



Agenda

Scheduled Council Meeting

Tuesday 16 July 2024 at 6pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Tuesday 16 July 2024 at 6pm for the transaction of the following business.

This meeting will be held in the Great Hall at Civic Centre, 25 Ferres Boulevard, South Morang and will be [livestreamed via Council’s website](https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/).

**C Lloyd**

**Chief Executive Officer**

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

On 19 June 2020 the Acting Minister for Local Government appointed the Panel of Administrators for the City of Whittlesea and appointed Lydia Wilson as Chair of the Panel. The Panel of Administrators comprises of Lydia Wilson, Peita Duncan and Christian Zahra who will undertake the duties of the Council of the City of Whittlesea until the CEO calls the first Council meeting after the October 2024 Local Government Elections.

Senior Officers

Craig Lloyd Chief Executive Officer

Emma Appleton Director Planning & Development

Agata Chmielewski Director Community Wellbeing

Sarah Renner Director Customer & Corporate Services

Debbie Wood Director Infrastructure & Environment

Janine Morgan Executive Manager Public Affairs

Jacinta Stevens Executive Manager Office of Council & CEO

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**Note:**

At the Chair of Council’s discretion, the meeting may be closed to the public in accordance with Section 66(2)(a) of the *Local Government Act 2020*. The provision which is likely to be relied upon to enable closure is set out in each item. These reports are not available for public distribution.

**Question Time:**

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow for public questions, petitions or joint letters from our community to be read out by the Chief Executive Officers delegate and responses will be provide by the Chief Executive Officer.

Questions are required to be submitted in writing no later than 12 noon on the day prior to a Scheduled Council Meeting.

Priority will be given to questions or statements that relate to agenda items. Any questions submitted after 12 noon the day prior will be held over to the following Council Meeting.

The Public Question form can be downloaded from Council’s website. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on (03) 9217 2170.

**1 Opening**

**1.1 Meeting Opening and Introductions**

The Chair of Council, Lydia Wilson will open the meeting and introduce the Administrators and Chief Executive Officer:

Administrator, Peita Duncan; and

Chief Executive Officer, Craig Lloyd.

The Chief Executive Officer, Craig Lloyd will introduce members of the Executive Leadership Team:

Emma Appleton, Director Planning and Development;

Agata Chmielewski, Director Community Wellbeing;

Sarah Renner, Director Corporate and Customer Services;

Debbie Wood, Director Infrastructure and Environment;

Janine Morgan, Executive Manager Public Affairs; and

Jacinta Stevens, Executive Manager Office of Council and CEO.

**1.2 Apologies**

Administrator Christian Zahra AM

**1.3 Acknowledgement of Traditional Owners Statement**

The Chair of Council, Lydia Wilson will read the following statement:

*“On behalf of Council, I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan and Taungurung People as the Traditional Owners of lands within the City of Whittlesea.*

*I would also like to acknowledge Elders past, present and emerging.”*

**1.4 Diversity and Good Governance Statement**

The Chair of Council, Lydia Wilson will read the following statement:

*“At the City of Whittlesea we are proud of our diversity and the many cultures, faiths and beliefs that make up our community. We strive to be an inclusive welcoming City that fosters active participation, wellbeing and connection to each other and this land. We commit as a Council to making informed decisions to benefit the people of the City of Whittlesea now and into the future, to support our community’s vision of A Place For All.*”

**1.5 Acknowledgements**

**2 Declarations of Conflict of Interest**

**3 Confirmation of Minutes of Previous Meeting/s**

# Recommendation

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

**Scheduled Meeting of Council held on 18 June 2024.**

**4 Public Questions, Petitions and Joint Letters**

**4.1 Public Question Time**

**4.2 Petitions**

No Petitions

**4.3 Joint Letters**

No Joint Letters

**5 Officers' Reports**

5.1 Community Grant Guidelines Update

**5.1 Community Grant Guidelines Update**

**Director/Executive Manager:** Director Customer & Corporate Services

**Report Author:** Grants Coordinator

**In Attendance:** Acting Manager ePMO & Change  
Grants Coordinator

# Executive Summary

This report is to obtain approval from Council to adopt changes to the Community Grant Guidelines for 2024 – 2025 following a period of community consultation.

The updated Guidelines have been re-drafted to meet community needs and feedback. They also ensure governance control measures are in place and aligned to Federal, State and local Government legislation and policies.

There was a total of 16 amendments to the Guidelines which included expanding the following service offerings to community and have included a ‘What can be funded’ section allowing:

* Venue hire, including Council venue hire; and
* Portable equipment purchases.

In addition, to ensure ongoing accountability and transparency, the proposed changes to the Guidelines explicitly exclude Council staff, Councillors and members of their household or immediate family from applying for grants.

# Officers’ Recommendation

**THAT Council:**

1. **Resolve to adopt the updated Community Grant Guidelines at Attachment 1.**
2. **Note the appointment of an independent Community member to the Grant Management Steering Committee will be subject to the incoming Council’s consideration and future resolution.**

# Background / Key Information

In June 2024, it was identified that the Guidelines would require an update coming into the new year to expand service offerings to community and to maintain the transparency in Council decisions when awarding grants.

The new grants framework went live in August 2023 and over the course of the year, the team have delivered at least 10 information sessions and 3 grant writing workshops. At each of these interactions with community, unsolicited feedback is usually received on how the grants could be improved.

As a result of entering a new financial year, combined with community feedback, the proposed changes were drafted and went out for targeted community feedback from 11 June to 25 June 2024.

The request to endorse the progression of an appointment of an independent Community member to the Grant Management Steering Committee is to ensure complete transparency in Council's decision-making through the grants process.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected Communities**  
We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.

**Liveable Neighbourhoods**  
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

**Strong Local Economy**  
Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.

**Sustainable Environment**  
We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change.

**High Performing Organisation**  
We engage effectively with the community, to deliver efficient and effective services and initiatives, and to make decisions in the best interest of our community and deliver value to our community.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

Targeted Consultation of the proposed changes were open from 11 June to 25 June 2024 through the Council’s on-line Engage platform.

In addition, an eNewsletter was sent through the Grant eNews subscription to approximately 672 subscribers, pointing them to the Engage Platform to view the changes and offer their opinions. Council received feedback from three individuals requesting:

* an increase in the individual grants amount offered from $1,000 to $1,800-$3,500;
* translator services or bilingual City of Whittlesea staff to be available at the Grant Information sessions;
* clarification on regular activities for individual grants; and
* Review of “what won’t be funded” in relation to venue hire.

We have contacted individuals, where they have requested someone from Council to contact them to discuss their feedback.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(e) Innovation and continuous improvement is to be pursued.

(i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

The proposed Guidelines include the following “all applications must align with relevant Federal and Victorian State Legislation and Council policies. For example, Child Safety Standards, Fair Access Policy.

Economic

No implications.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

The Community Grants team will be working with the Communications, Community Engagement team and Community Activation teams to publicise the changes and timelines proposed.

Critical Dates

It is proposed that the grants will be taken off-line form date of endorsement 16 July 2024 and will be made live again from 15 August 2024. This will allow the Grants team to update all the forms with the proposed changes and run workshops and information sessions during this period.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020*officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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.

# Attachments

1. 2024-2025 Community Grant Guidelines [**5.1.1** - 24 pages]

5.2 485 Cooper Street Epping Development Plan

**5.2 485 Cooper Street Epping Development Plan**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Coordinator Strategic Land Use Planning

**In Attendance:** Strategic Planner

# Executive Summary

The purpose of this report is to discuss the assessment and exhibition outcomes of the *485 Cooper Street Epping Development Plan* (the *Development Plan*). The *Development Plan* affects a greenfield site that includes a section of Merri Creek that will form part of the *marram baba* Parklands.

The proponent for the *Development Plan* is GPT Group, a property trust that proposes to develop the site for industrial purposes.

The assessment of the *Development Plan* has required consideration of flora and fauna, Aboriginal cultural heritage, geotechnical issues including land contamination, the interface to and incorporation of *marram baba* Parklands, stormwater management, and a landscape strategy for the site which includes tree retention and the incorporation of existing natural features.

One of the significant challenges in assessing the *Development Plan* arose from the proponent’s intention to develop large floor-plate warehouses on a site that has significant conservation values, including patches of ecological communities protected by the *Environment Protection and Biodiversity Conservation Act* (EPBC Act).

The non-statutory exhibition of the *Development Plan* in March-April 2024 resulted in submissions from both the Department of Environment Energy and Climate Action (DEECA) and Merri Creek Management Committee (MCMC) stating that the proposal has not adequately explored opportunities to avoid and minimise impacts to native vegetation and the habitat of threatened species. The exhibited *Development Plan* demonstrated a significant impact to ecological communities, with both agencies recommending that retention of a patch of the critically endangered Natural Temperate Grassland of the Victorian Volcanic Plain in the south-eastern corner of the site (Patch A) as a congruous area with *galada tamboore* Grasslands would improve the response to avoidance.

Following exhibition, extensive negotiation with the proponent resulted in changes to the *Development Plan* to achieve better alignment with the requirements of Clause 43.04 Schedule 33 of the Development Plan Overlay (Cooper Street Southwest Employment Area) and Victoria’s regulations for the Removal and Lopping of Native Vegetation.

These changes are reflected in the version of the *Development Plan* at Attachment 1, and achieve the following:

* additional native vegetation (Patch A - Natural Temperate Grassland of the Victorian Volcanic Plain) retained at the interface with *galada tamboore* Grasslands;
* strengthened design guidance in relation to the interface with Merri Creek and the retention of native vegetation in the Merri Creek corridor (*marram baba*);
* removal of development staging numbers from the Development Plan at Figure 5 of the *Development Plan* report; and
* key recommendations of the background documents summarised in the *Development Plan* report to assist future planning permit assessment.

As such, the officer recommendation is that Council approve the *485 Cooper Street Epping Development Plan* as detailed at Attachment 1.

# Officers’ Recommendation

**THAT Council:**

1. **Note the *485 Cooper Street Epping Development Plan* as detailed in Attachment 1, and the exhibition outcomes detailed in this report.**
2. **Approve the *485 Cooper Street Epping Development Plan* as detailed in Attachment 1.**
3. **Notify the proponent and submitters of Council’s decision.**

# Background / Key Information

**Site Context**

The subject land is 485 Cooper Street Epping, a 35.34-hectare land-locked site south of Cooper Street, west of the Hume Freeway, north of *galada tamboore* Grasslands, and incorporating Merri Creek along its western boundary. Referto Attachment 2for the Site Context Plans.

The subject site is the last of the lots within the Cooper Street Southwest Employment Area precinct to undergo Development Plan assessment. Planning policy places the precinct within the Cooper Street Employment Area, which has an emphasis on the food industry, freight, logistics, office, research and development, high technology, manufacturing, and industrial uses.

Access to the site is currently available via an unsealed accessway which enters the site at the north-east corner and extends north along the edge of the Hume Freeway (via a carriageway easement) to Cooper Street. Ultimate access to the site will be via the extension of McKellar Way through the site to the north (481 Cooper Street) to connect to the subject land. The site to the north does not have a planning permit for development at time of writing. As such, development of the subject site is contingent upon the approval of a development plan under Clause 43.04, Schedule 33 of the Whittlesea Planning Scheme, the availability of public road access to the north (the construction of McKellar Way in 481 Cooper Street), and an approved planning permit for use/development.

