



Agenda

Scheduled Council Meeting

Tuesday 20 May 2025 at 6pm

Council Chamber,
25 Ferres Boulevard, South Morang



**City of
Whittlesea**

Councillors

| | |
|--------------------------------|--------------------|
| Cr Martin Taylor, Mayor | South Morang Ward |
| Cr Daniela Zinni, Deputy Mayor | Bundoora Ward |
| Cr Nic Brooks | Thomastown Ward |
| Cr Blair Colwell | Mill Park Ward |
| Cr Lawrie Cox | Ganbul Gulinj Ward |
| Cr Deb Gunn | Painted Hills Ward |
| Cr Jarrod Lappin | Mernda Ward |
| Cr David Lenberg | Epping Ward |
| Cr Christine Stow | North Ward |

Executive Leadership Team

| | |
|-------------------|--|
| Craig Lloyd | Chief Executive Officer |
| Emma Appleton | Director Planning & Development |
| Agata Chmielewski | Director Community Wellbeing |
| Sarah Renner | Director Customer & Corporate Services |
| Amanda Dodd | Acting 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'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 Council's Governance Team prior to any Council Meeting on (03) 9217 2170.

1 Opening

1.1 Meeting Opening and Introductions

The Chair, Cr Martin Taylor will open the meeting and introduce the Councillors and Chief Executive Officer:

Cr Daniela Zinni, Deputy Mayor

Cr Nic Brooks

Cr Blair Colwell

Cr Lawrie Cox

Cr Deb Gunn

Cr Jarrod Lappin

Cr David Lenberg

Cr Christine Stow

Craig Lloyd, *Chief Executive Officer*

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;*

Amanda Dodd, *Acting Director Infrastructure and Environment;*

Janine Morgan, *Executive Manager Public Affairs;* and

Jacinta Stevens, *Executive Manager Office of Council and CEO.*

1.2 Apologies

1.3 Acknowledgement of Traditional Owners Statement

The Chair 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 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 Council:

- 1. Confirm the Minutes of the preceding meetings, as circulated:**
 - a. Scheduled Meeting of Council held on 15 April 2025; and**
 - b. Unscheduled Meeting of Council held on 24 April 2025.**
- 2. Note the Hearing of Submissions Committee meeting held on 6 May 2025.**

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 Planning Permit Application 719904 to Allow for a Multi Lot Residential Subdivision and Creation of Easements at 158 Barry Road and Downs Road, Lalor

Director/Executive Manager: Director Planning & Development

Report Author: Planning Officer

In Attendance: Manager Building & Planning
Planning Officer

Executive Summary

The purpose of this report is to seek Council's approval of planning permit application no. 719904 for the multi-lot residential subdivision (25 Lots) and creation of easements at 158 Barry Road and Downs Road, Lalor. The application is being presented to Council for decision as the proposal is on Council land.

The proposal (Attachment 1) includes the creation of 25 residential lots, roads and associated infrastructure and creation of a restriction on title to implement design guidelines for the future dwellings (Attachment 2), to ensure the amenity of adjacent residences is upheld and the interface to the Whittlesea Public Gardens is successfully managed.

Whittlesea Public Gardens is located at the western end of Barry Road. The City of Whittlesea Open Space Strategy (2016) nominated the Gardens as one of four most important municipal open spaces within the municipality. The Strategy had identified issues to be addressed in a Masterplan, including an improvement to the visibility and safety by way of upgrading the eastern interface to the park. The *Whittlesea Public Gardens Master plan* (Attachment 3), endorsed by Council on 4 September 2018, proposes to establish a new road and residential development facing onto the Gardens along Downs Road to improve passive surveillance and public safety.

At the Council meeting held on 5 March 2019, Council resolved to undertake the process required to discontinue the land known as Downs Road. Following the community consultation process, at the Council meeting held on 7 May 2019, Council resolved to discontinue the section of Downs Road. Due to a number of amendments to the subdivision application, it was later identified that a section of the existing Sarissa Street, north of the former Downs Road was also to be discontinued to facilitate the proposal.

On 20 November 2024, the Chief Executive Officer, under delegation, authorised the commencement of the statutory process for the discontinuance of part of Sarissa Street, Lalor. Council, at its meeting held on 18 March 2025 resolved to discontinue the final section of Sarissa Street under Section 206 of the *Local Government Act 1989*.

This report details the Council Officers assessment of the proposal against the planning policy of the Whittlesea Planning Scheme, as well as a response to submissions received from public notice of the application.

The site is located within the discontinued road reserve of Downs Road, Lalor and the eastern most portion of Whittlesea Public Gardens. Downs Road was never constructed and is currently a linear area of unused open space to the rear of residential allotments to the east and Whittlesea Public Gardens to the east. The *Whittlesea Public Gardens Masterplan* has identified that passive surveillance onto the park is an important factor to improve the usability and safety of the park, as the current secluded nature from the dense tree planting on the gas easement and rear fences facing the park does not lend to an adequate view and access to the park.

The proposal seeks to subdivide the land previously to be utilised as a road reserve and to construct a north-south road within the Gas Easement which runs directly west of the Downs Road reserve. All lots will front onto Whittlesea Public Gardens, with a street providing separation in addition to car parking along the eastern boundary of the park. The road will enable through traffic from the north to the south, increasing passive surveillance along this otherwise non-active portion of the park.

As a result of the public notice of the application, a total of five submissions were received and one petition with 56 signatures. The submissions lodged detailed concerns with security and passive surveillance, reduction of property values, privacy impacts, loss of amenity, loss of garden view, traffic impact, noise, pollution, loss of ecological values, and health concerns. Concern was also raised about the lack of community consultation.

The proposal is consistent with the objectives of the relevant Planning Policy and the decision guidelines of the Whittlesea Planning Scheme and approval of the application is recommended, subject to conditions. The proposed subdivision appropriately responds to the existing neighbourhood and connects well to the existing road network. The proposal aims to deliver the endorsed *Whittlesea Gardens Masterplan*, by allowing for housing to front the Whittlesea Public Gardens. Design guidelines will be implemented on the proposed residential lots to ensure future constructed dwellings will integrate with the Whittlesea Public Gardens, improve public access and provide for high-quality housing that integrates with the existing residential area.

There are 60 conditions proposed to be included in the planning permit (attachment 4). The conditions are required to ensure good design outcomes; engineering, vegetation management, landscape planting requirements, and the provision of services to the residential subdivision. The design guidelines lodged with the application and amended as conditions seek to respond to concerns raised by the adjacent residents, ensuring amenity is maintained and high-quality residential development is delivered.

Officers' Recommendation

THAT Council:

- 1. Approve Planning Permit Application No. 719904 and issue a Notice of Decision to Grant a Permit for the multi lot residential subdivision (25 lots) and creation of easements in accordance with the endorsed plans and subject to the following conditions within Attachment 4.**
- 2. Note the response to submissions detailed in Attachment 7.**
- 3. Note the inclusion of design guidelines included as a restriction on title to ensure the amenity of adjacent residences is upheld and the interface to the Whittlesea Public Gardens is maintained.**
- 4. Note Council Officers will notify the submitters to the application of Council's decision and provide a copy of the Notice of Decision to Grant a Permit.**

Background / Key Information

Council, at its meeting held on 4 September 2018, endorsed the *Whittlesea Public Gardens Masterplan* which provided a blueprint for redeveloping the park to meet the recreation needs of Lalor's changing community. The Whittlesea Public Gardens Master Plan recommended the establishment of a new road and residential housing facing onto the gardens, along Downs Road, to improve passive surveillance and public safety in the reserve (Attachment 3, page 6).

At the Council meeting held on 5 March 2019, Council resolved to undertake the statutory process required to discontinue the land known as Downs Road. Following the community consultation process, at the Council meeting held on 7 May 2019, Council resolved to discontinue the section of Downs Road under Section 206 of the *Local Government Act 1989*. The Victoria Government Gazette notice was published on 16 May 2019, and later corrected in a subsequent notice issued on 23 July 2020, to include easement rights for Yarra Valley Water. Due to a number of amendments to the subdivision application, it was later identified that a section of the existing Sarissa Street, north of the former Downs Road was also to be discontinued to facilitate the proposal as this was not included in the initial Council approval in 2019. On 20 November 2024, the Chief Executive Officer, under delegation, authorised the commencement of the statutory process for the discontinuance of part of Sarissa Street, Lalor. Council, at its meeting held on 18 March 2025 resolved to discontinue the final section of Sarissa Street under Section 206 of the *Local Government Act 1989*.

Subject Site and Surrounding Area

The subject sites are 158 Barry Road which is land within the Whittlesea Public Gardens and Downs Road, which is a discontinued road reserve.

158 Barry Road Site Description

158 Barry Road is the location of the Whittlesea Public Gardens and has an area of 14.78 hectares. Its facilities include playground, barbecue, basketball ring, walking and bike track, public toilets with accessible toilets, car parking, off-leash dog park and access to Craigieburn Bypass shared path.

The area to be utilised for the subdivision has an APA gas easement and contains a number of planted trees (Attachment 5). The APA gas easement is 35 metres in width and runs along the eastern edge of Downs Road. The gas pipeline runs north-south and a portion of the existing Atarhi Parade is constructed within this easement. APA Group who manages the gas easement has consented for up to 15 metres of the width of the easement to allow for the road construction.

Downs Road Site Description

Downs Road is a discontinued road reserve which measures 20 metres by 433 metres. The land is grassed and is vacant of any structures and significant vegetation. The northern most point of land contains a small portion of constructed road which connects to Sarissa Street and is approximately 184 square metres in size.

Surrounding Area

To the north, east and south of the subject site are residential dwellings on lots from 300 to 600 square metres.

