing built form, as well as some examples of double storey built form to the east. A small number of multi dwelling developments exist to the west and southeast of the site.

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

- Prince of Wales Park (60m southwest).
- Bus route 569 – Epping Plaza SC to South Morang (70m southwest)
- Mill Park Heights Primary School (600m southeast)
- Mill Park Recreation Reserve (700m east)

**RESTRICTIONS AND EASEMENTS**

Covenant N726773T affects the subject land and relates to restrictions in the materials to be used in any dwellings constructed on the land. The plans demonstrate compliance with this covenant restriction.

A 2.5m wide easement traverses the rear (southern) boundary of the property and contains Yarra Valley Water sewerage infrastructure. Aside from a picket fence and gate, no major buildings or works are proposed to be located over this easement.

**PROPOSAL**

It is proposed to construct a double storey dwelling behind the existing single storey dwelling on the subject land (*see Attachment 2*).

Dwelling No. 1 has street frontage to Prince of Wales Avenue and will contain two bedrooms, a separate kitchen, a meals area, a living room, a rumpus room and amenities. Internal walls that make up two existing bedrooms are to be demolished to allow for the proposed rumpus room. Demolition to the southern portion of the dwelling is also proposed to allow for an attached garage and revised meals area.

Dwelling No. 2 will contain an open plan kitchen/meals/living area, a laundry and powder room at ground level. At first floor level, the dwelling will contain four bedrooms and a bathroom.

Details of the proposed development are outlined in the following table:

	Height/ Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Single Storey	2	6.1m front (north) 2.0m side (east), 3.4m side (west), 12.1m rear (south).	144m <sup>2</sup> Including 25m <sup>2</sup> of secluded private open space	Single garage (3.5m x 6.0m)	4.6m

	Height/ Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 2	Double Storey	4	3.0m front (west) 20.6m side (north), 2.9m side (south), 1.0m rear (east).	88m <sup>2</sup> Including 25m <sup>2</sup> of secluded private open space	Single garage (3.5m x 6.0m) and open car space (2.6m x 4.9m)	7.3m

**PUBLIC NOTIFICATION**

Advertising of the application has resulted in five objections being received. The grounds of objection can be summarised as follows:

1. Overlooking
2. Overshadowing
3. Parking/traffic congestion
4. Construction concerns
5. Property devaluation

**HOUSING DIVERSITY STRATEGY**

The Housing Diversity Strategy (HDS) provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is now a reference document in the Whittlesea Planning Scheme and an assessment of the proposal against the Strategy is provided under Standard B2 of the Clause 55 assessment further in this report.

**ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME**

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the Whittlesea Planning Scheme. Under these provisions a development:

- Must meet all of the objectives
- Should meet all of the standards

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	X	X	Dwellings within the area have frontages which are articulated. Generous areas of private open space are provided (having clear access to sunlight). In contrast, the design of the proposed additional dwellings, in terms of overall form, scale and siting, is not considered consistent with this existing character. In particular:

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<ul style="list-style-type: none"> <li>The secluded private open space areas proposed for both dwellings are poorly oriented and feature minimal dimensions.</li> <li>The design for Dwelling No. 2 is visually bulky, top heavy, lacks separation and features a sheer wall column feature within the façade that is not consistent with neighbouring dwellings.</li> </ul> <p>These deficiencies are indicative of the proposal being an overdevelopment. A more modest development proposal that has regard to the particular constraints of the site may be capable of better addressing neighbourhood character objectives.</p>
B2	Residential Policy	X	X	<p>Although housing growth opportunities within this area of Mill Park are constrained because the area is not highly integrated with public transport and other activity, an additional dwelling will provide for housing diversity outcomes for this established area. These outcomes generally accord with State and local planning policy (Clause 16 and Clause 21.09-2).</p> <p>However, the proposed design and layout of the modified existing dwelling and the additional dwelling does not adequately response to the HDS as required under Clause 29.01-4 of the Planning Scheme. For the reasons further set out in this report, the proposal will not enhance the amenity of the surrounding neighbourhood as required for this change area (Strategy 1.4) and does not have regard to relevant key design principles (Strategy 2.1).</p> <p>The subject site is located within the Suburban Residential Change Area which seeks to encourage a range of low to medium building heights that can be integrated within existing housing stock. Front setbacks are to provide generous landscaping opportunities including provision for canopy trees. Increased side and rear setbacks are encouraged to allow for appropriate landscaping and building separation.</p> <p>While the additional dwelling does provide some opportunity for the provision of small canopy trees, the design does not adequately address key design measures relating to building articulation (particularly in relation to the front façade) and building separation.</p>
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten (10) or more dwellings



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	✓	
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	✓	
B13	Landscaping	✓	✓	
B14	Access	✓	✓	
B15	Parking location	✓	✓	
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	✓	✓	
B22	Overlooking	✓	✓	
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B29	Solar access to open space	X	X	The secluded private open space area of Dwelling No. 1 is not setback far enough to the southwestern side wall in accordance with B29. A consistent setback of 4.43m is required but not achieved due to the constraints of the existing dwelling and inability to provide this space elsewhere.
B30	Storage	✓	✓	
B31	Design detail	X	X	The proposed façade treatment to Dwelling No. 2 lacks separation between levels and utilises inappropriately sized sheer column features. This visually bulky design outcome represents a significant departure from the articulated façade treatments characteristic of the surrounding areas. The objectives and standards are therefore not considered to have been met.
B32	Front fences	✓	✓	
B33	Common property	✓	✓	
B34	Site services	✓	✓	

**DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)**

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area.

**CAR PARKING**

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this clause the following car spaces are required:

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
1	2	1	1	Yes
2	4	2	2	Yes

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements.

**COMMENTS ON GROUNDS OF OBJECTION**

**1. Overlooking**

Objections from abutting properties have raised concerns about loss of privacy as a result of the proposed development. The use of fixed obscure glazing to habitable room windows at the first floor level of Dwelling No. 2 would ensure that the proposal, if approved, would accord with Standard B22.

**2. Overshadowing private open space areas**

Objections from abutting properties have raised concerns that the proposed development will result in overshadowing and a loss of sunlight to private open space areas and habitable rooms. However, the plans and shadow diagrams submitted, and the Clause 55 assessment, demonstrate compliance with Standards B19 and B21.

**3. Parking/traffic congestion (through the overdevelopment of the area)**

It is considered that the general area is capable of accommodating a limited increase in density as part of any further development of the site for two dwellings. The proposal is compliant with the required car parking rates prescribed under of Clause 52.06, hence traffic congestion is unlikely to occur as a consequence of any approval.

**4. Impacts of construction activity**

This objection notes the impact of the proposed buildings and works upon the boundary fence. This is a building issue that would be appropriately addressed by a qualified Building Surveyor in the event that a planning permit was granted.

**5. Property devaluation**

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that property devaluation is not a relevant planning consideration.

**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 the objectives and standards of Clause 55, the State and local and local planning policy framework and the Housing Diversity Strategy. The proposal demonstrates an unsatisfactory level of compliance, particularly in relation to neighbourhood character, residential policy, solar access to open space, and dwelling design. Accordingly, it is recommended that the application be refused.

**RECOMMENDATION**

**THAT Council resolve to Refuse Planning Application No. 716223 and issue a Refusal to Grant a Planning Permit for the construction of a dwelling to the rear of an existing dwelling, at 94 Prince of Wales Avenue, Mill Park, on the following grounds:**

- 1. The proposal does not comply with Clause 21.09 of the Whittlesea Planning Scheme. Specifically, the application fails to comply with the Key Design**

Principles specified within the Housing Diversity Strategy and therefore does not achieve the objectives of 21.09-4 'Change Areas in the Established Suburbs'.

2. The proposal does not comply with Clause 55 of the Whittlesea Planning Scheme. Specifically, the application does not achieve satisfactory compliance with the following objectives:
  - a) Clause 55.02-1 Neighbourhood Character
  - b) Clause 55.02-2 Residential Policy
  - c) Clause 55.05-5 Solar Access to Open Space
  - d) Clause 55.06-1 Design Detail

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Laliros*  
**SECONDED:**                *Cr Kelly*

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

**UNANIMOUSLY CARRIED**

**6.1.2 788 AND 790 PLENTY ROAD, SOUTH MORANG - CONSTRUCTION OF 15 DWELLINGS, REDUCTION OF CAR PARKING REQUIREMENTS AND ALTERATION OF ACCESS TO A ROAD ZONE CATEGORY 1**

<b>File No:</b>	<b>716247</b>
<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">⇨</a> <b>2</b> <b>Development Plans</b> <a href="#">⇨</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Senior Planner</b>
<b>APPLICANT:</b>	<b>MS Designer Living Pty Ltd</b>
<b>COUNCIL POLICY:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>General Residential Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay</b>
<b>REFERRAL:</b>	<b>VicRoads</b>
<b>OBJECTIONS:</b>	<b>Three</b>
<b>RECOMMENDATION:</b>	<b>That the application be approved</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to demolish the existing dwelling and construct 15 double storey dwellings.

Advertising of the proposal resulted in three objections being received. The grounds of objection relate to the overlooking and overshadowing into neighbouring properties, drainage impacts, insufficient landscaping and additional noise.

The proposal demonstrates a satisfactory level of compliance with the provisions of Clause 55 of the Whittlesea Planning Scheme. The proposal also meets the requirements relating to site coverage, permeability and the provision of private open space. Planning permit conditions are required to address some issues relating to overlooking and to improve vehicle access within the site.

The Housing Diversity Strategy (HDS) nominates this site as being within the Suburban Residential Change Area. The proposal has been assessed as being generally in accordance with the density and design principles for this change area. This report recommends that the application be approved.

**SITE AND SURROUNDING AREA**

The subject site is located on the southeastern side of Plenty Road, South Morang, between Allan Avenue and McGlynn Avenue, and is accessed via a service road (*see Attachment 1*). The site comprises two land parcels known as 788 and 790 Plenty Road, which yield a total site area of 2,600m<sup>2</sup>. 788 Plenty Road is currently vacant, whilst 790 Plenty Road is currently occupied by a double storey weatherboard dwelling. A 2m high bluestone fence is located along part of the front boundary of the site. Established planted trees are located within the

front setback of the property. The site slopes approximately 2m from the front of the site to the rear boundary.

The surrounding area is considerably varied in character and development styles. The surrounding area is characterised by a mixture of established single and double storey dwellings. The two land parcels abutting either side of the subject land contain older 'flats' (1970s) to the north and a medium density housing development (1990s) to the south.

Land to the northeast abutting Gorge Road contains a small commercial precinct. The subject land is within a walkable 300m of this precinct. The land opposite Plenty Road is also zoned for commercial purposes and contains the Axis Homemaker Centre. However, Plenty Road is a significant physical barrier to this precinct and direct access is unavailable other than via the intersection at Plenty Road and Gorge Road/ McDonalds Road.

The subject site is located within proximity to the following services/facilities:

- Gorge Road Local Shopping Centre (300m northeast)
- Axis Homemaker Centre (approximately 500m via Plenty Road/ Gorge Road/ McDonalds Road intersection)
- Rivergum Village Shopping Centre (Approximately 500m southwest)
- Bus Route 381 South Morang – Diamond Creek (310m northeast)
- Bus Route 382 Whittlesea – Northland Shopping Centre (310m northeast)
- Bus Route 901 Frankston – Melbourne Airport Smart Bus (310m northeast)
- Allan Avenue and Delacombe Parks (360 south)
- South Morang Preschool (500m northwest)
- Morang South Primary School (850m east)
- Westfield Shopping Centre Plenty Valley (1.1km west)
- South Morang Train Station (2km west).

## **PLANNING HISTORY**

Planning Permit No. 710718 was issued on 21 November 2008 at the direction of the Victorian Civil and Administrative Tribunal (VCAT). This permit allowed for the development of eleven single storey dwellings to the rear of the existing double storey dwelling.

Planning Permit No. 712664 was issued on 23 January 2012 also at the direction of VCAT for the development of a four storey residential building containing 42 dwellings following a refusal issued by Council. The permit was not acted on and a request for an extension of time was refused by officers under delegation in 2014 because at that time Council's HDS had been adopted. However, upon appeal at VCAT, this decision was overturned and a further extension of time granted until 2016. A further extension beyond this period was not sought by the permit holder and the permit subsequently lapsed.

## **RESTRICTIONS AND EASEMENTS**

It is noted that Section 173 Agreement AG68375J was registered on the two titles of the subject site on 10 August 2009. This agreement requires that any development on the land be in accordance with the original Planning Permit (No. 710718) unless a new planning permit is issued. There are no other restrictions on title that preclude Council from determining the application.

**PROPOSAL**

It is proposed to construct 15 double storey dwellings (see Attachment 2). The existing dwelling will be demolished. Dwelling Nos. 1 and 9 to 15 are proposed to have a conventional layout with open plan living spaces and amenities provided at the ground floor and bedroom at the first level. Dwelling Nos. 2 to 8 are proposed as ‘reverse living’ where bedrooms are located at the ground level and the living spaces within the upper level. The reverse living arrangement also includes the provision of balconies at the upper level and a service yard at the ground level.

From the Plenty Road frontage the development presents as two double storey dwellings with remaining dwellings located directly behind these front dwellings. Dwelling No. 1 is provided with separate driveway while vehicular access to the remaining dwellings is via a common centrally located driveway. Two visitor car parking spaces are provided to the rear of Dwelling No. 1.

Details of the proposed development are outlined in the following table:

Dwelling No.	Height/Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
1	Double Storey	3	6.6m front (northwest) and 0m side (southwest)	116m <sup>2</sup> (including 33m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 5.5m).	7.9m (overall)
2	Double Storey	2	1.5m side (southwest)	14m <sup>2</sup> balcony with 11m <sup>2</sup> of private open space at ground level.	Single garage (6.0m x 3.5m).	6.6m (overall)
3	Double Storey	2	1.5m side (southwest)	14m <sup>2</sup> balcony with 11m <sup>2</sup> of private open space at ground level.	Single garage (6.0m x 3.5m).	6.8m (overall)
4	Double Storey	2	1.5m side (southwest)	14m <sup>2</sup> balcony with 11m <sup>2</sup> of private open space at ground level.	Single garage (6.0m x 3.5m).	6.7m (overall)
5	Double Storey	2	1.5m side (southwest)	14m <sup>2</sup> balcony with 11m <sup>2</sup> of private open space at ground level.	Single garage (6.0m x 3.5m).	6.7m (overall)
6	Double Storey	2	1.5m side (southwest)	14m <sup>2</sup> balcony with 11m <sup>2</sup> of private open space at ground level.	Single garage (6.0m x 3.5m).	6.6m (overall)
7	Double Storey	2	1.5m side (southwest)	14m <sup>2</sup> balcony with 11m <sup>2</sup> of private open space at ground level.	Single garage (6.0m x 3.5m).	6.8m (overall)
8	Double Storey	2	0m side (southwest) and 4.0m rear (southeast)	14m <sup>2</sup> balcony with 40m <sup>2</sup> of private open space at ground level.	Single garage (6.0m x 3.5m).	6.7m (overall)

Dwelling No.	Height/ Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
9	Double Storey	3	3.6m side (northeast) and 3.7m rear (southeast)	85m <sup>2</sup> (including 80m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 5.5m).	8.0m (overall)
10	Double Storey	3	3.9m side (northeast)	41m <sup>2</sup> (including 36m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 5.5m).	7.9m (overall)
11	Double Storey	3	3.9m side (northeast)	41m <sup>2</sup> (including 36m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 5.5m).	8.2m (overall)
12	Double Storey	3	3.9m side (northeast)	41m <sup>2</sup> (including 36m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 5.5m).	7.9m (overall)
13	Double Storey	3	3.9m side (northeast)	41m <sup>2</sup> (including 36m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 5.5m).	8.0m (overall)
14	Double Storey	3	3.9m side (northeast)	41m <sup>2</sup> (including 36m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 5.5m).	7.9m (overall)
15	Double Storey	3	6.3m front (northwest) and 3.0m side (northeast)	122m <sup>2</sup> (including 28m <sup>2</sup> of secluded private open space)	Double garage (6.0m x 6.0m).	8.0m (overall)

**PUBLIC NOTIFICATION**

Advertising of the application has resulted in three objections being received (see Attachment 1 for location of objectors). The grounds of objection can be summarised as follows:

1. Overlooking/ overshadowing
2. Loss of amenity
3. Drainage
4. Insufficient Landscaping

The permit applicant took the initiative to work directly with objectors to resolve concerns. An alternative design outcome was proposed and as a consequence all objections were conditionally withdrawn. However, the proposed changes will result in amenity impacts on other adjoining properties and further design issues within the proposed development (in relation to proposed Dwelling No. 8). Because of these adverse outcomes the proposed amendments have not been formalised and do not form part of the current assessment. The objections have therefore been reinstated and are further addressed in this report.



**HOUSING DIVERSITY STRATEGY**

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme via Planning Scheme Amendment C181, gazetted on 22 October 2015. The Strategy provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes within areas having convenient walking distance to public transport and activity centres.

The HDS is now a reference document in the Whittlesea Planning Scheme and an assessment against it is provided under Standard B2 of the Clause 55 assessment.

**ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME**

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the Whittlesea Planning Scheme. Under these provisions a development:

- Must meet all of the objectives
- Should meet all of the standards

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	<p>Developments within the area consist of both detached double and single storey dwellings and medium density housing developments. (fronting Plenty Road and abutting both sides of the subject land). Neighbouring properties have varying street frontage setbacks ranging from 7-8m.</p> <p>The proposed development and its design is generally consistent with the existing and emerging character of the area – particularly through the use of materials including concrete roof tiles and brickwork, 22 degree roof pitch (for those dwellings fronting Plenty Road), and front portico entrances.</p>
B2	Residential Policy	✓	✓	<p>The proposal provides an appropriate response to both the State and Local Planning Policy Frameworks through by providing diverse housing outcomes within an appropriate area.</p> <p>The HDS nominates the subject site as located within the Suburban Residential Change Area (Clause 21.09-4 of the WPS). This Change Area encourages medium and standard density development with the preferred housing types comprising single dwellings, dual occupancies (including duplexes) and townhouses. Key design principles include low building heights that</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				<p>reflect the existing scale and character, front setbacks to allow for significant landscaping and provision of canopy trees and increased private open space.</p> <p>The proposed development is generally consistent with the preferred density and key design principles outlined in the HDS. The scale of the development is consistent with the surrounding area. Areas set aside for landscaping are suitable and can accommodate canopy trees.</p> <p>The provision of balconies in lieu of ground level private open space for some of the proposed dwellings would not typically be supported within a Suburban Residential change area. However, the particular context of this site and its proximity to public transport and nearby activity centres will reasonably allow this outcome. It is further noted that the proposal provides a considerably reduced density to that previously supported by VCAT on this land under the previous permit.</p>
B3	Dwelling Diversity	✓	✓	
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	✓	x	<p>This standard requires the front setback of the proposed development to be the average of the adjoining properties which in this instance is 6.6m. The proposed front setback is 6.3m, resulting in a minor and insignificant reduction to the standard of 0.3m. This reduction is appropriate having regard to:</p> <ul style="list-style-type: none"> <li>a) The width of the property being 35.2m</li> <li>b) The service road separating the property from Plenty Road, and</li> <li>c) The provision of appropriate landscaping within the front setback.</li> </ul>
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B9	Permeability	✓	✓	
B10	Energy efficiency	✓	✓	
B11	Open space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development
B12	Safety	✓	x	Should a permit be issued, a condition requiring lighting of the internal accessway will be required (and will need to be shown on the landscape plan).
B13	Landscaping	✓	✓	<p>The provision of landscaping is considered to be appropriate with provision for canopy trees and appropriate understory plantings. Furthermore, the conditions of permit will require additional trees and plantings be provided at the rear of the subject site.</p> <p>Recent planning scheme changes now specify a minimum 'Garden Area' that must be provided within a site. In this instance the application is exempt from this requirement as it was lodged prior to the requirement being introduced into the Whittlesea Planning Scheme on 27 March 2017.</p>
B14	Access	✓	✓	
B15	Parking location	✓	x	In this instance the study nook to Dwelling Nos. 10 to 14 are setback between 0.5m to 1.0m from the common accessway. It is recommended that a condition requiring these windows to be double glazed be included should a permit be issued.
B17	Side and rear setbacks	✓	✓	
B18	Walls on boundaries	✓	✓	
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B21	Overshadowing open space	✓	x	The proposed development will have a minor overshadowing impact on the private open space of two dwellings abutting the southwest boundary of the site. None of the affected owners or occupiers objected to the proposed development. This minor encroachment has been assessed as an acceptable outcome.
B22	Overlooking	✓	x	The proposed balcony to Dwelling No. 8 would result in the overlooking of properties adjoining the rear of the subject site. Accordingly, a permit conditions are required to address this.  While not a requirement of the Whittlesea Planning Scheme, a condition requiring the screening of the southeast portion of each balcony will improve the amenity and privacy of the proposed dwellings.
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	✓	✓	
B27	Daylight to new windows	✓	✓	
B28	Private open space	✓	✓	
B29	Solar access to open space	✓	✓	
B30	Storage	✓	✓	
B31	Design detail	✓	✓	
B32	Front fences	N/A	N/A	
B33	Common property	✓	✓	
B34	Site services	✓	✓	

**CAR PARKING**

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this clause the following car spaces are required:

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
1	3	2	2	Yes
2	2	1	1	Yes
3	2	1	1	Yes
4	2	1	1	Yes
5	2	1	1	Yes
6	2	1	1	Yes
7	2	1	1	Yes
8	2	1	1	Yes
9	3	2	2	Yes
10	3	2	2	Yes
11	3	2	2	Yes
12	3	2	2	Yes
13	3	2	2	Yes
14	3	2	2	Yes
15	3	2	2	Yes

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements.

In addition to the parking provided for each dwelling, developments of five or more dwellings also need to provide visitor parking at a rate of one space for every five dwellings. Therefore the proposed development is required to provide three visitor spaces. In this instance, the application proposes to provide two visitor spaces resulting in the need for a reduction of one parking space. The proposed minor reduction is supported on the basis that the proposed access arrangements maximises on-street parking (within the service road) and furthermore there is availability for on-street parking within the immediate area. Council’s Traffic Engineers support the proposed reduction

The design of the access arrangements do need some modifications in order to comply with the design requirements of Cluse 52.06 and to ensure that the development provides for a safe and practical outcome. It is proposed that the following matters will be addressed by permit conditions:

- a) The turning area at the rear of the property to be deleted and replaced with landscaping.
- b) The visitor parking spaces moved closer towards the southwest boundary to provide vehicles with a turning area at this location.
- c) Extend the 5m wide entrance for the first 7m from the front boundary.

The applicant has submitted a waste management plan as part of this application. Permit conditions are needed to ensure compliance with this plan.

### **ALTERATION OF ACCESS TO PLENTY ROAD**

Clause 52.29 of the Whittlesea Planning Scheme requires planning permission for the creation or alteration of access to a road in a Road Zone Category 1. In this instance the service road to Plenty Road is contained within the Road Zone Category 1. Accordingly, the application was referred to VicRoads. The authority has consented to the proposal without conditions.

### **DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)**

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

### **COMMENTS ON GROUNDS OF OBJECTION**

#### **1. Overlooking/Overshadowing**

As detailed earlier in this report, modifications are needed to address overlooking from the balcony of Dwelling No. 8. To this extent it is recommended that a permit condition be imposed requiring screening to be provided. The shadow diagrams submitted with the application show that the level of overshadowing experienced by neighbouring properties will be minimal and in accordance with the relevant ResCode objective.

#### **2. Loss of amenity**

The objection relates to both engine noise and headlights from vehicles within the accessway adversely affecting the amenity of properties to the rear of the subject site. The applicant has expressed a willingness to address this concern and has agreed to provide a new fence with acoustic treatment to further protect the amenity of adjoining properties. This requirement forms part of the propose conditions of permit.

#### **3. Drainage**

Conditions of any permit will require the preparation, submission and approval drainage plans. Council's engineers have advised that the site is capable of being connected to a reticulated drainage system.

#### **4. Insufficient landscaping**

The objection relates to inadequate provision of landscaping to the rear of the site. As detailed earlier in this report, the turning area at the rear of the site is now not required and can be replaced with additional landscaping.

**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 the objectives and standards of Clause 55. The proposal demonstrates a satisfactory level of compliance subject to minor modifications. It is considered that the proposal will not have a detrimental impact on the character of the neighbourhood nor on existing surrounding residential properties and accordingly approval of the application is recommended.

**RECOMMENDATION**

THAT Council resolve to approve Planning Application No. 716247 and issue a Notice of Decision to Grant a Permit for the construction of 15 dwellings at 788 and 790 Plenty Road South Morang, in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the endorsement of the plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.
2. Prior to the endorsement of the plans, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$3,000 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted. Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to payee of the deposit.
3. Before the development hereby permitted starts, three copies 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 advertised plans but modified to show:
  - (a) Details of feature fencing for all internal fences.
  - (b) The accessway to be a minimum of 5m wide for the first 7m measured from the property frontage.
  - (c) The vehicle turning area at the rear of the property to be deleted and replaced with landscaping.
  - (d) Overlooking from the balconies to Dwelling No. 8 to comply with Standard B22 via the installation of a wall and fin extending perpendicular to the balcony wall.
  - (e) The balcony wall required by condition No. 3 (d) also provided for all other balconies (one side of the balcony only) to create an improved sense of privacy for occupants using the balcony whilst maintaining surveillance of the common accessway.
  - (f) A revised landscaping plan to show bollard lighting and reflecting all consequential modifications to the plans required by this permit. This plan must

be prepared by a suitably qualified landscape designer.

- (g) A notation that the rear (southeast) fence is treated with acoustic materials to the satisfaction of the Responsible Authority.
4. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
  5. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
  6. Prior to the occupation of the dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
  7. Prior to the occupation of the dwellings hereby approved, the car parking areas and access ways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
  8. The collection of waste from the site must be undertaken in accordance with the Wastes Management Plan endorsed under this permit, to the satisfaction of the Responsible Authority.
  9. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
  10. 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). The location, design, and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
  11. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
  12. Prior to the occupation of the dwellings hereby approved, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
  13. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
  14. Prior to occupation of any dwelling hereby approved, the permit holder must meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
  15. Prior to occupation of any dwelling on the subject site, a letter box and house number



to the satisfaction of the Responsible Authority shall be provided for each dwelling.

16. At all times during the construction phase of the development, the permit holder must take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
17. Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority in writing of the satisfactory completion of the development and compliance with all relevant conditions.
18. 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.
19. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
20. In accordance with the Planning and Environment Act 1987 a permit for the development expires his permit will expire if:
  - a) the approved development does not start within two years of the date of this permit; or
  - b) the approved development is not completed within four years of the date of this permit.

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

#### NOTES:

##### Advanced Trees

An advanced tree under this permit shall generally constitute the following:

- Evergreen – minimum container size 45 litre spring ring, calliper at ground level 50mm.
- Deciduous – minimum calliper at ground level 65mm, minimum height 2 metres.

##### Easements

No structure may be built over an easement on the subject site without the consent of the relevant Responsible Authority.

##### Street Numbering Note

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

---

**COUNCIL RESOLUTION**

**MOVED:** *Cr Laliros*  
**SECONDED:** *Cr Kelly*

**THAT Council resolve to refuse Planning Application No. 716247 and issue a Refusal to Grant a Planning Permit for the construction of 15 dwellings, reduction of car parking requirements and alteration of access to a road in a Road Zone Category 1 at 788 and 790 Plenty Road, South Morang, on the following grounds:**

- 1. The proposed development does not achieve satisfactorily compliance with the following:**
  - a. Clause 55.02-1 (Neighbourhood character)**
  - b. Clause 55.03-1 (Street setback)**
  - c. Clause 55.03-7 (Safety)**
  - d. Clause 55.03-10 (Parking location)**
  - e. Clause 55.04-5 (Overshadowing)**
  - f. Clause 55.04-6 (Overlooking)**
- 2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme with respect to the provision of visitor car parking spaces.**

**CARRIED**

**6.1.3 33 CENTRAL AVENUE, THOMASTOWN - CONSTRUCTION OF SIX DWELLINGS**

<b>File No:</b>	<b>716339</b>
<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">⇒</a> <b>2</b> <b>Development Plans</b> <a href="#">⇒</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer Established Areas Planning</b>
<b>APPLICANT:</b>	<b>Archsign Pty Ltd</b>
<b>COUNCIL POLICY:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>Residential Growth Zone</b>
<b>OVERLAY:</b>	<b>Development Contributions Plan Overlay (Schedule 3)</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>Five</b>
<b>RECOMMENDATION:</b>	<b>That Council refuse the application.</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes the construction of six dwellings (comprising five triple-storey dwellings and one double-storey dwelling).

Advertising of the proposal resulted in five objections being received. The grounds of objection relate to the multi-storey nature of the development not being in keeping with the neighbourhood character, excessive building height, privacy impacts, traffic and parking concerns, drainage issues, amenity impacts and property devaluation.

The Housing Diversity Strategy (HDS) nominates this site as being within a Neighbourhood Renewal Change Area. The provision of medium density development within this area is encouraged. However, the application proposal considered in this report has failed to meet a number of objectives and standards under the provisions of the Whittlesea Planning Scheme relating to ResCode (Clause 55) and parking provision. These deficiencies suggest that the proposal is an overdevelopment of the site.

Council officers raised concerns with the applicant and encouraged amended plans on a number of occasions. However, the applicant has chosen to proceed with the current proposal. This report therefore recommends that Council refuse the application.

**SITE AND SURROUNDING AREA**

The subject site is located on the southern side of Central Avenue, Thomastown approximately 80m east of Mount View Road (*see Attachment 1*). The site is rectangular in shape and has a site area of 677m<sup>2</sup> with a frontage to Central Avenue of 15.2m. The site has no discernible slope.

The subject site currently contains a single storey dwelling, detached garage and outbuildings. The subject site also contains established gardens with lawn and some small

trees located in the rear garden. Access to the site is provided via a crossover and driveway located along the western boundary.

Directly to the east and west are dual occupancy developments. Directly to the north and south are single dwelling developments.

The surrounding area is characterised by predominately single storey dwellings constructed from brick with tiled roofs. However, the character of the area is changing with a number of medium density development now occurring along Central Avenue and other surrounding streets (Pleasant Road, Highlands Road and Mount View Road).

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

- High Street Strip Shops (300m east)
- Bus Route 554 - Thomastown (300m east)
- Thomastown Train Station (400m southeast)
- Bus Route 559 – Thomastown (400m east)
- Main Street Reserve (460m northwest)
- The Boulevard Strip Shops (450m east)
- Thomastown Primary School (600m southwest)
- Lalor Shopping Centre (800m northeast)

### **RESTRICTIONS AND EASEMENTS**

The Certificate of Title for the property shows that the site is not affected by any relevant restrictions or easements.

### **PROPOSAL**

It is proposed to construct six new dwellings, comprising five triple-storey dwellings and one double-storey dwelling (see *Attachment 2*).

The ground level of Dwelling No. 1 (triple-storey) contains one bedroom (with ensuite), study nook and laundry. The first floor contains an open plan kitchen/dining/living area. Powder room and balcony and the second level contains a bedroom with walk-in-robe, retreat and ensuite.

Dwelling Nos. 2-5 each contain an entry, study nook and laundry at ground level, an open plan kitchen/dining/living area, powder room and balcony at first level and the second level contains two bedrooms and bathroom.

Dwelling No. 6 (double-storey) contains a bedroom (with ensuite), laundry and study nook at the ground level (including a service yard) and the first floor contains a second bedroom, bathroom and an open plan kitchen/dining/living area and balcony at the upper level.

Vehicular access to all dwellings is proposed via the existing crossover and driveway located along the western property boundary. Access to the visitor car space is also via this arrangement, with the space located at the rear of the development, adjacent to the garage proposed for Dwelling No. 6.

Details of the proposal are provided below:

	Height /Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling 1	Triple Storey	2	5.4m front (north), 2.0m side (east), 2.0m side (west).	11m <sup>2</sup> balcony secluded private open space	Single garage (3.5m x 6.3m)	9.0m (overall)
Dwelling 2	Triple Storey	2	2.0m side (east), 1.4m side (west).	11m <sup>2</sup> balcony secluded private open space	Single garage (3.7m x 6.0m)	9.0m (overall)
Dwelling 3	Triple Storey	2	1.4m side (east), 3.1m side (west).	9m <sup>2</sup> balcony secluded private open space	Single garage (3.7m x 6.0m)	9.0m (overall)
Dwelling 4	Triple Storey	2	2.0m side (east), 1.4m side (west).	11m <sup>2</sup> balcony secluded private open space	Single garage (3.7m x 6.0m)	9.0m (overall)
Dwelling 5	Triple Storey	2	1.3m side (east), 3.6m side (west).	10m <sup>2</sup> balcony secluded private open space	Single garage (4.2m x 6.0m)	9.0m (overall)
Dwelling 6	Two Storey	2	0m side (east), 1.7m side (west) and 2.4m rear (south).	10m <sup>2</sup> balcony + 11m <sup>2</sup> service yard	Single garage (3.7m x 6.0m)	6.4m (overall)

**PUBLIC NOTIFICATION**

Advertising of the application has resulted in five objections being received. The grounds of objection can be summarised as follows:

1. Multi-storey nature and height of the development not in keeping with neighbourhood character.
2. Increase in traffic and parking problems (safety concerns)
3. Loss of privacy
4. Amenity impacts (noise and odours)
5. Drainage impacts
6. Property devaluation

**HOUSING DIVERSITY STRATEGY**

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) via Planning Scheme Amendment C181, gazetted on 22 October 2015. The Strategy provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is now a reference document in the WPS and an assessment against it is provided under Standard B2 of the Clause 55 assessment.

**ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME**

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the WPS. Under these provisions a development:

- Must meet all of the objectives
- Should meet all of the standards

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	x	x	<p>The provision of well-designed higher density multi-unit development is considered to be in keeping with the emerging neighborhood character (to a more contemporary, modern character). However, as this particular site is a standard residential lot with a site area of only 677m<sup>2</sup> (as opposed to a corner site or large consolidated lot) development potential for higher density outcomes is constrained.</p> <p>Overall, the proposed dwellings present a contemporary design in a neighborhood which currently contains some low-scale multi-dwelling developments. While this form of development is now encouraged in the area, it is considered that the continuous, dominant built form and reduced setbacks to side boundaries does not present an attractive or innovative design.</p> <p>The Residential Growth Zone (RGZ) encourages higher density development outcomes in this area; however overall, the development does not integrate well with the existing housing stock and presents a poor design response to the context of the site and surrounds. It also sets an undesirable precedent for future development on single allotments in the area. Higher density development outcomes envisaged by the RGZ should not be at the cost of innovative and attractive development outcomes that improve the character and amenity of an area.</p>
B2	Residential Policy	x	x	<p>The Housing Diversity Strategy (HDS) nominates the site as being within the Neighbourhood Renewal Residential Change Area. The proposal generally accords with preferred housing densities encouraged for this Change Area and some of the design principles. However, it is considered that the cumulative impact of poor and unresponsive design outcomes do not meet the design principles for this Change Area. Specifically, a lack of functional private open space by providing low-amenity private open space</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				areas (balconies), a lack of attractive landscaping to complement the built form, and a design that does not allow for passive surveillance from all dwelling levels. The cumulative impact results in a overbearing development that does not respond positively to the preferred design outcomes envisaged for the area.
B3	Dwelling Diversity	N/A	N/A	Only applicable to developments of ten or more dwellings.
B4	Infrastructure	✓	✓	
B5	Integration with the street	✓	✓	
B6	Street setback	x	x	The proposed setback of Dwelling No. 1 is 5.4m, 2.2m less than the required setback of 7.6m.  Given the number of other design deficiencies, the overdevelopment of the site and lack of any positive design outcome to compensate and justify a reduced setback, it is considered that a variation in this instance should not be supported.
B7	Building height	✓	✓	
B8	Site coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy efficiency	x	x	The building has not been oriented or designed to make appropriate use of solar energy. The narrowness of the north-south oriented block results in minimal northern windows provided to the majority of the habitable areas (only provided to the front, north-facing dwelling). It is considered that this deficiency cannot be remedied without a complete redesign of the proposal.
B11	Open space	N/A	N/A	
B12	Safety	x	x	The proposed layout of the development does not provide for adequate levels of safety and security for the property and residents. The entrances to Dwelling Nos. 2-6 are obscured and isolated from the street and the design response has resulted in poor to no internal visibility/outlook for residents to undertake surveillance of entrance footpaths, car parking areas and internal accessways.
B13	Landscaping	x	x	A formal landscape plan has not been submitted with the application. It is considered that the landscaping opportunities within the site are minimal, and may not be viable given insufficient access to natural light and site coverage issues.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B14	Access	✓	✓	
B15	Parking location	x	x	<p>The car parking and waste management arrangements are considered inconvenient and unworkable. Turning templates have been applied and Council's Traffic Engineers have confirmed that the proposed vehicle swept paths are very tight in relation to compliance with Clause 52.06 of the Whittlesea Planning Scheme. Further to this, the accessway width in front of Dwelling Nos. 1 and 5 does not accord with the Planning Scheme which requires a minimum width of 4.8m. This is due to the proposed location of the bins within the internal accessway. The bins would need to be relocated to an area not affecting vehicles entering the garages. In addition, a private waste collection of the site would need to be undertaken internally by a private collection service and managed by the owner's corporation given the number of dwellings and site constraints. It is considered that a private waste collection may be difficult to provide and manage.</p> <p>It is considered that the location of the visitor car space at the rear of the development does not provide convenient or safe access for visitors, particularly given that the entrance to each dwelling is only accessed via the proposed 'gun-barrel' entrance footpath along the eastern boundary.</p> <p>Parking and access issues identified above are not considered capable of rectification through conditions. A redesign of the proposal would be necessary.</p>
B17	Side and rear setbacks	x	x	<p>The majority of side setbacks proposed for the first and second floors of Dwelling Nos. 1-5 do not comply with the minimum setback requirements relative to the building heights proposed (east and west side setbacks). In addition, the first floor of Dwelling No. 6 does not comply along the western side setback. For a building height of approximately 6.3m (first floor) a setback of 1.81m is required, and for a building height of 9.0m (second floor) a setback of 4.1m is required. The application fails to achieve most of these side setbacks.</p> <p>It is considered these deficiencies cannot be remedied without a complete redesign of the proposal.</p>
B18	Walls on boundaries	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B19	Daylight to existing windows	✓	✓	
B20	North-facing windows	✓	✓	
B21	Overshadowing open space	x	x	As a consequence of non-compliance with Clause 55.04-1 (side and rear setbacks), it appears that there may be adverse overshadowing impacts to adjacent properties, particularly to the east in the afternoon. Shadow diagrams for 1pm and 2pm have not been submitted with the application to clarify this. Any overshadowing would be difficult to rectify without a full redesign of the proposal. Because insufficient information has been provided, the objectives and standards have been shown as not met.
B22	Overlooking	x	x	The upper level windows (double and triple storey) of each dwelling and associated balconies appear to have been designed so as to avoid direct views into the secluded private open space of other proposed dwellings and existing dwellings on adjoining properties. This has been achieved through provision of privacy and louvre screening. However elevations which show the extent of these screens have not been provided to confirm compliance with this Clause. Based on the information provided in the application, the extent of screening proposed does not offer an innovative design outcome which could potentially minimise the need for extensive screening while still meeting Standard B22. This results in a 'clunky' and overbearing development in which Dwelling Nos. 2-5 will not have a reasonable level of internal amenity for future occupants.
B23	Internal views	✓	✓	
B24	Noise impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling entry	x	x	The entrances to Dwelling Nos. 2-5 are not visible and/or easily identifiable from the street, as they are hidden behind the built form of Dwelling No. 1. Further to this, the entrances to these dwellings are directly from the internal footpath without a sense of address or any transitional space. It is considered that this is symptomatic of the proposal being an overdevelopment of the site.
B27	Daylight to new windows	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B28	Private open space	x	x	It is considered that the proposed 'apartment style' balconies do not provide a satisfactory level of useability in relation to both size and solar access. The extensive screening to prevent overlooking limits the functionality and amenity of the space, and the availability of daylight and outlook for each of the respective living areas. The site does not have convenient access to public or communal open space and it is considered that given the north-south orientation of the lot, that the proposed balcony private open space is symptomatic of the proposal being an overdevelopment.
B29	Solar access to open space	✓	✓	
B30	Storage	x	x	Dwelling Nos. 2-5 are only provided with 4.6m <sup>3</sup> storage area (6m <sup>3</sup> required) of which is entirely internal. It is considered that the lack of storage space with inadequate dimensions and only internally accessible is symptomatic of the proposal being an overdevelopment.
B31	Design detail	x	x	<p>The design response will result in a visually bulky development. The vast majority of habitable room windows of each dwelling have not been designed to avoid direct views into the secluded private open space of adjoining properties or each other. As such, extensive screening and/or high-lite windows will be necessary in order to prevent overlooking. In addition, the balconies, while slightly larger than the 8m<sup>2</sup> required, are all screened and without direct northern orientation. This treatment detrimentally impacts on internal access to daylight, the amenity of the habitable rooms and secluded private open space of the proposed dwellings.</p> <p>The development proposes a narrow landscaped footpath along the eastern boundary and a shared concrete driveway on the western boundary. The driveway is minimal in width to accommodate vehicle movement which necessitates dwellings that are quite narrow and with ground floor spaces that are dominated by garages.</p>
B32	Front fences	N/A	N/A	
B33	Common property	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B34	Site services	x	x	Provision for the storage of waste bins within and adjacent to the internal accessway is problematic and is likely to have an adverse impact on safe and efficient vehicle movements within the site (including waste collection). Areas to hang drying clothes do not appear to have been incorporated into the design response.

**CAR PARKING**

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this clause the following car spaces are required:

Dwelling No.	No. of bedrooms	Car spaces required	Car spaces provided	Complies
1	2	1	1	Y
2	2	1	1	Y
3	2	1	1	Y
4	2	1	1	Y
5	2	1	1	Y
6	2	1	1	Y
Visitor Car Space		1	1	Y

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposed garages and open visitor car space comply with these requirements.

Dwelling No. 1 proposes a large ‘retreat’ area at the second level. It is considered that this space could readily be converted to a third bedroom and thus slightly increase the required car parking rate. The living area proposed at the first floor for this dwelling is considered adequate, and the requirement for an additional retreat area is therefore considered excessive.

The car parking configuration and location for the visitor car space is considered unsatisfactory. A full redesign would be required to ensure satisfactory compliance. The location of the visitor car space at the rear of the development does not provide convenient or safe access for visitors to each of the dwellings, particularly given that the entrance to each dwelling is only accessed via the proposed gun-barrel entrance footpath along the eastern boundary.

**DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)**

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage

infrastructure for medium density residential development at a current rate of \$2.19 per square metre of the total site area.

## **COMMENTS ON GROUNDS OF OBJECTION**

### **1. The multi-storey nature of the development (including building height) not in keeping with the neighbourhood character.**

There are no examples of similar double and triple storey built form in the immediate vicinity of the site. While this form of development may be expected on larger strategic sites as the area develops, it is not supported at the scale and density proposed on the subject land. It is considered that the combination of the sheer, continuous built form will not integrate well with the existing housing in the immediate area, presenting a poor design response in the context of the site and surrounds, and the existing and preferred neighbourhood character. Resident objections relating to these issues are therefore justified.

### **2. Increase in traffic and parking problems (safety concerns)**

The proposal provides for seven off street car spaces. However, the workability and convenience of these spaces has been assessed as unsatisfactory and contrary to the requirements of Clause 52.06 and 55.03-10 of the Whittlesea Planning Scheme.

### **3. Loss of privacy**

The upper level windows (double and triple storey) of each dwelling and proposed balconies appear to have been designed so as to avoid direct views into the secluded private open space of other proposed dwellings and adjoining properties through provision of privacy and louvre screening. However elevations which show the extent of these screens have not been provided to confirm compliance with this Clause. Therefore, without adequate plans to show compliance with this Clause, there is the potential for a loss of privacy.

### **4. Amenity impacts (noise and odours)**

The development as proposed complies with Standard B24 of the Whittlesea Planning Scheme which seeks to contain noise sources in developments that may affect existing dwellings and to protect residents from external noise. The proposal is for residential use of the land in a residential area and the development will not require external mechanical plant or any other inappropriate source of noise. While some additional noise will be generated by virtue of the greater number of residents on the land, this is acceptable in a residential area. In terms of the impact of noise generated during the construction period, it can be expected that there will be some level of amenity loss due to noise generated by on-site building activities. These activities will be required to comply with the Environment Protection (Residential Noise) Regulations 2008.

### **5. Drainage impacts**

The existing drainage issues within the area are subject to engineering controls and regulations. A Development Contribution Plan Overlay related to drainage is applicable to all permits issued and aims to improve and upgrade existing. If a permit were to issue, a requirement to pay a contribution would be included as a condition..

## 6. Property devaluation

It has been consistently upheld by the Victorian Civil and Administrative Tribunal (VCAT) that property devaluation is not a relevant planning consideration.

### 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 the objectives and standards of Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks including the Housing Diversity Strategy. The proposal demonstrates an unsatisfactory level of compliance. It is considered that the proposal is inappropriately designed, and will have a detrimental impact on the character of the neighbourhood and on existing surrounding residential properties. Accordingly, refusal of the application is recommended.

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

**THAT Council resolve to Refuse Planning Application No. 716339 and issue a Refusal to Grant a Planning Permit for the construction of six dwellings at 33 Central Avenue, Thomastown on the following grounds:**

1. **The proposed development does not achieve satisfactory compliance with the following:**
  - a) **Clause 55.02-1 (Neighbourhood Character)**
  - b) **Clause 55.02-2 (Residential Policy)**
  - c) **Clause 55.03-1 (Street Setback)**
  - d) **Clause 55.03-5 (Energy Efficiency)**
  - e) **Clause 55.03-7 (Safety)**
  - f) **Clause 55.03-8 (Landscaping)**
  - g) **Clause 55.03-10 (Parking Location)**
  - h) **Clause 55.04-1 (Side and Rear Setbacks)**
  - i) **Clause 55.04-5 (Overshadowing Open Space)**
  - j) **Clause 55.04-6 (Overlooking)**
  - k) **Clause 55.05-2 (Dwelling Entry)**
  - l) **Clause 55.05-4 (Private Open Space)**

- m) Clause 55.05-6 (Storage)
  - n) Clause 55.06-1 (Design Detail)
  - o) Clause 55.06-4 (Site Services)
2. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme.
  3. The proposal will result in an overdevelopment of the site and will have an adverse impact on neighbourhood character and onsite amenity.

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

**MOVED:**                    *Cr Lalius*  
**SECONDED:**            *Cr Kelly*

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

**CARRIED**

### 6.1.4 AMENDMENTS TO THE COOKES ROAD DEVELOPMENT PLAN AND BOND PROPERTY DEVELOPMENT PLAN

**File No:** 165957 & 145616

**Attachments:**

- 1 **Locality & Zoning Plan** [↔](#)
- 2 **Bond Property Development Plan - 2005** [↔](#)
- 3 **Cookes Road Development Plan - 2007** [↔](#)
- 4 **Painted Hills Recreation Reserve Masterplan** [↔](#)
- 5 **Mernda Strategy Plan - Precinct 2A Plan** [↔](#)
- 6 **Trees subject for removal** [↔](#)
- 7 **Proposed Bond Property Development Plan - 2017** [↔](#)
- 8 **Proposed Cookes Road Development Plan - 2017** [↔](#)

**Responsible Officer:** Director Planning & Major Projects

**Author:** Strategic Planner

## REPORT

### EXECUTIVE SUMMARY

The Painted Hills Recreation Reserve project is currently being considered under Planning Permit Application 716388 and is being facilitated by Council's Major Projects Department. In accordance with the *Mernda Strategy Plan*, the Painted Hills Recreation Reserve will be utilised for active recreation with a proposal for two soccer pitches and associated club pavilion at the intersection of Eminence Boulevard and Painted Hills Road (directly north of Hazel Glen College).

The site is affected by two development plans - the *Bond Property Development Plan* and *Cookes Road Development Plan*. Both documents identify the subject site for active recreation, however do not provide specific details as to how the reserve will be developed. Further investigation of the site as part of the detailed master planning and planning permit process has identified two River Red Gum trees identified for retention within the Development Plans will adversely impact on the ability for this project to be implemented.

This report proposes the amendment of the *Bond Property Development Plan* and the amendment of the *Cookes Road Development Plan*, to provide for the removal of the two subject trees, to allow for the construction of the Painted Hills Recreation Reserve.

### INTRODUCTION

The purpose of this report is to discuss the proposed amendments to the *Bond Property Development Plan* (**BPDP**) and the *Cookes Road Development Plan* (**CRDP**), by nominating the removal of two River Red Gum trees to allow for the construction of the Painted Hills Recreation Reserve at the corner of Eminence Boulevard and Painted Hills Road.

The amendment to the BPDP proposes to supersede the version that was approved in 2005 and the amendment to the CRDP will supersede the version that was approved in 2007.

### BACKGROUND

The BPDP applies to a large landholding that was formerly known as 995 Yan Yean Road, and the CRDP is immediately south of the BPDP and applies to two former landholdings known as 195 Cookes Road and 265-285 Cookes Road (See *Attachment 1*). Both

Development Plans (**DPs**) provide a preferred layout for subdivision and land use, which is largely reflected by today's development pattern.

The BPDP was first considered by Council at its meeting of 24 June 2003 where it was resolved to approve the plan subject to a number of minor changes and conditions. This plan was approved under Development Plan Overlay – Schedule 5 (Clause 43.04 of the Whittlesea Planning Scheme) and on the basis that the plan was generally in accordance with the expectations of the *Mernda Strategy Plan*.

Since the approval of the BPDP in 2003, the BPDP has been amended once and this was in 2005. The change in 2005 reflected changes to the *Mernda Strategy Plan* which required more open space than was provided in the 2003 version of the DP. The 2005 amended plan is the current version of the BPDP (see *Attachment 2*).

The CRDP was considered by Council at its meeting of 20 March 2007, and as per the BPDP was approved subject to a number of minor changes and conditions. The CRDP was also approved under Development Plan Overlay – Schedule 5 (Clause 43.04 of the Whittlesea Planning Scheme) and on the basis that the plan was generally in accordance with the requirements of the *Mernda Strategy Plan* (see *Attachment 3*). To date, there have been no approved amendments to CRDP.

Both DPs identify the majority of their respective areas for residential development at both standard and medium densities. The CRDP also provides for a primary/secondary school on the CRDP, which today is known as the Hazel Glen P-12 College.

Both DPs have set aside a large portion of land (the south western corner of the BPDP and the north-western corner of the CRDP) for an active recreation reserve in accordance with the *Mernda Strategy Plan*. Significantly for the purposes of this report, both DPs also provide for retention and removal of nominated trees.

Planning Permit 716388 has been lodged by Council's Major Projects Department to facilitate the construction of the Painted Hills Recreation Reserve (more specifically two soccer pitches and a pavilion) in accordance with the Painted Hills Recreation Reserve Masterplan (see *Attachment 4*), at the site nominated by the BPDP and CRDP. The Painted Hills Recreation Reserve Masterplan was considered by Council at its meeting on 8 October 2013 and was subsequently endorsed.

Through this planning permit assessment process it has been identified that the site cannot accommodate the two soccer pitches without the removal two River Red Gum trees, currently nominated for retention in both DPs.

## **PLANNING ASSESSMENT/Framework**

### **Mernda Strategy Plan**

The subject land is included within the *Mernda Strategy Plan* (MSP), an Incorporated Plan within the Whittlesea Planning Scheme that guides the future direction of growth within the Mernda/Doreen growth corridor.

The MSP highlights the following key features that are applicable to the subject site (see *Attachment 5*):

- Majority of the site developed for standard density residential (implemented through the existing development pattern);
- Provision of a P-12 School (current day Hazel Glen College);
- Provision of a north-south sub-arterial road (current day Flaxen Hills Road);
- Provision of an east-west collector road (current day Cookes Road); and
- Provision of active recreation reserve containing two soccer fields (the subject of this amendment proposal).



The MSP also sets out applicable development contributions to be satisfied for infrastructure, community and open space projects. These matters are generally dealt with as conditions of permit at the detailed subdivision stage.

**Zoning**

The subject land is affected by the General Residential Zone (GRZ) (Clause 32.08), which applies to the entire area of both DPs.

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 2 (DCPO2) (Clause 45.06).

The Incorporated Plan Overlay 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 Vegetation Protection Overlay provisions more specifically aim to preserve and maintain significant native vegetation. Any removal of native vegetation generally requires vegetation offsets to be made. The provisions of the Vegetation Protection Overlay are considered as part of the proposal discussion below.

The Development Contributions Overlay sets out the requirements to deliver development contributions in accordance with the MSP.

**SUMMARY OF PROPOSAL**

It is proposed to amend the BPDP and CRDP to provide for the removal of two River Red Gums, currently nominated for retention. This is considered necessary to allow the development of the Painted Hills Recreation Reserve for two soccer pitches in accordance with the Council endorsed Masterplan. The changes will require the removal of two trees (see *Attachment 6*), to enable development of the second soccer pitch.

The trees for removal are described below. The trees are numbered as per the Arboricultural Assessment report submitted with Planning Permit application 716388.

- Tree 1 is a River Red Gum tree and sits on the boundary of the CRDP and BPDP. The tree has been identified previously as having high significance. As the tree is located on the boundary of both the CRDP and BPDP both DPs will need to be amended.

Species	H x W	DBH (cm)	Health	Structure	Arboriculture Rating
Eucalyptus Camaldulensis (River Red Gum)	18 x 1.4	143.3	Fair	Fair	Fair

- Tree 2 is a River Red Gum tree located towards the centre of the site approximately 100m north of the intersection of Eminence Boulevard and Painted Hills Road and 75m south-west of Tree 1. The tree has been identified previously as having low significance. An amendment to the CRDP is required for this tree.

Species	H x W	DBH (cm)	Health	Structure	Arboriculture Rating
Eucalyptus Camaldulensis (River Red Gum)	18 x1.4	191.0	Poor	Poor	Poor

It is proposed to amend both DPs by identifying each tree as suitable for removal on each applicable DP (see *Attachments 7 & 8*).

**DISCUSSION**

Council’s Major Projects team currently has a planning permit application under assessment. This application proposes the delivery of the Painted Hills Recreation Reserve. This recreation precinct includes two full size soccer pitches along with a central pavilion which will accommodate change rooms, kiosk and storage. The recreation reserve has been planned for within the MSP, which identifies the site for “active recreation” (including the provision of two pitches). The proposed recreation reserve masterplan was considered by Council at its 8 October 2013 meeting, and was subsequently endorsed.

The proposed development cannot be implemented with retention of the subject trees as envisaged within the applicable DPs. As the trees are not identified for removal on the relevant DP, any planning permit proposal that nominates the removal of retained trees is not ‘generally in accordance’ with either of the DP’s and therefore cannot be considered for planning permission. The two trees currently that are proposed to be removed are classified as fair and poor respectively for health, structure and arboriculture value.

It is considered that a genuine attempt has been made to consider options to retain the trees, however given the dimensions of soccer pitches and the general shape and size of the site this has proven unachievable without removing other trees of higher significance, which are also identified for retention. It is acknowledged that the River Red Gums proposed for removal are not considered to be among the more significant of trees within the precinct which provide arboricultural, landscape, ecological and visual benefits.

The trees subject for removal will be replaced with appropriate landscaping adjacent to the soccer pitches and the pavilion to further contribute to the amenity of the area. The removal of the trees will also require a formal offset to be provided in accordance with the provisions of Clause 52.17 of the Whittlesea Planning Scheme. Formal consideration of any offsets will occur during the planning permit application stage.

The remaining trees not identified for removal have been classified as having high retention value. These trees will provide a higher level of amenity as they will be embellished with delineated tree protection zones; this is in accordance with the policy requirements of Clause 22.10 (River Red Gum Policy).

The amendments to the BPDP and CRDP for removal of two River Red Gum trees at the corner of Painted Hills Road and Eminence Boulevard, are required to ensure the development of the area is in accordance with the MSP. It is considered that the amendments provide Council and the community with increased certainty regarding the provision of the active recreation reserve, and aligns with the broader strategic planning for the area.

It is noted that although the effect of the Development Plan amendments is to allow for the consideration of the tree removals, the proposal still needs appropriate planning permission for tree removal and the overall development.

**NOTIFICATION**

It is considered that the nature of the changes do not warrant exhibition to adjoining landowners and the proposed changes are not considered to have a material detriment.

The proposed amendment maintains compliance with the strategic intent of MSP and the broader objectives of each DP.

**POLICY STRATEGY AND LEGISLATION**

The proposed amendments to the BPDP and CRDP are considered to meet the objectives of all relevant State and Local policies. It is also considered to meet the provisions of both the VPO1 and DPO5.

**CRITICAL DATES**

- **June 2003** – BPDP reported to and adopted by Council;
- **October 2005** – BPDP amended;
- **March 2007** – CRDP reported to and adopted by Council;
- **October 2013** – Painted Hills Recreation Reserve Master Plan reported to and adopted by Council;
- **March 2017** – Planning Permit Application 716388 lodged to facilitate the construction of the Painted Hills Recreation Reserve; and
- **April 2017** – Request to amend the BPDP and CRDP made.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Open space</b>
<b>Strategic Objective</b>	<b>We have open spaces that are welcoming and safe for public gathering</b>

The amendments to the BPDP and CRDP will enable the Painted Hills Recreation Reserve to be delivered as envisioned by the *Mernda Strategy Plan*. Residents will be afforded a recreational centre that will provide social and community benefit to the area.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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**

Under the current Development Plan provisions affecting the Painted Hills Recreation Reserve, the proposal for construction of a two soccer pitch facility, which requires two River Red Gums to be removed, cannot be considered generally in accordance with either the *Bond Property Development Plan* or *Cookes Road Development Plan*.

Masterplanning for the development has investigated potential to retain the trees but the size and shape of the site and the nature of the proposed development has identified that unfortunately implementation cannot occur without the tree removal. This is due to the size of the soccer pitches necessitating the removal of two River Red Gums which are nominated for retention within both Development Plans.

Therefore it is proposed to amend the Development Plans to provide for the removal of the subject River Red Gums that are currently not nominated for removal to allow the development of the Painted Hills Road Recreation Reserve in accordance with the Development Plans and the *Mernda Strategy Plan*.

Accordingly, it is recommended that Council resolve to:

1. Amend the *Bond Property Development Plan* to nominate one River Red Gum tree as suitable for removal as detailed within *Attachment 7* of this report.
2. Amend the *Cookes Road Development Plan* to nominate two River Red Gum trees as suitable for removal as detailed within *Attachment 8* of this report.

It is noted that one of the subject trees is on the boundary of the two Development Plans and as such both Development Plans require amendment. Notwithstanding, only a total of 2 trees are affected.

**RECOMMENDATION**

**THAT Council resolve to:**

1. Amend the *Bond Property Development Plan* to nominate one River Red Gum tree as suitable for removal as detailed within *Attachment 7* of this report.
2. Amend the *Cookes Road Development Plan* to nominate two River Red Gum trees as suitable for removal as detailed within *Attachment 8* of this report.

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Lalius*  
**SECONDED:**                *Cr Kelly*

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

**CARRIED**

**6.1.5 PLANNING SCHEME AMENDMENT REQUEST- COOPER STREET, EPPING****File No:** 192273**Attachments:**  

- 1 **Location Map** [⇒](#)
- 2 **Site Map** [⇒](#)
- 3 **Proposed Framework Plan** [⇒](#)
- 4 **Existing Zoning Plan** [⇒](#)
- 5 **Proposed Zoning Plan** [⇒](#)
- 6 **Environmental Audit Areas** [⇒](#)
- 7 **Indicative Timeline** [⇒](#)

**Responsible Officer:** Director Planning & Major Projects**Author:** Senior Strategic Planner**REPORT****EXECUTIVE SUMMARY**

Council has received a request to amend the Whittlesea Planning Scheme from Contour Town Planners on behalf of the land owner of 215 Cooper Street and 80 Deveny Road, Epping.

The proposed planning scheme amendment seeks to rezone the subject site to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including commercial, retail and housing development. The amendment proposes to rezone the subject land to a number of appropriate land use zones to reflect the opportunities and constraints of the site and facilitate the proposed mixed use development. The amendment also proposed to apply the Environmental Audit Overlay and Development Plan Overlay.

The redevelopment of the site provides the opportunity for additional jobs and housing in close proximity to transport and services. The redevelopment also provides the opportunity to facilitate the remediation and management of a former quarry and landfill site, potential for the provision of social and affordable housing and the protection of Growling grass frog habitat.

Given, part of the site's previous land use as a landfill and quarry, an Environmental Audit is currently being undertaken on the site, overseen by an independent Environmental Auditor.

To comply with Ministerial Direction No.1 Potentially Contaminated Land, an Environmental Audit Overlay will be applied to the portion of the land affected by previous quarrying and landfill activities to ensure that no sensitive uses can occur until a Statement or Certificate of Environmental Audit has been issued. Further, it is recommended that the planning scheme amendment to rezone land to permit 'sensitive uses' not be finalised until a Statement of Environmental Audit has been issued for that land. This limits any risk associated with commencing the planning scheme amendment prior to a Statement of Environmental Audit being issued.

The facilitation of the development through a planning scheme amendment process will ultimately result in a number of environmental, social and economic benefits including:

- remediation of a 'identified' contaminated areas;
- enhancement of Edgars Creek and riparian corridor;
- provision of a diversity of housing in proximity to jobs, services and public transport;
- opportunity for social and affordable housing to be integrated into the residential development;

- opportunity for additional health facilities and services in proximity to the Northern Hospital; and
- additional employment and jobs in an established activity centre.

It is considered that there is a community benefit in commencing the planning scheme amendment to implement state policy and facilitate the remediation and redevelopment of the site. The process of commencing a Planning Scheme Amendment prior to the issuing of a Statement or Certificate of Environmental Audit is a common approach for large redevelopment sites comprising a range of complex issues. The risks associated with commencing the amendment prior to the completion of the Environmental Audit process are to be addressed through the proposed planning controls and conditions of seeking authorisation. It is recommended that Council seek authorisation from the Minister for Planning to commence and exhibit the planning scheme amendment subject to a condition that the amendment not be adopted until a Statement or Certificate of Environmental Audit has been issued for the subject land.

## **PURPOSE**

The purpose of this report is to consider a request from the proponent acting for the land owner of 215 Cooper Street and 80 Deveny Road, Epping, for Council to commence amendment to the Whittlesea Planning Scheme to facilitate the rehabilitation and future redevelopment of the subject site for mixed use purposes.

## **INTRODUCTION**

Council has received a request to amend the Whittlesea Planning Scheme from Contour Town Planners on behalf of the land owner of 215 Cooper Street and 80 Deveny Road, Epping.

The proposed planning scheme amendment seeks to rezone the subject site to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including commercial, retail and housing development.

The land affected by the proposed amendment is shown in *Attachments 1 and 2*. The subject site is 215 Cooper Street and 80 Deveny Road, Epping. This is the former Epping Quarry and Epping Waste Disposal site which is located adjacent to the Epping Central Metropolitan Activity Centre. The amendment would also affect adjoining land at 315W Cooper Street, 325C Cooper Street and part 183-189 Cooper Street.

The redevelopment of the site (see indicative concept plan in *Attachment 3*) provides the opportunity for additional jobs and housing in close proximity to transport and services. The redevelopment also provides the opportunity to facilitate the remediation and management of a contaminated areas on the site, potential for the provision of social and affordable housing and the protection of Growling grass frog habitat.

The development of the site will require the resolution and management of a number of issues discussed in this report which need to be satisfactorily addressed as part of the planning scheme amendment and subsequent planning processes.

## **PROPOSAL**

The proposed Planning Scheme Amendment seeks to amend the planning controls in the Whittlesea Planning Scheme to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including commercial, retail and housing development. This includes:

- Rezone the subject land from the Urban Floodway Zone, Industrial 3 Zone, Public Use Zone 3 and Priority Development Zone 1 (see *Attachment 4*) to Commercial 1 Zone, Special Use Zone, Mixed Use Zone, Public Conservation and Resource Zone, Urban

Floodway Zone and Public Use Zone 3 to facilitate the redevelopment of the land (see *Attachment 5*);

- Rezone part 183-189 Cooper Street, Epping, from Industrial 3 Zone to Public Use Zone 3 to correct a zoning anomaly;
- Apply the Environmental Audit Overlay (EAO) to the former landfill part of the land (Environmental Audit Area 2) and any other contaminated land to ensure that no 'sensitive uses' can occur on potentially contaminated land until a Statement or Certificate of Environmental Audit has been issued;
- Apply the Development Plan Overlay (DPO) to the subject land to require a Development Plan to be prepared for the subject land; and
- Revise the flood provisions mapping (Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO), to reflect revised flood mapping and characteristics.

### **CRITICAL DATES**

- 1960's-1980's: Basalt quarry in operation.
- 1988-1998: Landfill in operation.
- 1998: Landfill ceased receiving municipal waste.
- 2001: Landfill ceased receiving inert construction waste.
- 2001-2003: Landfill rehabilitated.
- 2015: Environmental Audits commenced.
- 2016 (January): s53v Environmental Audit (landfill gas) completed.
- 2016 (August): update of s53x Environmental Audit provided by Environmental Auditor and letter from proponent requesting meeting to discuss future planning scheme amendment.
- 2016 (November): Letter requesting Site Remediation Strategy (SRS) to be prepared prior to submitting formal request to commence planning scheme amendment sent from Council officers to proponent.
- 2017 (February): Formal request for Council to consider commencing a planning scheme amendment submitted by proponent accompanied with a SRS.

### **POLICY STRATEGY AND LEGISLATION**

#### **Ministerial Directions**

##### Ministerial Direction No.1 Potentially Contaminated Land

Clause 4 of this direction requires the planning authority to '*satisfy itself that the environmental conditions of [the] land are or will be suitable for that use.*'

The application of the Environmental Audit Overlay (EAO) to the contaminated part of the site, complies with sub-clause 5(2) of this direction for the purposes of satisfying clause (4) of this direction.