The site is currently vacant and has been used as a quarry in the past. There are two quarry voids in the northern section of the site that intermittently hold water. The site is proximate to Cooper Street Grassland Nature Conservation Reserve, *galada tamboor*e Grasslands, and the ecological communities detected on the site include native grassland, and escarpment shrubland. Canopy vegetation on the site is limited, however, indigenous trees identified on the site include Lightwood and River Red Gums. Planted native vegetation includes River Red Gums and Sugar Gums.

Patches of grassland/shrubland vegetation were detected across the site as part of the *Development Plan* assessment, in 28 largely disjunct areas. Six of the patches were found to contain EPBC Act listed communities. The EPBC Act protects threatened species and ecological communities that are considered to be of national conservation significance. Refer to Attachment 3for the map of identified native vegetation.

**Planning Context**

The site is zoned Industrial 1 (Clause 33.01 of the Whittlesea Planning Scheme) and is affected by the Development Plan Overlay (Clause 43.04 of the Whittlesea Planning Scheme), Schedule 33, which is the Cooper Street South-West Employment Area.

The creek line within the site is affected by the Land Subject to Inundation Overlay (Clause 44.04 of the Whittlesea Planning Scheme), and a small section of the land in the north-west corner is zoned Urban Floodway Zone (Clause 37.03 of the Whittlesea Planning Scheme). A section of the land along the Merri Creek is within the Environmental Significance Overlay (Clause 42.01 of the Whittlesea Planning Scheme), Schedule 3 which is Merri Creek and Environs. The decision guidelines of the Environmental Significance Overlay Schedule 3 (ESO3) require consideration of the views of Merri Creek Management Committee (MCMC) in applications to develop land affected by the overlay. As such, MCMC was notified of the *Development Plan* proposal.

The site is affected by overlays relating to amenity impacts from the Hume Freeway and the operations of Melbourne Airport. The Melbourne Airport Environs Overlay (Clause 45.08 of the Whittlesea Planning Scheme), Schedule 2 affects the southern half of the site, and the eastern edge of the site is subject to the Design and Development Overlay (Clause 43.02 of the Whittlesea Planning Scheme), Schedule 2 (Hume Freeway – Metropolitan Ring Road to North of Craigieburn).

The property is also in an area of Aboriginal Cultural Heritage Sensitivity.

The Development Plan Overlay Schedule 33 (DPO33) lists Development Plan requirements, including:

* A Stormwater Management Plan and Drainage Strategy prepared to the satisfaction of Melbourne Water, which incorporates Water Sensitive Urban Design principles, and which provides for the protection of natural systems, integration of stormwater treatment into the landscape, protection of water quality, and reduction of run-off and peak flows.
* A Landscape Concept Plan, prepared in consultation with the Department of Energy, Environment, and Climate Action (DEECA), which incorporates any trees to be retained, street tree planting, details of the interface treatment with Merri Creek and *galada tamboore* Grasslands, and the incorporation of existing natural features of the site into street layout and landscape design responses, with consideration given to setback distances, fencing, access, species selection and fire management needs.

DPO33 does not specify any referral requirements to agencies, however the technical submissions listed above mean that approval of the Stormwater Management Plan and Drainage Strategy from Melbourne Water and confirmation that the Landscape Concept Plan has been prepared in consultation with DEECA are required before a decision can be made on the *Development Plan*.

Melbourne Water provided confirmation of its approval of the Stormwater Management Plan and Drainage Strategy on 4 September 2023. DEECA confirmed that requested changes had been made to the Landscape Strategy in written advice to Council officers on 18 April 2024.

A more detailed planning context has been provided later in the report under the section Council Policy Considerations/Planning Ordinance.

**The Development Plan proposal**

The draft *Development Plan* has been prepared by ProUrban on behalf of the General Property Trust (GPT) in response to the provisions of DPO33. The *Development Plan* was submitted in draft form in October 2022, March 2023, July 2023, December 2023, and March 2024. It was the March 2024 version of the *Development Plan* that was placed on non-statutory exhibition *(*refer Attachment 4*).* Subsequently, two more versions of the Development Plan were submitted on 21 June 2024 and 24 June 2024.

The *Development Plan* provides a framework for the development of the site, setting aside land for industrial/employment purposes and for conservation, open space and drainage. Any future planning permit applications for use and development of the subject site must generally be in accordance with any approved development plan for the site.

Specifically, the draft *Development Plan* proposes:

* Approximately 23 hectares of land set aside for industrial development and approximately nine hectares of land set aside for open space, stormwater retention and a conservation reserve along the Merri Creek.
* The retention of native vegetation within a conservation area along the Merri Creek corridor and at the southern boundary interface with *galada tamboore* Grasslands.
* The continuation of McKellar Way and extension of the three-metre-wide shared trail along the Merri Creek and the provision of land to be incorporated into the *marram baba* Regional Parklands along the Merri Creek.
* Provision for the ultimate design and location of the road adjacent to the Merri Creek to be subject to design and interface treatment considerations at the planning permit stage, including conservation values associated with the Merri Creek corridor, avoidance of impacts on cultural heritage, the provision of a three metre shared trail, and to minimise the effect of the height, bulk and general appearance of any proposed buildings and works on the environmental values and visual character of the creek.
* The interface treatment to the *galada tamboore* Grasslands is addressed by the provision of a landscape buffer zone and the requirement for shadow diagrams to accompany any future planning permit application.
* Attenuation of stormwater runoff managed in one consolidated retention area for the entire estate. The proposed stormwater management basin is located on the south-west of the site within the proposed conservation area. Each catchment on the site will discharge into gross pollutant traps prior to discharging into a sediment forebay prior to discharging into the bioretention basins. Stormwater is then discharged into the Merri Creek. Some on-site retention will also be provided through rainwater reuse tanks.
* The requirement for an Asbestos Management Plan at the planning permit stage, due to fill material on site that means asbestos may be present on site. The supporting documentation relating to contamination indicated that the site is not likely to be subject to contamination that would pose a significant risk to the environment or human health under the proposed industrial use.
* Ground salvage for all known Aboriginal artefact scatters identified on the site in accordance with an approved Cultural Heritage Management Plan.

**The Development Plan Assessment Process**

Five iterations of the proposed *Development Plan* were submitted to Council over a period of almost eighteen months, between October 2022 and March 2024.

During this period, requests for further information were provided by Council officers on matters that included but were not limited to:

*Aboriginal Cultural Heritage*: A Cultural Heritage Investigation is an application requirement of DPO33, with the layout of the Development Plan and the Landscape Concept Plan to be informed by findings from the archaeological survey and heritage assessment. The Cultural Heritage Investigation was submitted in February 2024.

*Arboricultural Assessment*: Requests from Council officers were to retain additional trees noting a requirement of DPO33 is the incorporation of existing natural features (including remnant vegetation) into the street layout and design response. Advice included the request that vegetation not be identified for removal. The Development Plan identifies vegetation to be retained (noting removal of vegetation is assessed at the planning permit stage).

*Flora and Fauna Assessment*: Council officers advised that the avoid and minimise statement was inadequate and responded to the design without consideration of avoidance. Council officers also noted Patches A, L, P, T and U should be considered for retention. Early requests for further information noted there were potentially unmapped areas of vegetation on the site (it is not clear when the mapping was updated). Targeted surveys for EPBC Act protected species (that is, at the optimal time of year for the species to be present) were not included in the assessment until the December 2023 submission and were still subject to limitations. The advice from Council officers also noted that referral under the EPBC Act would be required for the proposed impacts to Grassy Eucalypt Woodland and Natural Temperate Grassland. Subsequent negotiations have resulted in a version of the Development Plan (referAttachment 1) which shows the retention of 60% of Patch A in the southeastern corner of the site, within a conservation area contiguous with the southern boundary and *galada tamboore* Grasslands.

*Flora and Fauna Assessment: Growling Grass Frog (GGF)*. The subject site is located between two previously identified metapopulations of GGF. Noting there are waterbodies on the site which have potential to provide habitat for GGF, officers requested that with the removal of these waterbodies an equivalent area of dedicated GGF habitat should be provided (in accordance with the GGF Habitat Design Standards (DELWP 2017)). The presence or absence of GGF has not been established due to limitations to the targeted surveys. The *Development Plan* includes the creation of GGF habitat within the Merri Creek corridor, and the application requirements in the *Development Plan* report for future Planning Permit Applications include the submission of a Translocation Plan for GGF and other species of significance.

*Habitat Plan*: This is an application requirement, with the request for further information stating that the *Development Plan* layout should be informed by the identification of key habitat features, including for GGF, such as foraging, breeding, dispersal and shelter within areas proposed to be developed. The Habitat Plan was submitted in the form of a Conservation Management Plan (December 2023). The Conservation Management Plan will require revision and is noted in the *Development Plan* report as a requirement prior to the certification of any stage of subdivision.

The Conservation Management Plan will be required to reference any Cultural Heritage Management Plan developed for the site, incorporate open space in the *marram baba* Regional Parklands including the partial retention of Patch A, include any ongoing management requirements of the Translocation Plan, and to be secured on title via a Section 173 Agreement (*Planning and Environment Act 1987*).

*Stormwater Management Plan and Drainage Strateg*y: The initial requests for further information expressed concern with the proposed co-location of stormwater retention basins and Growling Grass Frog habitat, lack of detail regarding the catchment areas within the site, and the stormwater treatment train. Following further negotiation on these points, Melbourne Water confirmed satisfaction with the *S*tormwater Management Plan and Drainage Strategy in September 2023.

*Landscape Concept Plan*: The Landscape Concept Plan was not prepared in consultation with DEECA prior to submission. This occurred during the *Development Plan* assessment period. Requests for further information identified inconsistency with the future *marram baba* Regional Parklands and that Australian natives were proposed for street tree and open space planting rather than locally indigenous species. A request for further information in April 2023 provided DEECA’s initial requirements for the Landscape Concept Plan. DEECA confirmed in April 2024, that its recommendations had been incorporated in the Landscape Strategy.

*Potentially Contaminated Land*: Requests for further information included the request for an unequivocal statement that either: the site is contaminated, or the site is not likely to be contaminated (in accordance with Planning Practice Note 30). This statement (Preliminary Site Investigation Cover Sheet) was provided in December 2023.

*External agencies identified in DPO33:* During the assessment, DEECA and Melbourne Water were referred the proposed *Development Pla*n for comment.

Apart from DEECA’s technical role in the preparation of the Landscape Concept Plan under DPO33, DEECA is a recommending referral agency for planning permit applications that trigger the detailed assessment pathway under Victoria’s regulations for the Removal and Lopping of Native Vegetation. If the scale of vegetation removal proposed in the development plan assessment is carried forward to a planning permit application, DEECA will be referred the application.

DEECA officers provided extensive comments on the submission in correspondence dated March 2023 and November 2023, in addition to the correspondence in response to non-statutory exhibition in April 2024.