North

To the north is Sarissa Street which provides an east-west connection through to Gillwell Road and to existing residential areas to the north-west. A small portion of road connecting to Sarissa Street has been constructed on the northern most point of the subject site which will be removed as discussed above. Residential lots are located further north of Sarissa Street, with mainly detached dwellings, with a few examples of townhouse development.

East

To the east are a number of lots with the rear backyard fencing directly abutting the proposed subdivision. Benaroon Road, an existing road connection is along the east. These dwellings also form part of an older subdivision that back onto the *Whittlesea Public Gardens*.

South

To the south is Barry Road which provides an east-west connection through to Edgars Road. Further south is the Marran Run housing estate currently in development.

West

To the direct west of the proposed lots is the Whittlesea Public Gardens which includes a number of park facilities. Further to the west of the park is the Craigieburn Bypass.

The nearest bus stops are the 554 and 557 bus routes, with stop located approximately 700 metres to the east along Barry Road. The wider area is serviced by the nearby Edgars Road, a north-south arterial road.

Proposal

This planning permit application proposes a 25-lot residential subdivision within 158 Barry Road, Lalor and the discontinued road reserve of Downs Road (Attachment 1). The application will also include the construction of a north-south local road and the creation of easements to facilitate the subdivision.

The proposal seeks to subdivide the land previously utilised as a road reserve and to construct a north-south road within the Gas Easement which runs directly west of the Downs Road reserve. Proposed Lot 2 through 25 range in area from 306 square metres to 321 square metres and will front the proposed local road, towards Whittlesea Public Gardens. Proposed Lot 1 is 614 square metres and will front onto Sarissa Street.

A proposed 15-metre wide local road will provide separation between proposed lots 4 through 25. The road includes car parking along the eastern boundary. The road will enable through connection to Barry Road and Benaroon Drive and have an extended driveway at the north end abutting lots 2 and 3. The proposed 12-metre-wide extended driveway complies with the shared driveway standard within the City of Whittlesea Neighbourhood Design Manual. The shared driveway is provided with a vehicle turning area to allow for a passenger vehicle to perform a three-point turn, with waste collection to be collected from the kerbside of the proposed local road, rather than within the shared driveway.

The existing 2W Atarhi Parade open space reserve located at the intersection of Atarhi Parade and Sarissa Street will be retained (Attachment 5).

The proposal will require the removal of a number of planted trees to the west of the Downs Road reserve and within the APA Gas Easement. The trees are planted and do not require planning permission to remove and while of a native species, these trees are not deemed to be of a significant quality.

All lots are proposed to be connected to reticulated electricity, water and sewerage; as well as telecommunication and NBN connections. No gas supply is proposed, in line with State Government expectations.

Design Guidelines

The design guidelines (Attachment 2), lodged with the application and amended via conditions, will be included as a restriction on each lot. The purpose of these design guidelines is to provide design outcomes that deliver high-quality public realm, facilitate connection to the *Whittlesea Public Gardens*, achieve appropriately scaled built form, good architectural quality and enable an enduring landscape character.

A minimum five metre rear setback to the rear of the existing dwellings and a minimum three metre front setback will be required for the residential homes. Additional sustainability measures have also been included as conditions to deliver further sustainability outcomes on the site, including sustainable building materials and appropriate landscaping.

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.

Response: The proposed residential subdivision complements the existing residential interface and provides connections to the existing pedestrian and street network, while not negatively affecting the existing street network.

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.

Response: The proposal aims to increase housing in Lalor and enhance public safety to a significant public open space.

Considerations of *Local Government Act (2020)* Principles

Financial Management

The required statutory planning permit application fee has been paid to Council.

Probity

Council is the landowner, and the applicant is Urbis, a planning consultancy firm. Urbis has engaged the services of consultants for the preparation of the application submission documents, which have been further reviewed by Council Officers, with changes made as requested. The application was assessed by the Council Planning Officer based on its merit and against the decision guidelines of the Whittlesea Planning Scheme.

Community Consultation and Engagement

Notice of the application was given in accordance with the *Planning and Environment Act 1987*, which sets out the minimum requirements. For this application, advertising was extended for an additional two weeks due to the Christmas and End of Year Holiday period.

Public Notice and Submissions

Public notification was undertaken which included two signs, one located on the southern boundary facing Barry Road and one sign located on the northern boundary facing Sarissa Street. 54 letters were posted to surrounding residents and landowners (Attachment 6). The letters were sent on 11 December 2024 and the notice sign was displayed on the site from the 13 December 2024 to 7 January 2025.

Five submissions and one petition with 56 signatures were received as a result of the public notification. Council Officers have considered the submissions received and a response is provided in this report (Attachment 7).

Submissions and Response

Loss of security and surveillance

One submission was received due to the proposed development obscuring views to the park for the residents on Killara Street, Network Drive and Benaroon Drive. The perceived loss of public surveillance for these dwellings would therefore impact security risks.

Response: Downs Road (discontinued road reserve) is a very poor interface to the Whittlesea Public Gardens and rear fences backing onto the Whittlesea Public Gardens do not provide for passive surveillance to the gardens. The proposal allows for residential lots and a street to front onto the Whittlesea Public Gardens which will improve passive surveillance, public safety and increase pedestrian activity with access to the gardens which is in line with the recommendation of the *Whittlesea Public Gardens Masterplan*.

Property Values

A total of three submissions were received relating to perceived decreases in property values as a result of amenity impacts and loss of privacy.

Response: The *Planning and Environment Act 1987* does not require the Responsible Authority to consider property values when making planning decisions. Instead, it emphasises factors such as sustainable development, environmental protection, and community well-being.

Privacy

Five submissions were received relating to the concern of privacy impacts to the future residential dwellings. Specifically, concerns with the loss of privacy in their balconies and backyards.

Response: Overlooking matters have been addressed in the *Whittlesea Public Gardens - Residential Edge Design Guidelines*. The Design Guidelines establish that any overlooking must be designed to comply with Clause 54.04-6 (Overlooking objective) in the *Whittlesea Planning Scheme*.

Loss of Amenity

Three submissions with concerns regarding the loss of amenity were submitted. Specifically, this related to the loss of views to the Gardens, reduced access to sunlight and overshadowing as a result of any development west of the existing dwellings on Killara Street, Network Drive and Benaroon Drive.

Response:

- *Loss of views to the Whittlesea Public Gardens:* Prior decisions by the Victorian Civil and Administrative Tribunal (VCAT) have established principles to guide the consideration of development impacts on existing views enjoyed by established residents. Notably, while there is no legal right to a view, the VCAT has emphasised the importance of reasonably sharing views among residents. Any views into the Gardens itself are currently mostly obscured by the vegetation planting and rear back fences.
- *Reduced access to sunlight and increased overshadowing:* The proposed building envelope on all residential lots abutting existing dwellings Killara Street, Network Drive and Benaroon Drive will have a five-metre rear setback as per the design guidelines. This will ensure that all future dwellings are well setback from existing dwellings, therefore not impacting on access to sunlight and overshadowing of existing dwellings and private open space.

Traffic Impact

All five submitters provided a response regarding the impact of traffic, specifically due to the increase of vehicular traffic impacting congestion on local roads and intersections.

Response: A Traffic Impact Report has been prepared by the proponent and reviewed by Council's engineers. The report confirms that the existing street network has sufficient capacity to accommodate this increase without causing undue congestion. Specifically, the proposed residential subdivision is expected to generate a total of approximately 25 vehicle movements during the peak periods, and 218 daily vehicle movements, both of which are expected to be comfortably accommodated by the proposed road and existing road network. The proposal includes 3 traffic calming devices in the form of speed humps to reduce vehicle speed and encourage low-speed movements.

Car Parking and Safety

There is one submission related to a reduction in car parking, as well as concern for the safety of the roads if both sides of the street are utilised for parking.

Response: A total of 39 indented car parking bays will be provided on the western side of proposed Downs Road and no car parking bays on the eastern side. The 39 car parking bays is considered sufficient to provide for additional car parking for the residents. The road reserve is 15 metres wide and designed to accommodate two-way traffic. Existing car parking for visitor to Whittlesea Public Gardens is located within the park itself, located at the end of Barry Road.

Noise and Pollution

There are four submissions relating to noise and pollution. Specifically in relation to the potential of the proposed road to create noise disturbance and pollution due to increased vehicle users, as well as the width and lack of preventative measures to dissuade local drag racing. Additionally, there were concerns regarding the impact to existing residences during the construction phase of the development.

Response: The proposed traffic calming devices will ensure the road is kept as a low-speed local road. The road operating speeds will be consistent with Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements.

Noise during construction is governed by Environmental Protection Authority legislation (1934.1: Civil construction, building and demolition guide) which seeks to eliminate or reduce the risk of harm to human health and the environment during construction. Additionally, a Site Environmental Management Plan will be required prior to commencement of construction and will be managed by Council's Asset Protection Officers.

Loss of Ecological Values

Four submissions were received in relation to loss of vegetation along the eastern boundary of the Whittlesea Public Gardens and will result in reduction in negative impacts on local flora and fauna.

Response: The vegetation to be removed as part of the proposal is planted and while native, is not of a significant quality. The requirements to obtain a planning permit does not apply to planted vegetation under Clause 52.17 (Native vegetation) of the *Whittlesea Planning Scheme*. Landscape embellishment and tree planting, including the provision of street trees, will be delivered as a part of the development upon the completion of the street.

Health Concerns

There were two submissions in relation to health concerns, specifically the negative health implications as a result of the loss of green space. Concerns also related to air quality, mental health, physical activity, and social isolation, as well as increased urban heat island effect.