The EAO is a strong planning tool that does not permit any buildings or works associated with a sensitive use (such as residential) until a Statement or Certificate of Environmental Audit has been issued by an independent Environmental Auditor.

Planning controls in the proposed schedule to the Development Plan Overlay (DPO) and proposed schedule to the Special Use Zone (SUZ) will support the EAO.

The EPA appointed Auditor has indicated that *'upon completion of the audit, it is my intention to issue an Audit Report and a Certificate or Statement of Environmental Audit including conditions, where relevant, relating to development and ongoing occupation of the land' and that 'the development will likely require a range of protective measures and institutional controls... to ensure that it is suitable for the intended use [including residential] upon completion of my audit, and remains so thereafter'.*

A Site Remediation Strategy (SRS) has also been prepared which demonstrates that

- the site is capable of being remediated so that it is suitable for the proposed use or development,
- the process for the clean-up of the site is sound; and
- a framework is provided for the ongoing management of the site conditions.

The SRS will be exhibited alongside any planning scheme amendment. Further, it is recommended that as a condition of commencing the amendment is that the planning scheme amendment not be adopted until a Statement or Certificate of Environmental Audit has been issued by an independent Environmental Auditor. It is expected that the Statement of Environmental Audits will be progressively finalised for the three Audit areas over approximately the next 6 to 12 months.

#### Ministerial Direction No.9 Metropolitan Planning Strategy

Plan Melbourne 2017-2050 supports the proposed amendment and promotes additional housing and employment close to activity centres. Epping is identified in Plan Melbourne as a Metropolitan Activity Centre and a designated health precinct.

In particular Plan Melbourne 2017-2050 supports the proposed amendment through Policy 2.4 which is to 'facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development'.

#### Ministerial Direction No.11 Strategic Assessment of Amendments

The assessment is detailed in the Explanatory Report which will be exhibited as part of the planning scheme amendment process.

### **Planning Practice Notes**

#### PPN02: Public Use Zones

This practice note has been referred to in applying the Public Use Zone to land used by the Northern Hospital.

#### PPN3: Applying the Special Use Zone (SUZ)

This practice note advises that the SUZ can be used where other available zones, overlays and local policies cannot give effect to the desired objectives or requirements. In this circumstance given the unique site conditions and proposed range of land uses it is considered appropriate to apply the SUZ for part of the subject land.

#### PPN12: Applying the flood provisions in planning schemes

This practice note has been referred to in applying the revised flood provisions in consultation with Melbourne Water. The revised flood mapping needs to be submitted.

#### PPN23: Applying the Incorporated Plan and Development Plan Overlays

The Development Plan Overlay is to be applied in accordance with this practice note.



### PPN30: Potentially Contaminated Land

This practice note has been referred to in ensuring the amendment complies with Ministerial Direction No.1 Potentially Contaminated Land.

### PPN46: Strategic Assessment Guidelines

The assessment is detailed in the Explanatory Report which will be exhibited as part of the planning scheme amendment process.

### **State Planning Policy Framework**

The amendment will implement the SPPF, particularly the following:

- facilitate the remediation of contaminated land, particularly on sites in developed areas of Melbourne with potential for residential development;
- facilitate development that increases the supply of affordable and social housing in suburbs across Melbourne;
- support new housing in activity centres and other places that offer good access to jobs, services and public transport;
- facilitate regional health and community wellbeing precincts through the co-location of hospitals, allied health services and not-for-profit health providers;
- facilitate investment in Melbourne's outer areas to increase local access to employment; and
- plan for and facilitate the development of urban-renewal precincts as high amenity mixed use neighbourhoods that offer a range and choice of housing and other services.

The commencement of the planning scheme amendment process alongside the Environmental Audit process implements the policy to 'facilitate' these planning outcomes rather than just 'support' them.

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

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

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

The strategies and requirements of these plans will be incorporated into the schedule to the Development Plan Overlay which will require them to be implemented as part of the preparation of the Development Plan.

## **DISCUSSION**

### **Land Use and Development**

The development of the site will need to address a number of issues including provision for:

- integration of uses and development with the Northern Hospital site;
- incorporation of commercial and some limited retail uses;
- a diversity of housing including size and types;
- integration of social and affordable housing;
- appropriate interface treatment and transition between residential and other uses;
- the management of water in the Edgars Creek and Epping Drain corridors;
- intersection treatments with Cooper Street, Edgars Road and Deveny Road;
- a north south road connection between Cooper Street and Deveny Road;
- a east west road between Pacific Epping and Edgars Road;
- linear open space / conservation reserve with shared cycle and pedestrian paths;

- a large central public park;
- retention of remnant River Red Gums where warranted;
- management of geotechnical issues related to construction on landfill and filled quarry holes; and
- staging of development.

The planning controls to be applied to the land will also include a requirement for a Development Plan to be prepared which will require these issues to be satisfactorily addressed at more detailed and comprehensive level.

An indicative framework plan was included as part of the submitted documents and identified the land uses proposed as part of the future development (see Attachment 3). The proposed zones reflect the indicative framework plan and delineates the development site into the proposed land use precincts.

### **Land Contamination**

The site was previously partly used as a landfill receiving both municipal and inert waste which remains licensed but ceased receiving any landfill in 2001 and was then rehabilitated between 2001 and 2003. The development of a former landfill or land in the vicinity of the landfill requires the effects of landfill gas and land contamination to be properly assessed and monitored.

A section 53v Environmental Audit (landfill gas) was completed in 2016 which assessed the effect of landfill gas (methane and carbon dioxide) from the site on adjoining properties. The Audit concluded that only limited advective migration of landfill gas appears to be occurring from the subject site and the overall risk was 'low risk'.

A section 53x Environmental Audit (contaminated land) is currently underway on the site which is being overseen by an independent Environmental Auditor. The Environmental Audit is the statutory tool used to protect the community and to confirm that potentially contaminated land is suitable for its intended use.

It is expected that the section 53x Environmental Audit (contaminated land) will be completed in a number of stages (see *Attachment 6* for the three Environmental Audit areas) over approximately the next 6 to 12 months.

The response to Ministerial Direction 1 is discussed in the section above. It is recommended to commence the planning scheme amendment to run as a parallel process alongside the completion of the Environmental Audits on the basis that:

- Ministerial Direction 1 provides the ability to undertake the planning scheme amendment prior to the completion of an Environmental Audit by applying the Environmental Audit Overlay (EAO) which prevents sensitive uses on the land until a Statement or Certificate of Environmental Audit has been issued;
- The Environmental Audit has commenced, is well progressed and a Site Remediation Strategy has been prepared for the purposes of exhibition of the proposed amendment;
- It incentivises the remediation of the contaminated land by providing greater certainty as to the development outcome supported on the land subject to the completion of the Environmental Audit;
- It implements state policy to 'facilitate' development which delivers a number of important state planning policy objectives as outlined above. Delaying the commencement of planning scheme amendment would affect the delivery of social and affordable housing and health outcomes as it would not provide the certainty required for investment;
- It ensures Council maintains control over the planning of the site and delivery of important community benefits; and
- It streamlines the planning process facilitating the development of the employment precinct (first stage) in a timely manner.

All stages of the section 53x Environmental Audit (contaminated land) would be required to be completed prior to the finalisation of the proposed planning scheme amendment. This condition along with application of the EAO safeguards Council in respect to any risk that sensitive uses could be supported on the land prior to the issuing of a Statement or Certificate of Environmental Audit.

### **Growling Grass Frog and Golden Sun Moth**

Both the Growling Grass Frog and the Golden Sun Moth, which are species listed under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) and Flora and Fauna Guarantee Act 1988 (FFG Act) have been recorded on the subject land.

The former quarry holes and associated wetlands on the site are considered important to the conservation of the Growling Grass Frog's population along the Edgars Creek. The proponent has made application under the EPBC Act to obtain approval for the proposed works.

Quarry Hole 3 will be retained as habitat as part of a conservation area in accordance with the EPBC Act. To compensate for the removal of Quarry Hole 2, the proposal includes the construction of new off-stream wetlands as part of the augmentation of the Edgars Creek and refuge wetlands in the south west of the site to facilitate the Growling Grass Frog east-west link to the Merri Creek. The proposal will mean that the habitat will need to be established and colonised by the Growling Grass Frog before the existing habitat (Hole 2) is removed and developed.

### **Infrastructure Contributions**

The development of the site will require upgrades to infrastructure including roads, shared paths and community infrastructure. It is expected that the developer will fund infrastructure with a direct nexus to the proposed development and make a contribution to community infrastructure identified in the Epping Central Development Contributions Plan. A requirement will be included in the planning controls for the developer to enter into a legal agreement (s173) with the responsible authority to make payment or provision of infrastructure.

### **Social and Affordable Housing**

The subject site is an excellent location for social and affordable housing given its location in an established area with good access to public transport, services and the Epping Central Metropolitan Activity Centre. Council's policy aims to achieve the inclusion of 5% social housing and 10% affordable housing in new plans and supports the provision of social and affordable housing associated in strategic redevelopment sites.

Given, the 'value uplift' created by the rezoning, a requirement will be recommended for inclusion in the planning controls for the developer to enter into a legal agreement (s173) with Council to make arrangement for the delivery 5% social housing. A requirement will also be included for a Housing Diversity Report to be prepared, to demonstrate the provision of 5% social housing and 10% affordable housing as part of the development. It is important that the social and affordable housing is well-designed and integrated with the remainder of the residential development.

### **Adjoining Land**

In addition to the land at 215 Cooper Street, the proposed amendment incorporates land at 315W Cooper Street and 325C Cooper Street (see *Attachment 2*). 315W Cooper Street is former road reserve owned by the City of Whittlesea and 325C Cooper Street is vacant land owned by the State Government. The inclusion of these parcels in the amendment is to provide for the co-ordinated and orderly development of the land.

The amendment would also affect part of 183-189 Cooper Street which is the site of the Northern Hospital to rezone part of the site from Industrial 3 Zone to Public Use Zone 3. This is to correct a current zoning anomaly which the Northern Hospital have verbally indicated their support for being corrected.

**PROCESS- NEXT STEPS**

The recommendation is to only seek authorisation from the Minister for Planning to commence the planning scheme amendment process and exhibit the proposed planning scheme amendment. The planning scheme amendment process is proposed to run parallel with the completion of the Environmental Audit process. The process of commencing a planning scheme amendment prior to the issuing of a Statement or Certificate of Environmental Audit is a common approach for large redevelopment sites comprising a range of complex issues.

It is recommended to commence the planning scheme amendment to run as a parallel process alongside the completion of the Environmental Audits on the basis that:

- Ministerial Direction 1 provides the ability to undertake the planning scheme amendment prior to the completion of an Environmental Audit by applying the Environmental Audit Overlay (EAO) which prevents sensitive uses on the land until a Statement or Certificate of Environmental Audit has been issued;
- The Environmental Audit has commenced, is well progressed and a Site Remediation Strategy has been prepared for the purposes of exhibition of the proposed amendment;
- It incentivises the remediation of the contaminated land by providing greater certainty as to the development outcome supported on the land subject to the completion of the Environmental Audit;
- It implements state policy to 'facilitate' development which delivers a number of important state planning policy objectives as outlined above. Delaying the commencement of planning scheme amendment would affect the delivery of social and affordable housing and health outcomes as it would not provide the certainty required for investment;
- It ensures Council maintains control over the planning of the site and delivery of important community benefits; and
- It streamlines the planning process facilitating the development of the employment precinct (first stage) in a timely manner.

The planning scheme amendment documentation will recognise the need to align with the outcomes of the Environmental Audit process prior to the being finalised. A condition of this resolution is that the planning scheme amendment is not adopted until a Statement or Certificate of Environmental Audit has been issued by the Environmental Auditor.

*Attachment 7* provides a summary of the process and identifies the points in the process which provide Council an opportunity to review its position.

**ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPLICATIONS**

As discussed above, the environmental condition of the land and the presence of the Growling Grass frog's are significant environmental issues to be addressed through the planning scheme amendment process. It is considered the Environmental Audit process and EPBC Act approval process will satisfactorily resolve these issues. The proposed planning controls provide 'safety net' to ensure that the issues are effectively resolved and implemented as part of the development of the land.

The facilitation of the development through a planning scheme amendment process will ultimately result in a number of environmental, social and economic benefits including:

- remediation of a contaminated site;
- enhancement of Edgars Creek and riparian corridor;
- provision of a diversity of housing in proximity to jobs, services and public transport;
- opportunity for social and affordable housing to be integrated into the residential development;
- opportunity for additional health facilities and services in proximity to the Northern Hospital
- contribution to community infrastructure in Epping Central; and

- additional employment and jobs in an established activity centre.

It is considered that there is a community benefit in commencing the planning scheme amendment to facilitate the remediation and redevelopment of the land and encourage the environmental, social and economic benefits outlined above.

**FINANCIAL IMPLICATIONS**

The costs of the planning scheme amendment including panel will be borne by the proponent. Council may be required to engage expertise on technical matters such as legal, environmental and geo-technical which arise during the amendment process. Upon, the completion of the exhibition process a report will be presented to Council on the submissions received and issues raised which will provide a better indication as to whether any technical expertise will be required.

The developer will also be required to fund the necessary infrastructure to support the development and make a contribution to wider community infrastructure.

**LEGAL IMPLICATIONS**

Council as the planning authority in exercising its statutory functions under the *Planning and Environment Act 1987* has a duty of care to future owners and uses of the subdivided land. Legal advice has been sought regarding the approach. A legal framework is proposed to mitigate the risks to future owners and occupiers and ensure that as much remediation can occur before subdivision. This provides for the exhibition of the amendment concurrently with the completion of the Environmental Audits however ensures that a statement of environmental audit is provided before the planning scheme amendment is adopted.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Planning our space</b>
<b>Strategic Objective</b>	<b>Our urban design helps build connection to place and the community</b>

The proposed planning scheme amendment will support the implementation of the Council plan. The proposed planning scheme controls will ensure a well designed mixed use development that will deliver a number of significant benefits to the community. The development will provide a diversity of housing in close proximity to jobs, services and transport. The development will create an expanded health precinct and additional quality employment areas. The design will contain significant 'green spaces' including the rehabilitation of the Edgars Creek and riparian corridor and retention of the historic quarry hole as an urban lake. This will contribute positively to the public realm of the broader Epping Metropolitan Activity Centre.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

This report considers a request to amend the Whittlesea Planning Scheme to facilitate the rehabilitation and future redevelopment of the site for mixed use purposes, including commercial, retail and housing development. The planning scheme amendment proposes to

rezone the subject land to a number of appropriate land use zones to facilitate the mixed use development and apply the Environmental Audit Overlay and Development Plan Overlay.

The Environmental Audit Overlay will ensure that no sensitive uses can occur on potentially contaminated land until a Statement or Certificate of Environmental Audit has been issued. Further, it is recommended that the planning scheme amendment to rezone land that permits a 'sensitive use' not be finalised until a Statement or Certificate of Environmental Audit has been issued for that land. This limits any risk associated with commencing the planning scheme amendment prior to a Statement or Certificate of Environmental Audit being issued.

The Development Plan Overlay will require a Development Plan to be prepared to guide the future development of the subject land.

The facilitation of the development through a planning scheme amendment process will ultimately result in a number of environmental, social and economic benefits including:

- remediation of a contaminated site;
- enhancement of Edgars Creek and riparian corridor;
- provision of a diversity of housing in proximity to jobs, services and public transport;
- opportunity for social and affordable housing to be integrated into the residential development;
- opportunity for additional health facilities and services in proximity to the Northern Hospital; and
- additional employment and jobs in an established activity centre.

In essence, the reports recommendation is only to seek authorisation to commence and exhibit the proposed planning scheme amendment with subsequent opportunities for Council to address issues in more detail and determine the progress of the amendment.

It is considered that there is a community benefit in commencing the planning scheme amendment to implement state policy and facilitate the remediation and redevelopment. The process of commencing a Planning Scheme Amendment prior to the issuing of a Statement or Certificate of Environmental Audit is a common approach for large redevelopment sites comprising a range of complex issues. It is considered that the risks associated with commencing the amendment prior to the completion of the Environmental Audit process to be appropriately addressed through the proposed planning controls and by not finalising the amendment until a Statement or Certificate of Environmental Audit has been issued for land to be rezoned.

Noting the above it is recommended that Council:

1. Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme affecting land at part 183-189, 215, 315W, 325C Cooper Street and 80 Deveny Road, Epping to:
  - a. Rezone the subject land at from the Urban Floodway Zone, Industrial 3 Zone, Public Use Zone 3 and Priority Development Zone 1 to Commercial 1 Zone, Special Use Zone, Mixed Use Zone, Public Conservation and Resource Zone, Urban Floodway Zone and Public Use Zone 3;
  - b. Rezone part 183-189 Cooper Street, Epping from Industrial 3 Zone to Public Use Zone 3;
  - c. Apply the Environmental Audit Overlay (EAO) to part of the subject land;
  - d. Apply the Development Plan Overlay (DPO) to the subject land; and
  - e. Revise the flood provisions mapping (Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO),

2. Note that the authorisation request set out in 1. above is subject to:
  - a. the submission of a Site Remediation Strategy which has been reviewed by the Environmental Auditor is submitted for the purposes of exhibition, prior to seeking authorisation from the Minister for Planning.
  - b. a requirement to enter into a s173 agreement for the provision of 5% social housing and 10% affordable housing being included in the amendment controls and an agreement committing provision of 5% social housing and 10% affordable housing is entered into, prior to seeking authorisation from the Minister for Planning.
  - c. a requirement to enter into a s173 agreement for the provision and contribution to infrastructure including land, transport and community facilities is included amendment controls and that the amendment controls or an agreement outlines the provision and/or contribution required, prior to seeking authorisation from the Minister for Planning.
  - d. the submission of revised flood provisions (i.e. mapping), prior to seeking authorisation from the Minister for Planning.
  - e. the proponent committing to fund the cost of the planning scheme amendment including the cost of any independent planning panel required, prior to seeking authorisation from the Minister for Planning.
3. Prepare and exhibit a planning scheme amendment if authorisation set out in 1. above is provided.
4. Not adopt the planning scheme amendment to rezone land that permits a 'sensitive use' until a Statement or Certificate of Environmental Audit has been issued for that land and a s173 agreement has been entered into to implement the conditions of any Statement of Environmental Audit.
5. Advise the proponent of the above and any decisions of the Minister for Planning.

Acting Chief Executive Officer Liana Thompson entered the Council Chamber at 7:38 PM.

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

**THAT Council resolve to:**

1. **Seek authorisation from the Minister for Planning to prepare and exhibit an amendment to the Whittlesea Planning Scheme affecting land at part 183-189, 215, 315W, 325C Cooper Street and 80 Deveny Road, Epping to:**
  - a) **Rezone the subject land at from the Urban Floodway Zone, Industrial 3 Zone, Public Use Zone 3 and Priority Development Zone 1 to Commercial 1 Zone, Special Use Zone, Mixed Use Zone, Public Conservation and Resource Zone, Urban Floodway Zone and Public Use Zone 3;**
  - b) **Rezone part 183-189 Cooper Street, Epping from Industrial 3 Zone to Public Use Zone 3;**

- c) Apply the Environmental Audit Overlay (EAO) to part of the subject land;
  - d) Apply the Development Plan Overlay (DPO) to the subject land; and
  - e) Revise the flood provisions mapping (Urban Floodway Zone (UFZ), Floodway Overlay (FO), Land Subject to Inundation Overlay (LSIO),
2. Note that the authorisation request set out in 1. above is subject to:
- a) the submission of a Site Remediation Strategy which has been reviewed by the Environmental Auditor is submitted for the purposes of exhibition, prior to seeking authorisation from the Minister for Planning.
  - b) a requirement to enter into a s173 agreement for the provision of 5% social housing and 10% affordable housing being included in the amendment controls and an agreement committing provision of 5% social housing and 10% affordable housing is entered into, prior to seeking authorisation from the Minister for Planning.
  - c) a requirement to enter into a s173 agreement for the provision and contribution to infrastructure including land, transport and community facilities is included amendment controls and that the amendment controls or an agreement outlines the provision and/or contribution required, prior to seeking authorisation from the Minister for Planning.
  - d) the submission of revised flood provisions (i.e. mapping), prior to seeking authorisation from the Minister for Planning.
  - e) the proponent committing to fund the cost of the planning scheme amendment including the cost of any independent planning panel required, prior to seeking authorisation from the Minister for Planning.
3. Prepare and exhibit a planning scheme amendment if authorisation set out in 1. above is provided.
4. Not adopt the planning scheme amendment to rezone land that permits a 'sensitive use' until a Statement or Certificate of Environmental Audit has been issued for that land and a s173 agreement has been entered into to implement the conditions of any Statement of Environmental Audit.
5. Advise the proponent of the above and any decisions of the Minister for Planning.

**COUNCIL RESOLUTION**

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

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

**CARRIED**

Councillor Mary Laliou requested that her opposition to the motion be recorded in the minutes.



**6.1.6 20-22 SETTLEMENT ROAD BUNDOORA - CONSTRUCTION OF A FOUR STOREY RESIDENTIAL BUILDING COMPRISING 24 DWELLINGS WITH BASEMENT CAR PARKING AND CREATION OF AN ACCESS TO A ROAD ZONE (CATEGORY 1)**

<b>File No:</b>	715255
<b>Attachments:</b>	1 <a href="#">Locality Maps</a> ⇨ 2 <a href="#">Development Plans</a> ⇨ 3 <a href="#">Amended Plans</a> ⇨
<b>Responsible Officer:</b>	Director Planning & Major Projects
<b>Author:</b>	Principal Planner
<b>APPLICANT:</b>	SMLX Pty Ltd
<b>COUNCIL POLICY:</b>	Housing Diversity Strategy
<b>ZONING:</b>	General Residential Zone Schedule 1 (GRZ1)
<b>OVERLAY:</b>	Development Contributions Plan Overlay Schedule 3 (DCPO3)
<b>REFERRAL:</b>	VicRoads
<b>OBJECTIONS:</b>	Five (including one petition with 38 signatures)
<b>RECOMMENDATION:</b>	That Council approve the application

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to construct a four storey residential building incorporating 24 one, two and three bedroom dwellings on the subject site. Car parking is provided at basement level, and vehicle access is to be provided by a double crossover to Settlement Road at the western corner of the site.

Advertising of the proposal resulted in five objections being received, including one petition with 38 signatures. Grounds of objection include visual bulk, overlooking, overshadowing, noise, odour, inadequate car parking, increased traffic, road safety, damage and vibration during construction, other amenity impacts during construction, decrease in property values, and impacts on health and lifestyle.

The Housing Diversity Strategy (HDS) nominates the subject site as being in the Neighbourhood Renewal Change Area. The proposal complies with the preferred density and key design principles of this Change Area. The proposal is also considered to be consistent with the purposes of the General Residential Zone, which includes providing moderate housing growth in locations offering good access to services and transport.

The proposal meets the objectives and standards of Clause 55 (ResCode) of the Whittlesea Planning Scheme, including the evolving neighbourhood character.

The applicant has agreed to further alterations to the design to better integrate the development with the existing character and address some of the concerns raised by objectors. Approval is recommended accordingly.

## **SITE AND SURROUNDING AREA**

The site comprises two residential properties on the northern side of Settlement Road Bundoora, approximately 15m west of the Bundoora Square Shopping Centre (see *Attachment 1*).

The site is regular in shape, with a frontage to Settlement Road of 30.5m, a depth of 35.1m, and total area of 1,066m<sup>2</sup>. It has a fall of about 1.9m from the south eastern front boundary corner to the north western rear corner.

The site currently contains two single storey dwellings, one on each lot.

Directly to the north, east and west of the subject site are single dwelling developments fronting Nickson Street and Settlement Road. Directly to the south across Settlement Road is the St. Damian's School and Church.

The surrounding area is characterised by predominately single storey dwellings, mainly constructed of brick with tiled roofs. Examples of medium density development within the immediate vicinity area located at 29, 33 and 45 Settlement Road.

It is also noted that there is an existing approval for seven storey apartment building at 21 Settlement Road, situated at the southwestern corner of Plenty Road and Settlement Road.

The site is located in close proximity to the following sites, services and infrastructure:-

- Bundoora Square Shopping Centre (20m east).
- Route 902 – Chelsea to Airport West Bus Service (20m southwest).
- St Damian School and Church (20m south).
- Plenty Road and Tram Service 86 (150m east)
- Yulong Park (180m east).

## **CERTIFICATE OF TITLE PARTICULARS**

The subject site is described as Lots 17 and 18 on Plan of Subdivision 62392. There are no restrictions on title that preclude Council from determining the application. The rear northern boundary of the site contains a 2.4m wide drainage and sewerage easement.

## **PROPOSAL**

The application as submitted is for the construction of a four storey residential building, comprising 24 dwellings with basement car parking, and to create an access to a Settlement Road (see *Attachment 2*). The existing dwelling is to be demolished. The submitted proposal is summarised as follows:-

### *Basement*

- 30 car parking spaces, including four visitor car parking spaces and 26 independently accessible car parking stacker spaces.
- 7 resident bicycle parking spaces.
- 24 storage areas.
- A waste storage area.
- A ramped access to the basement by a double crossover located on the western side of the building (from a double crossover on the western side of the frontage).

### *Ground Level*

- Dwelling Nos. 1 to 8 (6 x one-bedroom and 2 x two-bedrooms) and associated terraces or balconies.

- 10 visitor bicycle parking spaces.
- Entry foyer.

*First Floor (Level 1)*

- Dwelling Nos. 9 to 16 (6 x one-bedroom and 2 x two-bedrooms) and associated balconies.

*Second and Third Floors (Levels 2 and 3)*

- Dwelling Nos. 17 to 24 (1 x one-bedroom, 4 x two-bedrooms and 1 x three-bedroom) and associated balconies.
- Dwelling Nos. 17, 22 and 24 have upper levels at the third floor level (Level 3). The upper parts of these dwellings would be removed in the amended plans agreed by the applicant – thus reducing the overall building by one storey.

*General*

- Balconies are provided to each dwelling with a minimum area of 8m<sup>2</sup>.
- Maximum building height of 10.22m above natural ground level (this is reduced to a maximum of 7.97m on the amended plans agreed by the applicant).
- Materials and finishes include aluminium interlocking wall cladding and timber wall cladding, perforated decorative screens and timber screens with metal sheet roofing.

Further details of the proposal (as submitted) are outlined in the following table:-

	<b>Height / Scale</b>	<b>No. of Bedrooms</b>	<b>Setbacks</b>	<b>Private Open Space</b>	<b>Car Parking</b>
Dwelling No. 1	Single Storey (Ground Floor)	1	7.4m front (south)	27m <sup>2</sup> (terrace)	One Space
Dwelling No. 2	Single Storey (Ground Floor)	1	7.4m front (south) and 7.0m side (west)	22m <sup>2</sup> (terrace)	One Space
Dwelling No. 3	Single Storey (Ground Floor)	1	7.0m side (west)	8m <sup>2</sup> (balcony)	One Space
Dwelling No. 4	Single Storey (Ground Floor)	1	2.9m rear (north) and 6.4m side (west)	58m <sup>2</sup> (terrace)	One Space
Dwelling No. 5	Single Storey (Ground Floor)	1	2.9m rear (north)	26m <sup>2</sup> (terrace)	One Space
Dwelling No. 6	Single Storey (Ground Floor)	1	2.9m rear (north) and 3.9m side (east)	78m <sup>2</sup> (terrace)	One Space
Dwelling No. 7	Single Storey (Ground Floor)	2	4.0m side (east)	40m <sup>2</sup> (terrace)	One Space
Dwelling No. 8	Single Storey (Ground Floor)	2	7.4m front (south) and 2.0m side (east)	54m <sup>2</sup> (terrace)	One Space
Dwelling No. 9	Single Storey (First Floor)	1	7.2m front (north)	9m <sup>2</sup> (balcony)	One Space

Dwelling No. 10	Single Storey (First Floor)	1	7.2m front (north) and 7.0m side (west)	9m <sup>2</sup> (balcony)	One Space
Dwelling No. 11	Single Storey (First Floor)	1	7.0m side (west)	9m <sup>2</sup> (balcony)	One Space
Dwelling No. 12	Single Storey (First Floor)	1	6.4m side (west) and 2.9m rear (north)	13m <sup>2</sup> (balcony)	One Space
Dwelling No. 13	Single Storey (First Floor)	1	2.9m rear (north)	8m <sup>2</sup> (balcony)	One Space
Dwelling No. 14	Single Storey (First Floor)	1	2.9m rear (north) and 6.5 side (east)	8m <sup>2</sup> (balcony)	One Space
Dwelling No. 15	Single Storey (First Floor)	2	4.0m side (east)	15m <sup>2</sup> (balcony)	One Space
Dwelling No. 16	Single Storey (First Floor)	2	7.4m front (north) and 2.0m side (east)	8m <sup>2</sup> (balcony)	One Space
Dwelling No. 17	Double Storey (Second and Third Floors)	2	7.2m front (south)	44m <sup>2</sup> (balcony)	One Space
Dwelling No. 18	Single Storey (Second Floor)	1	7.2m front (south) and 7.0 side (west)	10m <sup>2</sup> (balcony)	One Space
Dwelling No. 19	Single Storey (Second Floor)	1	7.0 side (west)	9m <sup>2</sup> (balcony)	One Space
Dwelling No. 20	Single Storey (Second Floor)	2	6.4m side (west) and 4.5m rear (north)	13m <sup>2</sup> (balcony)	One Space
Dwelling No. 21	Single Storey (Second Floor)	2	4.5m rear (north) and 5.9m side (east)	13m <sup>2</sup> (balcony)	One Space
Dwelling No. 22	Double Storey (Second and Third Floors)	3	4.0m side (east)	60m <sup>2</sup> (balcony)	Two Spaces
Dwelling No. 23	Single Storey (Second Floor)	1	6.1m side (east)	15m <sup>2</sup> (balcony)	One Space
Dwelling No. 24	Double Storey (Second and Third Floors)	2	7.4m front (south) and 4.2m side (east)	29m <sup>2</sup> (balcony)	One Space

**PUBLIC NOTIFICATION**

Notification of the application resulted in five objections, including one petition with 38 signatures, being received. The grounds of objection can be summarised as follows:

1. Visual bulk.
2. Loss of privacy (overlooking).
3. Overshadowing.
4. Insufficient car parking.

5. Impact on Settlement Road (including safety and increased traffic).
6. Adverse amenity impacts on surrounding area.
7. Construction impacts on surrounding area.
8. Property devaluation.

### **HOUSING DIVERSITY STRATEGY**

The Housing Diversity Strategy (HDS) was introduced into the Whittlesea Planning Scheme (WPS) by Planning Scheme Amendment C181, gazetted on 22 October 2015. The HDS provides a strategic framework for future residential development in the established areas of the municipality for the next 20 years. It aims to guide the future location and diversity of housing stock and identifies areas of housing growth and change, including areas where future housing growth will not be supported. In general, it aims to encourage higher residential densities and a diversity of housing types and sizes into areas within convenient walking distance to public transport and activity centres.

The HDS is a reference document in the Planning Scheme.

The site is within a Neighbourhood Renewal change area, which recognises areas close to services and facilities. In this instance the site is only some 20m west of the Bundoora shopping centre. The preferred housing types are noted as townhouses, multi-units, and small scale apartments.

The Neighbourhood Renewal Area has a number of Key Design Principles, including:

- A range of medium building heights.
- Building heights that achieve passive surveillance.
- Building heights that are of a human scale and integrate well with existing housing stock.
- Reduced front setbacks to encourage activation to the street while still allowing space for low level landscaping.
- Medium to higher site coverage to balance increased density and landscaping opportunities.

### **PROPOSED AMENDMENTS AGREED BY APPLICANT**

Officers discussed with the applicant the need to meet the HDS Key Design Principles, (including '*Building heights that are of a human scale and integrate well with existing housing stock*') as well as matters raised by objectors.

The applicant has agreed to alterations that would better address these aspects, and has submitted plans showing suggested revisions to the proposed building accordingly (see *Attachment 3*). These revised plans show the following:

- Removal of the top floor, which contains the first floor levels of Dwellings Nos.17, 22 and 24.
- The effect is the overall reduction in building height to 7.97m (from 10.22m), reduction of building bulk, reduction of overshadowing and presentation as a two-storey development from the Settlement Road frontage.
- Minor increases to side/rear setbacks of apartments on the second floor.
- Repositioning of balconies to Dwellings Nos. 20 – 24 to assist in limiting the bulk of the building and potential overlooking to the adjoining rear yards of the properties at 18 and 24 Settlement Road.

- Louvre screens to balconies on the second floor to block downward view, while still allowing more distant horizontal views from the balconies.

**ASSESSMENT AGAINST CLAUSE 55 OF THE WHITTLESEA PLANNING SCHEME**

The following table provides details on whether the proposal complies with the requirements of Clause 55 of the WPS. This assessment is based on the plans submitted with the application and which were the plans which were publicly advertised, with reference made to the revised plans as relevant or appropriate in some sections of the “Comments” column.

Under these provisions a development:-

- Must meet all of the objectives; and
- Should meet all of the standards.