*Native Vegetation (Avoid and Minimise):* The proponent’s intention to develop large floor-plate warehouses on a site that has significant conservation values, has hampered efforts to negotiate a more nuanced development approach to retain vegetation patches on the site.

The intent in the proposed *Development Plan* to rehabilitate and revegetate the Merri Creek corridor is noted, including the creation of GGF habitat within the corridor.

*Retention of Patch A/AB*

As the end of the first year of assessment of the proposed *Development Plan* approached, Council officers were under considerable pressure from the proponent to place the Development Plan on non-statutory exhibition. In November 2023, DEECA provided a response to an August 2023 submission from the proponent, stating DEECA was “generally satisfied that the previous recommendations have been incorporated into the amended Plan”. In contrast to this, DEECA recommendations in the March 2023 correspondence had included that “additional opportunities to avoid and minimise native vegetation removal could be considered” and requested that the applicant retain, protect, and incorporate areas of native vegetation of significant biodiversity value within conservation and open space, and seek opportunities to retain native vegetation within industrial lots.

A number of development schemes had been circulated by the proponent to Council and agencies including DEECA, purporting to achieve the “avoid and minimise” principle. Council’s environmental planning team remained of the view that the patch of intact vegetation in the south-east of the site (Patch A/AB) should be retained due to its conservation value, and location adjacent to galada tamboore grasslands. This had been the consistent position of Council officers with respect to the Development Plan layout.

Having received the DEECA advice of November 2023, strategic planning officers assessing the Development Plan understood the advice to indicate that the State government environmental agency approved the *Development Plan* proposal, which continued to locate conservation areas in the Merri Creek corridor and nominate the remainder of the site as “developable”. In response to this, strategic planning officers provided advice to the proponent via email on 30 November 2023 that the Strategic Planning department no longer required the retention of Patch A provided the strategies to enhance biodiversity in other sections of the site are implemented. In the emailed advice, the position to exhibit the *Development Plan* without the retention of Patch A was clearly identified as that of the Strategic Planning department. The position was taken to progress the *Development Plan* to non-statutory exhibition through this impasse, noting the proponent’s unwillingness to change their aspirations for development of the site.

**Non-statutory Exhibition**

Although there is no statutory requirement to advertise the *Development Plan*, the City of Whittlesea undertakes non-statutory exhibition as part of its established notification practices to affected and adjoining properties and relevant agencies. This is to ensure that any owners/occupiers impacted by the proposal, and agencies with relevant expertise, can provide comment on the draft *Development Plan* for Council’s consideration.

Following the March 2024 submission, the draft *Development plan* was placed on non-statutory exhibition to agencies including DEECA, Melbourne Water and MCMC, the owner of 481 Cooper Street (the adjacent site to the north), and to owner/occupiers of lots with road frontage to McKellar Way, Graystone Court and Biodiversity Boulevard.

A total of four submissions were received during the non-statutory exhibition period from MCMC, and the statutory agencies Melbourne Water, DEECA and the CFA. The issues raised in the submissions are detailed at Attachment 5and key issues are summarised below.

Melbourne Water

Melbourne Water advised that the Stormwater Management Plan and Drainage Strategy had been prepared to their satisfaction. Melbourne Water also provided a list of requirements and conditions to be addressed as part of any future subdivision or planning permit application.

MCMC

MCMC stated that the principles of avoid and minimise had not been demonstrated by the proposal and recommended the *Development Plan* layout be revised to retain Patch A/AB.

MCMC provided extensive and detailed feedback requiring wording changes to strengthen the *Development Plan*’s design guidelines, requests for the provision of a 6-metre fire buffer, and specific recommendations in relation to the supporting documents.

DEECA

DEECA noted that they are generally satisfied that their previous recommendations have been incorporated into the Landscape Concept Plan.

DEECA also commented that the *Development Plan* did not adequately respond to the existing biodiversity and that further opportunities to avoid and minimise impacts to native vegetation and habitat of threatened species should be explored.

Following their response to non-statutory exhibition, DEECA provided further clarification by email, recommending that the patch in the far south-eastern corner of the property (Patch A/AB) be retained within a conservation reserve as it provides continuity with the adjoining *galada tamboore* Grasslands and is synonymous with threatened communities protected under State and Commonwealth legislation.

Country Fire Authority (CFA)

The CFA advised it supports the proposed *Development Plan* in its current form but notes that the site can be exposed to fast running grass fire events and that the *Development Plan* should include the outer road reserve to provide a buffer adjacent to the *galada tamboore* Grasslands.

**Recommended changes to the Development Plan in response to submissions**

In response to submissions from MCMC and DEECA that the principles of avoid and minimise had not been achieved, Councils officers advised the proponent that Council officers would not be recommending approval of the *Development Plan* without the following changes affecting the Development Plan layout:

* the retention of Patch A and AB as a congruous area with *galada tamboore* Grasslands. Patch A is 0.586 hectares of critically endangered EPBC listed vegetation (Natural Temperate Grasslands of the Victorian Volcanic Plains) and is considered high quality. Patch AB (Plains Grassy Wetland) is 0.106 Hectares of lower quality vegetation due to weed cover. The retention of Patch AB was recommended as it adjoins Patch A but would be subject to further detailed assessment in relation to the location of the stormwater retention basins.
* An amendment to an existing note on the Development Plan in relation to the Merri Creek interface (new text in bold): *The ultimate location of the road adjacent to Merri Creek is subject to design and interface considerations,* ***including impacts to native vegetation****, at the planning permit stage*.
* Incorporation in the Development Plan report of the planning application guidelines from the DEECA approved Landscape Strategy, which seek (amongst other matters) the provision of firebreaks (six metres wide, and mown or slashed) within the private land.

In response to the submissions from MCMC, CFA, Melbourne Water and DEECA, Council officers also requested that a number of conditions and requirements for planning permit applications be included in the *Development Plan* Report, as well as additional wording changes to the report. Noting that the *Development Plan* reportmust contain all the information required by DPO33, additional changes required to the Development Plan report that Council officers identified prior to exhibition were compiled with the post-exhibition changes and supplied to the proponent for reference on 30 May 2024.

Subsequent negotiations with the proponent in relation to the changes recognised that the retention of Patch AB (as well as Patch A) would require a relocation and redesign of the retention basins.

Noting that approval from Melbourne Water for the related drainage strategy had taken almost 12 months, and that it would not be possible to negotiate a change to the drainage strategy with Melbourne Water within the time limits, Council officers agreed to a version of the Development Plan layout that would retain 60% of Patch A and none of Patch AB. Patch AB is a Plains Grass Wetland community and, whilst desirable to retain due to being contiguous with Patch A, is lower quality due to high weed cover and, unlike Patch A, is not listed for protection under the EPBC Act.

In addition to the changes to the Development Plan layout outlined above, key findings, conditions, and recommendations from the background documents provided to support the Development Plan have been summarised in the *Development Plan* report at Attachment 1.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Strong Local Economy**

Our City is a smart choice for innovation, business growth and industry as well as supporting local businesses to be successful, enabling opportunities for local work and education.

Once a Development Plan is approved for the site, it will provide for additional land for employment within the municipality.

**Sustainable Environment**

We prioritise our environment and take action to reduce waste, preserve local biodiversity, protect waterways and green space and address climate change.

The proposed *Development Plan* seeks to retain native vegetation along the Merri Creek corridor, and in the south-east corner adjacent to *galada tamboore* Grasslands. The proposal also provides for the creation of Growling Grass Frog habitat within the Merri Creek corridor.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The proponent has paid a statutory fee to Council for the assessment of the Development Plan.

Community Consultation and Engagement

The draft *Development Plan* was placed on non-statutory exhibition through which neighbouring landowners and relevant government agencies are notified and their feedback is sought. The feedback of submitters has been considered in the assessment of the proposed *Development Plan* as summarised above at the section on non-statutory exhibition and at Attachment 5.

The non-statutory exhibition of the *Development Plan* was conducted in accordance with the following community engagement principles as set out in the Local Government Act (2020).

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(c) The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted.

(h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Public Transparency Principles

(c) Council information must be understandable and accessible to members of the municipal community.

# Council Policy Considerations

Environmental Sustainability Considerations

The proposed *Development Plan* seeks to retain native vegetation along the Merri Creek corridor, and in the south-east corner adjacent to *galada tamboore* Grasslands. The proposal also provides for the creation of Growling Grass Frog habitat within the Merri Creek corridor. As such, the proposal provides adequate support for the retention of environmental and biodiversity values on the site.

Social, Cultural and Health

The proposed *Development Plan* will have positive social and health impacts by providing for additional open space and the continuation of the shared path along the Merri Creek.

Economic

The proposal has the potential to generate economic activity by unlocking industrial land creating more employment opportunities within the municipality.

**Legal, Resource and Strategic Risk Implications**

In accordance with Section 149 of the Planning and Environment Act 1987 a specified person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

**Planning Ordinance (Whittlesea Planning Scheme)**

Planning Policy Framework

The proposed *Development Plan* is consistent with the following provisions and objectives of the Planning Policy Framework of the Whittlesea Planning Scheme, including:

* Clause 12 Environmental and Landscape Values;
* Clause 12.01-1S Protection of Biodiversity;
* Clause 12.01-1L Protection of Biodiversity; and
* Clause 12.05-2S Landscapes.

The *Development Plan* satisfactorily avoids impacts to existing native vegetation and provides support for natural systems, habitat reinstatement, and landscape values. In particular, the proposal:

* Contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas (12.01-1S).
* Maintains biodiversity outcomes and habitat connectivity in developing areas (12.01-1L).
* Satisfactorily avoids the removal, destruction or lopping of native vegetation (12.01-2S).
* Recognises the natural landscape for its aesthetic value and as a fully functioning system (12.05-2S).
* Ensures important natural features are protected and enhanced (12.05-2S).

Planning Controls

*Industrial 1 Zone (Clause 33.01 of the Whittlesea Planning Scheme - INZ1)*

The purpose of the INZ1 is to provide for manufacturing industry, the storage and distribution of goods, and associated uses.

*Urban Floodway Zone (*C*lause 37.03 of the Whittlesea Planning Scheme - UFZ)*

The UFZ applies to a small portion of the north-west corner of the subject site. The purpose of the Urban Floodway Zone is to identify waterways, major flood paths, drainage repressions and high hazard areas at risk of being affected by flooding.

*Clause 43.04, Schedule 33 to the Development Plan Overlay (DPO33)*

The purpose of the DPO is to identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

Section 4.0 of DPO33 specifies key objectives and requirements for the Development Plan. The proposed *Development Plan* adequately responds to the following:

* Incorporation of existing natural features (including remnant vegetation) into the street layout and design response, including to manage the interface to galada tamboore Grasslands.
* A landscape concept plan incorporating existing natural features of the site into street layout and landscape design response, with consideration to fire management needs.
* A Habitat/Conservation Plan that identifies existing and future habitat links and communities of species identified in the Flora and Fauna Assessment Report. The conservation response for the proposed Development Plan is concentrated in the Merri Creek Park, which is a separate requirement of the DPO33 schedule. While elements of DPO33 place particular emphasis on the Merri Creek corridor and the adjacent grasslands, including interface treatments, the high conservation values of the remainder of the site have protection under the Whittlesea Planning Scheme, and State and Commonwealth legislation.