Response: The proposal improves on the interface to the Whittlesea Public Gardens and will include additional street tree planting within the proposed road. The tree removal along the eastern boundary of the Whittlesea Public Gardens will alter the interface to the residential area, however it is foreseen that the removal of trees will increase the passive surveillance and improve on interaction to the Whittlesea Public Gardens in-line with the *Whittlesea Public Gardens Masterplan*. Additionally, the design guidelines will require new trees within each lot, one in the front yard and one to the rear.

Lack of Community Consultation

Two submission raised concerns for the perceived lack of community consultation and engagement with local residents.

Response: The application was advertised in accordance with the *Planning and Environment Act 1987*. 54 letters were sent to adjoining landowners and occupiers to the subject site and included two signs, one located on the southern boundary facing Barry Road and one sign located on the northern boundary facing Sarissa Street (Attachment 6).

Additionally, other Council projects related to the *Whittlesea Public Gardens Master Plan*, approved in 2018 have been communicated to residents. The road discontinuation application approved at a Council meeting on 18 March 2025 was advertised concurrently and included a wider update on the *Master plan* project.

Referrals

The following referral authorities were provided notice of the application in accordance with Section 55 of the *Planning and Environment Act 1987*:

- APA Group - No objection, subject to conditions.
- AusNet - No objections, subject to conditions.
- Department of Transport and Planning - No objection, no conditions.
- Fire Rescue Victoria - No objection, subject to conditions.
- Melbourne Airport - No objections, notation provided.
- Melbourne Water - No objection, subject to conditions.
- Yarra Valley Water - No objections, subject to conditions.

All conditions recommended by the referral authorities are supported by Council Officers.

As part of the assessment process, the traffic report, storm water management plan and urban design guidelines were referred to internal departments for assessment. Below is the response.

Traffic Report

The Traffic Report was assessed by Council engineers who confirmed the proposal addresses Council's engineering standards for vehicle movement. The proposed street is a 15-metre wide local access road with traffic calming devices to maintain a low-speed environment. The proposed 12-metre wide shared driveway allows for a vehicle turning area and complies with Council's Neighbourhood Design Manual. 39 car parking spaces will be provided on the western side of the street which will allow for one visitor car parking space per dwelling.

Stormwater Management Plan

The Stormwater Management Strategy was assessed and requires minor revisions. The revisions are detailed within condition 2 (Attachment 8).

Design Guidelines

The Design Guidelines included recommendations to improve sustainability and design outcomes. Condition 5 (Attachment 8) requires a few additional requests for greater sustainability by requiring lighter colour materials, preferences for native vegetation planting and prohibiting synthetic turf. Amendments to the Design Guidelines will also require high-quality materials to be included in the design, at the suggestion of Council's Urban Design team.

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.
- (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.
- (b) Council information must be publicly available unless—
 - (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.

Council Policy Considerations

Environmental Sustainability Considerations

The proposed subdivision will adhere to environmental sustainability considerations, by providing an opportunity to create sustainable, well-integrated housing that supports additional connections to the Whittlesea Public Gardens and design guidelines which facilitate canopy tree planting within the front and rear setbacks of each future dwelling.

The Design Guidelines will include measures to increase the overall sustainability outcomes of each dwelling, including vegetation planting guidelines and the provision of light colour materials to mitigate the urban heat island effect.

Social, Cultural and Health

The proposed subdivision will contribute to the community by providing new housing options that face onto Whittlesea Public Gardens, promoting connection and safety. The development aims to enhance public safety by improving passive surveillance to the parkland, which is expected to have positive effects on the safety of park users.

Economic

The development of residential lots for dwellings is expected to generate increased economic activity through the construction phase through additional jobs and the proposal would allow for greater housing diversity and choice. The introduction of new residents to the area will also have long-term benefits, such as increased local spending in the local economy.

Legal, Resource and Strategic Risk Implications

The process for the planning permit application is in accordance with the *Planning and Environment Act 1987*. The recommendation of this report is for approval which opens the opportunity for a submitter to apply to the Victorian Civil and Administrative Tribunal (VCAT) for review of the decision.

Planning Assessment

Planning Policy Framework

The proposal is consistent with the Planning Policy Framework, particularly regarding the policies relating to urban growth, settlement and infrastructure.

- Clause 11.02 (Managing Growth) of the Whittlesea Planning Scheme seeks to *ensure the availability of land for residential development and to create functional, attractive and safe urban environments*.

Response: The proposal provides for additional residential lots within an established area which has access to existing services and infrastructure.

- Clause 13.02 (Bushfire) of the Whittlesea Planning Scheme seeks to *strengthen community resilience to bushfire and grassfire and protect environmental and cultural values*.

Response: The application was referred to Fire Rescue Victoria who raised no objection subject to conditions.

- Clause 15.01 (Urban Environment) seeks *to create a safe, functional and walkable neighbourhood with access to existing vehicle and pedestrian connections*. Clause 15.01-1S and Clause 15.01-1L (Urban design) contains strategies which seek to provide further guidance on how to create liveable neighbourhoods. Clause 15.01-3S and Clause 15.01-3L (Subdivision design) is specific for this subdivision application and includes such strategies as providing links to parks, designing new subdivisions that are compatible with adjacent land uses and integrating with the surrounding environment and land use.

Response: The subdivision will activate the eastern edge of the Whittlesea Public Gardens, which currently has poor connectivity and passive surveillance given the existing dwellings back onto the park. The layout logically integrates with the existing subdivision network and extends existing pedestrian and vehicle connections where available.

- Clause 18.02 (Movement Networks) of the Whittlesea Planning seeks *to facilitate an efficient and safe walking network* (Clause 18.02-1S) and *facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure* (Clause 18.02-4S).

Response: The proposal provides for safe and efficient road and pedestrian connections that connects to existing infrastructure.

- Clause 19.03 (Development Infrastructure), specifically Clause 19.03-2S seeks *to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community*.

Response: Condition 28 requires a public open space contribution which goes towards the provision of public open space infrastructure. The rate is 5% of the land value.

- Clause 15.03-2S (Aboriginal Cultural Heritage) seeks *to require protection and management of significant Aboriginal heritage sites*.

Response: The subject land is located within a culturally sensitive area which can include registered Aboriginal cultural heritage places, as well as landforms and land categories that are generally regarded as more likely to contain Aboriginal cultural heritage. A Cultural Heritage Management Plan has been prepared and approved, which includes an assessment of the potential impact of the proposed activity.

It outlines measures to be taken before, during and after an activity in order to manage and protect Aboriginal cultural heritage in the activity area should artifacts be found during development.

Zones

General Residential Zone - Schedule 5 (Clause 32.08)

Part of the site falls within the General Residential Zone (Attachment 8). The purpose of this zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-3 of the Whittlesea Planning Scheme a permit is required to subdivide land in the General Residential Zone.

Public Use Zone - Schedule 6 (Local Government) (Clause 32.08)

Part of the site falls within the Public Use Zone. The purpose of the zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Schedule 6 specifies that the purpose of the Public Use Zone is for Local Government purposes.

Pursuant to Clause 36.01-2 of the Whittlesea Planning Scheme a permit is required to subdivide land.

Overlays

Design and Development Overlay - Schedule 2 (Clause 43.02)

The site is partially affected by the Design and Development Overlay (Schedule 2). The purpose of the overlay is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Schedule 2 relates to the *Hume Freeway – Metropolitan Ring Road to the north of Craigieburn*.

Pursuant to Clause 43.02-3, a permit is required to subdivide land within the Design and Development Overlay.

Melbourne Airport Environs Overlay Schedule 2 – Clause 45.08

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that land use and development are compatible with the operation of Melbourne Airport in accordance with the relevant airport strategy or master plan and with safe air navigation for aircraft approaching and departing the airfield.*
- *To assist in shielding people from the impact of aircraft noise by requiring appropriate noise attenuation measures in dwellings and other noise sensitive buildings.*
- *To provide for appropriate levels of noise attenuation depending on the level of forecasted noise exposure.*

Pursuant to Clause 45.08-3, a permit is required to subdivide land, with Schedule 2 specifying that each lot must be at least 300 square metres.

Development Contributions Plan Overlay - Schedule 3 (Clause 45.06)

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the preparation of a development contributions plan for the purpose of levying contributions for the provision of works, services and facilities before development can commence.*

Particular Provisions

Easements, Restrictions and Reserves – Clause 52.02

The purpose of the provision is:

- *To enable the removal and variation of an easement or restrictions to enable a use or development that complies with the planning scheme after the interests of affected people are considered.*

Pursuant to Clause 52.02, a permit is required under Section 23 of the *Subdivision Act 1988* to create an easement and a reserve.

Public Open Space contribution and subdivision – Clause 53.01

A public open space contribution is required to be made as part of any application to subdivide land at rates according to the Schedule to Clause 53.01. This requirement will be included as a condition on any permit that is issued.

Officer Recommendation

The proposal for the 25-lot subdivision and creation of easements is consistent with the Planning Policy Framework, General Residential Zone, Public Use Zone, Design and Development Overlay, Melbourne Airport Environs Overlay, Development Contributions Plan Overlay and the relevant particular provisions of the Whittlesea Planning Scheme.

The proposal has been designed to logically connects with the existing residential area and will provide for greater surveillance to Whittlesea Public Gardens.

An application to subdivide residential land in a General Residential Zone must meet the decision guidelines of the zone, the decision guidelines of Clause 65 of the Whittlesea Planning Scheme and the requirements of Clause 56 (Residential Subdivision) of the *Whittlesea Planning Scheme* (Attachment 9).