If Council is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B1	Neighbourhood Character	✓	✓	<p>The existing character of the areas is low scale residential, with mainly conventional single storey dwellings surrounding the subject site.</p> <p>The HDS encourages small scale apartments (as well as townhouses and multi-units), however, relevant objectives require that buildings be of a ‘human scale’ and integrate with existing housing stock.</p> <p>While the building height and form has some difficulty in integrating with existing housing stock, the materials of the proposed building achieve some alignment with materials of dwellings in the general area.</p> <p>With the HDS in place, it can be expected that the character will evolve to a more intense and higher density residential environment. However, this will be achieved over the longer term.</p> <p>It is considered that the submitted plans are of a scale that does not integrate well with the existing housing stock. However, this has been addressed in the proposed amendments to the plans agreed by the applicant, which reduces the overall height (by removing the upper level) and varying setbacks. The agreed amendments are considered to result in a built form that acknowledges the changes encouraged by the HDS and also respects the existing housing stock.</p>

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B2	Residential Policy	✓	✓	The proposal is consistent with State and Local policy that encourage increased residential densities close to urban facilities.  The site is located within a Neighbourhood Renewal Change Area in the HDS.
B3	Dwelling Diversity	✓	✓	The proposal provides 15 one-bedroom dwellings, eight two-bedroom dwellings and 1 three-bedroom dwelling. This provides a satisfactory diversity of dwellings within the development itself and a variation to the predominant form of existing housing provision in the area.  This variation is retained in the agreed amendments, which results in 18 one-bedroom and six two-bedroom dwellings.
B4	Infrastructure	✓	✓	
B5	Integration with the Street	✓	✓	
B6	Street Setback	✓	✓	
B7	Building Height	✓	✓	
B8	Site Coverage	✓	✓	
B9	Permeability	✓	✓	
B10	Energy Efficiency	✓	✓	
B11	Open Space	N/A	N/A	Only applicable if public or communal open space is to be provided on site or adjacent to the development.
B12	Safety	✓	✓	
B13	Landscaping	✓	✓	There are opportunities for landscaping and canopy trees to be provided around the building, including along boundaries, in the front setback and along the accessway. This provision will assist in softening the proposed built form.  These opportunities at ground level are retained in the amendments agreed by the applicant.
B14	Access	✓	✓	

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B15	Parking Location	✓	✓	All car parking is at basement level, with stairs and lift access to levels above.  Parking spaces are in the form of double car stackers, other than the four visitor parking spaces.
B17	Side and Rear Setbacks	✓	✓	Some minor encroachment is required in relation to side setbacks at the corners of the upper levels at the third and fourth levels. While the minor encroachments would have negligible impact to adjoining neighbours, this could be addressed by conditions of any permit granted.  However, it is noted that the agreed amendments include deleting the third (upper) level and increasing setbacks removes this discrepancy and results in meeting the requirements of this Standard.
B18	Walls on Boundaries	✓	✓	No walls on boundaries
B19	Daylight to Existing Windows	✓	✓	
B20	North-facing Windows	N/A	N/A	
B21	Overshadowing Open Space	✓	✓	
B22	Overlooking	✓	✓	Potential overlooking is proposed to be addressed by the provision of balustrading to a height of 1.7m, plus the additional use of slatted screen to remove downward sightlines. This meets the requirements of this Standard.
B23	Internal Views	✓	✓	
B24	Noise Impacts	✓	✓	
B25	Accessibility	✓	✓	
B26	Dwelling Entry	✓	✓	
B27	Daylight to New Windows	✓	✓	
B28	Private Open Space	✓	✓	
B29	Solar Access to Open Space	N/A	N/A	
B30	Storage	✓	✓	



	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
B31	Design Detail	✓	✓	
B32	Front Fences	✓	✓	The front fence has a height of 1.2m which is mostly setback from the frontage by 3m. This meets the requirement for a maximum of 1.5m front fence height.
B33	Common Property	✓	✓	
B34	Site Services	✓	✓	

**CAR PARKING**

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this clause the following car spaces are required:

Use	Statutory Parking Rate	Number	Parking Requirement	Parking Provided
1 & 2 bedroom dwelling	1 per dwelling	23	23 spaces	26 spaces
3 or more bedroom dwelling	2 per dwelling	1	2 spaces	
Visitors	1 per 5 dwellings	24	4 spaces	4 spaces

With a total of 30 car spaces proposed, the number of spaces (both resident and visitor) exceeds (by one space) the statutory requirement of 29 spaces.

The amendments agreed by the applicant retain the same number of dwellings, but alters Dwelling No. 22 to a one-bedroom dwelling (from three-bedrooms). This reduces the required number of car spaces by one. This would result in an excess of two spaces compared with the Planning Scheme requirement.

Garages should be at least 6.0m long and 3.5m wide for a single space and 5.5m wide for a double space (measured inside the garage or carport). An open car space should be at least 4.9m long and 2.6m wide. The proposal complies with these requirements.

The arrangement for basement parking is satisfactory, with visitor car spaces not being spaces in car stackers, meeting the requirements of the Planning Scheme.

**REFERRAL TO VICROADS**

The application was required to be referred to VicRoads, as Settlement Road is in a Road Zone Category 1 (RDZ1) and is under VicRoads responsibility. VicRoads has responded that it does not object to a permit being issued, subject to conditions (*see recommendations*).

**DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (SCHEDULE 3)**

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. Schedule 3 to the overlay requires contributions for drainage infrastructure for medium density residential development at a current rate of \$2.19 per

square metre of the total site area. This requirement must be included as a condition on any planning permit that is issued.

## **COMMENTS ON GROUNDS OF OBJECTION**

### **1. Visual bulk**

The building initially proposed under the application was for four storeys above basement level car parking. However, it should be noted that land falls from the frontage, with the ground level is partly below street level, and the upper level recessed in from lower levels. In this context, the building presents to the street as a three storey building. It is also relevant that the upper floor is well recessed on all sides (and further from the rear boundary). Taking these factors into account, and that the site comprises two standard residential lots providing a generous overall width, it is considered that the proposed building form is appropriately designed and sited to minimise visual bulk, both from a streetscape perspective and from neighbouring properties.

The HDS encourages medium and higher density housing, including small scale apartments, therefore a change in built form and character is to be anticipated. In the short term, this may present some contrast to the present aging housing stock of mainly three bedroom single storey dwellings.

Importantly, the changes agreed by the applicant are in part driven by the need to achieve a built form that better integrates with existing housing. This removes a storey, increases setbacks and will effectively provide a two-storey presentation to the street. It is considered that these changes achieve a satisfactory balance between the existing housing stock in the area and the change encouraged in Council's HDS.

### **2. Loss of privacy (overlooking).**

Balconies and windows have been located and designed to minimise overlooking potential and measures to address overlooking meet the requirements of ResCode. This is considered to be a satisfactory outcome.

### **3. Overshadowing**

With north to the rear, the overshadowing diagrams demonstrate that the overshadowing impacts are within the acceptable range under ResCode, and do not adversely affect the private open space areas of the two adjoining properties at Nos.18 and 24 Settlement Road (east and west side respectively). The alterations agreed by the applicant further reduce overshadowing.

### **4. Insufficient car parking.**

Car parking is provided at basement level, and meets the Planning Scheme requirements for both residents and visitors. The number of spaces exceeds the minimum requirement by one space (the agreed amendment is in excess by two spaces). Notably, visitor spaces are not within stackers, and car stacker parking is satisfactory for resident parking.

### **5. Impact on Settlement Road (including safety and increased traffic).**

The proposal is not anticipated to create any adverse or unacceptable safety hazard, and the increase in traffic numbers on Settlement Road as a direct result of the proposed dwellings is insignificant in terms of existing volumes of traffic. While the site is opposite the signalised school crossing, VicRoads has consented to a permit being issued, and specified a number of conditions that must be included.

It is not considered that the proposal would adversely affect the access to the primary school opposite the site.

### **6. Adverse amenity impacts on surrounding area.**

While the proposal is more intense, it remains a residential use. It is developed across two residential lots, enabling appropriate and required setbacks to be achieved. Car parking and

access arrangements meet relevant requirements. The proposal is within an area where higher densities are not only expected, but are actively encouraged by planning policy, including Council's HDS.

**7. Construction impacts on surrounding area.**

In any development of this nature, there are requirements under building controls that require protection of adjoining properties.

**8. Property devaluation**

Claims of property devaluation have consistently been held to not be a relevant planning consideration.

**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 the objectives and standards of Clause 52.06, Clause 55 and the State and Local Planning Policy Frameworks including the Housing Diversity Strategy. The proposal demonstrates a satisfactory level of compliance subject to conditions.

It is considered that the proposal assists in the implementation of Council's Housing Diversity Strategy, provides an appropriate diversity and mix of housing in the area, and will not have a detrimental impact on the character of the neighbourhood or on existing surrounding residential properties. Accordingly approval of the application is recommended.

**RECOMMENDATION**

THAT Council resolve to approve Planning Application No. 715255 and issue a Notice of Decision to Grant a Permit for development of an Apartment Building comprising 24 dwellings with basement car parking and access from a Road Zone Category 1 (RDZ1) at 20 and 22 Settlement Road, Bundoora in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the endorsement of the plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.
2. Prior to the endorsement of the plans required under Condition No. 3, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$5,000 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted.  
  
Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.
3. Before the development commences, amended plans must be submitted to and approved by the Responsible Authority showing the following changes:
  - (a) The proposal amended in accordance with amended plans referenced as

'Discussion Plans' labelled TPA02, TPA03 and TPA05 dated December 2016 as prepared by SMLX Pty Ltd, which show amendments which include the deletion of Level 3 (third floor), reduction in overall building height (to 7.97 metres), changes to second floor balconies and balcony screening and variation to side and rear setbacks.

4. Before the development commences, a detailed landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and show all proposed landscaping, including details of any vegetation to be retained, the location of all new planting, a schedule of plant species and height at maturity, and a maintenance schedule. Species selection is to be to the satisfaction of the Responsible Authority and include the provision of a canopy tree within the front setback of the property and three new suitable street trees. Any proposed trees must be at an advanced stage of growth when planted.
5. Before the development commences, a schedule (including samples) of all external materials and colours for all walls, roofs, and doors including hard surface areas to be used for the construction of the proposed dwellings/buildings, including access ways is to be submitted to and approved by the Responsible Authority. Any proposed access way must be constructed from coloured concrete, bricks or pavers and not from plain concrete.
6. Before the use of the development commences, the land must be consolidated in title and/or re-subdivided under the Subdivision Act 1988.
7. Before the use and/or development hereby permitted starts, a Waste Management Plan must be prepared to the satisfaction of the Responsible Authority. Once satisfactory, such a plan will be endorsed and must be implemented 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).

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

8. Before development commences, a Visitor Car Parking Management Plan must be submitted to and approved by the Responsible Authority. The plan must detail the manner in which visitors to the site are directed to and gain access to the designated visitor car parking bays.
9. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
10. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
11. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
12. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible

Authority.

13. Before the development starts, including works required by other authorities, three copies of a site management plan must be submitted to and approved by the Responsible Authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit. The Site Management Plan must:
  - (a) Nominate any staging of the development and means of satisfactory separation of any stage or stages once completed with any subsequent or incomplete stage or stages.
  - (b) Include separate parts describing relevant matters of occupational health and safety, traffic management and delivery times and methods.
  - (c) Include proposed location of car parking for construction workers' private vehicles if they are not to be parked on site.
  - (d) Include the proposed route for construction vehicle access to the site including a program for the upgrade and maintenance works required along this route while any works are in progress.
  - (e) Include means by which foreign material will be restricted from being deposited on public roads by vehicles associated with building and works on the land to the satisfaction of the Responsible Authority.

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

14. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed to the satisfaction of the Responsible Authority and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.
15. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
16. Before the use of the development commences, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
17. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
18. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority must be provided for each dwelling.
19. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath

along the boundaries of the site.

20. 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.
21. 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.

VicRoads Conditions (Conditions 22 to 25)

22. The disused or redundant vehicle crossings must be removed and the area reinstated to nature strip, kerb and channel to the satisfaction of and at no cost to the Roads Corporation prior to the occupation of the building.
23. Before the commencement of any works on Settlement Road, functional layout / signal layout plans at a scale of 1:250 must be approved by the Roads Corporation and the Responsible Authority showing the following works:
  - (a) A left turn signal display is to be installed at the pedestrian signals facing the exit from site's car park.
  - (b) A Keep Clear linemarking at the front of the proposed crossover and across the two east bound lanes of Settlement Road.
  - (c) The layout of the proposed crossover with appropriate splays, including trees, utilities and services to be removed / relocated.
  - (d) Swept paths analysis of a B99 car wishing to enter the site whilst a B99 car is waiting to exit.
24. Before the building is occupied, the following works on Settlement Road are required and must be completed at no cost to and to the satisfaction of the Roads Corporation:
  - (a) A left turn red signal display is to be installed at the pedestrian signals facing the exit from site's car park.
  - (b) A Keep Clear linemarking is required in front of the proposed crossover and across the two east bound lanes of Settlement Road.
  - (c) A crossover of sufficient width to allow a B99 car to enter whilst another is waiting to exit, but not less than a minimum width of 5m at the entrance with a passing area of no less than 7m into the property is to be constructed to the satisfaction of the Responsible Authority. The crossover must have a corner splay or area of at least 50 per cent clear of visual obstructions extending at least 2m along the frontage road and 2.5m along the exit access way. All exits from the property must be in a forward direction.
25. A car park access scheme is required as to how visitors will access the premises in terms of security without requiring these vehicles to have to reverse back onto Settlement Road. Such a scheme must be to the satisfaction of the the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the works.

End of VicRoads Conditions

26. This permit will expire if:

- (a) the approved development does not start within two years of the date of this permit; or
- (b) the approved development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to above if a request is made in writing. This request must be made before or within six 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:

VicRoads

The proposed development requires reinstatement of disused crossovers to nature strip, kerb and channel and construction of a new crossover. Separate approval under the Road Management Act for this activity may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works

Advanced Trees

An advanced tree under this permit shall generally constitute the following:

Evergreen – minimum container size 45 litre spring ring, calliper at ground level 50mm.

Deciduous – minimum calliper at ground level 65mm, minimum height 2 metres.

Easements

No structure may be built over an easement on the subject site without the consent of the relevant Responsible Authority.

Street Numbering Note

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

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Alessi*  
**SECONDED:**                *Cr Lalios*

**THAT Council resolve to refuse Planning Permit Application No. 715255 and issue a Refusal to Grant a Permit for the construction of a four storey residential building comprising 24 dwellings with basement car parking and creation/alteration of an access to a Road Zone Category 1 at 20 and 22 Settlement Road, Bundoora, on the following grounds:**

1.    **The proposal will adversely affect the safe and efficient functioning of Settlement Road in this location, particularly having regard to the proximity of the major**

- intersection of Settlement Road and Plenty Road, the location of the school and church opposite, and the school crossing located at the frontage of the land.
2. The proposal will generate an unacceptable increase in traffic and in turning movements at this location in Settlement Road.
  3. The proposal is an overdevelopment of the site and the built form is of a poor design that creates unacceptable visual bulk to surrounding and nearby properties and to the streetscape.
  4. The proposal will result in a loss of privacy to surrounding residential properties, and is not consistent with Clause 55.04-6 (Overlooking) of the Whittlesea Planning Scheme
  5. The proposal does not provide adequate car parking that would be reasonably expected for a development of the density and scale proposed.
  6. The proposal has a scale and design that is not in keeping with the existing character of the neighbourhood and does not integrate well with existing housing stock, and is not consistent with Clause 55.02-1 (Neighbourhood character) of the Whittlesea Planning Scheme.
  7. The proposal has not resolved the requirement for on-site waste storage and collection, and no Waste Management Plan has been submitted with the application.
  8. The proposal will create an unacceptable level of overshadowing to adjoining properties and to the public realm in settlement road, and is not consistent with Clause 55.04-5 (Overshadowing) of the Whittlesea Planning Scheme.

**CARRIED**



**6.1.7 3 DEVELOPMENT BOULEVARD, MILL PARK - USE AND DEVELOPMENT OF A CHILDCARE CENTRE, REMOVAL OF NATIVE VEGETATION, BUILDINGS AND WORKS ASSOCIATED WITH AN OFFICE AND WAREHOUSE, A REDUCTION IN CAR PARKING REQUIREMENTS AND DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE.**

<b>File No:</b>	715188
<b>Attachments:</b>	1 <a href="#">Locality Maps</a> ⇨ 2 <a href="#">Development Plans</a> ⇨ 3 <a href="#">Vegetation Removal Plan</a> ⇨
<b>Responsible Officer:</b>	Director Planning & Major Projects
<b>Author:</b>	Senior Planner
<b>APPLICANT:</b>	Jamluk Pty Ltd
<b>COUNCIL POLICY:</b>	Child Care Centre River Red Gum Protection
<b>ZONING:</b>	Commercial 1
<b>OVERLAY:</b>	Development Contributions Plan (Schedule 3) Vegetation Protection (Schedule 1)
<b>REFERRAL:</b>	Nil
<b>OBJECTIONS:</b>	Two
<b>RECOMMENDATION:</b>	That Council approve the proposal.

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to redevelop the subject site at 3 Development Boulevard, Mill Park for the purpose of a child care centre, two office premises and a warehouse. The proposal will involve refurbishment of existing buildings and new buildings and extensions. Additional provision of car parking, some removal of native vegetation and display of business identification signage are also proposed. The site was previously occupied by the Buzy Kidz Fun Centre and Bike School.

Advertising of the proposal resulted in two objections being received. The grounds of objection relate to scale and character, overshadowing, loss of vegetation, insufficient parking and traffic congestion.

The proposal has been assessed as being compliant with the provisions of the Whittlesea Planning Scheme. Accordingly, it is recommended that Council approve the application.

**SITE AND SURROUNDING AREA**

The subject site is located on the southwest side of Development Boulevard, Mill Park and approximately 75m southeast of Plenty Road (*see Attachment 1*). The land is irregular in shape and forms part of an existing commercial precinct that includes a range of commercial uses such as a real estate agent, take-away food shops, restaurants and a swim school. The

land has a southern boundary length of 91.1m; a boundary length of 43m abutting the swim school centre to the northeast and the remainder of the boundaries abutting common property areas within the existing commercial precinct. The site was previously occupied by a children's play centre known as Buzy Kidz Fun Centre and Bike School. The existing development includes an outdoor area located towards the southern boundary which is set up as a traffic school for children to ride bikes. Access to the site is from Development Boulevard via the existing vehicle crossover located within common property located on the northwest corner of the site.

To the south of the site is a 5.0m wide public open space lineal reserve that contains mature planted landscaping. The reserve acts as a buffer between the residential and commercial area. The residential area to the south includes detached single and double storey residential dwellings on standard density lots. The private open space areas of these dwellings abut the reserve.

To the north of the site, across Development Boulevard, is the Rivergum Shopping Centre which contains a range of retail, office and supermarket uses. The buildings on this land are located to the rear of the site with a large car parking area located within the Plenty Road frontage. To the west of the site is a commercial development containing common property parking, a real estate agent, take-away food shops, and restaurants. All of these commercial premises are oriented to front Plenty Road. To the east of the site is a swim centre building with associated car parking, Taree Park Recreation Reserve and a mixed use commercial development.

## **RESTRICTIONS AND EASEMENTS**

The site is legally described as Lot 2 on Plan of Subdivision 422091R. Section 173 Agreements R249926P and R861861D apply to the land and relate to the fencing along the reserve. There are no restrictions on title that preclude Council from determining the application.

## **BACKGROUND**

Planning Permit No. 704695 was issued on 16 December 1998 for the purpose of a traffic school which was approved for the southern portion of the land. Condition No. 2 of the Planning Permit required the approval of a landscape plan showing a landscape buffer along the southern boundary of the property (in addition the planting contained in the reserve). The purpose of this landscape buffer was to alleviate any privacy impact to the adjoining residential properties to the south. It should be noted that all planting has been undertaken in accordance with the permit condition and that this vegetation has established since the issue of the permit.

Planning Application No. 711021 was issued on the 2 February 2010 to use and develop the land for the purpose of offices, retail premises, a restricted indoor recreation facility and a reduction in the car parking requirements. The permit expired on the 2 March 2012 as it was not commenced. The current application is for a similar proposal to that previously approved under this permit (with the restricted indoor recreation facility now to be replaced by two warehouse units).

Planning Application No 714524 was lodged in 2014 to convert the existing building into a two storey commercial development comprising four retail premises and two offices on the ground floor and nine offices at first floor level. Two warehouse units were proposed within the southeast portion of the land. This application was refused by Council on 26 August 2014 on the basis of it being an overdevelopment, inadequate provision of car parking and unsatisfactory design outcomes.

## PROPOSAL

The application is for the use and development of the land for the purpose of a childcare centre and warehouse, removal of native vegetation, buildings and works associated with an office, a reduction in car parking requirements and display of business identification signage. *Attachment 2* shows the proposed development and associated works. The following provides a summary of the application:

### Child Care Centre

The proposed child care centre is to accommodate 136 children. The proposed centre will utilise and extend the existing building on the site to provide a building of 925m<sup>2</sup> and an adjoining outdoor play space (located to the west and south of the proposed building) with an area of 785m<sup>2</sup>.

### Office

The proposal includes the creation of two office premises: one with a floor space of 107m<sup>2</sup> and the other with an area of 105m<sup>2</sup>. A permit is only required for minor external works to the existing building. A planning permit is not required under the zone for the use of the land for office purposes.

### Warehouse

A permit is required for the use and development of the land for a warehouse. The building is to be located in the southeast corner of the subject site. The warehouse will consist of 365m<sup>2</sup> of net floor area and is to be recessed 1.3m from the southern boundary, providing a total separation of 6.3m from adjoining residential land. The proposed built form of the warehouse will have a total height of 8.4m, which is reduced to 5.5m at the southern boundary. Although an end use for the warehouse has not been determined at this stage, planning provisions require that the warehousing of goods or materials that may affect amenity of area (as defined by Clause 52.10) is not permitted. Should a permit be issued, planning conditions would be imposed to comply with this requirement.

### Reduction of parking requirements

The subject site forms part of a larger commercial precinct where 261 car parking spaces are provided within common areas. These parking spaces are not allocated to any specific premises. Consequently, a reduction of car parking requirements is needed as consideration must be given to whether the common area parking is capable of accommodating the anticipated demand for parking, and if not, whether capacity for car parking within the surrounding street network and/or access to public transport may support a reduction of parking requirements.

The proposed development includes the construction of 15 new car parking spaces. One of these will be located within the common area and the remaining 14 spaces will be contained within the property title of the subject site.

### Removal of vegetation

The applicant proposes to remove five trees that require planning permission in accordance with the Vegetation Protection Overlay that affects the subject site and surrounding area. The vegetation to be removed includes four She-Oaks that form part of the landscaping associated with the original development and one small River Red Gum (see *Attachment 3*).

### Display of signage

The applicant has requested planning permission to display business identification signage. This consists of three signs each within an area of 5.2m<sup>2</sup>, providing a total area of 15.6m<sup>2</sup>.

**PUBLIC NOTIFICATION**

Advertising of the application has resulted in two objections being received. The grounds of objection can be summarised as follows:

1. Scale and character of the proposed warehouse not appropriate for residential interface area
2. Overshadowing
3. Loss of vegetation
4. Insufficient parking and traffic congestion

**PLANNING ASSESSMENT****State and Local Planning Policy Framework**

The proposed development is located within a local activity centre which under State planning policy is to be the focus for high quality development and the location for business, shopping, working, leisure and community facilities (Clause 11.03-1 and 21.04-1). In this context the redevelopment proposal will support continued growth and diversification of the centre to provide access to a wide range of goods and services, provide local employment and support the local economy (Clause 11.06-1, 17.01-1 and 21.10-1)

State planning provisions relating to the built environment require that planning achieve high quality urban design outcomes contribute positively to local urban character and sense of place and minimises detrimental impacts on neighbouring properties (Clause 15.01 and 21.08-1). Urban design principles also seek to ensure that the development process should be managed so that sites are not in an unattractive, neglected state for excessive periods. New development should achieve high standards of architecture and be appropriately landscaped (Clause 15.01-2).

In relation to the proposed child care centre, Council's local policy (Clause 22.05) seeks to ensure that that proposed centres are well designed, serve the needs of the community and minimise impacts on the amenity of adjoining areas. The proposed centre has been assessed under these provisions and the associated guidelines and has been found to be consistent with the policy. In particular, the proposal is located within a local activity centre context (in proximity to other facilities), provides for the safe and efficient of movement of vehicles and pedestrian traffic, is of a scale and design suitable to the area and will fulfil a demonstrated need. Conditions of any permit granted will require hours to be 7.00am to 6.00pm each day. Although weekend use is unlikely, the conditions would not exclude this given the zoning of the land.

Clause 22.10 (River Red Gum Protection Policy) seeks to ensure that new development takes into account the presence, enhancement and long term viability of River Red Gums in urban areas. It is policy that Red Gums are integrated into new development where feasible. For the reasons set out further in this report, it is proposed that a single small River Red Gum be removed and replaced with other new landscaping.

**Zoning Provisions**

The subject site is located within the Commercial 1 Zone. A purpose of the zone seeks to 'create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.' Under the zone a permit is required for:

- The use and development of the land for a child care centre
- The use and development of the land for a warehouse

- Buildings and works associated with the proposed new offices
- The display of signage in accordance with Clause 52.05

Relevant decision guidelines under the zone include 'the interface with adjoining zones, especially the relationship with residential areas.' A response to the two objections received from an adjoining residential area is provided further in this report.

Although warehouse uses are typically associated with the zone, the application proposal is for a small component of the site that does not have street frontage. As previously noted in this report, warehouse uses are restricted to activity that does not have the potential for adverse amenity impacts as defined under the planning scheme. Conditions will be required limiting hours of operation from 8.00am to 6.00pm Monday to Saturday.

The full proposal has been assessed as consistent with the purpose of the zone and decision guidelines because adequate provision is provided for car parking and an appropriate interface is provided with the residential land to the south.

### **Vegetation Protection Overlay (Schedule 1)**

The subject site is affected by the Vegetation Protection Overlay (Schedule 1). A planning permit is required to remove native vegetation. In relation to the seven She-Oaks these constitute previously planted trees, three of these are located within common property abutting the site and can be retained. A new landscape plan will be required which will require replacement canopy trees designed around the new development to ensure shade and amenity.

The single River red gum to be removed comprised a small tree with a trunk diameter of 37cm located within close proximity to the existing car parking spaces. The tree has been assessed as not providing a significant level of amenity and not capable of further expansion under either the existing development layout or the proposed development. The removal of the tree is supported. Conditions of permit will ensure that an appropriate offset is secured elsewhere as a result of this loss.

### **Development Contributions Plan Overlay (Schedule 3)**

The site is affected by the Development Contributions Plan Overlay. Pursuant to Clause 45.06 of the Whittlesea Planning Scheme, the Development Contributions Plan Overlay enables the levying of contributions for the provision of works, services and facilities prior to development commencing. This requirement must be included as a condition on any planning permit that is issued (in relation to additional impervious areas only).

### **Display of Signage**

The subject site is located within the Commercial 1 Zone, which nominates that signage category 1 applies as set out in Clause 52.05 of the Whittlesea Planning Scheme. In this instance the proposed signs have a total area greater than 8m<sup>2</sup> and therefore require a planning permit.

The proposed signs are considered to be modest and appropriately located to clearly identify the building and the business contained within. It is recommended that the proposed signage be approved with standard permit conditions that have been outlined in the recommendation section of this report.

**Car Parking**

Clause 52.06 of the Whittlesea Planning Scheme prescribes the rate and design standards for car parking spaces required on site. Pursuant to this clause the following car spaces are required:

Use	Rate	Car spaces required	Car spaces provided
Child Care Centre	0.22 parking spaces to each child	29	14 on the site subject site plus one new space within the common car parking area
Warehouse	1.5 parking spaces to every 100m <sup>2</sup> of net floor area plus 2 spaces per premises	7	
Office	3.5 spaces to every 100m <sup>2</sup> of net floor area	7	

The proposal requires a reduction of car parking requires as the existing parking arrangement is shared and contained entirely within common property. The proposal would result in demand for 43 spaces pursuant to the parking rates set out in the Whittlesea Planning Scheme.

The proposal includes the construction of 15 new car parking spaces, of which one will be within the common property area and 14 within the subject site. The result is a reliance on 29 of the 262 shared parking spaces available within the broader common property area. Having regard to the previous approvals granted for the subject site, the play centre included the use of 30 car parking spaces within the common property.

The proposed reduction of parking requirements is considered to be appropriate due to the abundance of shared spaces available within this commercial area.

**COMMENTS ON GROUNDS OF OBJECTION**

**1. Scale and character of the proposed warehouse**

A warehouse proposed under a previous application was refused by Council. The proposed warehouse has been reduced in size. The wall close to the southern boundary has been reduced in length by 13m. It is acknowledged that the land slopes towards the rear boundaries of the residential lots thus further exposing the site and outlook to the proposed building. However, the proposed building is considered modest and commensurate with other commercial buildings that potentially could also be established on this site. The proposed warehouse is to have a maximum height of 8.4m reduced to a height of 5.5m at the southern façade.

To partially address the concerns of objectors it is recommended that the setback of the warehouse to the rear boundary be increased from 1.3m to 2.0m to ensure that additional landscaping can be established in conjunction with the existing landscaping provided within the 5.0m landscaped reservation separating the residential area from the subject land.

**2. Overshadowing**

The proposed warehouse will result in some overshadowing during the morning of residential properties located to the south. However, the extent and duration of this overshadowing has been assessed as acceptable. The requirement for a small additional setback will assist in alleviating this concern.

**3. Loss of vegetation**

While planted native trees and a single River Red Gum will require removal from part of the subject land, replacement landscaping will be provided under conditions of any permit issued. It should be noted that the vegetation buffer provided by the 5m wide reserve between the subject site and the residential properties to the south will not be affected by the proposal.

**4. Insufficient parking and traffic congestion**

The common property, of which the subject site has a right to use, is considered to be capable of supporting the demand for car parking in accordance with the parking rates set out in the Whittlesea Planning Scheme. The subject site will provide for 15 additional car parking spaces and will not result in the congestion of the surrounding road network. The residential area and street on which the objectors are located is physically separated from the commercial precinct and no traffic impacts arising from the development will affect this residential area.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The proposal has been assessed against the relevant provisions of the Whittlesea Planning Scheme with particular attention to the State and local planning policy frameworks, zoning and overlay provisions and other particular provisions. The application proposal has been assessed as generally compliant with these provisions. The proposal appropriately utilises the site and has appropriate regard to the interface with residential areas to the south. It is therefore recommended that the application be approved subject to conditions.

**RECOMMENDATION**

THAT Council resolve to approve Planning Application No. 715188 and issue a Notice of Decision to Grant a Permit for the use and development of a child care centre and warehouse, buildings and works associated with an office, display of business identification signage, removal of native vegetation and reduction of car parking requirements, at 3 Development Boulevard, South Morang, in accordance with the endorsed plans and subject to the following conditions:

1. Prior to the endorsement of the plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.
2. Within two months from the date of issue of this permit, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$3,400.00 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted. Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible Authority will refund the security deposit to the then owner of the subject land.
3. Before the development and/or use hereby permitted starts, three copies 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 dated 8 February 2017 and prepared by Caddco but modified to show:

- a) The warehouse setback a minimum of 2.0m from the southern property boundary;
  - b) A detailed schedule of external colours and materials; and
  - c) A landscape plan as required by Condition No. 4 of this permit.
4. Concurrent with the endorsement of plans under Condition 3 and before the development and/or use hereby permitted commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:
- a) A survey of all existing vegetation and natural features;
  - b) The area or areas set aside for landscaping;
  - c) A schedule of all proposed trees, shrubs/small trees and ground cover;
  - d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
  - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - f) Appropriate irrigation systems; and
  - g) The provision of a minimum of eight canopy trees throughout the development in appropriate locations.
5. Unless with the prior written consent of the Responsible Authority;
- a) the use of the land as a warehouse may only operate between the hours of 8am to 6pm Monday to Saturday; and
  - b) the use of the land as a child care centre may only operate between the hours of 7am to 8pm.
6. The child care centre may only operate with a maximum of 136 children, unless otherwise agreed in writing by the Responsible Authority.
7. The warehouse units are prohibited from undertaking any activity listed in Clause 52.10 'Uses with Adverse Amenity Potential' of the Whittlesea Planning Scheme.
8. The development and/or 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.
9. The collection of waste must be undertaken from within the subject land and may not unreasonably affect the amenity of nearby residential properties in any way, to the satisfaction of the responsible Authority.



10. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
11. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
12. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
13. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
14. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
15. 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). The location, design, and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
16. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
17. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
18. Before the use of the development commences, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
19. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
20. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
21. 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.
22. 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.

23. During the construction phase, any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.

Signage (Conditions 24 – 28)

24. The location and details of the sign(s), including supporting structures, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.
25. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Responsible Authority.
26. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
27. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
28. No bunting, streamers, windvanes or the like shall be displayed unless with the prior written consent of the Responsible Authority.