*Environmental Significance Overlay – Schedule 3 (ESO3)*

ESO3 applies to the Merri Creek and Environs and specifies key environmental objectives to be achieved. The ESO3 specifies the following:

* To protect and enhance the natural and visual character of the waterway corridor.
* To ensure that the scenic qualities and visual character of the waterway corridor are not compromised.
* To protect areas of sensitivity for Aboriginal cultural heritage.
* To protect natural landforms and geological features.

*Melbourne Airport Environs Overlay – Schedule 2 (MAEO2)*

The purpose of the MAEO2 is to identify areas that are or will be subject to moderate levels of aircraft noise. The overlay triggers a planning permit for specified land uses, subdivision, and buildings and works.

*Land Subject to Inundation Overlay (LSIO)*

The purpose of the LSIO is to identify flood prone land in a riverine area.

*Design and Development Overlay – Schedule 2 (DDO2)*

DDO2 applies to the Hume Freeway and includes a range of design objectives to ensure that the development of land near the Hume Freeway is undertaken with appropriate noise attenuation measures.

*Other planning considerations:*

The removal of native vegetation is assessed at the planning permit stage. Development Plans do not pre-approve vegetation removal but can recommend retention of vegetation in response to the requirements of the DPO Schedule and relevant planning policy and controls.

**Additional Council Policy**

City of Whittlesea Biodiversity Strategy 2019-2029

Council’s Biodiversity Strategy specifies that in relation to Council’s role on private land, under the *Planning and Environment Act 1987*, Council is the responsible authority for administering and enforcing the Whittlesea Planning Scheme. As outlined above the Whittlesea Planning Scheme provides for the protection of biodiversity values on private land by ensuring applications are assessed for their impacts on biodiversity values and that removal of vegetation is avoided or minimised prior to a permit for removal being granted.

# Implementation Strategy

Communication

The Council Decision will be communicated to the proponent and submitters.

Critical Dates

October 2022 – *485 Cooper Street Epping Development Plan* submitted to Council.

March 2024 – Non-statutory Exhibition of the *485 Cooper Street Epping Development Plan*.

June 2024 – Re-submission of the post-exhibition version of *485 Cooper Street Epping Development Plan*.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, notes that one co-author has a general conflict of interest (perceived, indirect) in relation to this report. City of Whittlesea is a partner organisation of Merri Creek Management Committee (an agency submitter to the exhibition of the Development Plan). The officer is one of two City of Whittlesea representatives on the Merri Creek Management Committee.

# Attachments

1. Attachment 1 - 485 Cooper Street Epping - Development Plan [**5.2.1** - 25 pages]
2. Attachment 2 - 485 Cooper Street Site Context Maps [**5.2.2** - 2 pages]
3. Attachment 3 - 485 Cooper Street Map of Native Vegetation [**5.2.3** - 1 page]
4. Attachment 4 - Exhibition version: 485 Cooper Street Development Plan [**5.2.4** - 23 pages]
5. Attachment 5 - 485 Cooper Street Development Plan Submissions Summary and Officer Response [**5.2.5** - 5 pages]

5.3 Station Road, Mernda Development Plan

**5.3 Station Road, Mernda Development Plan**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Strategic Planner

**In Attendance:** Acting Manager Strategic Futures

Strategic Planner

Attachment 5 of this report has been designated as confidential in accordance with sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

# Executive Summary

The purpose of this report is to consider the *Station Road Development Plan (Development Plan*)*,* prepared by Whiteman Property and Associates on behalf of Mercator Development Pty Ltd. The *Development Plan* affects all seven properties in the precinct which is bound by Plenty Road to the west, Station Road to the east and Station Lane to the south (1470 Plenty Road, 1480 Plenty Road, 1490 Plenty Road, 1500 Plenty Road, 2 Station Road, 4 Station Road, and 10 Station Road, Mernda).

The proposed *Development Plan* (refer Attachment 1*)* has been prepared in accordance with the provisions of Schedule 5 to the Development Plan Overlay (DPO5) at Clause 43.04 of the Whittlesea Planning Scheme and the *Mernda Strategy Plan* 2016 (MSP). The objective of the proposed Development Plan is to guide development of the precinct for residential purposes, in accordance with the key objectives set out in the MSP.

The *Development Plan* envisages a residential neighbourhood for approximately 500 future residents living in walkable distance to a range of services including shops, public transport and open space. The dwelling stock will predominantly be medium density (townhouses) with a small amount of conventional density (single detached dwellings). A connected street network will provide access to homes and link into the established road network. The existing site features, including heritage sites, indigenous trees and native vegetation, will provide amenity and a sense of place for the future neighbourhood.

The draft *Development Plan* (refer Attachment 2) and supporting documents were placed on non-statutory exhibition in October 2023. Landowners within the precinct, neighbouring properties, and relevant agencies were notified and provided the opportunity to comment on the proposal. A total of 13 submissions were received from affected and adjacent landowners/residents as well as agencies.

In response to submissions, officers recommended a number of changes be made to the exhibited documents which have generally been incorporated into the current *Development Plan* (refer Attachment 1). There are seven additional changes which Council Officers recommend relating to road reservation width, open space network, density of housing, native vegetation and a pedestrian connection.

The *Development Plan,* with the recommended changes, meets the relevant statutory requirements and satisfactorilyresponds to the existing site features and constraints. The *Development Plan* provides logical connections to the external road network, retention of native vegetation, conventional and medium density residential areas and protection of heritage places. As such, it is recommended that the plan be noted by Council in its current form and that Council authorise the Chief Executive Officer to approve the *Station Road Development Plan* upon the recommended changes being made to the Development Plan documents*.*

# Officers’ Recommendation

**THAT Council:**

1. **Note the *Station Road Development Plan* at Attachment 1 and non-statutory exhibition outcomes as detailed in this report and Attachments 4 and 5.**
2. **Endorse the following recommended changes to the proposed *Station Road Development Plan*:**
   1. **All local road reserves to be 16 metres in width to accommodate a footpath on both sides of the road reserve.**
   2. **A minimum 10 metre wide reserve must be provided between the bioretention basin reserve and the east-west local road within Property 7.**
   3. **The south-west corner of Property 7, between the north south local road and heritage dwelling within Property 6 depicted as ‘conventional density’.**
   4. **The east-west green link within Property 3 is defined as a pedestrian link in the *Station Road Development Plan* and Traffic Engineering Report.**
   5. **The following text is included at Section 7.2.6: *The River Red Gums, including juvenile River Red Gums will be maximised throughout the Development Plan area as part of the detailed subdivision design prepared at the planning permit stage.***
   6. **The following text is included in the *Station Road Development Plan*: *In relation to the Station Lane widening, the adjoining Mernda Town Centre North East Development Plan states the following: Development of the Development Plan may potentially require its reservation to be widened to 20m to allow for a bus service to operate. Should Station Lane not be required to accommodate a bus service the ultimate reservation can be re-negotiated at the planning permit application stage.***
   7. **The 4m wide paper road adjoining the western side of Station Road is extended along 10 Station Road.**
3. **Authorise the Chief Executive Officer to approve the *Station Road Development Plan,* once the changes outlined in point 2 (a-g) are made into an updated version of the *Development Plan*.**
4. **Note that Council Officers will notify the proponent, submitters and all landowners within the precinct of Council’s decision.**
5. **Authorise the Chief Executive Officer to appoint officers to represent Council and instruct any legal representation at any Victorian Civil and Administrative Tribunal hearing or pre-hearing practice days including compulsory conferences, conducted in respect to the Development Plan.**

# Background / Key Information

**Site Context**

The subject area is located in the Mernda Strategy Plan area immediately north of the Mernda Town Centre and in proximity to the Mernda Train Station and future Mernda Regional Sports Precinct (RSP).

The area is triangular in shape with an overall combined area of approximately 5.39 hectares. The area includes seven properties of various sizes generally bound by Plenty Road to the west, Station Road to the east and Station Lane to the south. Refer Attachment 3for the Context Plans of the *Development Plan* area.

The precinct is largely undeveloped, except for a small number of residential properties and other buildings and reflects the previous rural/township character of the area. The precinct does contain the St Joseph’s Church, which has a Heritage Overlay (Schedule 69 in the Whittlesea Planning Scheme). Graff’s House, located adjoining the St Joseph’s Church, also has a Heritage Overlay (HO21). Graff’s House was burnt down in 2015 and the planning permit which was then issued included a condition to provide a heritage reserve with interpretation of the house. St Joseph’s Church and Graff’s House are located at 1490 Plenty Road and 1480 Plenty Road respectively.

The site at 1470 Plenty Road, located in the southwest corner of the Development Plan area, also contains a dwelling of local heritage significance that is not currently included within the Heritage Overlay. Council Officers are currently investigating the application of an interim Heritage Overlay to the land. A Council initiated heritage assessment has been undertaken which supports the application of the Heritage Overlay to the land.

Beyond the precinct, the subject site abuts the developing Mernda Town Centre to the south and the stabling for Metro Trains to the east. On the opposite side of Plenty Road, to the west will be the Mernda RSP. In addition, the Mernda Train Station is located 300 metres to the south of the precinct.

**Planning Context**

The subject site is in the General Residential Zone - Schedule 1 (GRZ1) of the Whittlesea Planning Scheme. The primary purpose of the GRZ1 is to provide a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The subject site is within the Incorporated Plan Overlay – Schedule 1 (IPO1) which applies the *Mernda Strategy Plan* *2016* (MSP) to the precinct. The subject area is included within Precinct 3 of the MSP which identifies it for medium density residential use due to its proximity to the Mernda Town Centre. The MSP identifies that heritage places within the precinct such as ‘Graff’s farmhouse’ and St Joseph's Church are to be protected.

The site is affected by the Development Plan Overlay – Schedule 5 (DPO5) which requires the approval of a Development Plan before a permit can be granted to use and develop the land.

The site is also affected by a number of additional overlays, including:

* Vegetation Protection Overlay – Schedule 1
* Heritage Overlay (HO21 and HO69)
* Development Contributions Plan Overlay – Schedule 9
* Public Acquisition Overlay – (PAO15)

Further detail on the planning framework has been provided later in the report (Council Policy Considerations/Planning Ordinance)*.*

**Development Plan Proposal**

The draft *Development Plan* has been prepared by Whiteman Property and Associates on behalf of Mercator Developments Pty Ltd (the proponent), in accordance with the provisions of DPO5 as well as the Mernda Strategy Plan. Refer to Attachment 1for the updated *Development Plan.*

Mercator Developments Pty Ltd are the landowners of 1480 Plenty Road which is identified as property 5 and property 7 on the *Development Plan*. The two lots combined equates to an area of approximately 2.2 hectares which makes them the largest landowner in the Development Plan precinct.

One (or multiple) property owners can submit a Development Plan, for consideration by Council, that affects other properties within the area. In accordance with Section 4.0 of DPO5 there should be regard for the intent that Development Plans should encompass larger land parcels rather than individual landholdings.