The Clause 65 decision guidelines are as follows:

| Decision Guideline | Response |
|---|---|
| The suitability of the land for subdivision | The land is located within the residential zone which envisages moderate housing growth. Given the location in an existing residential area with access to existing services and infrastructure, the proposal will integrate to the surrounding area and provide for a positive interface to the Whittlesea Public Gardens. |
| The existing use and possible future development of the land and nearby land. | It is not anticipated that the proposal will impact development opportunity on surrounding land uses which is either residential or public open space. |
| The availability of subdivided land in the locality, and the need for the creation of further lots. | Demand for housing in Metropolitan Melbourne is strong, particularly in established suburbs. This is in line with the State Government plans. |
| The effect of development on the use or development of other land which has a common means of drainage. | The proposal does not impact on the wider drainage strategy for the corridor. The application was referred to Melbourne Water who is the drainage authority. They did not object to the grant of a permit subject to conditions. |

| Decision Guideline | Response |
|---|---|
| The subdivision pattern having regard to the physical characteristics of the land including existing vegetation. | <p>The subdivision pattern has been designed in a way that responds to the physical characteristics of the site and provides for a positive interface to the Whittlesea Public Gardens.</p> <p>The vegetation to be removed as part of the proposal is planted. The requirements to obtain a planning permit does not apply to planted vegetation under Clause 52.17 (Native vegetation) of the Whittlesea Planning Scheme. Opportunities exist for landscape embellishment, including the provision of street trees upon the completion of the road.</p> |
| The density of the proposed development. | The lots are considered to be a standard density size, with lots over 300 square metres, which is similar to surrounding residential lots. |
| The area and dimensions of each lot in the subdivision. | The area and dimension proposed can accommodate a standard sized dwelling in the future. |
| The layout of roads having regard to their function and relationship to existing roads. | The road layout will ensure that connections are provided through to Barry Road and Benaroon Drive. |
| The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots. | Pedestrian and vehicle movements throughout the subdivision will be via the proposed new 15-metre-wide road, which will connect through to the existing roads and footpath networks. Additionally, pedestrian connections will be provided to Whittlesea Public Gardens. |
| The provision and location of reserves for public open space and other community facilities. | The proposal will have direct access to the Whittlesea Public Gardens. |
| The design and siting of buildings having regard to safety and the risk of spread of fire. | The application was referred to Fire Rescue Victoria who did not object to the grant of a planning permit subject to conditions. |
| The provision of off-street parking. | 39 indented car parking spaces are provided on the western side of the road. |
| The availability and provision of utility services, including water, sewerage, drainage, electricity, and, where the subdivision is not a residential subdivision, gas. | All services will be provided, except gas. As of 1 January 2024, all new dwellings are prohibited from connecting to reticulated natural gas. |

| Decision Guideline | Response |
|---|---|
| Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas. | The native vegetation proposed to be removed is planted and therefore exempt from the requirement of a planning permit. Due to the road layout, the vegetation could not be retained, if the vegetation was retained, it would make the subdivision unviable. |

Implementation Strategy

Communication

If the planning permit application is approved and a Notice of Decision to Grant a Permit is issued, all objectors to the application will receive a copy of the notice, including proposed conditions/recommendations.

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. Subdivision Plan [5.1.1 - 1 page]
2. Whittlesea Public Gardens Design Guidelines [5.1.2 - 8 pages]
3. Whittlesea Public Gardens Master Plan [5.1.3 - 21 pages]
4. Conditions [5.1.4 - 19 pages]
5. Site Context Plan [5.1.5 - 1 page]
6. Advertising Map [5.1.6 - 1 page]
7. Submission and Officer Response Table [5.1.7 - 9 pages]
8. Zoning Map [5.1.8 - 1 page]
9. Clause 56 [5.1.9 - 18 pages]

LEGEND

- Site Boundary
- Residential Lots
- Landscape Reserve

LAND BUDGET

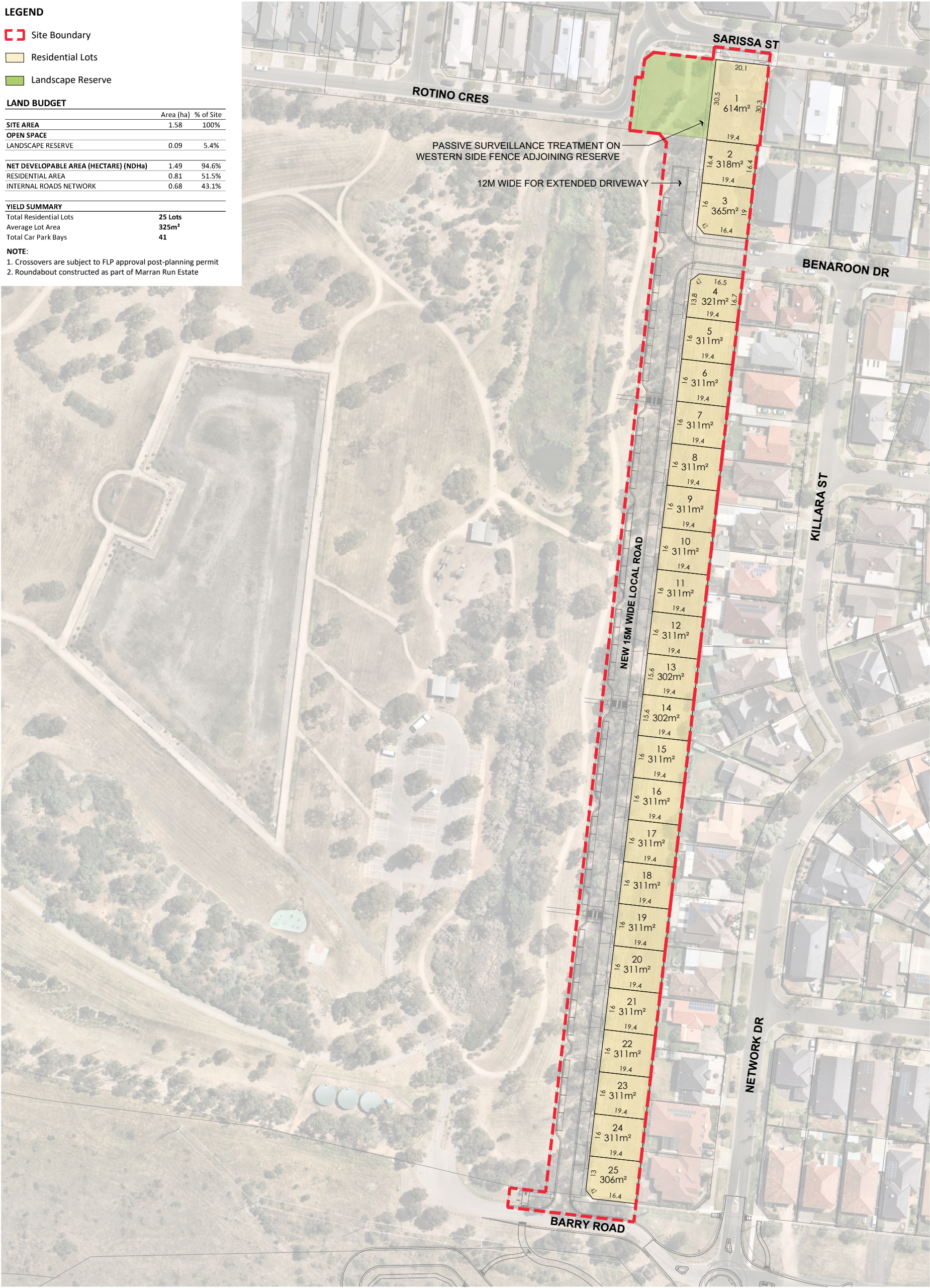
| | Area (ha) | % of Site |
|---------------------------------------|-----------|-----------|
| SITE AREA | 1.58 | 100% |
| OPEN SPACE | | |
| LANDSCAPE RESERVE | 0.09 | 5.4% |
| NET DEVELOPABLE AREA (HECTARE) (NDHa) | 1.49 | 94.6% |
| RESIDENTIAL AREA | 0.81 | 51.5% |
| INTERNAL ROADS NETWORK | 0.68 | 43.1% |

YIELD SUMMARY

| | |
|------------------------|-------------------|
| Total Residential Lots | 25 Lots |
| Average Lot Area | 325m ² |
| Total Car Park Bays | 41 |

NOTE:

1. Crossovers are subject to FLP approval post-planning permit
2. Roundabout constructed as part of Marran Run Estate



Whittlesea Public Gardens Residential Edge
Concept Plan of Subdivision

Level 12, 120 Collins Street | Melbourne VIC 3000 AUSTRALIA | +61 3 8663 4888 | URBIS Pty Ltd | ABN 50 105 256 228

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CLIENT
City of Whittlesea

1:1,250 @ A3
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PROJECT NO.
P0016047
DRAWING NO.
01

DATE
03.12.2024
REVISION
F

WHITTLESEA PUBLIC GARDENS - RESIDENTIAL EDGE

DESIGN GUIDELINES

3rd December 2024

INTRODUCTION

The following design guideline has been developed in support of the Planning Application for the residential land that forms the eastern edge of the Whittlesea Public Gardens.

Overarching objectives:

The development outcome along this interface is to deliver on the following overarching objectives:

- Provide a positive edge to the Whittlesea Public Gardens that provides passive surveillance of the park and improves safety in the area.
- Provide improved public access to the park including public access for vehicles and pedestrians and visual access into the Gardens.
- Provide a high-quality residential edge that overlooks the park and is designed to sensitively integrate with the surrounding residential area.