Expiry (Conditions 29 – 30)

29. The signage component of this permit will expire if one of the following circumstances applies:
  - a) The signage hereby approved is not displayed within 12 months of the date of this permit.
  - b) The buildings and works are not completed within 12 months of the date of this permit.
30. This permit will expire if:
  - a) The approved development does not start within two years of the date of this permit; or
  - b) The approved development is not completed within four years of the date of this permit; or
  - c) The uses hereby permitted does not commence within four years of the date of this permit; or
  - d) The uses hereby permitted cease for a period of two or more 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:

Advanced Trees

An advanced tree under this permit shall generally constitute the following:

Evergreen – minimum container size 45 litre spring ring, calliper at ground level 50mm.

Deciduous – minimum calliper at ground level 65mm, minimum height 2 metres.

Street Numbering Note

Please note that property addresses and numbering is allocated by Council. This is usually formalised at the time of the subdivision, however it is Council's intention to number the proposed allotments as follows:

<i>Child Care Centre</i>	<i>3 Development Boulevard, Mill Park</i>
<i>Office 1 (107m2)</i>	<i>3A Development Boulevard, Mill Park</i>
<i>Office 2 (105m2)</i>	<i>3B Development Boulevard, Mill Park</i>
<i>Warehouse</i>	<i>5A Development Boulevard, Mill Park</i>

Please check with Council's Subdivision Department to verify all street numberings.

Signage

The display of signage must be in accordance with the provisions of the Whittlesea Planning Scheme. Please note that a planning permit may be required to display some signs.

**MOTION**

**MOVED:** *Cr Alessi*  
**SECONDED:** *Cr Cox*

**THAT Council resolve to refuse Planning Application No. 715188 and issue a Refusal to Grant a Planning Permit for the use and development of a child care centre and warehouse, buildings and works associated with an office, display of business identification signage, removal of native vegetation and reduction of car parking requirements, at 3 Development Boulevard, Mill Park, on the following grounds:**

- 1. The proposal does not comply with Clause 52.06 of the Whittlesea Planning Scheme with respect to the provision of visitor car parking spaces.**
- 2. The proposed use of the land for a warehouse is not appropriate having regard to surrounding land uses.**
- 3. The height of the warehouse will have an unreasonable impact on adjoining properties having regard to:**
  - a. Visual bulk**
  - b. Setback from the southern boundary**
  - c. Overshadowing of residential properties to the south.**

**LOST**

**DIVISION**

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

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

Based on the votes cast during the Division, the vote was tied.

**CASTING VOTE**

In accordance with Clause 68 of the Procedural Matters Local Law the Mayor exercised his right to a casting vote to vote against the Motion.

**LOST**

**COUNCIL RESOLUTION**

**MOVED:** *Cr Kelly*  
**SECONDED:** *Cr Monteleone*

**THAT Council resolve to approve Planning Application No. 715188 and issue a Notice of Decision to Grant a Permit for the use and development of a child care centre and warehouse, buildings and works associated with an office, display of business identification signage, removal of native vegetation and reduction of car parking requirements, at 3 Development Boulevard, South Morang, in accordance with the endorsed plans and subject to the following conditions:**

- 1. Prior to the endorsement of the plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**
- 2. Within two months from the date of issue of this permit, or at such later date as the Responsible Authority may approve in writing, there shall be lodged with the Responsible Authority an amount of \$3,400.00 as security deposit for the satisfactory completion and maintenance of the landscaping works hereby permitted. Upon completion of the landscaping works to the satisfaction of the Responsible Authority, the Responsible will refund the security deposit to the then owner of the subject land.**
- 3. Before the development and/or use hereby permitted starts, three copies 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 dated 8 February 2017 and prepared by Caddco but modified to show:**
  - a) The warehouse setback a minimum of 2.5m from the southern property boundary;**
  - b) A detailed schedule of external colours and materials; and**
  - c) A landscape plan as required by Condition No. 4 of this permit.**
- 4. Concurrent with the endorsement of plans under Condition 3 and before the development and/or use hereby permitted commences, three copies of a landscape plan prepared by a suitably qualified landscape designer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:**
  - a) A survey of all existing vegetation and natural features;**
  - b) The area or areas set aside for landscaping;**
  - c) A schedule of all proposed trees, shrubs/small trees and ground cover;**

- d) The location of each species to be planted and the location of all areas to be covered by grass, lawn or other surface material;
  - e) Paving, retaining walls, fence design details and other landscape works including areas of cut and fill;
  - f) Appropriate irrigation systems; and
  - g) The provision of a minimum of eight canopy trees throughout the development in appropriate locations.
5. Unless with the prior written consent of the Responsible Authority;
- a) the use of the land as a warehouse may only operate between the hours of 8am to 6pm Monday to Saturday; and
  - b) the use of the land as a child care centre may only operate between the hours of 7am to 8pm.
6. The child care centre may only operate with a maximum of 136 children, unless otherwise agreed in writing by the Responsible Authority.
7. The warehouse units are prohibited from undertaking any activity listed in Clause 52.10 'Uses with Adverse Amenity Potential' of the Whittlesea Planning Scheme.
8. The development and/or 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.
9. The collection of waste must be undertaken from within the subject land and may not unreasonably affect the amenity of nearby residential properties in any way, to the satisfaction of the responsible Authority.
10. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
11. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
12. Before the use of the development allowed by this permit starts, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.
13. Before the use of the development starts, the car parking areas and access ways must be drained, and fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.
14. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.
15. 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). The location, design, and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be

- removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.
16. Before starting any buildings or works, engineering plans showing a properly prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system (if required), must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.
  17. Prior to using or occupying any building on the site, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.
  18. Before the use of the development commences, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.
  19. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.
  20. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.
  21. 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.
  22. 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.
  23. During the construction phase, any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.
- Signage (Conditions 24 – 28)**
24. The location and details of the sign(s), including supporting structures, as shown on the endorsed plans, must not be altered unless with the prior written consent of the Responsible Authority.
  25. The sign(s) must not contain any flashing or moving light, to the satisfaction of the Responsible Authority.
  26. The sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
  27. The sign(s) must be constructed and maintained to the satisfaction of the Responsible Authority.
-

28. No bunting, streamers, windvanes or the like shall be displayed unless with the prior written consent of the Responsible Authority.

Expiry (Conditions 29 – 30)

29. The signage component of this permit will expire if one of the following circumstances applies:

- a) The signage hereby approved is not displayed within 12 months of the date of this permit.
- b) The buildings and works are not completed within 12 months of the date of this permit.

30. This permit will expire if:

- a) The approved development does not start within two years of the date of this permit; or
- b) The approved development is not completed within four years of the date of this permit; or
- c) The uses hereby permitted does not commence within four years of the date of this permit; or
- d) The uses hereby permitted cease for a period of two or more 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:**

**Advanced Trees**

An advanced tree under this permit shall generally constitute the following:

Evergreen – minimum container size 45 litre spring ring, calliper at ground level 50mm.

Deciduous – minimum calliper at ground level 65mm, minimum height 2 metres.

**Street Numbering Note**

Please note that property addresses and numbering is allocated by Council. This is usually formalised at the time of the subdivision, however it is Council’s intention to number the proposed allotments as follows:

Child Care Centre	3 Development Boulevard, Mill Park
Office 1 (107m2)	3A Development Boulevard, Mill Park
Office 2 (105m2)	3B Development Boulevard, Mill Park
Warehouse	5A Development Boulevard, Mill Park

Please check with Council’s Subdivision Department to verify all street numberings.

**Signage**

The display of signage must be in accordance with the provisions of the Whittlesea Planning Scheme. Please note that a planning permit may be required to display some signs.

**CARRIED**

**DIVISION**

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

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

Based on the votes cast during the Division, the vote was tied.

**CASTING VOTE**

In accordance with Clause 68 of the Procedural Matters Local Law the Mayor exercised his right to a casting vote to vote in favour of the motion.

**CARRIED**



**6.1.8 2365 PLENTY ROAD, WHITTLESEA - BUILDINGS AND WORKS ASSOCIATED WITH AN EXISTING FACILITY USED FOR LEISURE AND RECREATION (FUNFIELDS)**

<b>File No:</b>	<b>716259</b>
<b>Attachments:</b>	<b>1</b> <b>Locality Maps</b> <a href="#">⇨</a> <b>2</b> <b>Development Plans</b> <a href="#">⇨</a>
<b>Responsible Officer:</b>	<b>Director Planning &amp; Major Projects</b>
<b>Author:</b>	<b>Planning Officer Established Areas Planning</b>
<b>APPLICANT:</b>	<b>Caswell Nominees Pty Ltd</b>
<b>COUNCIL POLICY:</b>	<b>Nil</b>
<b>ZONING:</b>	<b>Green Wedge Zone</b>
<b>OVERLAY:</b>	<b>Significant Landscape (Schedule 1)</b>
<b>REFERRAL:</b>	<b>Nil</b>
<b>OBJECTIONS:</b>	<b>One</b>
<b>RECOMMENDATION:</b>	<b>That Council approve the application.</b>

**REPORT****EXECUTIVE SUMMARY**

The applicant proposes to construct a new entertainment ride ('Revolution 360') within the existing Funfields amusement park. The application also proposes to construct a small outbuilding for storage elsewhere on the land (unrelated to the proposed ride). The Funfields venue initially commenced in the early 1990s and has experienced sustained growth since this time.

The operator seeks to construct the ride during the off-season (rather than during the peak summer season). The application has been advertised and a single objection has been received by a nearby resident relating to noise impacts from patrons using the ride and dust emissions generated from car parking areas associated with the broader facility.

This report recommends that buildings and works be approved because they will be integrated with existing facilities and amusement facilities.

A number of planning permits have previously been granted for buildings and works to accommodate the current recreation facilities and rides. However, the modest visitor numbers and operating conditions approved under the original permit do not reflect the current level of use and visitation (particularly at peak periods). The proponent has therefore lodged a separate application for planning permit to amend the original permit to reflect current and projected visitation and use. It is anticipated that this separate application will be placed on public notice shortly. The objector to the application considered in this report will be provided with an opportunity to make further submissions in relation to this further application.

## **SITE AND SURROUNDING AREA**

The subject site is located on the western side of Plenty Road, south of the Whittlesea Township (see *Attachment 1*). The site comprises an area 15.6ha and rises gently from Plenty Road towards the central section of the property and then further rises more steeply to the rear (western) boundary of the site which forms part of the Whittlesea Hills. The Funfields venue contains a number of amusement rides, water theme-based activities and associated recreational areas such as BBQs. Entry to the site is via Plenty Road which provides access to a sealed car parking area and associated overflow area. Mature planted vegetation is provided through the site and along boundaries to the residential interface areas. A caretaker's resident is established on the land.

Land to the north abuts a standard density residential area separated by a 12m wide tree reserve (a total of 14 dwellings abut this interface). Land to the south abuts a low density residential area (six lots containing existing dwellings). Land to the north abuts rural land used for grazing purposes. Land to east, opposite Plenty Road, is currently vacant and zoned for low density residential purposes.

## **RESTRICTIONS AND EASEMENTS**

The Certificate of Title for the property shows that the site is not affected by any encumbrances or restrictions.

## **BACKGROUND**

Funfields has operated from the subject site for approximately 27 years. Over this period planning permits have been granted for a range of facilities rides and associated works. However, the modest visitor numbers and operating conditions approved under the original permit do not reflect the current use and visitation (particularly at peak periods). The proponent has therefore lodged a separate application (at the request of Council officers) for planning permit to amend the original permit to reflect current and projected visitation and use. It is anticipated that this separate application will be placed on public notice and a decision made prior to the next peak season commencing this Summer. This application will address issues relating to traffic management and noise attenuation (among other matters).

## **PROPOSAL**

The applicant proposes to construct a new entertainment ride ('Revolution 360') within the existing Funfields amusement park. The application also proposes to construct a small outbuilding for storage elsewhere within the facility (unrelated to the proposed ride). Plans showing the development (and associated earthworks) are shown in *Attachment 2*. The 'Revolution 360' ride (and associated shade sail) is proposed to be located in the centre of the site, east of the water slide and south of the go-kart area.

The proposed ride is a metal revolving structure which has a permanent central pole (approximately 14.0m in height) with a revolving ride reaching a maximum height of 20.0m at full rotation. A 10.0m x 5.0m shade sail (3.5m in height) is proposed adjacent to the ride, and a retaining wall (1.86m in height) is proposed to be constructed from rendered brickwork and will form the platform for the ride. The applicant has described the ride as follows:

*Up to 16 riders are seated in a large circular gondola facing outwards and are held in their seats by over the shoulder restraints with their feet below. The ride action is like a pendulum and as it begins to swing, the gondola also rotates. As each swing gets longer, the gondola eventually swings fully through 360 degrees.*

The proposed ride will be operated by two trained staff. The ride is similar to the existing 'Pirate Ship' ride which has been on the site since approximately 2009.

The proposed outbuilding comprises a 'Colourbond' clad 12.0m x 8.0m (96.0m<sup>2</sup>) building (5.2m height) which is to be used for storage purposes.

**PUBLIC NOTIFICATION**

Advertising of the application has resulted in an objection being received from a resident of one of the 14 dwellings abutting the northern boundary of the subject land. The grounds of objection relate to noise impacts from patrons using the ride and dust emissions generated from the car parking areas. The resident is within proximity to an unsealed area that is used for overflow parking. However, the objector's dwelling is approximately 250m from the proposed ride.

**PLANNING ASSESSMENT**

The following Whittlesea Planning Scheme provisions are considered relevant to the application.

**State and Local Planning Policy Frameworks**

Clause 11.06-4 (Place and identity – metropolitan areas) sets out strategies which seek to 'create innovate tourism experiences and encourage investment that meets demand and supports growth in tourism.' Other State Planning Policy Framework objectives relating to tourism (Clauses 17.03-1 and 17.03-2) seek to 'maintain and develop Metropolitan Melbourne as a tourism destination' and 'encourage tourism development to maximise the employment and long term economic and cultural benefits'. Tourism strategies seek to ensure that development is well designed and compatible with surrounding urban and rural activities.

Clause 11.06-7 outlines strategies that aim to 'support development in the green wedge that provides for environmental, economic and social benefits.' Clause 12.04-2 requires that consideration be given to protecting and enhancing significant landscapes and their associated values.

Local planning policy provisions also seek to support tourism but at the same time also recognise and protect visually sensitive areas and landscapes (Clause 21.05-3 and 21.08-1).

For the reasons further set out in this report, the proposed development is considered to be consistent with tourism, green wedge and landscape objectives as set out in State and local planning provisions.

**Zoning and Overlay Provisions***Green Wedge Zone (Clause 35.04)*

An objective of the Green Wedge Zone (GWZ) seeks to recognise, protect and conserve green wedge land for agricultural, environmental, historic, landscape, recreational and tourism opportunities. The use of land for leisure and recreation is discretionary (permit required) use within the zone. This use is established under a planning permit and an amendment to this permit has been lodged to ensure that the scope of the use reflects existing and proposed activity on the site.

The decision guidelines in the GWZ require that the responsible authority consider a range of rural, environmental and design and siting issues including 'whether the site is suitable for the use and development and the compatibility of the proposal with adjoining land uses' and 'the need to minimise any adverse impact of siting, design, height, bulk and colours and materials to be used, on landscape features, major roads and vistas'. In relation to the current proposal, officers are satisfied that the development (both the ride and outbuilding) can be accommodated on the subject land and will be closely integrated with existing facilities. While the site is within proximity to residential areas to the north, an approximate 110m setback is provided. An existing and approved go-kart track is located within this intervening area.

Further and more detailed consideration will be given to the purpose and objectives of the zone when determining the separate amendment application to authorise increased patron numbers on the site (among other matters).

Significant Landscape Overlay (Schedule 1) (Clause 42.03)

The land (and proposed development) is affected by a Significant Landscape Overlay (Schedule 1) relating to the protection and enhancement of the Whittlesea Hills. The proposed development and works are to occur well below the ridgeline and will not involve the removal of native vegetation. It is accepted that the ride will be prominent feature on the site and visible from surrounding local areas. However, in the context of the considerable number of other existing rides, its impact will not be significant. It is likely that further landscape considerations (including screening) will form part of the assessment of the broader amendment application for the site currently under consideration.

**COMMENTS ON GROUNDS OF OBJECTION**

The single objection relates to amenity impacts from noise of patrons using the ride and dust generated from access and parking. Officers are satisfied that the increase in noise from the additional ride proposed under this application will not have a direct impact on the objector. However, to the extent that the objector is concerned about the increase in patron activity on the site more broadly, this is a relevant concern that will be addressed as part of the separate application for an amendment to planning permit.

In relation to dust from patron parking (particularly during peak times when unsealed overflow parking is required), this is a relevant issued that will need to be addressed as part of the separate amendment application. Better sealing or wetting down of overflow areas may be required to address this concern. However, in relation to the proposed new ride, it is not anticipated that dust will be generated from this activity post construction.

It will be appropriate that officers advise the objector that a further opportunity will be provided to make submissions as part of the amended application in relation to the matters raised. Submissions received in relation noise and dust emanating from the site will be considered in further detail under this application.

**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 development has been assessed against the relevant provisions of the Whittlesea Planning Scheme and demonstrates a satisfactory level of compliance. The development can be integrated within the existing facility. Amenity impacts can be managed through existing approvals and further considered as part of a separate amendment application. The objector to the current application will be given the opportunity to make to comment on any future amendment application when placed on public notice. For the above reasons it is recommended that the application be approved.

**RECOMMENDATION**

**THAT Council resolve to approve Planning Application No. 716259 and issue a Notice of Decision to Grant a Permit for 2365 Plenty Road, Whittlesea for buildings and works associated with new entertainment ride ('Revolution 360') and a new outbuilding in accordance with the endorsed plans and subject to the following conditions:**

- 1. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any**

reason without the consent of the Responsible Authority.

2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. 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.
4. All conditions relating to the approved use of the land (TP107533), any amendments to this approval as may be approved and other development approvals relating to the land must continue to be met at all times to the satisfaction of the Responsible Authority.
5. This permit will expire if:
  - a) the approved development does not start within two years of the date of this permit; or
  - b) the approved development is not completed within four years of the date of this permit.

Before the permit expires or within six months afterwards, the owner or the occupier of the land to which it applies may ask the Responsible Authority for an extension of time. The Responsible Authority may extend the time within which the development is to be started or completed.

#### MOTION

**MOVED:** *Cr Cox*  
**SECONDED:** *Cr Lalios*

THAT Council resolve to adopt the Recommendation

#### EXTENSION OF SPEAKING TIME

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

THAT Council resolve to extend the speaking time for Cr Sterjova by two minutes.

**CARRIED**

#### AMENDMENT

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

THAT Council resolve to:

- A. Approve Planning Application No. 716259 and issue a Notice of Decision to Grant a Permit for 2365 Plenty Road, Whittlesea for buildings and works associated with new entertainment ride ('Revolution 360') and a new outbuilding in accordance with the endorsed plans and subject to the following conditions:

1. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.
3. 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.
4. All conditions relating to the approved use of the land (TP107533), any amendments to this approval as may be approved and other development approvals relating to the land must continue to be met at all times to the satisfaction of the Responsible Authority.
5. This permit will expire if:
  - a) the approved development does not start within two years of the date of this permit; or
  - b) the approved development is not completed within four years of the date of this permit.

Before the permit expires or within six months afterwards, the owner or the occupier of the land to which it applies may ask the Responsible Authority for an extension of time. The Responsible Authority may extend the time within which the development is to be started or completed.

- B. Monitor the concerns that have been expressed regarding noise pollution and to conduct a review in 6 months involving the Environmental Protection Agency (EPA) if required.

**LOST**

<b>DIVISION</b>
-----------------

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

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

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

**LOST**

<b>ADJOURNMENT</b>
--------------------

The Mayor adjourned the meeting at 8.33PM.

<b>RESUMPTION</b>
-------------------

The meeting resumed at 8.39PM.

**COUNCIL RESOLUTION**

**MOVED:** Cr Cox  
**SECONDED:** Cr Lalios

**THAT Council resolve to approve Planning Application No. 716259 and issue a Notice of Decision to Grant a Permit for 2365 Plenty Road, Whittlesea for buildings and works associated with new entertainment ride ('Revolution 360') and a new outbuilding in accordance with the endorsed plans and subject to the following conditions:**

- 1. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.**
- 2. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.**
- 3. 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.**
- 4. All conditions relating to the approved use of the land (TP107533), any amendments to this approval as may be approved and other development approvals relating to the land must continue to be met at all times to the satisfaction of the Responsible Authority.**
- 5. This permit will expire if:**
  - a) the approved development does not start within two years of the date of this permit; or**
  - b) the approved development is not completed within four years of the date of this permit.**

**Before the permit expires or within six months afterwards, the owner or the occupier of the land to which it applies may ask the Responsible Authority for an extension of time. The Responsible Authority may extend the time within which the development is to be started or completed.**

**CARRIED**





## 6.2 COMMUNITY SERVICES

### 6.2.1 CITY OF WHITTLESEA STRETCH RECONCILIATION ACTION PLAN 2017-2020

<b>File No:</b>	<b>183271</b>
<b>Attachments:</b>	<b>1    Stretch Reconciliation Action Plan July 2017-September 2020</b> <a href="#">↗</a>
<b>Responsible Officer:</b>	<b>Director Community Services</b>
<b>Author:</b>	<b>Team Leader Aboriginal &amp; Cultural Diversity</b>

## REPORT

### EXECUTIVE SUMMARY

The City of Whittlesea Stretch Reconciliation Action Plan 2017-2020 (Attachment 1) is tabled for Council's consideration.

In developing the Stretch Reconciliation Action Plan (RAP) 2017-2020 Council officers have worked closely with the Wurundjeri Elders, representatives from the Bubup Wilam Early Learning Centre, the Whittlesea Reconciliation Group, internal Council departments and Reconciliation Australia. The Stretch RAP is informed by these groups and the recognition that Aboriginal people still sit at the low end of all social indicators including employment, education, health and housing and that this fundamentally impacts on Aboriginal people's ability to live fulfilling, healthy and productive lives.

The City of Whittlesea's Stretch Reconciliation Action Plan 2017-2020 is regulated by Reconciliation Australia under the three reconciliation pillars of *Relationships, Respect and Opportunities*. Under these pillars Council will deliver 27 high level actions over the July 2017 to September 2020 period, therefore implementing Council's Reconciliation policy that stipulates;

*'The City of Whittlesea values local Aboriginal communities and cultures; Council recognises they hold a special place as the First Peoples of Australia. Council is committed to inclusivity, equity and engagement with local Aboriginal people and communities'.*

### BACKGROUND

On 17 September 2002, the City of Whittlesea adopted a Statement of Commitment to Reconciliation and the Indigenous (Aboriginal) Reconciliation Policy. In the intervening years Council has undertaken a number of significant initiatives including the adoption of Council's first Reconciliation Action Plan (RAP) on 25 September 2012. Council's first RAP was a significant milestone for Council and the local Aboriginal community.

At its 7 June 2016 meeting Council resolved to note the achievements of the inaugural RAP 2012-15 which contained 19 high-level actions. The RAP 2012-15 outcomes report provided a detailed status against all 19 actions and clearly highlighted that the actions undertaken have contributed to Council collectively gaining a better understanding of the needs of local Aboriginal communities and therefore addressing Council's vision of reconciliation.

Whilst the achievements of our RAP 2012-15 are important, empirical evidence from agencies such as VicHealth and the Australian Institute of Health and Welfare continues to acknowledge that colonisation, and other past Australian government policies have resulted in long lasting and significant intergenerational trauma, grief and loss for many Aboriginal families and communities, subsequently much further work is still required.

Throughout the July 2016 – January 2017 period Council officers have worked closely with local community members, the Whittlesea Reconciliation Group (WRG) and Reconciliation Australia in the development of a City of Whittlesea Stretch Reconciliation Action Plan (2017-2020).

There are four types of RAPs permitted by Reconciliation Australia being; Reflect, Innovate, Stretch and Elevate. A Stretch RAP is specifically tailored for organisations that are ready to challenge or ‘stretch’ themselves and set clear measurements, therefore deepening reconciliation impacts. The City of Whittlesea will be one of only three Australian LGAs to have a Stretch RAP.

### **SUMMARY - RAP 2017-2020 OVERVIEW**

Council’s RAP 2017-2020 is driven by the City of Whittlesea’s Aboriginal Reconciliation Policy, which stipulates: *The City of Whittlesea values local Aboriginal communities and cultures; Council recognises they hold a special place as the First Peoples of Australia. Council is committed to inclusivity, equity and engagement with local Aboriginal people and communities.*

Council’s reconciliation policy is based on five key principles that were developed in consultation with the local Aboriginal communities and designed to underpin the policy and guide all RAP actions.

- **Respect:** We will be respectful of Aboriginal communities, acknowledging and embracing their history, culture, heritage and the talents Aboriginal people bring to our community and our business.
- **Self-determination:** We understand and support the right of Aboriginal communities to determine their future and we will play our part.
- **Equity:** We strive to ensure Aboriginal communities participate and achieve to a level equal to all City of Whittlesea residents.
- **Justice:** We acknowledge the wrongs of the past as a means to ensuring a better future for Aboriginal communities.
- **Partnerships:** We will partner with Aboriginal communities in ways that are meaningful and deliver mutually-beneficial outcomes.

The RAP 2017-2020 actions to be delivered over the next four years are grouped under the three pillars of reconciliation developed by Reconciliation Australia, these are:

**Relationships:** Council will partner with Aboriginal communities in ways that are meaningful, and continue to develop strong, sustainable and respectful relationships.

**Respect:** Council will acknowledge Aboriginal people as the First Nations Peoples of Australia and acknowledge the histories, cultures and heritages of Aboriginal communities. We will value and promote the talents and unique skills of local Aboriginal communities.

**Opportunities:** Council will understand and acknowledge the inherent rights of local Aboriginal communities to self-determination. Through the creation of economic opportunities Council will contribute to building positive outcomes for local Aboriginal communities and the community as a whole.

**PROPOSAL**

This report seeks Council’s consideration of the City of Whittlesea Stretch Reconciliation Action Plan 2017-2020.

**CONSULTATION**

Given the importance and significance of the Stretch Reconciliation Action Plan extensive community consultations have been conducted. This included but wasn’t limited to groups or individuals such as the Wurundjeri Tribal and Land Council, local Wurundjeri Elder and Traditional Owners, representative from the Bubup Wilam Early Learning Centre, Whittlesea Reconciliation Group, Koori kids, internal Council departments, Local Aboriginal Network and general community.

**CRITICAL DATES**

Non applicable

**FINANCIAL IMPLICATIONS**

Support for the implementation of the RAP is included within existing recurrent departmental budgets. Any actions requiring additional resourcing will be considered during the annual budgetary process.

**POLICY STRATEGY AND LEGISLATION**

The RAP has clear linkage to the following legislation:

- Racial Discrimination Act 1975
- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006
- Racial and Religious Tolerance Act 2001.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Inclusive &amp; Engaged Community</b>
<b>Theme</b>	<b>Diversity</b>
<b>Strategic Objective</b>	<b>There are programs to promote cultural diversity and address race-based discrimination</b>

The strategy is also closely linked to:

**Shaping Our Future: Whittlesea 2030 Strategic Community Plan**

The Community Plan details our community’s vision for the City of Whittlesea to the year 2030. It provides direction for the provision of key projects and services which enable us to meet the needs of our community and deliver quality and culturally appropriate services and facilities. It identifies seven Future Directions to achieve this vision. The RAP directly supports Future Direction 1 – Inclusive and Engaged Community.

**City of Whittlesea Council Plan 2013-2017**

Commitment to Reconciliation is closely linked to several objectives within the Council Plan, specifically strategic objective 1.3; *Council will provide programs to promote cultural diversity and address race-based discrimination.*

Council Goal 1.14: Council will partner with Aboriginal communities to achieve the best possible opportunities and outcomes.

Whilst the RAP 2017-20 works towards furthering Council’s reconciliation efforts the strategy is intentionally interdependent to *Building Respect: Whittlesea’s Anti-racism Strategy*. Together these strategies and associated action plans provide a coordinated range of activities aimed at preventing racism whilst supporting local Aboriginal and communities. The RAP provides strategic direction in furthering Council’s reconciliation efforts therefore directly addressing Council’s Future Direction 1 – Inclusive and Engaged 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**

Through the tireless work of the Whittlesea Reconciliation Group and implementation of our inaugural RAP Council has collectively gained a better understanding of the needs of local Aboriginal people and communities; and demonstrated an ability to respectfully work closely with local Aboriginal people, families and communities for the benefit of the whole community. Although these achievements are noteworthy, Council continues to acknowledge that colonisation, and other past Australian government policies have resulted in trauma, grief and loss for many Aboriginal families across generations. In recognising this history the City of Whittlesea Stretch Reconciliation Action Plan is the next step in Council’s ongoing reconciliation journey. The Stretch RAP will provide strategic direction, guiding policy parameters and accountability as Council works towards creating vibrant self-sustaining communities together.

**RECOMMENDATION**

THAT Council resolve to adopt the City of Whittlesea Stretch Reconciliation Action Plan 2017-2020.

**COUNCIL RESOLUTION**

**MOVED:** *Cr Pavlidis*  
**SECONDED:** *Cr Kelly*

**THAT Council resolve to adopt the City of Whittlesea Stretch Reconciliation Action Plan with the following amendment to the Reconciliation Action Plan July 2017-September 2020; under section 1.7**

- 1. Action;**  
**Council to support the development of mutually beneficial and reciprocal relationships between local Aboriginal and non-Aboriginal communities**
- 2. Deliverable;**  
**Council to provide opportunities for minimum of 40 local residents to complete cross cultural awareness training focusing on Aboriginal and non-Aboriginal education**  
**Council to raise awareness of reconciliation Australia’s Share our Pride website**

**UNANIMOUSLY CARRIED**

## 6.3 CITY TRANSPORT AND PRESENTATION

### 6.3.1 ROAD MANAGEMENT PLAN

<b>File No:</b>	<b>160513</b>
<b>Attachments:</b>	<b>1 Draft Road Management Plan</b> <a href="#">↔</a>
<b>Responsible Officer:</b>	<b>Director City Transport &amp; Presentation</b>
<b>Author:</b>	<b>Unit Leader Infrastructure Projects</b>

## REPORT

### EXECUTIVE SUMMARY

Council is required to update its Road Management Plan in accordance with the Road Management Act 2004. The current Road Management Plan dated 28 May 2013 (the Plan) is due for revision. The proposed draft Road Management Plan has been amended to:

- Consolidate the pathway hierarchy;
- Update and expand on the performance standards;
- Update and expand the definitions of terms; and
- Schedule the next review period.

This report seeks Council endorsement of the draft Road Management Plan and initiation of the public advertisement process.

Notice of intention to amend the Road Management Plan will be advertised in the following publications:

- The Government Gazette on Thursday 8 June 2017;
- The Age on Tuesday 6 June 2017; and
- The Whittlesea Leader on Tuesday 6 June 2017.

Submissions on the draft plan from interested parties will be received over a 28 day period from the date the notice is published. A panel of Councillors is required to consider any written submissions in relation to the draft Road Management Plan and make recommendations to Council on any such submissions.

### BACKGROUND

The Road Management Act 2004 (the Act) has established a statutory framework for the management of public roads. The Act applies to road authorities including the City of Whittlesea. The Road Management Plan (the Plan) is made in accordance with the Act and its purpose is:

- To establish a management system for the road management functions of a road authority which is based on policy and operational objectives and available resources; and*
- To set the relevant standard in relation to the discharge of duties in the performance of those road management functions.*

The Road Management Plan sets the inspection and maintenance frequency for local roads and identifies when Council is required to undertake repairs to address faults in the footpath and road networks. The maintenance of a safe road and footpath network and availability of resources are the primary considerations for setting the hazard and defect intervention levels.

The current version of the Road Management Plan is dated 28 May 2013 with a review date of 30 June 2017. An internal review process has been undertaken, with key changes identified in this report. All councils are required by the Act to place their Road Management Plan on public exhibition for feedback, and advertise in a number of local newspapers.

### **DRAFT PLAN**

The draft Road Management Plan (*Attachment 1*) has been prepared in accordance with guidance provided in the Code of Practice for Road Management Plans. Its contents are arranged in 6 sections and 1 appendix as detailed below:

- Introduction  
Outlines the purpose, key stakeholders, duty of road users, and how it relates with Community Plan and Asset Management Policy.
  
- Road Asset Description  
Provides descriptions of the types of road infrastructure.
  
- Road Infrastructure Hierarchy  
Provides hierarchy classification of road infrastructure relevant to setting performance standards.
  
- Performance Standards  
Specifies the performance standards to 'inspect, maintain and repair' public roads, This is a core part of the Plan which defines the timeliness of Council tasks. This section is often considered in any civil liability claims against Council relating to road of footpath conditions.
  
- Management System  
Outlines the current management system and what is required to be established to help discharge Council's duty to 'inspect, maintain and repair' public roads.
  
- Review of Road Management Plan  
Schedules the next review.