Specifically, the *Development Plan* proposes:

* The use and development of the site for mostly medium (townhouses) and conventional density (single detached dwelling on a lot) residential purposes. The *Development Plan* defines medium density as lot sizes between 150-300 square metres and conventional density as between 300-450 square metres. It is expected that the *Development Plan* will guide the development of approximately 155 new homes. When fully developed the precinct will be home to approximately 500 residents.
* Protection of native vegetation, including the retention of River Red Gums and remnant vegetation within a tree reserves. A more detailed assessment is required at the planning permit stage to determine the appropriateness of removing any vegetation that requires a planning permit for removal;
* Internal pedestrian and cycling connections linking to the broader network;
* There are four proposed bioretention basins (vegetated areas that are designed to treat small quantities of stormwater) as a water sensitive urban design measure;
* Noise attenuation measures within the north-east of the site to address noise disturbance due to the train stabling facility. Measures include a noise barrier interface and built form treatment to dwellings along the eastern boundary of 1500 Plenty Road;
* An internal road layout that integrates with the external road network. No access is provided to Plenty Road and access to Station Road (as currently proposed by the *Development Plan)* is subject to approval from VicTrack at the planning permit stage. Feedback was sought from VicTrack during non-statutory exhibition with no response received. Consideration for Everton Drive/Plenty Road/Intersection and plenty road widening which is a project constructed by Council and Plenty Road widening; and
* Protection of the heritage places identified within the precinct. The layout retains St Joseph’s Church and ensures sightlines to the church are maintained. An open space reserve is provided in the location of the remains of Graff’s House for heritage open space and interpretation. Additionally, the Development Plan process identified the dwelling at 1470 Plenty Road as being of local heritage significance to be considered for heritage protection under a separate planning process.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable Neighbourhoods**

Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The proposed *Development Plan* facilitates the development of the precinct for residential purposes, contributing to housing diversity in the Municipality, providing active transport links, a permeable street network, the protection of heritage places and the retention of native vegetation.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The proponent has paid a statutory fee to Council for the assessment of the Development Plan.

Community Consultation and Engagement

The draft *Development Plan* was placed on non-statutory exhibition over a four-week period from 2 October 2023 to 30 October 2023. During this time neighbouring landowners and relevant agencies and organisations were notified of the Development Plan proposal and invited to provide feedback.

While there is no statutory requirement to undertake exhibition on a proposed Development Plan, it is Council practice to engage affected parties and obtain feedback. Refer Attachment 2for the exhibited version of the *Development Plan*.

A total of 12 submissions were received during the non-statutory exhibition period from local owners/residents and statutory agencies. An additional late submission was received from the Department of Transport and Planning making it a total of 13 submissions. Many of the submissions provided property-specific feedback whilst there were a small number of consistent themes.

The issues raised in the submissions and officers’ response are detailed in Attachment 4 and the confidential Attachment 5and key issues are summarised below. Following non-statutory exhibition, Council Officers requested consent to include submissions from adjacent and adjoining landowners/residents as a public attachment to the Council Report. Those that did not provide consent are included as at Attachment 5 which is confidential.

Equitable distribution of infrastructure

A consistent theme amongst landowners within the precinct, was that the proposed layout has a disproportionate impact on some properties within the precinct compared to others for the provision of infrastructure such as roads and bioretention basins.

In response to this submission the location and distribution of infrastructure has been reviewed. Specifically, in response to this issue, the proposed bioretention basin has been relocated from Property 8 to the eastern boundary of Property 7 in accordance with the Stormwater Management Strategy for the *Development Plan.* Overall, it is considered that the *Development Plan* provides for the equitable distribution of infrastructure noting the need to provide internal road connections that link into the existing street network.

Widening of Station Lane

A number of submissions from properties in an adjoining *Development Plan* precinct to the south raised opposition to the proposed widening of Station Lane and the land which will be required to accommodate it.

The Station Lane widening is contemplated in the proposed *Development Plan*, and also in Mernda Town Centre North East Development Plan (MTCNE Development Plan) located directly to the south of the *Development Plan* area. The MTCNE Development Plan includes the following statement in relation to Station Lane, “Development of the Development Plan precinct may potentially require its reservation to be widened to 20m to allow a bus service to operate. Should Station Lane not be required to accommodate a bus service the ultimate reservation can be re-negotiated at the planning permit application stage.”

In response to these submissions a recommendation of this report is that the *Development Plan* is updated to include a statement that is consistent with the MTCNE Development Plan, and that provides for greater flexibility at the planning permit application stage.

Consultation with key stakeholders

Some submissions raised issues with the adequacy of the consultation process and did not wish to be included in the *Development Plan* area.

To provide adjoining and affected property owners with the opportunity to comment on any proposed *Development Plan* Council undertakes non-statutory exhibition for a period of 28 days. Following this any submissions received during this period are reviewed and updates to the *Development Plan* are made in response to issues raised in submissions.

Some submitters did not want their property to be included in the *Development Plan* area. The reason the *Development Plan* applies to the entire area is to ensure that the precinct is developed in an integrated manner including roads and drainage systems which connect. For this reason, the DPO5 control which applies to the land required that the *Development Plans* be prepared for precincts rather than individual landholdings.

Native Flora and Fauna

One submission raised concerns that further assessment of the native flora and fauna within the *Development Plan* area was required to ensure that an acceptable layout has been determined.

Development Plans include recommendations for vegetation retention and do not pre-approve vegetation removal. Native vegetation removal will be assessed at the planning permit stage.

The *Development Plan* has been updated to include greater consideration of potential biodiversity values in Property 8 which was not assessed as part of the *Development Plan*. The *Development Plan* has also been updated to include additional statements supporting the retention and protection of native vegetation at the planning permit stage.

Changes to exhibited Development Plan

A number of changes have been made to the exhibited version of the *Development Plan* (refer to *Attachment 1*) in response to the feedback received during non-statutory exhibition. The submissions and Council Officer response and recommendations are detailed at Attachment 4.

In addition to the changes made post exhibition, seven additional changes to the *Development Plan* are recommended These additional changes can be summarised as:

* + All local road reserves to be 16 metre in width. This is to ensure that the local roads accommodate a footpath on both sides of the road reserve consistent with Councils Urban Development Guidelines.
  + A 10 metre wide reserve must be provided between the bioretention basin reserve and the east-west local road within Property 7. This is to ensure that the bioretention reserve has at least a secondary road frontage and to protect additional vegetation. There may be opportunity for this reserve to be enhanced with a reserve on the adjoining property which would also provide for the protection of additional vegetation.
  + The south-west corner of Property 7, between the north south local road and heritage dwelling within Property 6 depicted as ‘conventional density’ to provide transitional density in proximity to the potential heritage site.
  + The east-west green link within Property 3 is defined as a pedestrian link in the Station Road Development Plan and Traffic Engineering Report updated to ensure that a pedestrian path is provided through this link.
  + The following text is included at Section 7.2.6: *The retention of River Red Gums, including juvenile River Red Gums will be maximised throughout the Development Plan area as part of the detailed subdivision design prepared at the planning permit stage.* This is required to maximise the retention of River Red Gums throughout the site in accordance with the Whittlesea Planning Scheme.
  + The following text is included in the *Development Plan: In relation to the Station Lane widening, the adjoining Mernda Town Centre North East Development Plan states the following: Development of the Development Plan may potentially require its reservation to be widened to 20m to allow for a bus service to operate. Should Station Lane not be required to accommodate a bus service the ultimate reservation can be re-negotiated at the planning permit application stage.*
  + The paper road along the western side of Station Road is extended through along 10 Station Road to provide for the continuation of the paper road noting that approval from VicTrack and PTV is required for access to Station Road (noting the reserve is owned by the State Government and is not a Council road reserve) along the eastern interface of the *Development Plan* area.

# Other Principles for Consideration as per the *Local Government Act (2020)*

**Overarching Governance Principles and Supporting Principles**

(a) Council decisions are to be made and actions taken in accordance with the relevant law.

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(d) The municipal community is to be engaged in strategic planning and strategic decision making.

(h) Regional, state and national plans and policies are to be taken into account in strategic planning and decision making.

Public Transparency Principles

1. Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the Local Government Act or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

The proposed *Development Plan* seeks to retain significant native vegetation within passive open space reserves. The *Development Plan* also provides water sensitive urban design measures through providing bioretention basins to treat stormwater.

Social, Cultural and Health

The proposed *Development Plan* provides for the protection of identified heritage places which contributes to the social and cultural fabric of the Municipality. The *Development Plan* may have positive health impacts by providing for additional housing within walking distance of the Mernda Train Station and Mernda Town Centre.

Economic

The approval Development Plan will have a positive economic by supporting the development of the land for the construction of additional housing.

**Legal, Resource and Strategic Risk Implications**

In accordance with Section 149 of the Planning and Environment Act 1987 a specified person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

**Planning Ordinance (Whittlesea Planning Scheme)**

Planning Policy Framework

Following the recommended changes, the *Development Plan* will be generally consistent with the provisions and objectives of the Planning Policy Framework of the Whittlesea Planning Scheme, including:

* Clause 11 - Settlement: The *Development Plan* responds to the needs of the community by providing for a diversity of housing and open space.
* Clause 12 - Environmental and Landscape Values: The *Development Plan* responds to site features and constraints, including the existing vegetation and topography.
* Clause 12.01-1L – River Red Gum protection: The *Development Plan* and suggested changes outlined in this report provide for the protection and retention of River Red Gums.
* Clause 15 - Built Environment and Heritage: The *Development Plan* protects the heritage places and responds appropriately to the surrounding landscape and character.
* Clause 16 - Housing: The *Development Plan* increases the supply of housing which will provide a diversity of options to meet community needs.
* Clause 18 - Transport: The *Development Plan* provides a permeable internal road layout that connects with the external road network, as well as pedestrian and cycling connections.

Planning Controls

*General Residential Zone - Schedule 1 (GRZ1):*

The purpose of the GRZ1 is to encourage a diversity of housing types and housing growth in locations offering good access to services and transport.

*Incorporated Plan Overlay - Schedule 1 (IPO1):*

IPO1 incorporates the Mernda Strategy Plan (MSP). The MSP is the primary strategy plan guiding the development of Mernda and identifies the subject site as being medium density residential. The Development Plan generally accords with the MSP.

*Schedule 5 to the Development Plan Overlay (DPO5):*

The proposed Development Plan satisfactorily responds to the requirements of DPO5, in particular:

* Generally, in accordance with the Mernda Strategy Plan and associated Precinct Plans.
* Retention and integration of individual and stands of mature trees.
* Recognition of important landscape views and vistas.
* Conservation and protection of Aboriginal and European cultural heritage places.
* Opportunities for a diverse range of allotment densities and dwelling types.
* Provision of a road network providing a high degree of connectivity and external and internal permeability.
* An environmental audit identifying any environmental hazards or contamination on the land and proposed treatments, if any; or a qualified statement indicating the absence of such hazards or contamination.
* The location of any detention tanks, drainage retarding basins or other utility infrastructure required to service the neighbourhood.