This guideline has been developed to ensure that an optimal outcome is achieved that addressed the items above. The guideline includes items under the following headings:

Part 1: Public Realm

- Streetscape and access
- Connection to Whittlesea Public Gardens

Part 2: Built form and private development

- Urban Character and Setbacks
- Built Form
- Landscape Character
- Private Open Space

SITE AND CONTEXT

The site occupies a thin slither of residentially zoned land between the Whittlesea Public Gardens and an existing low-density residential area that turns its back on the parkland edge. The area to the north of the parkland has been developed more recently and includes lots that face onto the park using an edge road interface. Figure 1 provides an overview of the site conditions that these guidelines have been developed in response to.



Figure 1. Context analysis



PART 1: PUBLIC REALM

STREETSCAPE AND ACCESS

Principle:

Provide an attractive streetscape that creates public access and car parking for the Whittlesea Public Gardens as well as an appealing residential address.

Outcomes:

- Two-way vehicle access is to be provided along the new street that connects into the surrounding street network including Barry Road, Benaroon Drive and Rotino Crescent.
- Parallel car parking is to be provided along the western side of the street to provide additional car parking for the Whittlesea Public Gardens.
- Parallel car parking is to be balanced with street tree planting by providing a tree outstand every 4-7 car parking spaces.
- Street trees are to be provided on the eastern side of the street.
- The use of recycled materials for road and pavements is encouraged.
- Efficient street lighting and the use of solar street lights is encouraged.

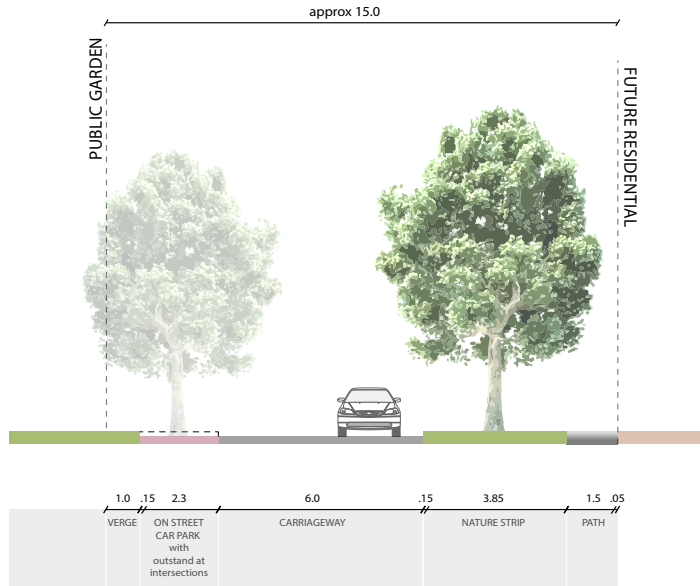


Figure 2. New street cross section

CONNECTION TO WHITTLESEA PUBLIC GARDENS

Principle:

Respond to the Whittlesea Public Gardens by providing pedestrian connectivity into the parkland and promoting built form that overlooks the Gardens and provides passive surveillance.

Outcomes:

- Pedestrian connections to the pathways identified within the Whittlesea Public Gardens master plan must be provided including pedestrian links that cross the new north south edge road to the parkland into the surrounding residential community
- Two storey development is encouraged along the eastern edge of the parkland. This includes providing windows and balconies at the upper level that face onto the street and the park.

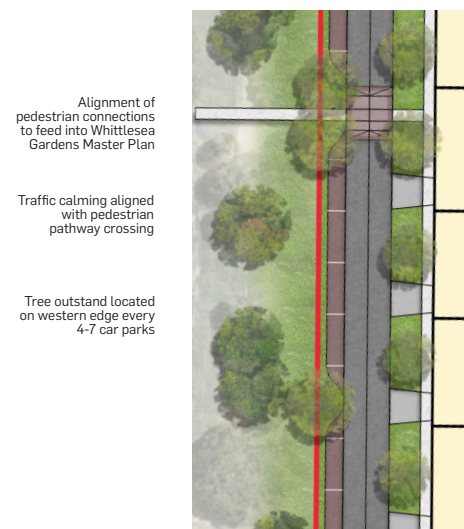


Figure 3. Key elements of new street cross

PART 2: BUILT FORM AND PRIVATE DEVELOPMENT

URBAN CHARACTER AND SETBACKS

Principle:

Support a preferred neighbourhood character that considers the surrounding neighbourhood character and maintains a sense of openness and separation between built form by providing generous setbacks.

Outcomes:

- Dwellings are to include:
 - 3 metre front setback
 - 5 metre rear setback
 - Build to southern boundary (excluding lots 1, 3 and 25) (see Figure 11 for lot plan).
- Garages are to be:
 - Setback a minimum of 0.5m behind the front dwelling facade
 - Located on the built to boundary wall
 - Not more than 40% of the width of the façade
- Car ports are not permitted.

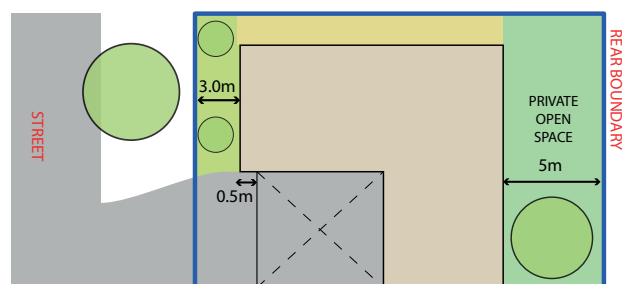


Figure 4. Setbacks and lot configuration

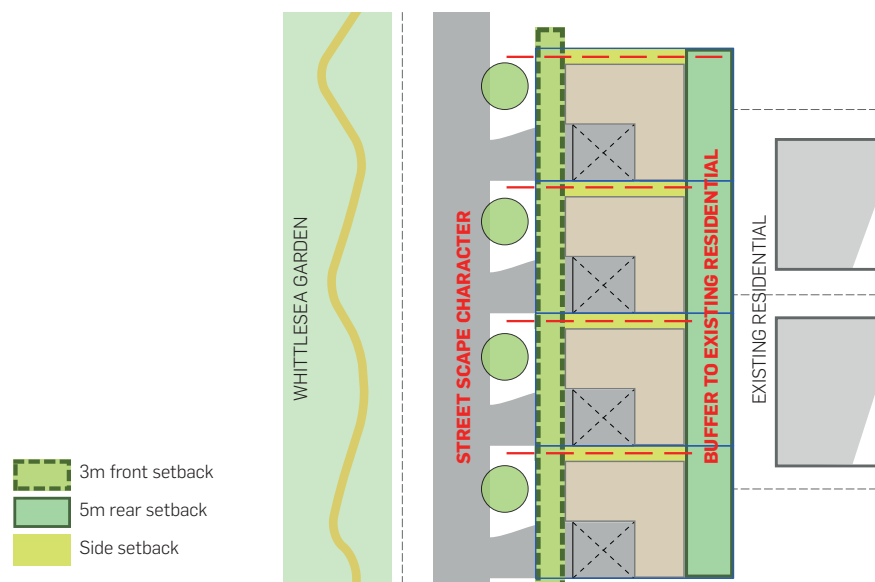


Figure 5. Urban grain

BUILT FORM

Principle:

Encourage contemporary building designs with variation and breaks in building form to soften the visual bulk of development.

Roof design:

- Built form should include an expressed roof structure to soften the mass of the building and include elements such as eaves, hipped or gabled roof forms.
- Roof forms should be considerate of the architectural rhythm of the street so that they can be not too disruptive or distracting.
- It is encouraged that roof colour is light to mitigate the heat island effect.

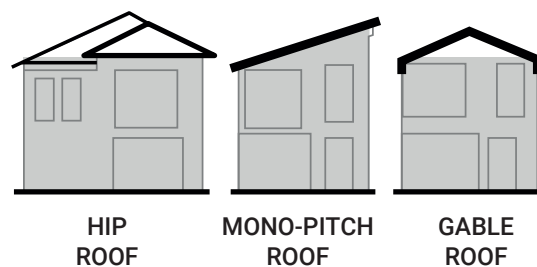


Figure 6. Roof design

Façade design and articulation

- The façade is encouraged to have good articulation, and to include recesses and extrusions to provide three dimensional articulation of the street interface. Flat façades where windows and façade elements are on the same flush line are discouraged.

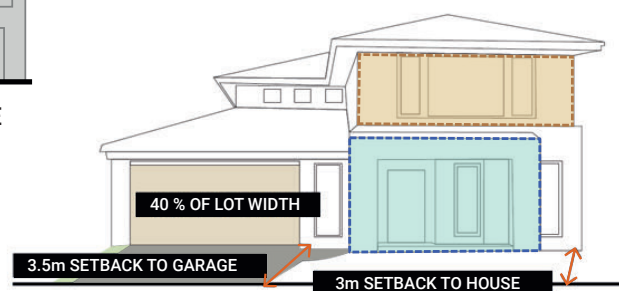


Figure 7. Façade design and articulation

- Upper level recesses
- Lower level extrusions

Passive surveillance

- Built form is encouraged to be 2 storeys. Any overlooking must be designed to comply with Standard A25, Clause 54.04-6 in the Whittlesea Planning Scheme unless otherwise agreed by the Responsible Authority. See extract of the standard below:

A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling or small second dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

- Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or
- Have sill heights of at least 1.7 metres above floor level, or
- Have obscure glazing in any part of the window below 1.7 metres above floor level, or
- Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be open provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

- Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.
- Permanent, fixed and durable.
- Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary

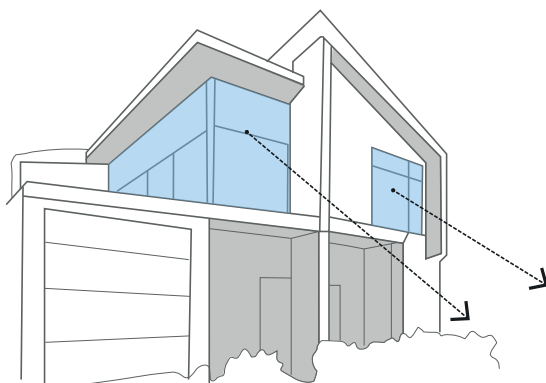


Figure 8. Passive surveillance

where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.