### **KEY CHANGES**

In comparison to the current version adopted by Council on 17 September 2013, the key changes in the draft Plan are:

1. A reduction in Pathway Hierarchy classifications from 3 to 2

The current pathway hierarchy consists of three categories ranging from 1 (Very High Pedestrian Service Level) to 3 (Moderate to Very Low Pedestrian Service Level); however upon consultation with abutting municipalities, the number of hierarchy categories has been condensed to two, and thus align with regional standards.

Rationale for the change: In regards to the practical implications of this amendment, all footpaths will continue to be inspected frequently and reported every two years. Category 1 paths, such as around shopping precincts, commercial areas and public transport interchanges, will be repaired within two working days, with the balance of paths repaired within five working days. This is in accordance with existing practices.

2. Update the performance standards (Section 4 of the draft Plan) having due regard for available Council resources and experience gained in the operation of the current Plan

Rationale for the change: The draft Plan formalises Council's risk mitigation strategy in relation to the management of road and road-related infrastructure. Under the Act, the inspection and treatment response times must be deemed reasonably practical, and have been amended in the draft Plan to reflect more closely Council's ability to meet those standards, considering its available resources.

In regards to practical implications of this amendment, there would be no observable difference in the level of service provided to the community, as the update aligns the draft Plan with current resource allocations and response times currently achieved.

3. Update the definitions (Appendix 1 of the draft Plan) having regard to amendments to Acts and Legislation

Words and terms can have varying meanings depending on the context; therefore terms that either can be misinterpreted or have a 'technical' meaning are clearly defined in Appendix 1.

4. Schedule the next review to be carried out between August 2020 and June 2021

The draft Plan dictates that the next Road Management Plan review must commence by 1 August 2020 and be completed by 30 June 2021, unless otherwise directed by the relevant Road Minister or directed by the Council and CEO.

## **CONSULTATION**

A public notice advising of the revised plan is required to be placed in a daily circulating newspaper and the Government Gazette calling for submissions over a 28 day period from the date of advertisement.

It is proposed to advertise the amendment in:

- The Government Gazette on Thursday 8 June 2017;
- The Age on Tuesday 6 June 2017; and
- The Whittlesea Leader on Tuesday 6 June 2017.

Submissions will be considered and the draft Plan amended where appropriate. The draft Plan will then be presented to Council for adoption following consideration of any submissions received.

## **FINANCIAL IMPLICATIONS**

There are no financial implications, as inspection, maintenance and repair levels set within the draft Plan align with current resourcing.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Growth and change</b>
<b>Strategic Objective</b>	<b>Services and infrastructure keep pace with population growth</b>

The review of the Plan accords with the draft *Shaping Our Future Council Plan 2017-21*, in particular:

- Organisational Sustainability  
Council works sharper and smarter to ensure value for money and continually improves to support our growing and changing municipality.
  
- Roads, Access and Public Transport  
People can access and use public transport and road networks effectively in accessing jobs, services and recreational activities.
  
- Community Safety  
Our neighbourhoods and towns are safe and have proactive programs that support and build a safe 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 current Road Management Plan has been reviewed, updated and is in Draft form to be publicly advertised inviting submissions over a 28 day period before consideration can be made by Council to adopt to the Plan.

**RECOMMENDATION**

THAT Council resolve to:

1. Endorse the draft Road Management Plan for the purposes of allowing consultation in accordance with Section 223 of the Local Government Act 1989 (as amended).
  
2. Advertise Council’s intention to amend its Road Management Plan (revision 30 June 2017) in the Government Gazette, The Age and the Whittlesea Leader.
  
3. Establish a Committee of Council comprising Cr....., Cr....., and Cr..... to consider any written submissions in relation to the draft Road Management Plan and make recommendations to Council on any such submissions.
  
4. Provide copies of the draft Road Management Plan available for inspection at the following locations:



- a) Council Offices at 25 Ferres Boulevard, South Morang.
  - b) Council Offices at 5/1 Danaher Drive, South Morang.
  - c) Council Offices at Westfield Plenty Valley Shopping Centre.
  - d) Council Depot at 68-96 Houston Street, Epping.
  - e) Libraries at –
    - i) May Road, Lalor;
    - ii) Main Street, Thomastown;
    - iii) Plenty Road, Mill Park; and
    - iv) The Mobile Library.
  - f) Whittlesea City Council website – [www.whittlesea.vic.gov.au](http://www.whittlesea.vic.gov.au).
  - g) Whittlesea Community Connections, Shop 111, Epping Plaza Shopping Centre.
  - h) Edge Youth Services, Shop MM1 Westfield Plenty Valley Shopping Centre.
  - i) Whittlesea Courthouse, Church Street, Whittlesea.
5. Seek written public submissions on the draft Road Management Plan during the period from Tuesday 6 June 2017 to 12 noon on Tuesday 4 July 2017.

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

**MOVED:**                    *Cr Laliros*  
**SECONDED:**            *Cr Kelly*

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

**CARRIED**



**6.3.2 ORCHARD ROAD PETITION**

**File No:** 133320

**Attachments:** 1 [Location Map](#) ⇨

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

**Author:** Senior Arborist

**REPORT****EXECUTIVE SUMMARY**

Council has received a petition from 18 residents requesting removal of trees, additional maintenance of trees, cleaning of drains and roadside gutters along Orchard Road, Doreen. The petitioners have also requested more frequent green waste collection and street sweeping.

Council's arborist inspected the Council managed street trees along Orchard Road. Pruning works were required on a number of trees and these works have been undertaken. The residents request to remove trees has been assessed in the context of Council's Street Tree Management Plan and is not supported. The residents request for weekly green waste collection, weekly street cleaning and rubbish pickups from nature strips has been assessed against Council policy and normal practice and is not supported.

**BACKGROUND**

At the Council meeting on 7 February 2017, Council received a petition from 18 residents requesting the following regarding Orchard Road, Doreen:

1. Regular maintenance, wiring and pruning of these trees that are gangly and overhang properties.
2. Removal of trees that impose the most threat to people and property.
3. Regular clearing of drains.
4. Weekly green garbage bin pickups instead of fortnightly.
5. Regular weekly street cleaning and rubbish pickups from nature strips, including leaves, fallen bark and branches and litter from bus stops i.e. bottles, cans and food packaging.

Council resolved to receive the petition and that a report be prepared in response.

Eighteen (18) residents from 10 addresses along Orchard Road signed the petition. The petitioners all reside in the block between Yan Yean Road and Serle Street. This was the first section of the street to be developed and is approximately 10 years old.

Orchard Road, Doreen runs from Yan Yean Road west to the Orchard Linear Park and then turns south to Resolution Circuit. Orchard Road is being developed in a number of stages by different developers and at present the City of Whittlesea is only responsible for the management from Yan Yean Road to Elation Boulevard. Refer to Attachment 1.

The section of Orchard Road further south is still under developer responsibility. As a result of development staging, street trees along Orchard Road vary in age with those trees towards Yan Yean Road being at least 10 years old while those near Elation Boulevard are only two years old. The tree species (*Eucalyptus scorparia*-Wallangarra White Gum) is consistent along Orchard Road despite the different timing of development.

**DISCUSSION****Street Tree concerns**

The City of Whittlesea has established programs covering all facets of tree management from developer hand over through to mature and significant tree management. These programs allow Council to deal with the risks associated with the interaction between the street trees and public spaces. At the core of this management is a proactive street tree cyclic maintenance program that ensures City of Whittlesea street trees are inspected and pruned if required, at least once every two years. The street trees in Orchard Road (pruning zone 25), were last inspected as part of Councils' proactive street tree inspection and works program in August 2016.

All the street trees along Orchard Road between Yan Yean Road and Elation Boulevard were inspected in February 2017 in response to this petition. During these inspections the overall health of the street trees in Orchard Road were observed to be normal. No structural defects were identified that could not be remedied by applying best practice arboricultural pruning.

Minor pruning was undertaken in April 2017 on a number of street trees along Orchard Road to ensure their canopy clearances over the road and footpaths conformed to Councils Street Tree Management Plan. There were no other defects identified in the street trees that required further intervention or removal.

The petition also requested the removal of trees that impose the most threat to people and property.

The petition raised concerns about the fire risk posed by the trees, however the street trees within Orchard Road make no definable contribution to the bushfire risk in this urban environment.

The trees along Orchard Road were assessed and found to be structurally sound and in good condition. It is therefore considered that the street trees in Orchard Road do not pose a threat to people or property and the request for removal is not supported.

**Drain cleaning**

The petition requests additional cleaning of drains. :

Stormwater drainage pits are proactively inspected by officers from Council's Drainage Maintenance Unit. These inspections are designed to check that drainage pits remain operating to ensure that the accumulation of any debris does not inhibit their designed drainage capacity.

Inspection records show that the pits in this area were inspected on 21 June 2013 and again on the 6 May 2016 as part of Council's programmed inspection activities. No significant accumulation of debris was identified during either of these inspections. Similarly, a review of Council's reactive service records did not identify any incidents of localised road flooding within the street. On the basis of the street inspection history the drainage system is operating at its design capacity, and as such there is no need to provide any extra servicing as requested within the petition.

**Green Waste pick up**

The petition requests weekly green garbage bin pickups instead of the current fortnightly program.

Council provides a "user pays" fortnightly green waste bin collection service. There is no option to provide a weekly collection under the existing green waste bin collection service arrangement. Council currently provides a "no cost" kerbside bundled branch collection service. Residents can book a weekly pickup of branch material as part of this service.

The request for amendments to the green waste bin collection service (from fortnightly to weekly) cannot be accommodated under Council’s existing service model. However, the kerbside bundled branch collection service may provide an alternative option for residents who are experiencing disposal capacity related issues.

**Street sweeping and rubbish pick up from nature strips**

Residential streets in the municipality are swept generally on a 6 to 8 week cycle. Selected collector roads that contain significant avenues of mature / large trees receive supplementary street sweeping on an as needs basis, during periods of excess debris drop. These periods vary depending on both the species of tree and local climatic conditions.

Maintenance records show that Orchard Road was swept during the weeks commencing 4 December 2016, 30 January 2017 and 27 February 2017. Orchard Road was free from the presence of tree related debris during a recent site inspection undertaken in response to this petition.

Under Council’s Local Law, residents are responsible for the maintenance of their nature strip. While Council’s maintenance crews provide a reactive service for the collection of major branch material that may be shed from street trees, the management, of minor debris and leaf material that lands on nature strip areas, remains the responsibility of abutting property owners.

Therefore the request for weekly street cleaning and rubbish pickups from nature strips in Orchard Road is not supported.

**CONSULTATION**

No external consultation has been undertaken in preparing this report.

**CRITICAL DATES**

There are no critical dates for this proposal.

**FINANCIAL IMPLICATIONS**

There are no financial implications of this proposal.

**POLICY STRATEGY AND LEGISLATION**

The proposal is consistent with Council’s Environmental Sustainability Strategy (2013) and Street Tree Management Plan (2016).

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Places and spaces to connect people</b>
<b>Theme</b>	<b>Open space</b>
<b>Strategic Objective</b>	<b>We have open spaces that are welcoming and safe for public gathering</b>

The proposal is consistent with:

Future Direction 4: Our open spaces are accessible and respond to local needs.”

Future Direction 6: We are an environmentally sustainable City

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

A petition from 18 residents in Orchard Road Doreen was tabled at Council on 7 February 2017. The petition raised concerns regarding street trees in Orchard Road and requested additional service for drain cleaning, green waste collection, street cleaning, and rubbish removal from nature strips. Council’s arborist inspected the Council managed street trees along Orchard Road. Pruning works were required on a number of trees and these works have been undertaken. The residents request to remove trees which impose the most threat to people and property has been assessed against Council’s Street Tree Management Plan and is not supported. The residents requests for weekly green waste collection, weekly street cleaning and rubbish pickups from nature strips have been assessed against Council policy and normal practice and is not supported. It is recommended that a letter be sent to all petitioners advising them of Council’s decision and include information on the assessment of the issues raised in the petition.

**RECOMMENDATION**

**THAT Council resolve to:**

1. **Note that the Council managed street trees in Orchard Road have been inspected and pruning works undertaken;**
2. **Decline the request to remove street trees along Orchard Road.**
3. **Note that drains have been inspected and cleaned as required and are subject to a scheduled inspection program.**
4. **Not support the request for weekly green waste collection.**
5. **Note that street sweeping along Orchard Road that picks up leaf litter is undertaken in accordance with Council’s program for the management of collector roads that contain significant avenues of mature / large trees.**
6. **Write to all petitioners advising them of Council’s decision and include information on the assessment of the issues raised in the petition.**

**COUNCIL RESOLUTION**

**MOVED:**                      *Cr Lalius*  
**SECONDED:**                *Cr Kelly*

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

**CARRIED**

**6.3.3 TASMAN DRIVE, BUNDOORA - PARKING ISSUES (JOINT LETTER)****File No:** ST/106629**Attachments:**  
1 Tasman Drive Petition [⇒](#)  
2 Locality Plan [⇒](#)**Responsible Officer:** Director City Transport & Presentation**Author:** Acting Team Leader Traffic Engineering**REPORT****EXECUTIVE SUMMARY**

The purpose of this report is to advise Council on the status of parking conditions in local streets around the Northpark Private Hospital and to respond to a petition regarding property access and restricted garbage collections as a result of parking conditions in Tasman Drive, Bundoora.

The report concludes that the current parking restrictions be maintained, with an exception to a small section where modifications are required to address road safety and operational needs. Line marking that was implemented in December 2016 has better defined access to properties along Tasman Drive and improved safety. Although there is high parking occupancy along Tasman Drive garbage is collected effectively.

**INTRODUCTION**

On 30 August 2016 a petition was tabled from 23 residents representing 13 properties along Tasman Drive, mainly between Oxley Avenue and Greenhills Road in Bundoora (*Attachment 1*). The petitioners requested that Council find a suitable solution to the parking issues in Tasman Drive, Bundoora. Petitioners reported that the on-street parking generates property access and garbage collection issues in the area.

Council resolved that the petition be received and a report be prepared that includes the following:

- *Extend the investigation and consultation zone by a further 400 metres;*
- *Continue programmed supervision by Local Laws officers; and*
- *Undertake a car parking line marking program within the current investigation zone.*

To assist with parking behaviour in the area and also improve sight lines at the vehicle crossings, line marked parking bays were installed along the affected streets around Northpark Private Hospital in December 2016.

Council Local Laws officers continue to undertake regular patrolling around the hospital area and issue infringements notices where offences are detected.

In response to the resolution a parking investigation of an 800 metre area surrounding the hospital was undertaken, in addition to reviewing the specific matters of concern raised in the joint letter. The investigation and community consultation process was completed in February and March 2017 and the details of this investigation and the review of petitioners' specific concerns are presented below.

**BACKGROUND**

To assist with the report, the following background is provided in relation to the development of the Northpark hospital, parking along Tasman Drive, and previous Council resolutions on this matter:

- Early 2010 – Northpark Private Hospital commenced redevelopment to expand, with the inclusion of reduced parking on-site.
- February 2013 – Petition was received and tabled at Council meeting concerning parking in local streets surrounding Northpark Private Hospital.
- June 2013 – Report on petition considered at Council meeting, and Council resolved:
  - *To implement parking restrictions.*
  - *A review of the restrictions be conducted after six months.*
  - *A further report be prepared.*
- October 2013 – Petition received from six properties on the eastern side of Tasman Drive mainly between Oxley Avenue and Greenhills Road and tabled at a Council meeting, noting that the petitioners' concerns for on-street parking blocking their views when exiting be considered as part of the further report.
- December 2014 – Further report on the parking review and petitioners' concerns (2nd petition) considered at Council meeting, and Council resolved:
  - *Maintain current parking arrangements in the streets around Northpark Private Hospital, including Tasman Drive and Ilias Court, Bundoora.*
- 4 December 2015 – VCAT ruled in favour of Northpark Hospital's plan to redevelop the site and include a 24 hour emergency ward.
- December 2016 – Northpark Private Hospital completed its redevelopment to include a 24 hour emergency ward.

**DISCUSSION**

An extensive community consultation was undertaken in February and March 2017 to further understand the community concerns with the traffic and parking conditions in the area within 800m from Northpark Private Hospital, west of Plenty Road.

Several themes were raised through the community consultation and are summarised below:

- Northpark Private Hospital needs to provide more parking
- Traffic congestion is an issue due to rat running traffic
- Parking too close to driveways is causing an unsafe environment for residential access
- Insufficient enforcement of parking restrictions

Whilst Council is restricted in requesting Northpark Private Hospital to provide more parking, it has the ability to better manage the on-street parking situation in the local network. To assist with parking demand in the past, Council has installed parking restrictions in the surrounding streets by limiting parking to 2 hours, or restricting it completely depending on the circumstances (Attachment 2).

Given the congested arterial road network i.e. Plenty Road, the roads surrounding the hospital absorb a larger amount of local traffic, hence the concerns raised with regards to traffic congestion. This behaviour is difficult to be regulated by Council and it will be discussed again in the *Traffic Conditions* section below.



Council’s Local Laws department have and continue to undertake regular patrolling around Northpark Private Hospital issuing infringements where offences have been detected, particularly with regards to blocking residential access.

Parking Review

An extensive parking review was undertaken by an independent traffic consultant investigating all parking spaces within the hospital car park and throughout the study area (including an additional 400m) and recording all parking restrictions within each segment of the area (Attachment 2).

The surveys were undertaken over a 7-day period; from Wednesday 22 to Tuesday 28 February 2017, from 8:00am to 8:00pm on weekdays, and from 10:00am to 4:00pm on Saturday and Sunday. The data was collated at 60 minute intervals to assist with the analysis of the average parking occupation demand and utilisation information for weekdays and weekends (see Table 1 for details).

**Table 1: Average Parking rates, occupation and utilisation**

Area	Parking		Parking Supply	Parking Occupancy (Demand)		Parking Utilisation (%)	
	Restricted	Unrestricted		Weekday	Weekend	Weekday	Weekend
Hospital (Car park)	248	15	263	241	65	92%	25%
Within 400m	107	162	269	92	66	34%	25%
Within 400m to 800m	6	879	885	81	124	9%	14%
Total	361	1056	1417	414	253	29%	18%

The results of the surveys show that the parking demand relating to Northpark Private Hospital only affected the area within 400 metres proximity to the hospital and has remained relatively unchanged since the completion of the 24 hour emergency ward. However, the limited on-site parking within Northpark Private Hospital has resulted in a long-term parking demand continuing within the unrestricted parking zones within the local area with particular higher demands during the weekdays, in particular along Tasman Drive, Greenhills Road, Ilias Court, and Alto Close which are located within 400m area from the Northpark Private Hospital.

Some of the petitioners concerns have been mitigated by the installation of parking controls i.e., parking restriction signs and line marked parking bays in these affected areas to allow for improved access. As there are considerable parking vacancies remaining in adjacent areas (i.e. Ilias Court and Alto Close) it is not considered necessary at this time to introduce additional parking controls.

The results from the additional 400 metre area (i.e. between the 400m to 800m range of Northpark Private Hospital) indicated that the utilisation of the on-street parking during the weekdays is currently 9%, and 14% on the weekends. This indicates that any further parking demand will not have an adverse impact on the residential on-street parking availability. Furthermore, the results analysis and site observations indicated that the parking demand in this area is most likely generated by the residents and their visitors. The introduction of short-term parking restrictions within 400m to 800m of the hospital is therefore not warranted.

Parking occupancy rate – Tasman Drive (Oxley Avenue and Greenhills Road)

The majority of the signatories to the petition represent properties along Tasman Drive mainly between Oxley Avenue and Greenhills Road. The average occupancy rate and duration of stay information along this section of the road are presented in the *Table 2* below.

**Table 2: Average Parking occupancy Rates - Tasman Drive (between Oxley Avenue & Greenhills Road)**

Road Section	Side	Restrictions	Supply	Occupancy (Demand)		Utilisation (%)		Duration (Hours*)	
				W/D	W/E	W/D	W/E	W/D	W/E
Greenhills Rd – Oxley Drive	W	2P 9am-5pm (Mon-Fri)	13	6	1	45%	8%	1.15	0.21
Greenhills Rd – Oxley Drive	W	Unrestricted	5	5	1	100%	10%	3.28	0.48
Greenhills Rd – Oxley Drive	E	Unrestricted	13	9	5	72%	35%	2.53	1.48
Oxley Ave – Cabernet Cr	W	2P 9am-5pm (Mon-Fri)	9	3	0	29%	0	0.40	0.13
Oxley Ave – Cabernet Cr	E	Unrestricted	8	4	3	50%	31%	1.54	1.30
<b>Total</b>			<b>48</b>	<b>27</b>	<b>10</b>	<b>56%</b>	<b>18%</b>		

W/D – Weekday      W/E – Weekend      Hours\* (i.e. 2.36 = 2h 36min)

The results indicate that the occupancy rates in the 2hours (2P) restricted areas between Oxley Avenue and Greenhills Road (13 Spaces) during the weekday are at 45%, with vehicles staying on average for a period of 1hour and 15 minutes, with limited impact to the parking during the weekend with on average one parking space being occupied.

Whilst the five unrestricted parking spaces indicate 100% occupancy on the west side of Tasman Drive during Monday to Friday, the period of stay was an average of 3 hours and 28 minutes. The east side of Tasman Drive where the majority of the signatories reside indicates the 13 spaces are 72% occupied with the average stay of 2 hours and 53 minutes.

These rates and duration of stay show that the utilisation of the available parking Tasman Drive is only 56% during the weekday and only 18% on the weekend and that there is on-street parking available for the community with a sufficient turnover during the day.

Parking occupancy rate – Greenhills Road

Noting that parking along the southern side of Greenhills Road (between Tasman Drive and the creek) is subject to ‘No Stopping’ restrictions, the high utilisation of parking along the northern side results in very limited amounts of parking being available during peak periods.

The average parking occupancy rates in *Table 3* below indicates that the parking demand along the 2 hours (2P) parking area on the north side adjacent to Northpark Private Hospital in Greenhills Road is high, where a maximum rate of 100% was recorded. The majority of vehicles parking in 2P restricted areas particularly between Plenty Road and Tasman Drive are staying in excess of 2 hours, with an average of 2 hours and 36 minutes. This indicates that this parking area would benefit from increased enforcement to ensure improved turnover.

Other areas along Greenhills Road that demonstrate high parking demand are along the south side, where the 2P parking spaces occupancy rates are 88% with an average turnover of 2 hours and 23 Minutes.

**Table 3: Average Parking Occupancy Rates – Greenhills Road**

Section	Side	Restrictions	Supply	Occupancy (Demand)		Utilisation (%)		Duration (Hours*)	
				W/D	W/E	W/D	W/E	W/D	W/E
Plenty Rd - Tasman Dr	N	2P 9am-5pm (Mon-Fri)	12	12	12	100%	100%	2.36	3.21
Plenty Rd - Tasman Dr	N	Unrestricted; No Stopping 7am-7pm (Mon-Fri)	11	0	5	0	45%	0.00	1.40
Plenty Rd - Tasman Dr	S	2P 9am-5pm (Mon-Fri)	8	7	5	88%	63%	2.23	2.30
Tasman Dr - Alto Cl	N	Unrestricted	4	4	0	100%	0	3.33	0
Alto Cl - Larter Ct	N	Unrestricted	6	6	0	97%	0	3.41	0
Larter Ct - End	N	Unrestricted	10	2	3	24%	30%	0.44	1.18
<b>Total</b>			<b>51</b>	<b>31</b>	<b>25</b>	<b>61%</b>	<b>48%</b>		

W/D – Weekday      W/E – Weekend      Hours\* (i.e. 2.36 = 2h 36min)

The data collected indicates relatively high average occupancy rates at the eastern end of Greenhills Road during the weekdays, and longer duration-of-stay as short-term parking restrictions are not in place on a Saturday. The combination of these two factors results in limited parking remaining available for residents and short-term hospital visitors.

Further to the west of Tasman Drive, along the unrestricted section of Greenhills Road (north side of the street) 100% occupancy was recorded with an average of 3 hours and 33 minutes during the weekdays with no impact on weekends.

The utilisation of the available parking along the whole length of Greenhills Road is 61% during the weekdays and reduced to only 48% during the weekend which indicates some on-street parking availability for the community.

Garbage collection issues

The concerns related to waste collection have been raised with Council’s Waste Collection contractors. It has been confirmed that there are no reported garbage collection issues experienced in this area.

**TRAFFIC CONDITIONS AND ROAD SAFETY**

The two main local collector/connector roads in the area that absorb the majority of the traffic are Tasman Drive and Greenhills Road.

Tasman Drive runs in a north-south direction between Betula Avenue and Greenhills Road in Bundoora and comprises 3m wide traffic lanes in each direction and 2.1m wide parking lanes on both sides of the road.

Greenhills Road runs in an east-west direction from Plenty Road with a no through road at Darebin Creek to the south. The road pavement is approximately 6.4m wide and provides for 2 way traffic and parking (restricted and unrestricted) on both sides of the street.

Vehicle Speed and Volumes Review – Tasman Drive and Greenhills Road

Recent traffic surveys undertaken along Greenhills Road and Tasman Drive are presented in *Table 4* below. The traffic surveys were undertaken over a three day period from Tuesday 14 March 2017 to Thursday 16 March 2017.

**Table 4: Traffic speeds and volumes - Tasman Drive and Greenhills Road**

Road Name	Location (House No.)	Traffic Volume 24hr vehicles per day (vpd)	Speed (km/h)	
			Average	85% tile *
TASMAN DRIVE	8	4315	38	43.1
TASMAN DRIVE	24	4563	44	49.3
TASMAN DRIVE	34	4318	40	44.2
GREENHILLS ROAD	21	5327	28	32.2
GREENHILLS ROAD	151	384	44	48.6

*\* The 85th percentile speed is the speed at which 85 per cent of drivers are travelling at or below, and is a key factor used by the road safety profession in determining the safe operating speed of a road.*

The results indicate that vehicle volumes and speeds along Tasman Drive and Greenhills Road are within an acceptable operating range for a local connector road environment which has a speed limit of 50km/h. Furthermore, the road network includes existing traffic calming devices along the route including on-street parking and the operating speeds are also within the desirable range.

Crash Statistics

A recent review from VicRoads crash history database (Crash STATS) indicates there has been two ‘other injury’ crashes along Greenhills Road in the last five years. Both crashes can be contributed to driver error and are within the 400 metres of Northpark Private Hospital. One accident was recorded in 2015 between Plenty Road and Tasman Drive where road calming devices already existed and resulted in a vehicle door being hit whilst being opened. The other was recorded in 2012 which resulted in a vehicle leaving the road and hitting a tree just west of the curve between Alto Close and Lartel Court.

Tasman Drive - Road Safety

There have been no recorded crashes in Tasman Drive in the past five years in Vic Roads database. The residents’ concerns indicating that parked vehicles blocking the view of traffic has some merit, but this is not uncommon and also experienced in other residential situations where on-street parking is prevalent i.e., schools, local shops, sporting facilities, etc.

The road reserve elements in Tasman Drive (i.e. 3.5m wide nature strip rather than the standard 2.5m) provide satisfactory conditions and opportunities for safe egress/ingress.

To alleviate concerns with blocking of access, on-street parking bays have been line marked to provide greater offsets from the vehicle crossovers along the affected properties, improve the sight lines at the property access points, and better guide vehicles towards the most appropriate safe parking behaviour to ensure residents can safely egress/ingress their property.

#### Greenhills Road - Road Safety

The consultation process highlighted a number of safety concerns with parked vehicles along Greenhills Road, between Alto Close and Larter Court. These concerns have been investigated and have merit due to the alignment of the road and restricted sight lines when vehicles are parked on the north kerbside at the bend. This area was also the location of the recorded accident therefore providing further evidence of an issue at this location in the road.

The occupancy rates of vehicles parking kerbside along this section of the road during the surveys were 97% (six parking spaces). As a result, vehicles are required to drive in the centre of the road at the bend with no room and limited visibility for two way traffic resulting in an unsafe situation.

To improve the sight lines and road safety along this section of road the parking spaces will need to be relocated to the south side and become restricted on the north side (i.e. No Stopping/Parking). This will require informing the adjacent residents of this decision in order to improve the safety along this section of road.

#### **CONSULTATION**

An extensive community consultation process was undertaken in March 2017 via distribution of 956 letters and questionnaires to all property owners and occupiers within 800m of Northpark Private Hospital seeking detailed feedback on the areas existing traffic conditions.

A total of 153 responses were received, which represents a 16% response rate and is considered acceptable.

A number of community members raised concerns towards the perceived parking occupancy rates within the Northpark Private Hospital that have been discussed within this report and noting that the private hospital car park is nearly fully utilised at 92%.

The key themes raised through the community consultation process were:

- Northpark Private Hospital needs to provide and encourage more parking within its site
- Traffic congestion is an issue due to rat running traffic
- Parking too close to driveways is causing an unsafe environment for residential access
- Insufficient enforcement of parking restrictions

It should be noted that a contributing factor for the low response rates are as a result of some residents being consulted on the issue several times in the past and feeling they have already expressed their opinion on this topic. Council officers' received several phone calls specific to this issue, and including other residents not believing they are impacted by the hospital parking, particularly within the extended 800 metre boundary.

**FINANCIAL IMPLICATIONS**

The cost to modify existing parking restrictions and line-marking is estimated to be \$5,000. These works would need to be funded from the 2017/18 Project ID for Minor Traffic Works – Various Locations program.

**POLICY STRATEGY AND LEGISLATION**

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

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Accessibility in, out and around our city</b>
<b>Theme</b>	<b>Transport</b>
<b>Strategic Objective</b>	<b>Our road network provides adequate access to the municipality and beyond</b>

The management of on-street parking is a critical component of an accessible road network that is accepted by 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**

A rigorous review of parking and safety conditions has been conducted in and around Northpark Private Hospital. A review of the safety of vehicles exiting properties on both sides of Tasman Drive was also carried out.

The results from the additional 400 metre area (i.e between 400 and 800 metres from Northpark Private Hospital) indicated that the supply, occupancy and utilisation of the on-street parking is currently low (9%), and that any further parking demand will not have an adverse impact on the residential on-street parking availability in these areas.

As there are considerable parking vacancies remaining within the immediate 400m area from Northpark Private Hospital, it is not considered necessary to introduce additional parking controls at this time.

To improve sightlines and traffic safety along Greenhills Road west of Tasman Drive, it is recommended that the on-street parking bays on the north side of the road, between Alto Close and Larter Court, should be relocated to the south side of the road, and permanent ‘No Stopping’ parking restrictions be installed on the north side of the road at this location.

The recent installation of parking bays in the area improves the parking operation, access and safety of residents entering and exiting properties. The continued Local Laws presence within the area will ensure that parked vehicles are adhering to the requirements of providing safe access to all residential properties.

The recent parking investigation and community consultation process finds that the new 24 hour emergency ward at North Park Hospital has had no discernible increasing impact on the surrounding local road environment (specific to parking and road safety) and therefore supports the previous community consultation findings and Council resolutions on this matter for the existing parking arrangements to remain.

**RECOMMENDATION**

THAT Council resolve to:

1. Maintain parking arrangements in the streets around Northpark Private Hospital with the exception of the following location:
  - a) Relocate parking bays from the north side of Greenhills Road between Alto Close and Larter Court, to the south side and replace with 'No-Stopping' signs to improve the road safety environment at the bend.
2. Continue a programmed local laws supervision in the streets around Northpark Private Hospital with particular attention to the parking discipline near the residential vehicle crossovers and also time-based parking bays.
3. Advise the residents within the affected area of Council's decision on this matter and the reasons for this decision.

**EXTENSION OF SPEAKING TIME**

**MOVED:** *Cr Sterjova*  
**SECONDED:** *Cr Cox*

THAT Council resolve to extend the speaking time for Cr Alessi by two minutes.

**LOST**

**DIVISION**

Immediately after the motion to extend the speaking time was voted on, Cr Cox called for a division which resulted in the following votes being recorded.

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

Based on the votes cast during the Division, the vote was 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 to extend the speaking time.

**LOST****COUNCIL RESOLUTION**

**MOVED:** *Cr Laliros*  
**SECONDED:** *Cr Kelly*

**THAT Council resolve to**

- 1. Continue programmed local laws supervision in the streets around Northpark private hospital with particular attention to the parking discipline near residential crossovers and also time-based parking bays.**
- 2. Conduct a community meeting of residents in the streets around Northpark private hospital to determine what they would like to see as a solution in these streets.**
- 3. Conduct this meeting within three months of today.**
- 4. Report back to Council on the meeting outcomes and findings associated with the parking issues.**

**CARRIED**



**6.3.4 SERVICE PLANNING & REVIEW REPORT - WASTE MANAGEMENT SERVICES****Responsible Officer:** Director City Transport & Presentation**Author:** Manager City Presentation**REPORT****EXECUTIVE SUMMARY**

A review of Council's Waste Management Services has been undertaken through a Service Planning and Review program. The outcomes of this review are detailed within the Service Analysis Report (attachment 1). The recommendations that emerge out of the review, once implemented, hold the potential to deliver a combined recurrent savings of \$250,000 per annum. The outcomes of this review will also inform the future updates of Council's Waste and Resource Recovery Strategic Plan. This report seeks endorsement of these recommendations.

**BACKGROUND**

A review of Council's Waste Management Services has been undertaken through a Service Planning and Review program. The purpose of this review was to establish the future waste services delivery model and to develop a service plan covering ten years, including a continuous improvement roadmap for the service. The outcomes of this review will also inform, in part, future reviews of Council's Waste and Resource Recovery Strategic Plan.