*Heritage Overlay (HO21):*

HO21 applies to 1480 Plenty Road weatherboard house adjoining the St Joseph’s Catholic Church – Graff’s House. Includes weatherboard house and picket fence. Planning Permit No. 716367 provided planning permission to demolish the remains of Graff’s House (after it was damaged by fire) and included a condition for the provision of a heritage reserve providing interpretation of the site. This requirement has been incorporated into the *Development Plan.*

*Heritage Overlay (HO69):*

HO69 applies to 1490 Plenty Road, St Joseph’s Catholic Church, including bluestone church, drystone walls and mature trees. The *Development Plan* maintains sightlines to the church.

*Vegetation Protection Overlay – Schedule 1 (VPO1):*

The purpose of VPO1 is to preserve and maintain significant vegetation. A planning permit is required to remove, destroy or lop native vegetation. An arboricultural assessment of existing River Red Gums is a planning permit application requirement.

*Public Acquisition Overlay (PAO15):*

Land acquisition by Whittlesea City Council at 1470 Plenty Road Mernda to facilitate the upgrade of the Everton Drive and Plenty Road intersection.

*Development Contributions Plan Overlay – Schedule 9 (DCPO9):*

The subject site falls within Precinct 3 of the Mernda Strategy Plan which means that there is currently an error in the DCPO7 and DCPO9 boundaries. Development Contributions Plan Overlay – Schedule 7 should apply to the subject site.

Other Relevant Planning Documents:

The *Development Plan* has also been assessed against other relevant planning documents including:

* City of Whittlesea's Guidelines for Urban Development.
* Victorian Planning Authority (VPA) Engineering Design and Construction Manual (EDCM).

# Implementation Strategy

Communication

The Council Decision will be communicated to the proponent and the submitters.

Critical Dates

December 2021 – *Station Road Development Plan* submitted to Council.

October 2023 – Non-statutory Exhibition of the *Station Road Development Plan.*

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that so disclosable interests have been raised in relation to this report.

# Attachments

1. Attachment 1 - Updated Station Road Development Plan, April 2024 [**5.3.1** - 53 pages]
2. Attachment 2 - Exhibited Draft Station Road Development Plan, August 2023 - plan only [**5.3.2** - 1 page]
3. Attachment 3 - Station Road Development Plan Context Maps [**5.3.3** - 2 pages]
4. Attachment 4 - Station Road Development Plan Submission Summary and Officer Response Table [**5.3.4** - 6 pages]
5. CONFIDENTIAL REDACTED - Attachment 5 - Station Road Development Plan Submission Summary and Officer Response Table- Confidential [**5.3.5** - 3 pages]

5.4 Precinct 2A Doreen (part) Development Plan

**5.4 Precinct 2A Doreen (part) Development Plan**

**Director/Executive Manager:** Director Planning & Development

**Report Author:** Strategic Planner

**In Attendance:** Acting Manager Strategic Futures

Strategic Planner

# Executive Summary

The purpose of this report is to consider the *Mernda Precinct 2A (part) Development Plan* (the *Development Plan*) which affects 45 individual properties in Doreen. The properties within the precinct are each approximately 1 hectare in size and bounded by Cookes Road to the north, Yan Yean Road to the east, Bridge Inn Road to the south and existing residential development to the west. The *Development Plan* was prepared by Spiire on behalf of the Bridge Cookes Landowners Group Inc. (the proponent), a consortium of landowners within the precinct.

The *Development Plan* has been prepared in accordance with the provisions of Schedule 5 to the Development Plan Overlay (DPO5) at Clause 43.04 of the Whittlesea Planning Scheme and the Mernda Strategy Plan (MSP).

The *Development Plan* envisages a residential neighbourhood for approximately 2000 future residents living close to range of services including schools, shops and open space. The development of the precinct will include standard (detached houses) and medium density residential (ie. townhouses) housing, a local street network to support the development and numerous tree reserves protecting a significant amount of native vegetation in the precinct. Noting the number of lots and individual landowners within the precinct, the development plan layout aims to support the fair and orderly development of the precinct.

The draft *Development Plan* (refer Attachment 1) was publicly exhibited in April and May 2023. All landowners within the precinct, neighbouring landowners and potentially affected agencies were notified.

In total, 23 submissions were received from a mixture of landowners within the precinct, surrounding landowners, a statutory agency and a community member. In response to the issues raised by submissions, Council officers requested the proponent make a number of changes to the *Development Plan*.

All the changes, except one, were made by the proponent. The requested change which the proponent did not make and subsequently advise they do not agree to, is the identification of a tree reserve at 811 Bridge Inn Road. The reserve was intended to protect two medium and large (respectively) river red gums of moderate arboricultural value. These trees were subsequently removed, on behalf of the landowner, following the request for the tree reserve to be created.

Council officers do not support the tree removal and loss of the tree reserve. Officers have made the requested change to show the tree reserve of approximately 1,500sqm on all relevant plans within the *Development Plan* (included at Attachment 2), noted it is to be revegetated, and updated the Land Budget tables in the document to reflect the change.

The *Development Plan,* with the inclusion of the tree reserve, satisfactorilyresponds to the existing site features and constraints, overarching strategic documents, and Council policies, and will enable the coherent, orderly and fair development of the precinct. As such it is considered that the *Development Plan* meets the relevant statutory requirements, and it is recommended that the plan and exhibition outcomes be noted, and that Council approve the *Mernda Precinct 2A (part) Development Plan.*

# Officers’ Recommendation

**THAT Council:**

1. **Approve the *Mernda Precinct 2A (part) Precinct 2A Development Plan* at Attachment 2.**
2. **Note the non-statutory exhibition outcomes detailed in this report and Attachment 4.**
3. **Note that Council Officers will notify the proponent, submitters and all landowners within the precinct of Council’s decision.**
4. **Authorise the Chief Executive Officer to appoint officers to represent Council and instruct any legal representation at any Victorian Civil and Administrative Tribunal hearing or pre-hearing practice days including compulsory conferences conducted in respect to the Development Plan.**

# Background / Key Information

**Site details**

The subject site is located in Doreen, is approximately 49 hectares in area, and comprises 45 individual properties with the majority in different ownership. Each property is approximately one hectare in area. The majority of the properties are currently used for low density residential with a single dwelling on each property. The site is bounded by Cookes Road to the north, Yan Yean Road to the east, Bridge Inn Road to the south and residential development to the west. The precinct is 2.5km from the Mernda Train Station and Mernda Town Centre. Refer *Attachment 3* for the Context Plans of the *Development Plan* area.

As one of the last remaining undeveloped sites in the Doreen area, the site is largely surrounded by residential development. To the east of Yan Yean Road is the Urban Growth Boundary and green wedge land. This is also the municipal boundary, with the green wedge land located in City of Nillumbik.

The south-east corner of the precinct is bisected by a transmission line easement, which is a feature of the Mernda Doreen area, and the Doreen Recreation Reserve. The precinct is also well vegetated with a mix of predominantly indigenous and native tree species.

**Planning Context**

Zone and Overlays

The subject site is in the General Residential Zone - Schedule 1 (GRZ1) of the Whittlesea Planning Scheme. The primary purpose of the GRZ1 is to provide a diversity of housing types and housing growth, particularly in locations offering good access to services and transport.

The site is affected by a number of planning overlays, including:

* Incorporated Plan Overlay Schedule 1 (IPO1) - Mernda Strategy Plan (MSP).
* Development Plan Overlay Schedule 5 (DPO5).
* Vegetation Protection Overlay – Schedule 1 (VPO1) - Significant vegetation (River Redgum Grassy Woodland).
* Development Contributions Plan Overlay – Schedule 5 – Mernda Precinct 2A Development Contributions Plan.

Further detail regarding Council policy has been provided in the ‘Council Policy Considerations’ section of this report*.*

**The Development Plan Proposal**

The *Development Plan* has been prepared by Spiire on behalf of six landowners in the precinct who own 10Ha of the total 49Ha. The majority of landowners within the precinct are not part of this group.

One (or multiple) property owners can submit a Development Plan, for consideration by Council, that affects other properties within the area. In accordance with Section 4.0 of DPO5 there should be regard for the intent that Development Plans should encompass larger land parcels rather than individual landholdings.

The *Development Plan* provides a framework for the integrated and orderly development of the precinct for standard and medium density residential use consistent with the MSP which is the overarching strategic land use plan for the area. The *Development Plan* responds to site features such as existing vegetation, the transmission easement, and the surrounding road network.

Specifically, the *Development Plan* proposes:

* The use and development of the site for standard and medium density residential purposes. The majority of the site is designated standard density with areas of medium density co-located with tree reserves and open space.
* Housing densities slightly higher (ie. smaller lot sizes) than that envisaged by the MSP. This responds to current market demand and lot sizes being delivered for similar infill development sites. The overall estimated yield of the Development Plan area is expected to be in the order of 650 dwellings at a density of 20 dwellings per net developable hectare (NDHa). This will potentially accommodate approximately 2,000 residents.
* The protection of a significant number of existing River Red Gums and other existing vegetation in tree reserves and pocket parks throughout the development. This is to include the replacement of the removed river red gums in the tree reserve at 811 Bridge Inn Road.
* The provision of MSP nominated sub-arterial/collector road (Flaxen Hills Road), a bus capable road, through the site connecting residential development in the north to Bridge Inn Road.
* Provision of service roads and internal street access for lots from Bridge Inn Road to limit direct access.
* The provision of land to facilitate widening of the Cookes Road cross section to provide for safe pedestrian and cycling connections.
* A local street network which provides for the coherent and connected development of the 45 individual parcels in the precinct.

In assessing and reviewing the *Development Plan*, Council Officers have sought to overcome the existing fragmented lot configuration and land ownership to support the integrated and orderly development of the precinct. This includes a local street network that provides access as each lot develops, and shares responsibility for road delivery across parcels.

The provision of tree reserves will retain or restore the existing landscape character and significant native vegetation on the site. Overall, the layout will contribute to a high-quality public realm and amenity for future residents.

Potentially Contaminated Land

Preliminary Site Investigations (PSI’s) were performed for all properties within the precinct. This included a review of historical uses, desktop review and roadside assessment of current site conditions. Council officers engaged with the Environment Protection Authority (EPA) as part of reviewing the PSI’s.

The review of the submitted assessment identified that five properties required further assessment to understand the potential for contamination.

EPA advise that this further assessment should happen as early in the planning process as possible. However, due to the fragmented ownership within the precinct, not all landowners could be compelled to undertake the further assessment in support of the *Development Plan* at this stage of the process. Two of the properties requiring further assessment were owned by members of the proponent group. Council officers required those properties to undergo the further assessment prior to endorsement of the *Development Plan*, consistent with the EPA advice. This has occurred and they have been found to have no risk of land contamination.

The remaining properties which the proponent could not access have been marked in red on each plan with a note “Environmental Assessment Required” and a section has been added to the *Development Plan* detailing the need for the environmental assessment as an application requirement at the planning permit stage.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable Neighbourhoods**

Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The *Development Plan* has been prepared to guide the orderly development of a fragmented precinct. The plan will ensure that future development is of high amenity for future residents.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The proponent has paid a statutory fee to Council for the assessment of the Development Plan.