- The front façade is to include windows and entrances on the ground floor and prominent windows and balconies on the first floor to provide openings to the street and provide built form overlooking the street and parkland.

Materials

- A minimum of 2 materials are to be used on the front façade of built form, including face brickwork, timber cladding, stone and render. Consideration should be given to materials that reflect the local context and are complementary to the parkland setting such as using a natural colour pallet with subdued tones.
- Prioritise robust materials that require less maintenance to remain presentable and functional.
- Provide a vertical connection between upper and low-level materials.
- Avoid large expanses of blank wall or homogeneous material
- A maximum of 4 materials are to be used on the front façade of built form.

Utility Integration

- Additional items that will be on the roof should not be positioned in view from the street where possible, for example, evaporative cooling units, TV aerials, rain water tanks etc (excluding solar panels).

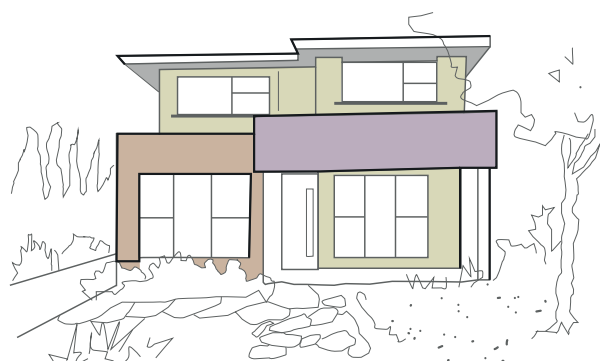


Figure 9. Materials

LANDSCAPE CHARACTER

Principle:

Improve landscape character by providing generous landscaping including canopy trees in the streetscape and in rear setbacks to soften the visual impact of development.

Landscaping:

- A minimum of one street tree is to be provided in front of each dwelling.
- A minimum of one canopy tree is to be provided in the 5m rear setback.
- The front garden is to include landscape treatments that contribute to a green character and soften the visual impact of the built form, including shrubs and, where possible, small trees.

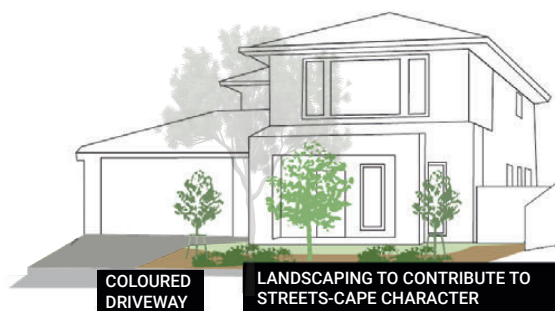


Figure 10. Landscaping

Fencing

- Front fences are discouraged along the front boundary line. Front fences should be located along the line of the building and should not protrude into the front setback to ensure the landscape setting is not interrupted.

Driveways

- The area of paving and other hard surfaces in the front garden should be minimised.
- It is encouraged that the driveway colour is light to mitigate urban heat island effect.

Ancillary structures

- Ancillary structures and elements must be located to the rear or side of the building so that they are not readily visible from the public realm. This includes items such as:
 - Rubbish bin storage areas.
 - Washing lines
 - Hot water systems
 - Any water storage tanks
 - Swimming pools
 - Spa equipment
 - External plumbing other than that for rain water
 - Solar panels
 - Satellite dishes and TV aerials.

OPEN SPACE

Principle:

Encourage functional secluded private open space at the rear of the dwelling through its orientation and design.

Outcome:

- Private open space is to be provided in the 5m rear setback.

PLEASE NOTE:

Lots 16 to 25 affected in DDO2 will be subject to future planning approval for construction of dwelling under Clause 43.02-2 in the Whittlesea Planning Scheme unless otherwise agreed with Department of Transport Planning and Responsible Authority.

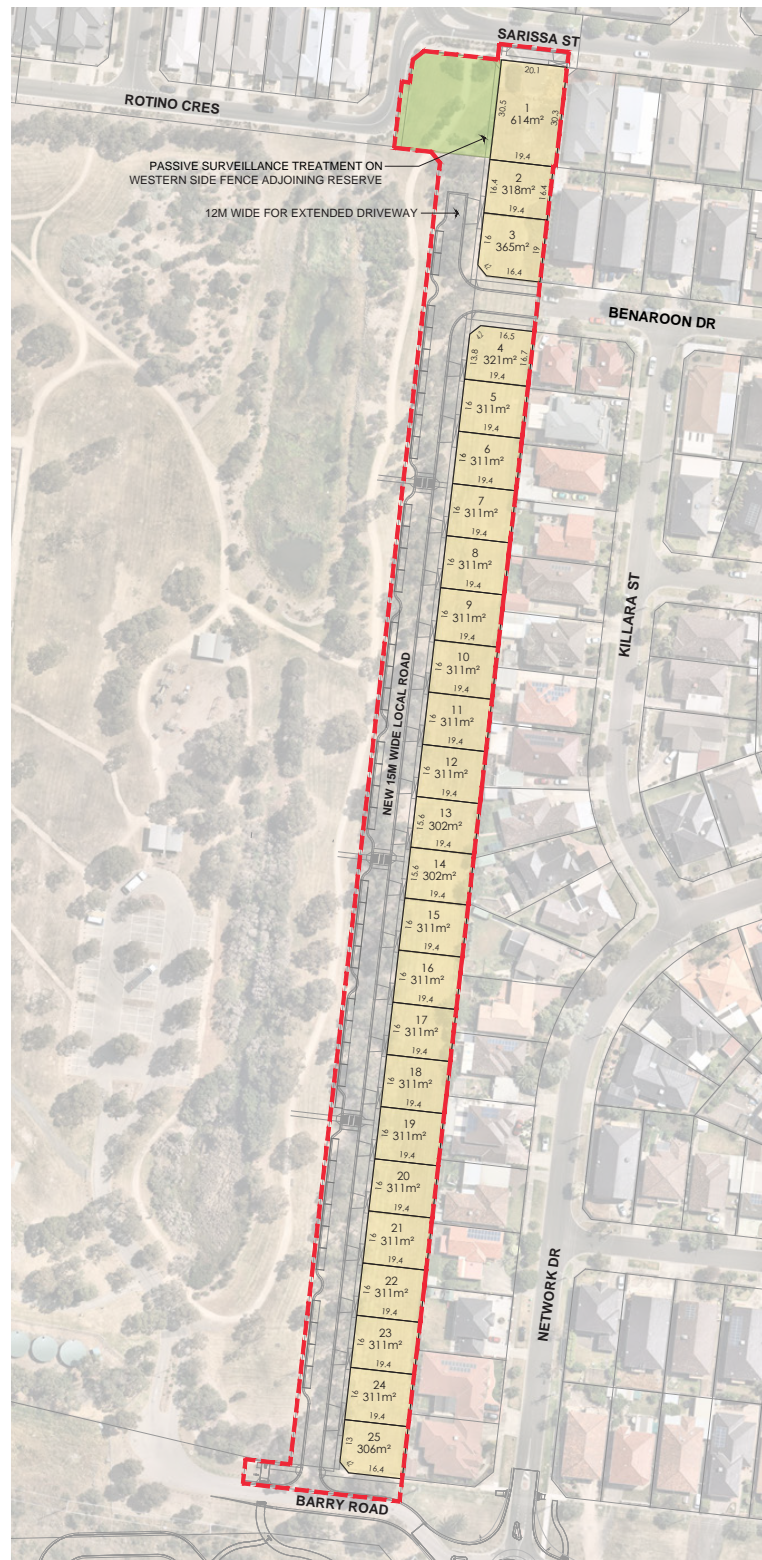


Figure 11. Lot Layout Plan



WHITTLESEA PUBLIC GARDENS

MASTER PLAN

JULY 2018

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The *Whittlesea Public Gardens Master Plan* has been prepared for **Whittlesea City Council** by **Thompson Berrill Landscape Design P/L**.

| Version | Revision | Date |
|---------------|----------|-----------|
| Draft | V1 | Oct 2017 |
| Revised Draft | V2 | May 2018 |
| Final | V3 | July 2018 |

Figures and Plans

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Introduction

Whittlesea Public Gardens is a 14.78 hectare reserve located in Lalor at the western end of Barry Road.

The Gardens and lake were opened to the public in 1994 and hosted the popular Whittlesea Community Festival from 1998 up until this year.

Following completion of the Hume Freeway Craigieburn Bypass in 2004 the City of Whittlesea developed a Master Plan to guide further development of facilities at the Gardens. Implementation of this plan included installation of the public toilet, playground, picnic shelter and extensive planting. However persistent drought conditions dried out the lake and damaged the liner such that it could not sustain permanent water.

More recently, as new residential development proceeded to the north, a series of water quality treatment wetlands were completed and new facilities such as the dog off leash park and fitness station have been added to bring new users to the park.

The City of Whittlesea Open Space Strategy nominated Whittlesea Public Gardens as one of four most important municipal open spaces within the municipality. The Gardens will provide open space for the expanding local community as well as the main eastern visitor access point into the 650ha Merri Creek *Marran Baba* Parklands. Following completion of the final missing link in Merri Creek Trail between Bolinda Road and Mahoneys Road, the Gardens will also form the start/end point of the 21km Merri Creek Trail providing off road pedestrian and cycling access all the way to the Melbourne CBD attracting increasing regional visitation.