The Review was structured along the four main types of waste removal (kerbside bin collection, other kerbside collections, waste drop-off and public litter bin collection), plus supporting activities such as customer service, waste education, and environment protection ('dumped rubbish').

The outcomes of the review were presented to Councillors at the Forum of 11 April 2017. The final report detailing the recommendations that emerge from the review process is attached (*Attachment 1*).

**DISCUSSION**

The Service Analysis Report provided an overview of the current waste management services that Council provide, as well as a summary of the key strategic options available for ongoing provision of these services. The report concluded that Council currently achieves a favourable cost profile in the provision of both its in-house and contract provided waste management services. Council's waste management services are both rated and valued highly by local residents. The report recommends:-

- Kerbside Bin Collections Recommendations (11.1)
  - The general waste and recycling contracts should be consolidated with the garden waste service. It is also recommended that the frequency for the three kerbside collection services be maintained at the current levels.
- Recyclables Kerbside Collection Recommendation (11.1.2)
  - It is recommended to formalise the existing commercial recycling trial and create an opt-in recycling service for commercial properties that meet specific requirements currently in place.
- Garden Waste Kerbside Collection Recommendation (11.1.3)
  - Do not proceed with the implementation of a universal kerbside food organics collection model in the short to medium term. Assess the result from pilot trials being planned by other interface councils to determine longer term options on transition to this model.

- In collaboration with the relevant private operators continue to seek funding opportunities from the Victorian Government's Landfill Levy relocation process to fund infrastructure upgrades to waste processing facilities located within the two nominated waste processing "hubs" located within Council's municipal district.
- Hard Waste Collection Recommendation (11.2.1)
  - Continue to identify potential partnership arrangements with the diversion of recyclable materials from Council's Hard Waste Collection Service.
  - Continue to proactively implement waste education programs that provide residents with an opportunity to dispose of problematic and unwanted goods in an environmentally sustainable manner.
- Bundle Branch Collection Recommendation (11.2.2)
  - It is recommended that Council should discontinue the current service contract which is due to reach completion in July 2018. This should be accompanied by a comprehensive communication and education campaign, along with promotion of the garden waste bin service and provision of free green waste vouchers.
- Hard Waste Drop-Off Recommendation (11.3.3)
  - Continue the provision of the current Tip Voucher service, and reconsider the provision of the service upon the establishment of a resource recovery centre and transfer station (refer to recommendation 11.3.6).
- Drop-Off Services Recommendation (11.3.6)
  - It is recommended that Council continue discussions with Hanson Pty Ltd with a view to introducing an operational resource recovery centre and transfer station at the Wollert landfill site.
- Litter Bin Collection Recommendation (11.4.1)
  - It is recommended that Council trial a 'Take Home' litter policy for non-active open space reserves at one location.
- Dumped Rubbish Recommendations (11.4.2)
  - Maintain service capacity for proactively managing this issue of dumped rubbish through initiatives such as Council's Litter Prevention Officer Program by accessing grant funding.
- In-house Customer Service Recommendation (11.5.1)
  - It is recommended that Council should transition the customer service interface to the in-house customer service team, thereby consolidating and streamlining the customer service experience for residents accessing Council's suite of waste services.
  - Investigate the development of an on-line booking and customer information portal for waste related services to increase community access to these services.

## FINANCIAL IMPLICATIONS

Preliminary estimates of the financial impacts, inclusive of the amended recommendations detailed above, demonstrate a potential combined recurrent savings of \$250,000 per annum. This figure does not include the potential costs associated with the establishment and operation of an integrated waste transfer and resource recovery facility and the hard waste collection diversion of recyclable materials. The cost for the provision of both of these services will vary depending on the materials that will ultimately be targeted for diversion from the general waste stream.

## CRITICAL DATES

Work has commenced on the development of Council's tender specification for the re-tender of its Kerbside Collection Services. Council will seek to publicly advertise this tender in June

2017. Recommendations 11.1, 11.1.2, 11.1.3, and 11.5.1 detailed within this report will provide direction on specific operational deliberations required to finalise this tender specification.

The implementation of recommendation 11.2.2 (phasing out of the Bundled Branch Collection Service) will require the development and implementation of a detailed communication program. Implementation of this communication program will need to commence in February 2018.

**LINKS TO THE COUNCIL PLAN**

**FUTURE DIRECTION**            **Living Sustainably**  
**Theme**                            **Environmental sustainability**  
**Strategic Objective**            **We are an environmentally sustainable City**

Effective and efficient waste services delivery provides a major contribution to Council’s strategic objective to be an environmentally sustainable city.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

The review of Council’s Waste Management Services recommends a series of actions for the provision of Council’s waste management services for the next ten years. The recommendations that emerge out of the review, once implemented, hold the potential to deliver a combined recurrent savings of \$250,000 per annum. The outcomes of this review will also inform the future updates of Council’s Waste and Resource Recovery Strategic Plan.

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

THAT Council resolve to:

1. Endorse the following recommendation detailed within the Service Planning & Review Report - Waste Management Services:
  - a) The general waste and recycling contracts should be consolidated with the garden waste service. It is also recommended that the frequency for the three kerbside collection services be maintained at the current levels.
  - b) The existing commercial recycling trial be formalised and create an opt-in recycling service for commercial properties that meets the specific requirements currently in place.
  - c) The implementation of a universal kerbside food organics collection model in the short to medium term not be proceeded with. Assess the result from pilot trials being planned by other interface councils to determine longer term options on transition to this model.
  - d) In collaboration with the relevant private operators continue to seek funding

opportunities from the Victorian Government’s Landfill Levy relocation process to fund infrastructure upgrades to waste processing facilities located within the two nominated waste processing “hubs” located within Council’s municipal district.

- e) Continue to identify potential partnership arrangements with the diversion of recyclable materials from Council’s Hard Waste Collection Service.
  - f) Continue to proactively implement waste education programs that provide residents with an opportunity to dispose of problematic and unwanted goods in an environmentally sustainable manner.
  - g) Discontinue the current Bundled Branch service contract which is due to reach completion in July 2018. This should be accompanied by a comprehensive communication and education campaign, along with promotion of the garden waste bin service and provision of free green waste vouchers.
  - h) Continue the provision of the current Tip Voucher service, and reconsider the provision of the service upon the establishment of a resource recovery centre and transfer station (refer to recommendation 11.3.6).
  - i) Continue discussions with Hanson Pty Ltd with a view to introducing an operational resource recovery centre and transfer station at the Wollert landfill site.
  - j) Maintain service capacity for proactively managing this issue of dumped rubbish through initiatives such as Council’s Litter Prevention Officer Program by accessing grant funding.
  - k) Transition the customer service interface to the in-house customer service team, thereby consolidating and streamlining the customer service experience for residents accessing Council’s suite of waste services.
  - l) Investigate the development of an on-line booking and customer information portal for waste related services to increase community access to these services.
2. Review and update Council’s Waste and Resource Recovery Strategic Plan to reflect the outcomes of the Service Planning & Review Report.

Councillor Kris Pavlidis left the Council Chamber at 9:17PM and returned at 9.22PM before the vote on this item.

**MOTION**

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

THAT Council resolve to:

- 1. Endorse the following recommendation detailed within the Service Planning & Review Report - Waste Management Services:
  - a) The general waste and recycling contracts should be consolidated with the garden waste service. It is also recommended that the frequency for the three

kerbside collection services be maintained at the current levels.

- b) The existing commercial recycling trial be formalised and create an opt-in recycling service for commercial properties that meets the specific requirements currently in place.
  - c) The implementation of a universal kerbside food organics collection model in the short to medium term not be proceeded with. Assess the result from pilot trials being planned by other interface councils to determine longer term options on transition to this model.
  - d) In collaboration with the relevant private operators continue to seek funding opportunities from the Victorian Government's Landfill Levy reallocation process to fund infrastructure upgrades to waste processing facilities located within the two nominated waste processing "hubs" located within Council's municipal district.
  - e) Continue to identify potential partnership arrangements with the diversion of recyclable materials from Council's Hard Waste Collection Service.
  - f) Continue to proactively implement waste education programs that provide residents with an opportunity to dispose of problematic and unwanted goods in an environmentally sustainable manner.
  - g) Continue the current Bundled Branch service contract which is due to reach completion in July 2018.
  - h) Continue the provision of the current Tip Voucher service, and reconsider the provision of the service upon the establishment of a resource recovery centre and transfer station.
  - i) Continue discussions with Hanson Pty Ltd with a view to introducing an operational resource recovery centre and transfer station at the Wollert landfill site.
  - j) Transition the customer service interface to the in-house customer service team, thereby consolidating and streamlining the customer service experience for residents accessing Council's suite of waste services.
  - k) Investigate the development of an on-line booking and customer information portal for waste related services to increase community access to these services, including the development of an on-line booking app to facilitate an automated booking process for hard waste and green waste service requests.
2. Review and update Council's Waste and Resource Recovery Strategic Plan to reflect the outcomes of the Service Planning & Review Report.

**AMENDMENT**

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

**THAT Council resolve to:**

1. **Endorse the following recommendation detailed within the Service Planning & Review Report - Waste Management Services:**
  - a) **The general waste and recycling contracts should be consolidated with the garden waste service. It is also recommended that the frequency for the three kerbside collection services be maintained at the current levels.**
  - b) **The existing commercial recycling trial be formalised and create an opt-in recycling service for commercial properties that meets the specific requirements currently in place.**
  - c) **The implementation of a universal kerbside food organics collection model in the short term not be proceeded with. Assess the result from pilot trials being planned by other interface councils to determine longer term options on transition to this model.**
  - d) **In collaboration with the relevant private operators continue to seek funding opportunities from the Victorian Government's Landfill Levy reallocation process to fund infrastructure upgrades to waste processing facilities located within the two nominated waste processing "hubs" located within Council's municipal district.**
  - e) **Continue to identify potential partnership arrangements with the diversion of recyclable materials from Council's Hard Waste Collection Service.**
  - f) **Continue to proactively implement waste education programs that provide residents with an opportunity to dispose of problematic and unwanted goods in an environmentally sustainable manner.**
  - g) **Continue the current Bundled Branch service contract which is due to reach completion in July 2018.**
  - h) **Continue the provision of the current Tip Voucher service, and reconsider the provision of the service upon the establishment of a resource recovery centre and transfer station.**
  - i) **Continue discussions with Hanson Pty Ltd with a view to introducing an operational resource recovery centre and transfer station at the Wollert landfill site.**
  - j) **Transition the customer service interface to the in-house customer service team, thereby consolidating and streamlining the customer service experience for residents accessing Council's suite of waste services.**
  - k) **Investigate the development of an on-line booking and customer information portal for waste related services to increase community access to these services, including the development of an on-line booking app to facilitate an automated booking process for hard waste and green waste service requests.**

2. **Review and update Council's Waste and Resource Recovery Strategic Plan to reflect the outcomes of the Service Planning & Review Report.**

---

The amendment was put and carried and became the Substantive Motion.

The Substantive Motion was then put and CARRIED.

---

<b>SUBSTANTIVE MOTION</b>
---------------------------

**MOVED:** *Cr Laliros*

**SECONDED:** *Cr Kelly*

**THAT Council resolve to:**

1. **Endorse the following recommendation detailed within the Service Planning & Review Report - Waste Management Services:**
  - a) **The general waste and recycling contracts should be consolidated with the garden waste service. It is also recommended that the frequency for the three kerbside collection services be maintained at the current levels.**
  - b) **The existing commercial recycling trial be formalised and create an opt-in recycling service for commercial properties that meets the specific requirements currently in place.**
  - c) **The implementation of a universal kerbside food organics collection model in the short term not be proceeded with. Assess the result from pilot trials being planned by other interface councils to determine longer term options on transition to this model.**
  - d) **In collaboration with the relevant private operators continue to seek funding opportunities from the Victorian Government's Landfill Levy reallocation process to fund infrastructure upgrades to waste processing facilities located within the two nominated waste processing "hubs" located within Council's municipal district.**
  - e) **Continue to identify potential partnership arrangements with the diversion of recyclable materials from Council's Hard Waste Collection Service.**
  - f) **Continue to proactively implement waste education programs that provide residents with an opportunity to dispose of problematic and unwanted goods in an environmentally sustainable manner.**
  - g) **Continue the current Bundled Branch service contract which is due to reach completion in July 2018.**
  - h) **Continue the provision of the current Tip Voucher service, and reconsider the provision of the service upon the establishment of a resource recovery centre and transfer station.**
  - i) **Continue discussions with Hanson Pty Ltd with a view to introducing an**

operational resource recovery centre and transfer station at the Wollert landfill site.

- j) Transition the customer service interface to the in-house customer service team, thereby consolidating and streamlining the customer service experience for residents accessing Council's suite of waste services.
  - k) Investigate the development of an on-line booking and customer information portal for waste related services to increase community access to these services, including the development of an on-line booking app to facilitate an automated booking process for hard waste and green waste service requests.
2. Review and update Council's Waste and Resource Recovery Strategic Plan to reflect the outcomes of the Service Planning & Review Report.

**CARRIED**



## 6.4 CORPORATE SERVICES

### 6.4.1 PROPERTY STRATEGY

**File No:** 100000

**Attachments:** 1 [City of Whittlesea Property Strategy 2017](#) ⇨

**Responsible Officer:** Director Corporate Services

**Author:** Senior Property Officer

## REPORT

### EXECUTIVE SUMMARY

The City of Whittlesea Property Strategy 2017 (Attachment 1) is tabled for Council consideration and endorsement.

In developing the Property Strategy 2017, which was prepared in conjunction with consultancy firm Ernst & Young, input via surveys, interviews and workshops has been obtained from Councillors, ELT members and Council officers.

### BACKGROUND

The purpose of the Property Strategy is to ensure that Council's property portfolio is strategically aligned with its service delivery objectives and community expectations and to provide systems and processes that enable Council to make short, medium and long term decisions around the property portfolio in a fully informed manner.

The aim of the Property Strategy is to establish an effective framework to manage Council's property portfolio, as it expands the range and types of services and facilities it is expected to deliver to the community, in such a way as to support the financial sustainability of Council. The key objectives related to this aim are:

1. To facilitate the effective management of Council's existing property portfolio.
2. To set out where property should be held by Council, based on the principle of such property contributing to the delivery of services undertaken by Council to meet community expectations.
3. To identify Council owned property having value of a 'strategic' nature, to ensure future development proposals optimise long-term financial benefits for Council.
4. To identify property surplus to Council's needs in the short to medium term (rolling five year timeframe).
5. To identify potential development opportunities within Council's property assets.
6. To identify speculative purchasing opportunities to enable Council to fulfil its financial obligations as a revenue stream for capital projects undertaken to meet the needs of its community.
7. To continually meet the needs of an increasing population.

The City of Whittlesea is one of the largest and fastest growing municipalities in Metropolitan Melbourne, covering approximately 489 square kilometres. Council's existing portfolio comprises of the following:

- Freehold and owned properties
- Long term Crown / Government leasehold interests
- Properties leased by Council from a third party

To service these established and growing suburbs, Council aims to optimise its existing property portfolio to ensure efficient use of resources, whilst also being able to take short to medium term property opportunities to provide potential future capital uplift.

### **PROPOSAL**

To seek Council approval to finalise and implement the Property Strategy to leverage Council property assets and fill the emerging funding gap between the projected 15 year new works program costs and reduced revenue received under rate capping.

### **CONSULTATION**

Council officers distributed stake holder questionnaires to the Mayor and Councillors, Council's Corporate Leadership Team and relevant Council officers to create awareness of the proposed Property Strategy and obtain critical information that would be applied to the Strategy.

Additional information, including all comments taken from the Councillor workshops held on 27 and 31 March 2017, were also presented to Ernst & Young. Some key features include:

- Consideration of the financial, economic and social objectives for all properties held in the ownership of Council and all future transactions that may add or subtract from the property portfolio.
- Rezoning and redevelopment potential of speculative property acquisitions held by private entities or state government authorities.
- Improving under-utilised assets and increasing their multi-use functionality through capital works programs or utilisation of assets during periods of non-use (i.e. sporting clubs).
- Consideration of joint venture partnerships or appointment of management bodies that are better serviced to control highly valued assets that are deriving a lower rate of return than expected.
- Undertaking a more proactive approach to acquire strategic sites that are offered to Council under a 'first right of refusal, eg the Lalor Primary School.
- The Property Strategy is not designed to dispose of critical assets, but rather to evaluate the utilisation of the assets and maximise their use/longevity to the local community.
- Retention of historical properties which give the City of Whittlesea 'the edge' and make it unique from all other municipalities.
- Consideration of the development of open space property holdings in non-residential areas to stimulate employment/business opportunities.

Based on the stakeholder feedback, Ernst & Young have developed a property framework that considers Council policy and objectives. It attempts to determine land asset type, and whether the assets present, on balance, an opportunity or risk to Council.

### **FINANCIAL IMPLICATIONS**

The Victorian Government's policy of rate capping was implemented in 2015 and stipulates that councils may only raise rates in line with Victorian CPI increases. However Council

costs are growing more rapidly than CPI levels, leading to a lack of funding for services and infrastructure maintenance.

This is highlighted through the City of Whittlesea's new works program. Council has projected that over the next 15 years, the new works program will have a net cost of \$1.2 billion, however, due to the funding gap from rate capping, it is estimated that only approximately 50% of the program will be able to be completed.

A Property Strategy enables Council to better manage its property assets to fill the emerging funding gap.

### **POLICY STRATEGY AND LEGISLATION**

In developing an assessment framework that can be applied to the acquisition, redevelopment or disposal of land by Council the following factors have been paramount:

- Existing legislation
- Existing Council policy and internal stakeholder feedback
- Consideration on whether the site could, or is, accommodating a core service
- Consideration of the balance between risk and opportunity if Council decides to leverage the value of an existing or future acquired site.

### **Current Framework**

The current Property Management Framework identifies the following principles which remain in the background and are referred to for operational purposes:

- Property Asset Management Principles
- Property Asset Realisation Principles
- Property Asset Purchase Principles.

The Property Strategy will link with Council's adopted strategies which include, but are not limited to:

- City Of Whittlesea Community Plan
- City Of Whittlesea Corporate Plan
- Community Building Property Strategy & Action Plan (November 2015)
- Epping Central Structure Plan (November 2011)
- Integrated Transport Strategy (March 2014)
- Major Leisure & Aquatic Centre Strategy (March 2014)
- Recreation Strategy (May 2012)
- Sports Pavilion Strategy (April 2006)
- Tennis Facility Strategy (2013-2018)
- Whittlesea Retail Centres Property Strategy (October 2002)
- Housing Diversity Strategy (December 2013)
- Whittlesea Tourism Strategy (August 2002)
- Whittlesea Walking Strategy (April 2008)
- Whittlesea Open Space Strategy (September 2016)
- Community Infrastructure Needs Analysis Thomastown & Lalor

**Current Influence & Restraints**

The flexibility the City of Whittlesea has in acquiring and redeveloping land in accordance with a Property Strategy is influenced by existing legislation under the *Local Government Act 1989*.

- Section 187 and 192 of the Act provide the City of Whittlesea with significant flexibility in managing its land assets and acquiring land.
- Council can purchase land that may be required for future uses and importantly can change the use of the land to alternative uses if the original purpose for the acquisition changes.
- The exception is where land is a public open space, Council must comply with Section 20 of the 1988, which requires a council to provide for reinvestment in public open space if these assets are sold.

**Future Opportunities**

Current Victorian Government policy on landholding states that government agencies must hold land or an interest in land where State ownership of that land contributes directly to current or future service delivery and does this by the most effective means possible.

This presents greater opportunities for Council to acquire landholdings within the municipality that the government has decided to sell, due to the asset not contributing to service delivery.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Growth and change</b>
<b>Strategic Objective</b>	<b>Services and infrastructure keep pace with population growth</b>

Endorsement and implementation of the Property Strategy will ensure that Council’s property portfolio is strategically aligned with its service delivery objectives and community expectations and provides systems and processes that enable Council to make short, medium and long term decisions around the property portfolio in a fully informed manner.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

It is recommended that Council endorse the attached Property Strategy and request that further reports in relation to Council’s property portfolio, be presented to Council under the this framework.

**RECOMMENDATION**

**THAT Council resolve to endorse the attached Property Strategy and request that further reports in relation to Council’s property portfolio, be presented to Council in accordance with this framework.**

**COUNCIL RESOLUTION**

**MOVED:** Cr Lalius  
**SECONDED:** Cr Kelly

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

**CARRIED**



**6.4.2 ASSEMBLIES OF COUNCILLORS - 30 MAY 2017**

**File No:** 188199

**Responsible Officer:** Acting Director Partnerships and Engagement

**Author:** Governance Officer

**REPORT**

**SUMMARY**

To report to Council the records of Assemblies of Councillors in accordance with Section 80A(2) of the Local Government Act.

**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
Municipal Emergency Management Planning Committee <b>7 February 2017</b>	Cr Butler	MERO & EXO MRM D/MERO EHO REMC MFPO D/MFPO	<ol style="list-style-type: none"> <li>1. Reconciliation Statement;</li> <li>2. Conflict of Interest;</li> <li>3. Minutes of previous meeting;</li> <li>4. Matters arising from previous meeting:                             <ol style="list-style-type: none"> <li>a) Review of Council’s Essential Water Replacement Processes;</li> <li>b) Liaise with Hume’s MERO re: Illegal waste refuges including tyres; and</li> <li>c) Present Heat Plan for endorsement.</li> </ol> </li> <li>5. Correspondence;</li> <li>6. Municipal Reports:                             <ol style="list-style-type: none"> <li>a) EXO Report; and</li> <li>b) MFPO Report.</li> </ol> </li> <li>7. Agency Reports:                             <ol style="list-style-type: none"> <li>a) Australian Red Cross;</li> <li>b) Municipal Recovery Manager;</li> <li>c) MFB;</li> <li>d) SES</li> <li>e) CFA;</li> <li>f) DELWP;</li> </ol> </li> </ol>

Assembly Details	Councillor attendees	Officer attendees	Matters discussed
			g) Northern Hospital; h) Ambulance Victoria; i) Plenty Valley FM; j) Centrelink; k) VicPol; l) DHHS; and m) VCC EM. 8. Community Sub-Committee; 9. Heatwave Plan; 10. New and Emerging Risks a) Illegal Dumping; and b) Thunderstorm Asthma. 11. MEMP Review; and 12. Other Business.  <i>Nil disclosures</i>
Council Forum <b>4 April 2017</b>	Cr Kirkham (Mayor) Cr Kelly (Deputy Mayor) Cr Butler Cr Kozmevski Cr Lalios Cr Pavlidis Cr Sterjova	CEO - A DCS DCRS DCTP DPE - A DPMP - A ICO SSP TLACD MADS CSP DE	1. Audit & Risk Committee Chairman's report; 2. Planning Scheme Amendment request – Cooper Street, Epping; 3. City of Whittlesea Stretch Reconciliation Action Plan; 4. Aged Care reform: Roadmap to transition; 5. CCTV Policy and background paper; and 6. Local Area Traffic Management (LATM) 20.  <i>Nil disclosures</i>
Council Forum <b>11 April 2017</b>	Cr Kirkham (Mayor) Cr Kelly (Deputy Mayor) Cr Alessi Cr Cox Cr Desiato Cr Kozmevski Cr Lalios Cr Monteleone	CEO - A DCS DCRS DCTP DPE - A DPMP – A MPV MSP SSP MCP ULWR	1. Property Strategy; 2. 280 Bridge Inn Road, Mernda – Proposed Planning Scheme Amendment C203 and Proposed Vineyard Facility; and 3. Waste Services review update – service review report and associated forum presentation – Confidential.  <i>Nil disclosures</i>
Arts Cultural and Sporting Grants Program for Young People <b>2 May 2017</b>	Cr Alessi Cr Desiato Cr Kozmevski Cr Monteleone Cr Pavlidis Cr Sterjova	MG-A	The advisory committee made a recommendation to the delegate regarding the following application via a virtual meeting: 1. Abbie Barnes – Sporting Grant - International 2. Angel Ukpiebo - Sporting Grant - Interstate 3. Brent Camilleri - Sporting Grant – Interstate 4. Luke David - Sporting Grant –Interstate  <i>Nil disclosures</i>



The table below represents an Index of Officer titles:

Initials	Title of Officer	Initials	Title of Officer
CEO -A	Acting Chief Executive Officer – Liana Thompson	ICO	Internal Compliance Officer – David Gauci
DCS & MRM	Director Community Services & Municipal Recovery Manager – Russell Hopkins	SSP	Senior Strategic Planner – Liam Wilkinson
DCRS	Director Corporate Services – Helen Sui	TLACD	Team Leader Aboriginal and Cultural Diversity – Benjamin Waterhouse
DCTP & MERO & EXO	Director City Transport & Presentation & Municipal Emergency Resource Officer & Executive Officer – Nick Mann	MADS	Manager Aged & Disability Services – Steve Ward
DPE -A	Acting Director Partnerships and Engagement – Belgin Besim	CSP	Community Safety Planner - Elizabeth Meade
DPMP –A	Acting Director Planning & Major Projects – Kristen Jackson	DE	Development Engineer - Vesna Pismanovska
D/MERO	Deputy Municipal Emergency Resource Officer – Tracey Mallett	MPV	Manager Property & Valuations – Gino Mitrione
EHO	Environmental Health Officer – Ralph Mertins	MSP	Manager Strategic Planning – George Saisanas
REMC	Resilience and Emergency Management Coordinator – Andrew Tierney	SSP	Senior Strategic Planner – Lenice White
MFPO	Municipal Fire Prevention Officer – Pat Carra	MCP	Manager City Presentation - Peter Ali
D/DFPO	Deputy Fire Prevention Officer – David Foster	ULWR	Unit Leader Waste & Recycling – Bradley Byrne
MG-A	Acting Manager Governance – Alison Brice		

**CONSULTATION**

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

**FINANCIAL IMPLICATIONS**

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

**POLICY STRATEGY AND LEGISLATION**

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

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

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

**LINKS TO THE COUNCIL PLAN**

<b>Future Direction</b>	Good Governance
<b>Theme</b>	Continuous improvement
<b>Strategic Objective</b>	Best practice models of operation are adopted by Council
<b>Council Goal</b>	Council adopts best practice models of operation

The provision of this report is in line with the Future Direction 7 – Good Governance of Council’s Community Plan by ensuring Council adopts best practice models of operation.

**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 Lalius*  
**SECONDED:**                *Cr Kelly*

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

**CARRIED**

**6.4.3 ADOPTION OF 'SHAPING OUR FUTURE' COUNCIL PLAN 2017-2021****File No:** CPS 18

**Attachments:**

- 1 **DRAFT COUNCIL PLAN 2017-21** [⇒](#)
- 2 **DRAFT COUNCIL ACTION PLAN 2017-18** [⇒](#)
- 3 **COUNCIL PLAN ORIGINAL SUBMISSIONS** [⇒](#)
- 4 **ADVISORY COMMITTEE OF COUNCIL RECOMMENDATIONS** [⇒](#)
- 5 **COUNCIL PLAN SURVEY SUMMARY REPORT** [⇒](#)
- 6 **AMENDMENTS COUNCIL PLAN 2017-21** [⇒](#)
- 7 **AMENDMENTS COUNCIL ACTION PLAN 2017-18** [⇒](#)

**Responsible Officer:** Director Corporate Services**Author:** Manager Corporate Accountability and Performance

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

**EXECUTIVE SUMMARY**

The draft '*Shaping Our Future*' Council Plan 2017-2021 including the draft Council Action Plan 2017-18 (the 'Plans') has been on public exhibition from 4 April to 5 May 2017 as required under sections 125 and 223 of the *Local Government Act* 1989 (the 'Act'). Three submissions were received from the public, and a number of suggestions were received from internal staff. The amendments have been considered by the Advisory Committee of Council nominated for this purpose.

It is proposed to adopt the Plans with the recommended amendments and submit them to the Minister for Local Government by 30 June 2017, as required under section 125 of the Act. The cost for preparing the Council Plan is budgeted using internal resources and external design and printing.

**BACKGROUND**

The Council Plan is developed every four years by the newly elected Council in accordance with the Act. It is the key strategic document providing direction over the Council term. At a minimum, the Council Plan needs to include Council's strategic objectives, the strategies for achieving these objectives, strategic indicators for monitoring the achievement of these objectives and the four year Strategic Resource Plan (section 125 of the Act). For the 2017-21 Council Plan, Council is using the newly developed 45 indicators of the Community Wellbeing Indicator Framework as the strategic indicators to monitor progress against the strategic objectives.

The Council Action Plan is developed annually as an accompaniment to the Council Plan. It includes the major initiatives that are to be achieved each year. Progress against both the strategic indicators as well as the major initiatives is reported in Council's Annual Report and submitted to State Government.

Councillors have identified their four year and one year priorities and genuinely shaped the Plans over a series of workshops and Council Forums from November 2016 to February 2017. Following the adoption of the draft '*Shaping Our Future*' Council Plan 2017-2021 (see *Attachment 1*) and the draft Council Action Plan 2017-18 (see *Attachment 2*) in March 2017, the Plans have been made available for public submissions and feedback in April and May 2017. The Advisory Committee of Council has considered the three submissions received at a public hearing on 17 May 2017 and recommends the adoption of the Plans with amendments.

## PROPOSAL

It is recommended that Council adopt the 'Shaping Our Future' Council Plan 2017-2021 including the Council Action Plan 2017-2018 with amendments and submit the adopted Plans to the Minister for Local Government by 30 June 2017. Submitters will be notified of the decision and its reasoning.

## CONSULTATION

The Plans have been made available for public submissions and feedback under sections 125 and 223 *Local Government Act* 1989 between 4 April and 5 May 2017.

A range of participation and engagement activities have been conducted during this period, in line with Council's resolution on 28 March 2017:

- The formal public notice was advertised in the Whittlesea Leader on 4 April 2017;
- The Plans are electronically available via the City of Whittlesea website;
- Hardcopies have been on display at five libraries, six community activity centres and two Council offices;
- The consultation period was advertised in the Whittlesea Leader Council column on 4 April 2017 and 11 April 2017;
- The Mayor gave an interview promoting the consultation period on Plenty Valley FM on 6 April 2017;
- Six drop-in sessions were held, directly supported by seven Councillors and twenty officers on-site;
- Approximately 100 letters inviting feedback have been sent to stakeholder groups;
- The Plans were advertised on Facebook and Twitter to invite feedback.

Members of the public had the opportunity to make a formal submission regarding the Council Plan under sections 125(3) and 223 of the *Local Government Act* 1989. Three substantive submissions have been received (see *Attachment 3*). The nominated Advisory Committee of Council heard one submitter in person during the public hearing on 17 May 2017. Following the public hearing, the Advisory Committee of Council considered and deliberated on the three substantive submissions in camera. A summary of the submissions, the respective officer recommendations and the Advisory Committee of Council recommendations to Council are included in *Attachment 4*.

People could also provide feedback by participating in the Council Plan survey, the outcomes of which are summarised in *Attachment 5*.

## AMENDMENTS TO THE PLANS

The recommended amendments to the 'Shaping Our Future' Council Plan 2017-2021 are outlined in *Attachment 6* and those to the Council Action Plan 2017-2018 in *Attachment 7* (changes to content are marked in red). They are a result of the submissions, internal suggestions and ensuing deliberations of the Advisory Committee of Council.

Further amendments may occur to the Strategic Resource Plan section of the Council Plan. These will be determined by the adopted version of the Annual Budget 2017-18 including any amendments, which will flow on and be incorporated into the Strategic Resource Plan.

## CRITICAL DATES

30 June 2017      Submission of the adopted Council Plan to the Minister (required under section 125(5) *Local Government Act* 1989)

## FINANCIAL IMPLICATIONS

The proposed draft Budget for 2017/18, and the Strategic Financial Plan, have been considered in conjunction with planning for the four year Council Plan. The cost for preparing the Council Plan is currently budgeted using internal resources and external design and printing.

## POLICY STRATEGY AND LEGISLATION

The 'Shaping Our Future' 2017-21 Council Plan and the 2017-18 Council Action Plan are prepared in compliance with section 125 of *Local Government Act 1989*.

## LINKS TO THE COUNCIL PLAN

<b>FUTURE DIRECTION</b>	<b>Inclusive &amp; Engaged Community</b>
<b>Theme</b>	<b>Participation &amp; decision making</b>
<b>Strategic Objective</b>	<b>Community decision making is inclusive</b>

This Council Plan is consistent with, and sits within, Council's integrated planning framework. The highest level of this framework is the Community Plan. At the next level of the framework is the Council Plan, an articulation of Council's priorities and goals over the coming four years.

The Council Plan, including the annual Council Action Plan, is the main legislated strategic document guiding Council's work for the period of four years. As such, it sets the objectives for the organisation across Council's identified priorities and links to the seven future directions as outlined in the 'Shaping our Future' Whittlesea 2030 Strategic Community Plan. Community participation and engagement is mandatory under sections 125 and 223 of the Act to enhance inclusive decision-making.