Community Consultation and Engagement

The draft *Development Plan* was exhibited to owners and occupiers within and surrounding the precinct from 20 April to 22 May 2023. 144 owners and occupiers were notified along with relevant government agencies. The exhibited draft Development Layout Plan is provided at *Attachment 1*.

Response to submissions

23 submissions were received during exhibition from a mixture of owners within the precinct, neighbouring residents and occupiers, and statutory agencies.

There was only one outright objection to the *Development Plan* or development of the site, which was due to a concern regarding construction noise and traffic.

The remainder of the submissions raised particular concerns and issues with the *Development Plan* content or existing conditions of the precinct. A number of consistent themes emerged across the submissions, which are discussed in detail below. *Attachment 4* details all submissions received and provides responses to all other matters which are not discussed below.

*Cookes Road*

A number of submissions raised concern about the existing condition of Cookes Road, particularly the poor pedestrian experience with a narrow footpath and pinch points which have little separation from the traffic lanes. This is a particular concern to residents who advise that a number of school students use this path to reach Hazel Glen College which is located in proximity to the *Development Plan* area on the north side of Cookes Road.

The exhibited *Development Plan* required one metre from within the property boundaries of properties fronting Cookes Road to provide for a path and nature strip along the Precinct 2A frontage and, potentially, parking. In response to the submissions, further design work was completed by Council officers which recommended a 2.5m shared path to be delivered, within a nature strip, to increase separation from the traffic lanes. In this design process it was found that due to the location of undergrounded services and transmission poles along Cookes Road, an extra metre of land would be required from adjoining properties to ensure that the shared path could be kept separated from traffic lanes for the full length of Cookes Road adjacent to the subject precinct.

Accordingly, the *Development Plan* has been updated to require two metres of land for road widening from the properties immediately abutting Cookes Road. A cross section for Cookes Road has been included at Appendix 3 of the *Development Plan* including the location of the shared path and nature strip.

*Road Infrastructure*

Two landowners in the precinct objected to the amount or location of the proposed roads within their properties. One owner noted in their submission that the sub-arterial road, Flaxen Hills Road, as identified in the MSP had been relocated onto their properties. The realignment was a result of the need for the road to align with the existing position of Flaxen Hills Road to the north of the precinct which was realigned in order to retain trees. The result being the continuation of the road through the subject sites has also needed to shift.

The submission further requested that the proposed alignment of the road be split across the property boundaries so that half the road is within their property and the other half within a neighbouring property. This submission request is not supported as it does not provide for orderly development of the road network and risks only partial delivery of roads or an inability for development to occur should only one of the properties be willing to develop.

*Tree Retention and Reserves*

Submissions from a number of landowners within the precinct (who were not directly involved in the preparation of the *Development Plan*) included concerns at the extent of the retention of trees on their properties. The submissions noted that the *Development Plan* did not identify tree reserves or the retention of trees on some other properties.

The fragmented lot configuration and land ownership has created challenges in undertaking background assessment and equitably sharing the requirements for infrastructure provision including local roads, open space provision and tree retention. Due to the fragmented ownership of properties within the precinct and not all owners being members of the consortium progressing this *Development Plan*, not all properties have undergone arboricultural assessments.

In total, 32 of the 45 properties had arboricultural assessments prepared through the preparation of the plan, which was deemed acceptable in order to progress the *Development Plan*. These assessments have guided the *Development Plan* layout including the location of local roads and open space reserves for tree protection.

Upon consideration of the submissions, further refinement was made both to properties which have had aboricultural assessments and those which will be required to have them in the future. These can be summarised as follows:

* In response to the submissions regarding the equity of tree protection, the properties not assessed have been identified in each plan of the *Development Plan* with a note as follows:
* *“Trees Not Assessed.*

*Trees and other vegetation on these parcels have not been assessed as part of the preparation of this Development Plan. Detailed arboricultural and ecological assessments are required to be completed at the planning permit stage. Subject to the findings of those future assessments, it is anticipated that future tree reserves will be required. This will influence the final layout, including the amount of developable land, of these particular sites.”*

This requirement will ensure that further assessment is done at the planning permit stage for the non-assessed properties with the expectation that additional tree reserves will be identified to protect significant trees and vegetation.

* *The submissions also prompted further review of the submitted arboricultural assessments and retention of trees in tree reserves. A priority was placed on the retention of River Red Gums of the highest arboricultural value within the precinct. The results of this review resulted in two additional tree reserves being identified to retain five River Red Gums, the removal of one tree reserve and the realignment of the boundaries of five tree reserves. This approach more accurately depicted the areas needed to support retention of trees regardless of existing property boundaries.*

*Medium density lots*

Four submissions from existing residents in proximity to the subject site raised concerns in respect to the provision of medium density in the precinct. The submissions consider that the proposal is an overdevelopment and not in keeping with existing dwelling density and neighbourhood character.

The MSP nominates the site as standard density residential and the *Development Plan* identifies that the majority of the site is to be developed as such. This will generally be detached dwellings on lots approximately 300sqm – 500sqm in area, at a minimum density of 16 dwellings per Net Developable Hectare (NDHa). However, the MSP also enables for the refinement of precinct plans during the preparation of more detailed development plans.

The *Development Plan* provides areas of medium density when co-located with tree reserves or open space. The medium density is to be townhouse or terrace houses with reduced private open space on lots under 300sqm at a minimum density of 20 dwellings per NDHa.

A significant amount of additional open space in the form of tree reserves (which was not identified in the MSP) has been provided as a design response.

It is considered that the amenity offered by the tree reserves throughout the precinct could support the provision of medium density dwellings by offsetting the reduced private open space that is a feature of this typology.

The development of medium density dwellings can also provide for passive surveillance of these reserves. Most of the sites identified for medium density lots are located internal to the site, which allows for the creation of a distinct neighbourhood character while not impacting on the established character of adjacent precincts. While the anticipated density is slightly higher than anticipated at the time the MSP was prepared, it is consistent with the density being delivered in other infill development sites being minimum 16 dwellings per NDHa.

The transport analysis ensures that the local and broader transport network can cater for the proposed development outcome.

*Changes to the Development Plan Post Exhibition*

In response to the submissions, a number of changes to the *Development Plan* were requested. Some of these changes are identified in the summary of key issues above. These have been included in the updated *Development Plan* document included at *Attachment 2*.

One of the requested changes was not made. This was the identification of a tree reserve in the area north of the extension of Venice Rise on 811 Bridge Inn Road. The requested tree reserve was to protect six existing trees including two medium and large (respectively) River Red Gums of moderate arboricultural value.

Following Council’s request for these trees to be retained in a tree reserve, the landowner, a member of the consortia, removed the trees. They subsequently presented reports suggesting the trees did not require a permit for removal and needed to be removed to service the development. Planning and development teams from across Council reviewed these reports and agreed that the removal of the trees could and should have been avoided.

Council Officers have made changes to the submitted *Development Plan* to show a tree reserve of approximately 1,500sqm as requested, with a note that this area is to be revegetated. It should be noted, that the proponent does not support this change.

With this change and all other requested changes made, Council Officers consider the *Development Plan* at Attachment 2 satisfactorily responds to submissions received during exhibition and complies with planning provisions and policy.

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

(d) The municipal community is to be engaged in strategic planning and strategic decision making.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

(d) Public awareness of the availability of Council information must be facilitated.

# Council Policy Considerations

Environmental Sustainability Considerations

The *Development Plan* proposes to retain a significant amount of native vegetation throughout the precinct in tree reserves.

Social, Cultural and Health

The development of the site for a diversity of housing will have a positive effect through the increase of housing choices within the municipality, in alignment with planning policy mentioned above.

Economic

The approval *Development Plan* will have a positive economic by supporting the development of the land for the construction of additional housing.

**Legal, Resource and Strategic Risk Implications**

In accordance with Section 149 of the *Planning and Environment Act 1987* a specified person may apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

The *Development Plan* satisfactorily manages the risk of land contamination and development for housing in accordance with advice from the EPA.

**Planning Ordinance (Whittlesea Planning Scheme)**

Planning Policy Framework

The *Development Plan* is generally consistent with the provisions and objectives of the Planning Policy Framework of the Whittlesea Planning Scheme, including:

* *Clause 11 - Settlement***:** The *Development Plan* responds to the needs of the community by providing for additional housing and open space.
* *Clause 12 - Environmental and Landscape Values:* The *Development Plan* responds to site features and constraints, by providing for the retention of existing vegetation subject to the proposed amendment to the Development Plan that has been included in the officer recommendation.
* Clause 12.01-1L – River Red Gum protection: The *Development Plan* and suggested changes outlined in this report provide for the protection and retention of River Red Gums.
* *Clause 16 - Housing***:** The *Development Plan* increases the supply of housing to meet community needs.

*Incorporated Plan Overlay Schedule 1 (IPO1) - Clause 43.03 of the Whittlesea Planning Scheme:*

The IPO1 applies the *Mernda Strategy Plan 2016* (MSP) to the precinct. The subject area is included within Precinct 2A of the MSP and the Precinct Plan identifies a preferred development outcome for the site as providing standard density residential with low density interface to the transmission easement.

*Development Plan Overlay Schedule 5 (DPO5)* - C*lause 43.04 of the Whittlesea Planning Scheme:*

The DPO5 requires the approval of a Development Plan before a permit can be granted to use and develop the land. Specifically, the proposed *Development Plan* responds to the following requirements of DPO5:

* Generally in accordance with the MSP and associated Precinct Plans.
* Generally in accordance with planning policy including retention and integration of mature trees, particularly indigenous River Red Gums.
* Provision of appropriate transition and interface design treatments.

*Vegetation Protection Overlay Schedule 1 (VPO1) (Significant vegetation (River Redgum Grassy Woodland) - Clause 42.02 of the Whittlesea Planning Scheme:*

The purpose of the VPO1 is to protect and retain significant native vegetation, including River Red Gums. The *Development Plan* has considered and provides for the retention of native vegetation, subject to the proposed amendment to the *Development Plan* that has been included in the officer recommendation.

*Development Contributions Plan Overlay Schedule 5 (Mernda Precinct 2A Development Contributions Plan)* - *Clause 45.06 of the Whittlesea Planning Scheme:*

The DCPO5 provides that development contributions are payable upon development of the site and summarises the costs and contributions applicable to Precinct 2A of the *Mernda Strategy Plan Development Contributions Plan 2008.*

# Implementation Strategy

Communication

The Council decision will be communicated to the proponent and submitters.

Critical Dates

May 2022 - Submission of Development Plan application.

April and May 2023 – Non-statutory exhibition of the draft *Development Plan*.

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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.

# Attachments

1. Attachment 1 - Exhibited Draft Mernda Precinct 2A (part) Development Plan, April 2023 - plan only [**5.4.1** - 1 page]
2. Attachment 2 - Mernda Precinct 2A (part) Development Plan, May 2024 [**5.4.2** - 46 pages]
3. Attachment 3 - Mernda Precinct 2A Context plans [**5.4.3** - 2 pages]
4. Attachment 4 - Submissions Table and Officer Response [**5.4.4** - 16 pages]

5.5 Integrated Transport Plan - Council Endorsement

**5.5 Integrated Transport Plan - Council Endorsement**

**Director/Executive Manager:** Director Infrastructure & Environment

**Report Author:** Senior Transport Planner

**In Attendance:** Acting Manager Urban Design & Transport  
Senior Transport Planner

# Executive Summary

The purpose of this report is to present and seek the endorsement of the Integrated Transport Plan 2024-2034 (ITP) following community consultation on the draft document.