The Open Space Strategy identified the following key issues to be addressed in the development of the new Master Plan:

- Improvement to the landscape character and quality to broaden the appeal and use of the Gardens;
- Continue to seek State Government funding of facilities for the regional visitors and;

- Improvement to the visibility and safety by way of upgrading the eastern interface to the park.

The Master plan will inform the Council's capital works program, funding applications and priorities for infrastructure renewal, replacement and redevelopment and over the next decade. Key objectives for the Master Plan include:

- Create an iconic regional park for the northern suburbs and gateway/destination within the Merri Creek *Marran Baba* Regional Parklands;
- Support existing local community use and improve access to the Gardens.
- Provide new open space facilities to cater for the expanding local community and to attract new visitors to the area
- Improve public safety and reduce opportunity for illegal activities and vandalism of new and existing facilities.
- Improve parkland interface treatment including removal of redundant security fencing.
- Develop an integrated water management strategy to resolve the future of the former lake, uses for harvested/recycled stormwater and enhancement of existing wetlands.
- Upgrade and expand the existing playground, BBQ and picnic facilities
- Upgrade/replace the existing toilet facility and improve security and safety.
- Upgrade the existing path network to improve all weather, all ability access.

- Provide new way finding and interpretive signage regarding cultural and environmental values.
- Renew existing planting and update vegetation management to improve sustainability, diversity and public safety.
- Ensure the spatial arrangement of the existing and new facilities maximises opportunities for community events and festivals.
- Designate differential levels of service for different open space areas within the Gardens to minimise ongoing maintenance and asset renewal costs.
- Integrate future residential development to enhance the Gardens environment.

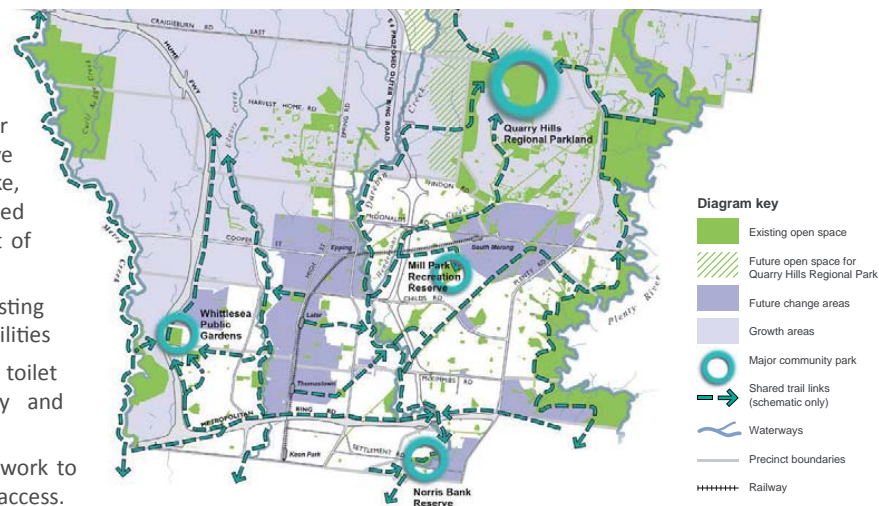


Figure 1: Major Community Parks (Whittlesea Open Space Strategy 2016)

Project Process

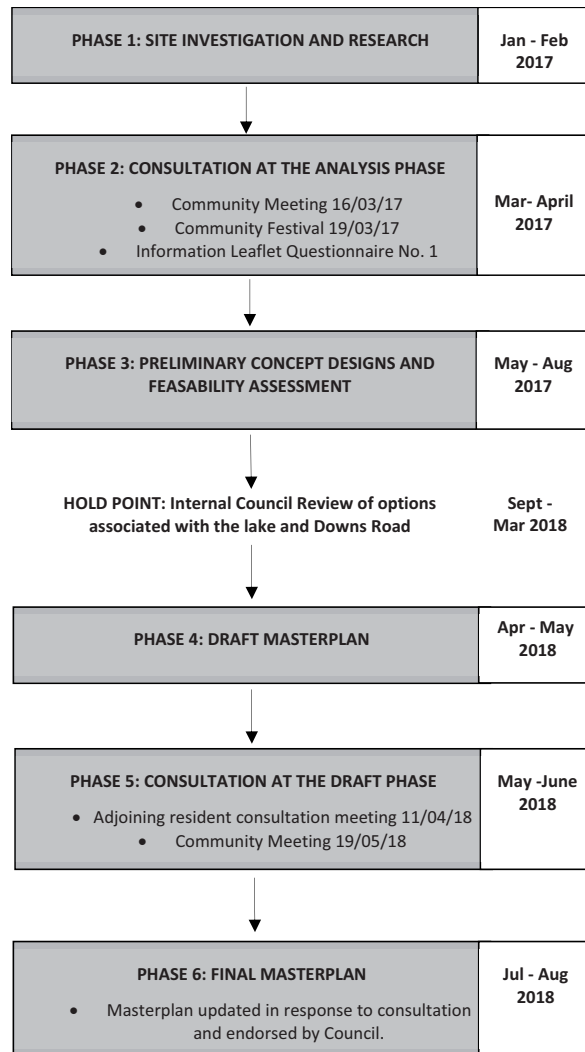


Figure 2: Project Process Flowchart



Council Strategies and Plans

A number of existing strategic planning documents, policies and strategies have influenced the development of The Whittlesea Public Gardens Master Plan. These have been reviewed and have informed key directions recommendations relevant to the Master Plan Appendix 1.

Melbourne Water

- Shared Pathway Guidelines

Parks Victoria

- Merri Creek Marran Baba Parklands: Strategic Management Plan

City of Whittlesea

- Shaping Our Future Whittlesea 2030 Strategic Community Plan
- Recreation Strategy 2012-2017
- Open Space Strategy 2016
- Playspace Planning Framework and Policy 2013-16
- Spaces 8 to 12+: Creating Engaging Places for Young People
- Dog Off-leash Area Policy and Management Plan 2016-2026
- Multiple Sports Strategy 2017-2026
- Natural and Built Shade Policy/Heatwave Plan

Open Space Context

Merri Creek begins in the foothills of the Great Dividing Range and flows for 60 kilometres to its confluence with the Yarra River at Dights Falls in Abbotsford. Merri Creek *Marran Baba* Parklands extend along a 15 kilometre stretch of Merri Creek south from Craigieburn to Lalor covering an area of approximately 650 hectares of public open space. The parklands fall within two local government areas, City of Whittlesea and City of Hume, with the majority of land under direct management of Parks Victoria and Melbourne Water.

The Hume Fwy Craigieburn Bypass forms a barrier along the eastern boundary of the parklands for residents in Lalor and Thomastown. Whittlesea Public Gardens is the gateway and largest developed open space on the eastern side of the creek with direct access to the parklands and Merri Creek Trail via the concrete shared pedestrian-bicycle path bridge over the freeway. Following completion of the final missing link in the Merri Creek Trail between Bolinda Road

and Mahoneys Road the Gardens will become the start-end point for the 21km Merri Creek Trail providing continuous off road shared cycling access right through to the Melbourne CBD.

RGC Cook Reserve has two soccer fields, pavilion, toilets and playground. The reserve is connected to the gardens by an unsealed walking path and is used for overflow public parking during major events such as the Community Festival. Links between the RGC Cook Reserve and the Gardens will eventually be upgraded to a sealed shared trail improving off road access for existing residents in Thomastown and new residential development planned south of Barry Road along the freeway.

Mosaic Recreation Reserve is being upgraded to include two new soccer pitches with associated community pavilion, carparking and sportsground lighting. The reserve is linked to the gardens via Sarissa Street and Rotino Crescent.

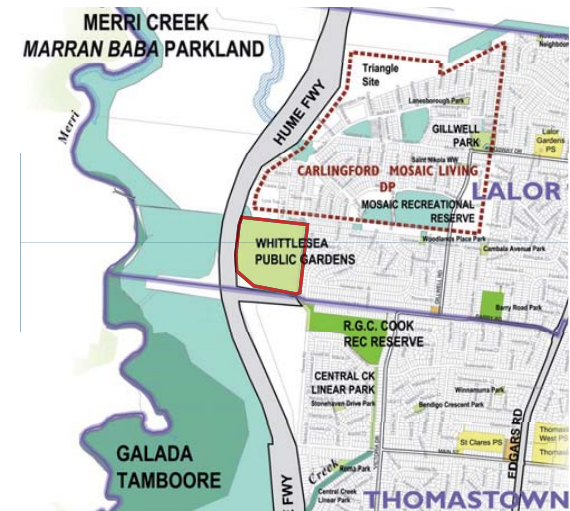


Figure 3: Open Space Context (Whittlesea Open Space Strategy 2016)



Figure 4: Regional Context - Merri Creek Marran Baba Parklands

Community Consultation

Community Consultation at the Analysis Phase included:

Community Stakeholder Workshop#1 Thursday 16/3/17
from 6:00pm – 8:00pm at the Lalor Library.

Community Festival Consultation Information Stall Sunday
19/3/17 from 11:00am – 6:00pm at Whittlesea Public
Gardens.

Information leaflet and questionnaire #1 was prepared
to seek feedback from the local community to inform
preparation of the Draft Whittlesea Public Gardens Master
Plan.