## 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

'Shaping Our Future' Council Plan 2017-2021 has been subject to a formal consultation period as required by the *Local Government Act 1989*. Following receipt and consideration of community feedback, it is recommended the final Plan be adopted for distribution and implementation. As specified by the Act, a copy will then be forwarded to the Minister for Local Government.

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

THAT Council resolve to:

1. Adopt the '*Shaping Our Future*' 2017-21 Council Plan including the 2017-18 Council Action Plan with amendments as detailed in Attachments 6 and 7 and amendments to the Strategic Resource Plan as determined by the Annual Budget 2017-18, scheduled for adoption in this Council Meeting.
2. Submit a copy of the '*Shaping Our Future*' 2017-21 Council Plan including the 2017-18 Council Action Plan to the Minister for Local Government by 30 June 2017.
3. Notify all submitters of Council's decision and the reason for the decision.

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

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

THAT Council resolve to adopt the Recommendation.

**UNANIMOUSLY CARRIED**

**6.4.4 DECLARATION OF RATES AND ADOPTION OF 2017/18 BUDGET**

**File No:** SU195536

- Attachments:**
- 1 **2017/18 Budget Submissions Committee Meeting Minutes** [⇨](#)
  - 2 **2017/18 Budget Submission Sheets** [⇨](#)
  - 3 **2017/18 Budget** (distributed separately - refer to p.7) [⇨](#)

**Responsible Officer:** Manager Finance & Assets

**Author:** Team Leader Management Accounting

**REPORT**

**EXECUTIVE SUMMARY**

The purpose of this report is to consider the outcomes from the 2017/18 Budget Submissions Advisory Committee Meeting held on 17 May 2017 (*Attachments 1 & 2*) and adopt the 2017/18 Annual Budget (*Attachment 3*).

Council approved the 2017/18 Proposed Budget for advertising at the special meeting held 28 March 2017. Following the statutory budget submission period, 29 submissions were received. An Advisory Committee of Council considered these submissions and has recommended that 6 changes to the Draft 2017/18 Budget at a net cost of \$308,700.

This report also includes recommended budget adjustments following recent Grant funding announcements, with a net rates budget saving of \$385,000.

**BACKGROUND**

Council resolved at its Council Meeting on 28 March 2017, in accordance with Section 129 of the *Local Government Act 1989* ('the Act'), to give public notice of its intention to adopt the 2017/18 Budget and to invite submissions on the proposed Annual Budget from the public.

In accordance with Section 223 of the Act, Council invited written submissions on the Proposed Budget. A total of 29 submissions were received during the submission period, which closed on 5 May 2017.

**PROPOSAL**

It is proposed that Council consider the recommendations of the Budget Submissions Advisory Committee to determine whether or not they should be included in the 2017/18 adopted budget, then following this consideration, adopt the 2017/18 Budget.

**CONSULTATION**

In accordance with the provisions of the Act, public notice has been given inviting submissions on the Proposed Budget for 2017/18. A total of 29 submissions were received and considered by the Budget Submissions Advisory Committee appointed by Council.

**CRITICAL DATES**

The process adopted by Council was:

Council approved 2017/18 Proposed Budget for public notice	28 March 2017
Council gave public notice	30 March 2017
Period for lodging submissions closed	5 May 2017

Special Advisory Committee of Council met to consider submissions 17 May 2017  
 Council meeting to adopt 2017/18 Budget 30 May 2017

**SUBMISSIONS ADVISORY COMMITTEE RECOMMENDATIONS**

An Advisory Committee of Council comprising the Mayor, Cr Ricky Kirkham, Cr Norm Kelly and Cr Alahna Desiato were appointed to hear and consider submissions. The Committee met on 17 May 2017 and gave each submitter requesting to be heard the opportunity to speak to their submission.

After hearing from the Submitters, the Committee considered each submission and made its recommendations, which proposes to add a net \$308,700 in expenditure to fund the following items:

- Portable change rooms at A.F. Walker Reserve (\$100,000)
- Feasibility study for a tennis facility at Doreen Recreation Reserve (\$30,000)
- Driveway and toilet facilities at 70W Regent Street, Mernda (up to \$10,000)
- Bubup Wilam Early Learning Healing Program funding for 12 months (matching current State Government contribution) (\$148,000)
- Traffic treatment in Temple Drive, Thomastown (\$35,000)
- Withdraw Council funding for Whittlesea SES as it is now fully funded by State Government (\$14,300 saving)

A full summary of the budget submissions and the recommendations of the Committee are included in *Attachments 1 & 2*.

**OTHER BUDGET ADJUSTMENTS**

Federal Government Accident Black Spot Fund

The City of Whittlesea has been successful in receiving a grant for two road safety treatment projects as part of the Federal Government Accident Black Spot Fund:

Site	Proposed Safety Treatments	Funds
Betula Avenue / Roycroft Avenue intersection, Mill Park	Modify existing roundabout to improve vehicle deflection on approach and provide safe pedestrian crossings at the intersection	\$185,000
Station Street, between Childs Road and Heyington Avenue, Thomastown / Lalor	Improvements to infrastructure at a number of intersections and installation of asphalt road cushions.	\$475,000
<b>Total</b>		<b>\$660,000</b>

As the Betula Avenue/ Roycroft Avenue intersection improvement project in Mill Park was listed in the Draft 2017/18 Budget (part of PID 304) as \$185,000 fully funded by rates, confirmation of this grant allows a total of \$185,000 being released from rates funding.

The Station Street project was not listed in the Draft 2017/18 Budget and it is recommended for this project to be added to the 2017/18 New Works program, with \$475,000 fully funded by grants.



State Government Living Libraries Infrastructure Program

Council was however unsuccessful in receiving a grant for the Refurbishment of the Mill Park Library (PID 2185).

A total of \$500,000 for this project was included in the Draft Budget, with \$300,000 funded by grants and \$200,000 by rates. It is recommended to defer the project to 2018/19 and remove it from the 2017/18 New Works budget.

**FINANCIAL IMPLICATIONS**

The Committee’s recommendations will add projects with a net cost of \$308,700. The cost of these items will be offset by the confirmation of Federal Government Blackspot Funding (\$185,000) and the removal of the Mill Park Library Refurbishment project (\$200,000). .

**POLICY STRATEGY AND LEGISLATION**

Council prepares its annual budget under the provisions of the *Local Government Act* 1989 and the Local Government (Planning and Reporting) Regulations 2014.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Resource Management</b>
<b>Strategic Objective</b>	<b>Council is financially sustainable for the long term</b>

The Annual Budget is one of the key components of the planning and accountability framework, which guides Council in identifying community needs and aspirations. Together with the Council Plan and Strategic Resource Plan, one of the framework’s underlying guiding principles is ensuring long term financial sustainability.

**DECLARATIONS OF CONFLICTS OF INTEREST**

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

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

**CONCLUSION**

It is recommended that Council amend the advertised 2017/18 Annual Budget noting the changes recommended by the Budget Submissions Advisory Committee and notify each submitter of Council’s decision.

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

THAT Council resolve to:

1. Accept the late submissions which were considered by the Advisory Committee of Council and included in the committee’s recommendations (*Attachment 1 & 2*)
2. Accept the recommendations of the Advisory Committee of Council outlined in *Attachment 1 & 2*, having heard and considered public submissions on the proposed 2017/18 Annual Budget, noting that the Committee’s recommendations will add the following projects with a net cost of \$308,700:

- a) Portable change rooms at A.F. Walker Reserve (\$100,000)
  - b) Feasibility study for a tennis facility at Doreen Recreation Reserve (\$30,000)
  - c) Driveway and toilet facilities at 70W Regent Street, Mernda (up to \$10,000)
  - d) Bubup Wilam Early Learning Healing Program funding for 12 months (matching current State Government contribution) (\$148,000)
  - e) Traffic treatment in Temple Drive, Thomastown (\$35,000)
  - f) Withdraw Council funding for Whittlesea SES as it is now fully funded by State Government (\$14,300 saving)
3. Notify submitters of Council's decision and the reasons for the decision.
  4. Approve the following additional changes (Net saving of rates funding \$385,000) to the Draft 2017/18 Budget:
    - a) Accept the \$185,000 grant from the Black Spot Funding for the Betula Avenue / Roycroft Avenue Intersection road safety treatments project in Mill Park, and release rates funding of \$185,000 for the same project. This will result in a reduction of the Council rates funded capital budget for PID 304 – LATM Schemes Various Treatments from \$450,000 to \$265,000.
    - b) Accept the \$475,000 grant from the Black Spot Funding for the Station Street road safety treatments project in Lalor and add this project to the 2017/18 New Works Program.
    - c) Reduce the 2017/18 New Works budget for PID 2185 – Mill Park Library Refurbishment project from \$500,000 to Nil as the \$300,000 grant application to the Living Libraries Fund was not successful. Defer the project to 2018/19 and reapply to the Living Libraries Fund.
  5. Note the net budget saving of the above budget changes (\$76,300).
  6. Adopt the 2017/18 Annual Budget attached to this resolution, noting that it will be updated with the changes above (*Attachment 2*).
  7. Authorise the Acting Chief Executive Officer to give public notice of this decision to adopt the Budget, in accordance with section 130(2) of the *Local Government Act 1989* ("the Act").
  8. Declare that the amount which Council intends to raise by general rates is \$141,781,025 and such further amount as lawfully levied as a consequence of this resolution.
  9. Declare that the general rate be declared in respect of the 2017/18 financial year.
  10. Declare that the general rate be raised by the application of differential rates.
  11. Declare that a differential rate be set for rateable land having the respective characteristics specified below, which characteristics will form the criteria for each

differential rate so declared:

Farm Land

Any land which is “farm land” within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

Other Land

Any land which is not farm land, including land which is used or adapted to be used primarily for:

- a) residential; or
- b) commercial purposes.

12. Determine each differential rate by multiplying the Net Annual Value of each rateable land (categorised by the characteristics described in paragraph 6 of this Resolution) by the relevant percentages indicated in the following table:

Category	Percentage
Other Land (including Residential and Commercial Land)	0.06532185% (or 0.06532185 cents in the dollar of Net Annual Value)
Farm Land	0.03919311% (or 0.03919311 cents in the dollar of Net Annual Value)

13. Record that it considers that each differential rate will contribute to the equitable and efficient carrying out of Council functions and that:

- a) The respective objectives of each differential rate be those specified in the Schedule to this Resolution.
- b) The respective types or classes of land which are subject to each differential rate be those defined in the Schedule to this Resolution.
- c) The respective uses and levels of each differential rate in relation to those respective types or classes of land be those described in the Schedule to this Resolution.
- d) The relevant -
  - i) uses;
  - ii) geographical locations;
  - iii) planning scheme zonings of;
  - iv) types of buildings on; and
  - v) the respective types or classes of land be those identified in the Schedule to this Resolution.

14. Confirm that no amount is fixed as the minimum amount payable by way of general rate in respect of each rateable land within the municipal district.

15. Declare that no incentives be given by Council for the payment of general rates before

the dates fixed or specified for their payment under section 167 of the Act.

16. Record that:

- a) Council grants to each owner of rateable land which -
  - i) is located within or part within a Green Wedge, Green Wedge A or Rural Conservation Zone within the meaning of the Whittlesea Planning Scheme; and
  - ii) is not less than 8 hectares in area or which, when combined with adjacent land in the same ownership, is continuous and not less than 8 hectares in area;

a rebate (the Sustainable Land Management Rebate).
- b) The Sustainable Land Management Rebate be an amount equal to -
  - i) 30% of the general rates which would otherwise be payable in respect of rateable land which is 50 hectares or more in area; and
  - ii) 20% of the general rates which would otherwise be payable in respect of rateable land which is not less than 8 hectares and not equal to or more than 50 hectares in area or which, when combined with adjacent land in the same ownership, is continuous and not less than 8 hectares and not equal to or more than 50 hectares in area.
- c) The Sustainable Land Management Rebate be conditional upon -
  - i) the owner of the rateable land (or his or her agent) bi-annually making application for the Sustainable Land Management Rebate to be granted;
  - ii) the ability of the owner of the rateable land (or his or her agent) to demonstrate a commitment to maintaining and improving the quality of their land, consistent with the assessment criteria stated in the Sustainable Land Management Rebate Scheme Application Guidelines;
  - iii) the owner of the rateable land (or his or her agent) establishing to the satisfaction of Council such plans for land management works, and the carrying out of such land management works over a specified time, as are consistent with the Sustainable Land Management Rebate Scheme Application Guidelines; and
  - iv) the application of, and compliance with, the Sustainable Land Management Rebate Scheme Application Guidelines.
- d) The Sustainable Land Management Rebate be granted to -
  - i) assist in the proper and sustainable development of the municipal district;
  - ii) support and encourage the application of sustainable land management practices;
  - iii) preserve places within the municipal district which are of environmental

interest;

- iv) preserve, restore and maintain places of environmental importance and value within the municipal district;
- v) improve the productive capacity of rural land; and
- vi) promote the objectives described in the Sustainable Land Management Rebate Scheme Application Guidelines.

17. Record also that:

- a) Council grants a rebate to each owner (or, where applicable, occupier) of land comprising any part of the Melbourne Wholesale Markets (“the Markets”);
- b) the rebate became operative upon the commencement of trading at the Markets (September 2015), and is an amount equal to the rates which would otherwise have been payable in respect of the land (2017/18 budget: \$1.07 million); and
- c) the rebate be granted to assist the proper development of the municipal district.

18. Require that the general rates must be paid -

- a) By lump sum payment, made on or before 15 February 2017; or
- b) By four instalments made on or before the following dates:
  - i) Instalment 1: 30 September 2017
  - ii) Instalment 2: 30 November 2017
  - iii) Instalment 3: 28 February 2018
  - iv) Instalment 4: 31 May 2018

19. Confirm that it will, subject to sections 171 and 172 of the Act, require a person to pay interest on any general rates which -

- a) that person is liable to pay; and
- b) have not been paid by the date specified for payment.

20. Confirm the Schedule of Fees and Charges included in the Budget.

21. Authorise the Revenue Co-ordinator of Council to levy and recover the general rates in accordance with the Act.

## SCHEDULE

### *Farm Land Objective*

To encourage the use (and continued use) of land for agricultural purposes, and ensure that such rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council. These include the:

1. implementation of good governance and sound financial stewardship;
2. construction, renewal, upgrade, expansion and maintenance of infrastructure assets;
3. development and provision of health, environmental, conservation, leisure, recreation, youth and family and community services;
4. provision of strategic and, economic management, town planning and general support services; and
5. promotion of cultural, heritage and tourism aspects of Council's municipal district.

*Types and Classes*

Any rateable land which is 'farm land' within the meaning of section 2(1) of the *Valuation of Land Act 1960*.

*Use and Level of Differential Rate*

This particular differential rate will be used to support farming by providing a discount for Farm Rate properties.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

*Geographic Location*

Wherever located within the municipal district.

*Use of Land*

Any use permitted under the relevant Planning Scheme.

*Planning Scheme Zoning*

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

*Types of Buildings*

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2017-2018 Financial Year.

*Other Land (Including Residential And Commercial Land) Objective*

To ensure that such rateable land makes an equitable financial contribution to the cost of carrying out the functions of Council, having regard to the relative benefits derived from the cost of carrying out of such functions. These functions include the:

1. implementation of good governance and sound financial stewardship;
2. construction, renewal, upgrade, expansion and maintenance of infrastructure assets;
3. development and provision of health, environmental, conservation, leisure, recreation, youth and family and community services;

4. provision of strategic and, economic management, town planning and general support services; and
5. promotion of cultural, heritage and tourism aspects of Council’s municipal district.

*Types and Classes*

Any rateable land which is not Farm Land.

*Use and Level of Differential Rate*

This particular rate will be used as the default rate that is applicable to the majority of the properties within this municipal district.

The level of the differential rate is the level which Council considers is necessary to achieve the objectives specified above.

*Geographic Location*

Wherever located within the municipal district.

*Use of Land*

Any use permitted under the relevant Planning Scheme.

*Planning Scheme Zoning*

The zoning applicable to each rateable land within this category, as determined by consulting maps referred to in the relevant Planning Scheme.

*Types of Buildings*

All buildings which are now constructed on the land or which are constructed prior to the expiry of the 2017-2018 Financial Year.

**MOTION**

**MOVED:**                      *Cr Lalius*  
**SECONDED:**                *Cr Kirkham*

**THAT Council resolve to adopt the officers Recommendation with the addition of the following items:**

22. **Make a change at 18 (a) to read 15 February 2018 (instead of 2017).**
23. **Approve the following projects to be funded from increased Financial Assistance Grants to be received in 2017/2018:**
  - a) **\$220,000 for Josef Street, Bundoora indented car parking;**
  - b) **\$250,000 for a portable pavilion/change room and portable toilet and 20 space car park, and booking system for the courts at Shield Street Epping;**
  - c) **\$15,000 for Concrete works for Toorourrong Reservoir Park, Bushfire memorial;**

- d) \$100,000 additional budget for Botanica Park Bundoora playground upgrade, to accommodate the requests made through the community consultation process;
- e) \$10,000 for lighting upgrades in Church Street Whittlesea; and
- f) \$200,000 for additional tree plantings in accordance with the Street Tree Master Plan

**ADJOURNMENT**

The Mayor adjourned the meeting at 10.01PM.

**RESUMPTION**

The meeting resumed at 10.06PM.

**EXTENSION OF MEETING TIME**

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

THAT Council resolve to extend the meeting for a further 30 minutes.

**CARRIED**

**AMENDMENT**

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

THAT Council resolve to include the following in the Motion:

- 24. Reduce the Waste Management Fees – Green Waste Bin Service from \$77 to \$67.

**LOST**

**AMENDMENT**

**MOVED:** *Cr Sterjova*  
**SECONDED:** *Cr Cox*

THAT Council resolve to include the following in the Motion:

- 24. Delete – 2 f) Withdraw Council funding for Whittlesea SES as it is now fully funded by State Government (\$14,300 saving)
- 25. Include in the budget funding of \$16,000 to fund Whittlesea SES as it is not fully funded.

**LOST**



**DIVISION**

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

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

Based on the votes cast during the Division, the vote was tied.

**CASTING VOTE**

In accordance with Clause 68 of the Procedural Matters Local Law the Mayor exercised his right to a casting vote to vote against the amendment.

**LOST**

**ADJOURNMENT**

**The Mayor adjourned the meeting at 10.44PM.**

**RESUMPTION**

**The meeting resumed at 10.52PM.**

**EXTENSION OF MEETING TIME**

**MOVED:**                    *Cr Lalijs*  
**SECONDED:**            *Cr Monteleone*

**THAT Council resolve to extend the meeting for a further 30 minutes to 11.30PM.**

**CARRIED**

**ADJOURNMENT**

**The Mayor adjourned the meeting at 10.56PM.**

**RESUMPTION**

**The meeting resumed at 10.57PM.**

**AMENDMENT**

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

**THAT Council resolve to include the following in the Motion:**

- 24. To include an allocation of \$220,000 towards Safer Routes to Schools, to commence with prioritized urgent routes identified.

**LOST**

**DIVISION**

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

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

Based on the votes cast during the Division, the vote was tied.

**CASTING VOTE**

In accordance with Clause 68 of the Procedural Matters Local Law the Mayor exercised his right to a casting vote to vote against the amendment.

**LOST**

**AMENDMENT**

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

**THAT Council resolve to include the following in the Motion:**

- 24. An allocation of \$100,000 is made towards the Spring Street Hall in relation to increasing the storage available to users.

**LOST**

**DIVISION**

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

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

Based on the votes cast during the Division, the vote was tied.

**CASTING VOTE**

In accordance with Clause 68 of the Procedural Matters Local Law the Mayor exercised his right to a casting vote to vote against the amendment.

**LOST**

**AMENDMENT**

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

**THAT Council resolve to include the following in the Motion:**

- 24. An allocation of \$200,000 to the Planning and Feasibility allocation of the existing \$300,000.**

---

The amendment put forward by Cr Pavlidis was not voted on or debated before the meeting was adjourned.

---

**ADJOURNMENT**

**The Mayor adjourned the meeting at 11.24PM to 6.30PM on Tuesday 6 June 2017.**

**Acting Chief Executive Officer Explanatory Note**

*In accordance with Clause 31 of the Procedural Matters Local Law, the Mayor, Cr Kirkham adjourned the Council Meeting during consideration of this item to 6.30PM on Tuesday 6 June 2017. When consideration of this item resumes, it will do so with the mover speaking to the motion.*



## 6.5 PARTNERSHIPS & ENGAGEMENT

### 6.5.1 CITY OF WHITTLESEA PARTICIPATION AND ENGAGEMENT POLICY AND FRAMEWORK

**File No:** .

**Attachments:**                   1     **Participation and Engagement Policy** [⇒](#)  
  2     **Participation and Engagement Framework** [⇒](#)

**Responsible Officer:**       **Acting Director Partnerships and Engagement**

**Author:**                       **Acting Manager Community Building and Planning**

#### REPORT

#### EXECUTIVE SUMMARY

Driven by a new requirement in the Local Government Performance Reporting Framework (LGPRF), it has become imperative for the City of Whittlesea to review its existing Participation and Engagement Framework (previously known as Council's Consultation and Engagement Framework) and establish a Participation and Engagement Policy. Over the past eight months, Council's Research Team has undertaken a review of the existing Framework, involving engagement with staff, Councillors and a small sample of community representatives to seek input into the development of the future Policy and Framework.

Attached to this report is the proposed future Participation and Engagement Policy for the City of Whittlesea as well as the Framework that will support the implementation of the Policy. Council endorsement of the new Participation and Engagement Policy and Framework is sought. The City of Whittlesea currently lacks a Policy in this area and needs to have one endorsed by 30 June 2017 as per legislative requirements. Implementation of the Policy and Framework will occur from July 2017, will be led by Council's Research team and managed within existing resourcing and budget,. However, as the Policy and Framework will impact the work of almost everyone across Council in some capacity, it is important that Councillors, alongside Council's Corporate Leadership Team, play a role in championing and supporting Council's participation and engagement practices.

#### BACKGROUND

Community participation and engagement (previously referred to as 'consultation and engagement' within Council) is the practice of government providing community members with opportunities to influence decisions which affect them. Council's existing 'Consultation and Engagement Framework' was endorsed by Council and implemented in 2012. Over the past eight months, Council's Research Team has undertaken a review of the existing Framework, involving engagement and input from a diverse range of stakeholders (refer to consultation section below). Incorporating an evidence-based 'best practice' approach that is guided by industry authorities has been a priority in revising our Framework and developing our new Participation and Engagement Policy.

The development of Council's Policy and Framework has also needed to be conscious of the current Local Government Act Review and recently released Victorian Auditor-General recommendations on *Public Participation and Community Engagement: Local Government Sector* (May 2017). These reviews are steering Councils towards increasing opportunities for members of the community to make meaningful contributions to decision-making and for

Councils to be able to demonstrate not only that they have a Policy in place but how this informs better practice public participation activities within community. There is also a need to align the future Participation and Engagement Policy and Framework with Council's endorsed community building approach as outlined in the Community Building Policy. The City of Whittlesea currently lacks a Participation and Engagement Policy and needs to have one endorsed by June 2017 as per legislative requirements.

**PROPOSAL**

Adopting a Participation and Engagement Policy and an updated Participation and Engagement Framework will enable Council to meet its regulatory obligations and support the achievement of ensuring community has adequate input to Council decisions.

Attachment 1 is the proposed Participation and Engagement Policy for the City of Whittlesea.

Attachment 2 refers to the Framework that has been developed to support the implementation of the Policy across the organisation. It should be noted that the intent is for the Framework to be further developed over time as the processes and tools underpinning practice are refined.

Once endorsed, the implementation will be guided by internal sponsors and champions in accordance with the high level implementation plan below.

**Implementation Plan**

Action	Responsibility	Timeframe
<b>Communications to all stakeholders</b>	Participation and Engagement Advisor	July 2017
<b>Identify champions &amp; sponsors for the rollout of the Participation &amp; Engagement framework.</b>	Participation and Engagement Advisor	September 2017
<b>Develop more detailed actions for rollout of Participation and Engagement Framework</b>	Participation and Engagement Advisor	September 2017
<b>Develop guidelines for setting appropriate IAP2 level of engagement.</b>	Communications team	
<b>Revise P&amp;E training program and roll-out targeted training to stakeholders</b>	Participation and Engagement Advisor	From October 2017 onwards
<b>Develop guidelines for working with external consultants</b>	Participation and Engagement Advisor	December 2017
<b>Revise online staff and community engagement portals</b>	Participation and Engagement Advisor	Phase 1: July 2017
	Information Services Department	Phase 2: Early 2018
<b>Establish an Engagement Practitioners Network for staff</b>	Participation and Engagement Advisor	October 2017
<b>Finalise a community network (list) identifying community contacts for engagement</b>	Community Building & Planning Department	July 2017 (ongoing updates)

**CONSULTATION**

A desktop review was undertaken to incorporate an evidence-based ‘best practice’ approach for the new Participation and Engagement Policy and Framework.

Between October 2016 and March 2017, an internal reference group guided an engagement process as outlined below;

- Approximately 150 individuals participated in one or more of the consultations.
- 23 consultations were held – ten departmental meetings, one CLT workshop, seven 1:1 interviews with ELT members and five community group discussions.
- An online survey of Councillors was undertaken and follow up one-on-one conversations with Councillors upon request.
- More than 500 responses were collected and collated.
- Councillors were presented a draft policy and draft framework and their feedback has been incorporated.

**CRITICAL DATES**

There is a regulatory requirement for Victorian Councils to have a Policy in place by 30 June 2017.

**FINANCIAL IMPLICATIONS**

Ongoing coordination of the implementation of the Policy and the Framework will be managed by the Community Building and Planning Department within existing resources. Resourcing of specific participation and engagement activities will be managed by the responsible departments within their resources.

**POLICY STRATEGY AND LEGISLATION**

It is a legislative requirement, through the LGPRF that all Councils have a Participation and Engagement Policy in place by June 2017. The Local Government Act (1989) is currently under review. The proposed amendments to the act will place increased emphasis on the transparency, responsiveness and collaborative capacity of councils to engage the community in their decision-making processes.

The Victorian Auditor-General’s Office (VAGO) now audits councils on their participation and engagement performance and has issued a report aiming to improve participation and engagement processes across all councils. Importantly, the proposed Policy and Framework for Council addresses the recommendations made by VAGO.

The proposed Policy and Framework is consistent with the principles identified in Council’s Community Building Policy and Strategy and will support achievement of Council’s community building vision.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Inclusive &amp; Engaged Community</b>
<b>Theme</b>	<b>Participation &amp; decision making</b>
<b>Strategic Objective</b>	<b>People are involved in issues that affect them</b>

The proposed Policy and Framework affirms Council’s commitment to open, accountable and responsive decision making, informed by effective engagement with the community. The draft Policy complies with legislative requirements and aligns with Council’s endorsed community building approach as outlined in the Community Building Strategy. The Policy and

associated Framework will be a key tool to guide how Council brings community voices into Council decision-making processes, thereby enhancing a community building approach to all of our work.

Continuous improvement in the way we involve our community in the decision-making process should help to foster a stronger sense of community, strengthen relationships and lead to development of shared priorities between Council and community. This will assist Council to appropriately provide, facilitate and advocate in a way that better meets the desires and needs of our diverse 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 adoption of the Participation and Engagement Policy and an updated Framework will make The City of Whittlesea compliant with legislative and regulatory requirements and support the achievement of enhanced community participation and engagement in Council’s decisions.

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

**THAT Council resolve to:**

- 1. Endorse the attached City of Whittlesea Participation and Engagement Policy.**
- 2. Endorse the attached revised City of Whittlesea Participation and Engagement Framework (previously known as Council’s Consultation and Engagement Framework), noting that the elements included in the Framework will be further developed over time.**



**6.5.2 EXTENSION OF APPOINTMENT - ACTING CHIEF EXECUTIVE OFFICER**

**File No:** .  
**Responsible Officer:** Director Corporate Services  
**Author:** Councillor

**REPORT**

**EXECUTIVE SUMMARY**

Council resolved to appoint Liana Thompson as Acting Chief Executive Officer on 7 March 2017 for a 3 month period.

It is proposed to extend the appointment of Liana Thompson as Acting Chief Executive Officer for a further period on the same terms and conditions until such time that Council makes a permanent appointment to the position.

**CRITICAL DATES**

The current appointment of Liana Thompson as Acting Chief Executive Officer ends on 8 June 2017.

**FINANCIAL IMPLICATIONS**

Funds for the remuneration of the CEO are provided in the recurrent budget.

**POLICY STRATEGY AND LEGISLATION**

The legislative requirements relating to the employment of the Chief Executive Officer are set out in section 94 of the Local Government Act 1989.

**LINKS TO THE COUNCIL PLAN**

<b>FUTURE DIRECTION</b>	<b>Good Governance</b>
<b>Theme</b>	<b>Continuous improvements</b>
<b>Strategic Objective</b>	<b>Council adopts best practice models of operation</b>

The CEO is responsible for a broad range of functions as set out in section 94A of the Local Government Act 1989.

**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.

**RECOMMENDATION**

**THAT Council resolve to reappoint Liana Thompson as Acting Chief Executive Officer based on the same terms and conditions for a further period commencing 8 June 2017 and ending when Council makes a permanent appointment to the position.**

**COUNCIL RESOLUTION**

**MOVED:**                *Cr Lalius*  
**SECONDED:**        *Cr Kelly*

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

**CARRIED**

**6.6 EXECUTIVE SERVICES**

**NIL REPORTS**



**7. NOTICES OF MOTION****7.1 LIVE STREAMING OF COUNCIL MEETINGS****File No:** .**Author:** Cr Emilia Sterjova

Councillor Emilia Sterjova of North Ward has given notice that it is her intention to move the following Motion at the Ordinary Meeting of Council to be held on Tuesday 30 May 2017 at 6:30pm:

**RECOMMENDATION**

**THAT Council resolve to, in the context of good governance and active community participation, prepare a report to Council as soon as practicable on the options and effectiveness of Live Streaming of Ordinary Council Meetings.**

**The report to include initial and ongoing costs, the different options already being used by other local governments in Victoria. In particular, the ability for technology to provide greater access to the community by removing geographic barriers that may prevent our community's participation and create greater transparency of Council decision making.**

**8. QUESTIONS TO OFFICERS****9. URGENT BUSINESS****10. REPORTS FROM DELEGATES APPOINTED TO COUNCIL BY OTHER BODIES****11. QUESTIONS TO COUNCILLORS**

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



**12. CONFIDENTIAL BUSINESS**

**12.1 PLANNING AND MAJOR PROJECTS**

**12.1.1 EXTENSION AND RENOVATION WORKS AT JANEFIELD COMMUNITY CENTRE, BUNDOORA CONTRACT 2017-44 - TENDER EVALUATION REPORT**

**12.2 COMMUNITY SERVICES**

**NIL REPORTS**

**12.3 CITY TRANSPORT AND PRESENTATION**

**12.3.1 HANSON LANDFILL SERVICES AGREEMENT 1986 (AMENDED) PROVISION OF TIP VOUCHERS - CONTRACT VARIATION**

**12.3.2 2016-62 MECHANICAL SERVICES**

**12.3.3 PROVISION OF CONCRETE MAINTENANCE WORKS CONTRACT NO 2016-186 - TENDER EVALUATION**

**12.4 CORPORATE SERVICES**

**12.4.1 PANEL CONTRACT EXPENDITURE DISTRIBUTION**

**12.4.2 TENDER EVALUATION - 2017-13 BILL PAYMENT SERVICES**

**12.5 PARTNERSHIPS & ENGAGEMENT**

**NIL REPORTS**

**12.6 EXECUTIVE SERVICES**

**12.6.1 MEETINGS OF THE CHIEF EXECUTIVE OFFICER 1 MAY TO 19 MAY 2017**

---

**RECOMMENDATION**

---

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:

- 12.1.1 **EXTENSION AND RENOVATION WORKS AT JANEFIELD COMMUNITY CENTRE, BUNDOORA CONTRACT 2017-44 - TENDER EVALUATION REPORT**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.3.1 **HANSON LANDFILL SERVICES AGREEMENT 1986 (AMENDED) PROVISION OF TIP VOUCHERS - CONTRACT VARIATION**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.3.2 **2016-62 MECHANICAL SERVICES**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.3.3 **PROVISION OF CONCRETE MAINTENANCE WORKS CONTRACT NO 2016-186 - TENDER EVALUATION**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.4.1 **PANEL CONTRACT EXPENDITURE DISTRIBUTION**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.4.2 **TENDER EVALUATION - 2017-13 BILL PAYMENT SERVICES**  
*Confidential in accordance with Section 89(2)(d) of the Local Government Act 1989.*
- 12.6.1 **MEETINGS OF THE CHIEF EXECUTIVE OFFICER 1 MAY TO 19 MAY 2017**  
*Confidential in accordance with Section 89(2)(h) of the Local Government Act 1989.*

---

**13. CLOSURE**

THE MAYOR DECLARED THE ADJOURNMENT AT 11.24PM TO RECONVENE AT 6.30PM ON WEDNESDAY 31 MAY 2017.

CONFIRMED THIS 27<sup>TH</sup> DAY OF JUNE 2017.

CR RICKY KIRKHAM  
MAYOR