The ITP sets out a high level vision for transport planning in the municipality over the next ten years. It will allow Council to strategically plan for, and respond to, future challenges and opportunities, inform advocacy for our transport needs and guide the development and expansion of the transport network in Whittlesea.

The ITP will demonstrate Council’s leadership and commitment to improving transport outcomes in the municipality. It is also envisaged to guide and influence future investment decisions.

The ITP will support the Whittlesea 2040 vision as an action item in the Liveable Neighbourhoods Strategy Action Plan and will become a Level 3 document within the Integrated Planning Framework. It will supersede the existing Integrated Transport Strategy 2014 (ITS).

Community and stakeholder consultation was undertaken on the Draft ITP between 22 April and 19 May 2024. The consultation sought to ensure that the Draft ITP aligned with community and stakeholder feedback. The consultation was undertaken in the form of an online survey on the engage page and community pop ups which were promoted to the community through social media, existing community contacts and key stakeholders.

The feedback reflected the following priorities:

* a diverse range of opinions and priorities among residents, with support for the Draft ITP’s guiding principles, whilst balancing the need for car-friendly infrastructure with the desire for improved public transport and safer, more accessible sustainable transport options.
* a community that is invested in the practicalities and requirements of daily commuting, immediate transport needs and transport infrastructure investment.
* a community concerned with the financial feasibility of proposed investments, congestion around schools, improved parking management and the balance between car-centric and sustainable transport infrastructure.

Part of the feedback received indicated a preference towards prioritising road improvements rather than investing in sustainable transport. There were also some concerns expressed about the staging, funding and monitoring of the action plan.

In response to this feedback, Council’s position is that the ITP aims to improve convenient transport choices for our residents, including walking and cycling, which can help relieve some of the costs associated to car ownership and provide better options to those without a car. However, Council will continue to advocate for investment in targeted road infrastructure where it is warranted, acknowledging an ongoing level of car dependency. The ITP’s action plan will be reviewed every two years, with an appropriate staging of actions, is funded through existing operating budgets and will be monitored using outcome indicators linked to Council’s Integrated Planning Framework.

Council support is sought to present the ITP to Council Meeting, in seeking formal Council endorsement to give effect to its implementation.

# Officers’ Recommendation

**THAT Council:**

1. **Note the engagement summary from the community consultation undertaken between 22 April – 19 May 2024 for the Integrated Transport Plan 2024 – 2034 at Attachment 1.**
2. **Endorse the Integrated Transport Plan 2024 – 2034 at Attachment 2.**
3. **Acknowledge and thank the community and stakeholders who have contributed to the development of the Integrated Transport Plan.**

# Background / Key Information

The ITP will supersede the existing ITS, which facilitated the delivery of the Road Safety Strategy 2017, the Roads and Public Transport Plan 2017, the Whittlesea Bicycle Plan 2016-2020 and its successor Walking and Cycling Plan 2022-2027. The ITS was also successful in supporting advocacy for the Mernda Rail Extension Project (delivered in 2018) and a number of arterial road and intersection upgrades.

The ITP was informed by the prior development of a Background Paper and Directions Paper.

The Background Paper provided an assessment of the current transport patterns, including population growth and the ongoing prevalence of car dependency, traffic congestion and long commutes.

The Directions Paper has helped to shape the vision, guiding principles and objective statements for the ITP. It has also offered a number of potential future scenarios based on different transport and land use approaches.

The ITP has been established to set a high-level vision for transport planning in the municipality over the next ten years. It will also allow Council to plan strategically for future challenges and opportunities and to inform our transport advocacy portfolio.

The ITP has identified eight focus areas (see below) with corresponding objectives and actions for each area:

* Land Use Integration
* Walking and Cycling
* Public Transport
* Road Network
* Travel Behaviour Change
* Technology and Innovation
* Freight
* Parking Management

Council’s advocacy priorities have been updated and reinforced in the ITP to reflect our future infrastructure needs and associated delivery timings.

The ITP promotes convenient transport choices, with a particular focus on sustainable transport (walking and cycling) opportunities for local trips. The ITP also makes the linkage between the improvement of transport choices and tackling affordability issues associated to car dependency.

Community Consultation was undertaken on the Background Paper and Directions Paper (between 11 December 2023 to 15 February 2024). The feedback received helped to shape and influence the development of the ITP and its actions.

Council resolved at the Council Meeting on 16 April 2024 to endorse the Draft ITP for community consultation between 22 April – 19 May 2024. The feedback arising from this round of consultation has been reviewed and incorporated.

The Draft ITP also underwent a professional peer review process by a transport consultancy (Institute for Sensible Transport) in April 2024, which has allowed it to be further informed.

# Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Liveable Neighbourhoods**

Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The ITP is an action item in the Liveable Neighbourhoods Strategy Action Plan.

The ITP contains actions to implement Level 4 documents, including both the Walking and Cycling Plan 2022-2027 and Northern Trails 2022, and to prepare a new Road Safety Plan.

# Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost of implementing the ITP is included in the current operating budget.

Community Consultation and Engagement

The development of the ITP has been informed by community and stakeholder consultation and supported by an approved communications and engagement plan. In addition, Council’s internal working groups from a range of disciplines have contributed.

Community Consultation was undertaken on the Background Paper and Directions Paper (between 11 December 2023 to 15 February 2024). The feedback received helped to shape and influence the development of the ITP and its actions.

Community Consultation was subsequently undertaken on the Draft ITP (between 22 April – 19 May 2024). The feedback has helped to refine the Draft ITP and test with the community that the approach was well-informed and balanced.

During this phase of consultation, Council hosted an online survey on the Engage Page, which was promoted to our community through social media, existing community contacts and key stakeholders, plus flyers and posters displayed at Council facilities and offices. The Draft ITP Vision, Guiding Principles and Focus Areas were highlighted and displayed as infographics for greater accessibility.

Community members were invited to partake in a survey that asked:

* What do you think about the Draft ITP?
* Do you have any suggestions for improvement for the Draft ITP?
* Do you have any other comments on the Draft ITP?

There were 873 views to the Engage Page, which resulted in 25 online submissions. Notwithstanding the small sample size, 68% were supportive of the ITP, with the submissions reflecting:

* a diverse range of opinions and priorities among residents, with support for the Draft ITP’s guiding principles, whilst balancing the need for car-friendly infrastructure with the desire for improved public transport and safer, more accessible sustainable transport options.
* a community that is invested in the practicalities and requirements of daily commuting, immediate transport needs and transport infrastructure investment.
* a community concerned with the financial feasibility of proposed investments, congestion around schools, improved parking management and the balance between car-centric and sustainable transport infrastructure.

There were also six community pop-up events across the municipality, which attracted a total of 56 attendees. The in-person consultation allowed further discussion with project team members. The responses indicated the following priorities: request for new and safe cycling routes, better access and connectivity, improved bus services, improved crossing points, the Wollert Rail extension and better articulating the link between transport and health outcomes.

Stakeholders invited to participate included the Department of Transport and Planning (DTP), Federal and State Members of Parliament, Victoria Police, Public Transport Users Association, Transport for Melbourne, Metro Trains, Victoria Walks, Bicycle Network Victoria, the Whittlesea Bicycle Users Group, local businesses and local schools.

The DTP, Transport for Melbourne, Victoria Walks and the Whittlesea Bicycle Users Group provided a submission. Key highlights from these stakeholders indicated the following priorities: participation for under-represented community groups in walking and cycling, providing additional supporting infrastructure for active transport (including improved crossing facilities), encouraging development around activity centres and advocacy for early bus capable network routes to support growth suburbs.

The Draft ITP also underwent a professional peer review process, in April 2024, which helped to further inform and refine it.

A key highlight from the peer review exercise was around managing expectations for congestion reduction. The implementation of the ITP will assist with improving choices for some trips, but car dependency will likely remain. Future transport infrastructure capacity within the municipality is likely to be similar to today’s levels and population growth is set to continue. The combination of these factors will likely keep congestion levels constant over time or reduce the rate of increase. Therefore, references to ‘reducing congestion’ have been updated to ‘managing congestion’ throughout the ITP.

The ITP has therefore been updated to reflect the feedback received from our community, stakeholders and peer-review exercise. The key updates include:

* Creating a new action under Land Use Integration (1.6) to ‘Encourage intensification of housing and other development within the walkable catchment of activity centres and high frequency public transport stops’.
* Creating a new action under Walking and Cycling (2.3) to ‘Engage with under-represented groups, including our CALD community, to encourage greater participation in walking and cycling’.
* Expanding an existing action under Public Transport (3.5) to include advocating for improved access to Myki ticket machines.
* Creating a new action under Public Transport (3.7) to ‘Advocate for the provision of an early connected bus capable network to facilitate the timely implementation of new bus services commensurate with new residents moving in’.
* Creating a new action (3.8) to ‘Propose local bus priority measures and advocate for bus priority on arterial roads’.
* Creating a new action (4.5) to ‘Investigate improvements to crossing facilities to better ensure that pedestrians can safely cross in one movement (and advocate for this on State Government roads)’.
* Expanding an existing action (6.1) to include ‘investigate options to advocate for e-bike subsidies’.
* Changing references of ‘reducing congestion’ to ‘managing congestion’ throughout.
* Additional text around Council continuing to work in partnership with the DTP in the delivery of new infrastructure to support walking and cycling.
* Additional text around the provision of connected footpaths and safe pedestrian crossings and interim turnaround options for buses in developing estates.
* Adding Bus Rapid Transit potential and school buses as additional public transport advocacy items.
* Including a reference to the role of cargo bikes.
* Acknowledging the linkage between transport and health outcomes.
* Acknowledging the opportunity to better understand young people’s travel patterns.

Further information on the consultation process and results can be found in the Phase 2 Engagement Summary (attachment 1).

# Other Principles for Consideration

**Overarching Governance Principles and Supporting Principles**

(b) Priority is to be given to achieving the best outcomes for the municipal community, including future generations.

Public Transparency Principles

(a) Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of the *Local Government Act* or any other Act.

# Council Policy Considerations

Environmental Sustainability Considerations

Greater walking and cycling participation and fewer car trips.

Social, Cultural and Health

Higher densities will allow a greater number of local and shorter trips by walking and cycling and provide more opportunities for social connections and health benefits.

Economic

Improved accessibility to employment opportunities will lead to reduced commuting levels and reduced car usage.

**Legal, Resource and Strategic Risk Implications**

No implications.

# Implementation Strategy

Communication

The ITP includes an action plan with a short-term, medium-term or long-term timeframe allocated to each action.

Critical Dates

N/A

# Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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.

# Attachments

1. ITP Engagement Summary Report Phase 2 [**5.5.1** - 21 pages]
2. Integrated Transport Plan 2024 – 2034 v 7 [**5.5.2** - 29 pages]