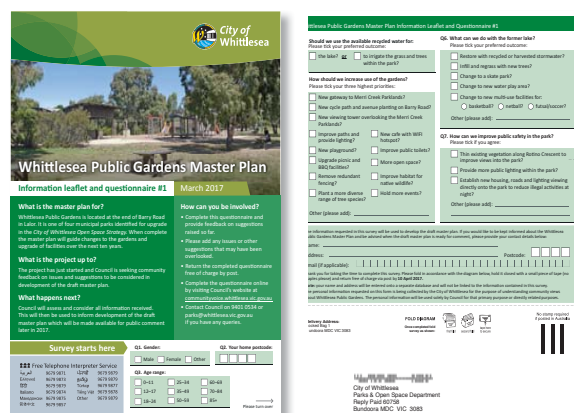


Figure 5: Information leaflet and questionnaire #1 March 2017

A total 214 questionnaires were completed and returned
by closing date of 10/4/2017. 45 Questionnaires were
completed by visitors to the festival.

Where did respondents come from?

43% Lalor

26% Thomastown

24% Other postcodes

7% Not completed

How should we use available recycled water?

- Restore The Lake (48%)
- Irrigate the grass and trees in the park (48%)

**Top five responses to how should we increase use of the
Gardens?**

- Improve paths and lighting (45%)
- Upgrade picnic and BBQ facilities (41%)
- New playground (35%)
- New café with WiFi hotspot (31%)
- Improve public toilets (29%)

What should we do with the former lake?

- Restore with recycled or harvested stormwater (30%)
- Change to a water play area (26%)
- Change to new multi-use facilities for basketball, netball,
futsal/soccer (18%)
- Infill and regrass with new trees (16%)
- Change to skate park (4%)
- Other (5%)

What type of multi-use facility would you like to see?

- Futsal/Soccer (58%)
- Basketball (26%)
- Netball (13%)

How can we improve public safety in the park?

- Provide more public lighting (68%)
- Establish new housing, roads and lighting viewing directly
onto the park to reduce illegal activities at night (43%)
- Thin existing vegetation along Rotino Crescent to improve
views into the park (23%)
- Other (11%)

This feedback was considered by Council in development of
the Draft Master Plan.

Community Consultation on the Draft Master Plan included:

Downs Road Local Resident Consultation Wednesday
11/3/18 from 7:30-9:00pm at Barry Road Community
Activity Centre. The drop in session was held to notify
adjoining residents of the potential for new residential
development on Downs Road so they could ask questions
and find out more information about the proposed
changes from Council Officers prior to the release of the
Master Plan.

Following the local resident meeting, the Whittlesea Public
Gardens Draft Master Plan was exhibited for public display
to obtain wider community comment and feedback on the
20 recommendations during April and May. This included:

- Letter drop including a copy of the draft master plan to
1,400 properties within a 1km radius of The Gardens
- Letter or email including a copy of the Draft Master Plan
issued to 55 community groups or organisations
- Social media posts on various platforms
- Inclusion in the weekly Leader Council Column
- Presence on the City of Whittlesea – Have Your Say
website
- Interactive map via Social Pin Point to allow specific
comments on key recommendations
- A pop-up session with Council Officers on 19th May at
the reserve between 11am and 1pm.
- Sign boards erected at the entrances to the reserve.

Community feedback received during the public exhibition
phase was considered in finalisation of the Master Plan.
The feedback received from the community demonstrated
support for the proposed recommendations. There were
seven objections to the establishment of a new road and
residential housing along Downs Road Road Reserve. This is
however a key strategy for improving safety in the Gardens
and other respondents demonstrated their understanding
of this both at the analysis and Draft Master Plan phases.

Land Management and Planning Controls

Whittlesea Public Gardens is owned and managed by Whittlesea City Council. The site is zoned Public Use Zone - Local Government (PUZ6) in the Whittlesea Planning Scheme. The undeveloped Downs Road Reserve on the eastern boundary of the gardens is zoned General Residential (GRZ1).

The Hume Freeway and undeveloped section of Barry Road are owned and managed by VicRoads. The wide Barry Road Reserve allows for potential future duplication and connection to the Hume Freeway.

Council manage two parcels of undeveloped Crown Land as committee of management on either side of the Barry Road Reserve along the freeway. The Merri Creek *Marram Baba* Parklands is managed predominantly by Parks Victoria. Melbourne Water manage Merri Creek and Galada Tamboore.

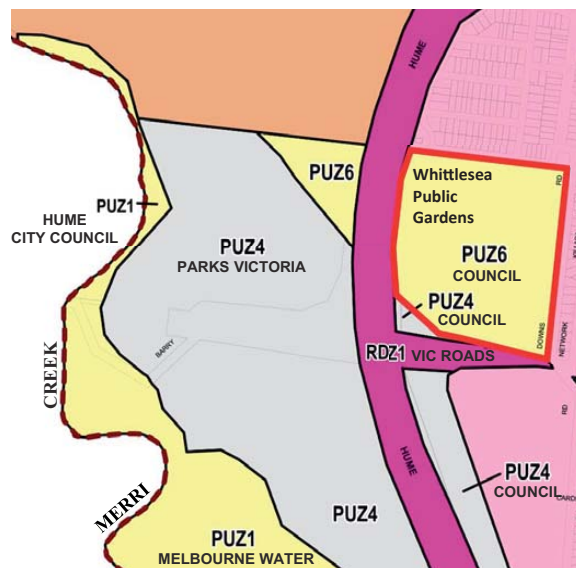


Figure 6: Existing Land Management (Whittlesea Planning Scheme)

Design and Development Overlay (DDO):

The Design and Development Overlay (DD02) applies to 135-161 Barry Road and the former Downs Road Reserve. The overlay is to ensure the development of the land establishes high quality housing with density and lot sizes that are generally compatible with the predominant residential character in the surrounding area, has proper regard to the Downs Road reserve and high-pressure gas easement, and provides high quality native vegetation and environmental conservation outcomes.

Melbourne Airport Environs Overlay (MAEO2)

Whittlesea Public Gardens and Downs Road are included in the Melbourne Airport Environs Overlay (MAEO2). This overlay indicates areas subject to moderate levels of aircraft noise. A permit is required to construct a building or construct or carry out works for a use in this area.



Figure 7: Melbourne Airport Environs Overlay (Whittlesea Planning Scheme)



Photo 1: Downs Road Reserve

Existing Services

There is a high-pressure gas pipeline and easement located along the Downs Road Reserve and eastern boundary of the Gardens.

The pipeline is managed by the APA Group and future development of Downs Road will require changes to this easement.

There are high voltage electricity transmission lines located along Barry Road and the southern boundary of the gardens. Vegetation below the lines is actively maintained to minimize fire risk.

There is a Telstra Mobile phone tower located in the north west corner of the Gardens at the end of Rotino Crescent.



Photo 2: Existing High Voltage Transmission Lines

Existing Conditions



Figure 8: Existing Conditions Plan



Photo 3: Former Lake



Photo 4: Existing Picnic Area and Playground



Photo 5: Existing Car park

Site Access and Parking

CAR PARKING

The main car park is accessed from Barry Road. The car park is sealed with lighting and has 58 line marked spaces with one disabled car parking space. It allows for long vehicle and coach access but does not have dedicated long vehicle parking spaces.

The car park is not visible from adjoining roads or properties. Gates have been used to restrict after hour access however these are frequently left open and have proven ineffective in controlling vandalism and anti-social behaviour within the reserve.

During major events such as the Whittlesea Festival open grass areas along east of the wetlands and at RGC Cook Reserve are used for overflow parking. Downs Road is fenced off and not used during events.



Photo 6: Main car park



Photo 7: Community festival overflow parking at RGC Cook Reserve

BARRY ROAD MAIN ENTRY

The main entry into the Gardens is from Barry Road. There is no signage identifying the gardens and extensive security fencing and the off set alignment creates a poor sense of arrival for visitors.

The western end of Barry Road Reserve is owned and managed by VicRoads. It is unlikely that an on/off link to the Hume Freeway will be provided in this location and therefore Barry Road is also unlikely to be duplicated.

There is no shared trail link in to the park and only an unsealed walking path connection through the RGC Cook Reserve.



Photo 8: Barry Road Main Entry

ROTINO CRESCENT

Rotino Crescent is located along the northern boundary of Whittlesea Public Gardens.

Approximately 13-15 on street parking spaces are available along Rotino Crescent however parking on the Gardens side of the street can restrict access for through traffic.



Photo 9: Rotino Crescent

PUBLIC TRANSPORT

The closest train station to Whittlesea public gardens is Lalor station, located 3.5km east along Barry Road. There is a public bus service connecting to the station.

The closest bus stop for bus services 554 and 557 is the corner of Barry Road and Victoria Drive, approximately 800m from the Gardens main entry.

RECOMMENDATIONS:

- Upgrade the popular path link from Sarissa to Barry Road to concrete and install new lighting and seating. Safety and security on this path will be improved by thinning of vegetation and establishment of the new residential housing facing onto the Gardens along Downs Road. Refer page 16.
- Realign the entry road to provide access to new residential development and to improve passive surveillance into the Gardens from passing vehicles. Remove redundant fencing and improve path links through to RGC Cook Reserve and along Barry Road.
- Establish an off road shared trail/cycle path and avenue tree planting along Barry Road to improve links and entry to the Gardens.
- In partnership with Parks Victoria and the Wurrundjeri seek to commission a new gateway/entry sculpture at the end of Barry Road as the main entry to the Merri Creek Parklands.
- Establish a small off street public car park (3-5 spaces) with access from Rotino Crescent.
- Advocate for re-routing of the 554 or 557 bus service on Barry Road to include the Gardens to improve links to Thomastown and Lalor Railway Stations.
- Liaise with VicRoads to confirm future management of the Barry Road Reserve at the Freeway.

Lake and Wetlands

FORMER LAKE

The existing lake is located in the middle of Whittlesea Public Gardens. It has an estimated area of 5,500m² and a capacity of 1.65ML with a continuous concrete wall to all sides. The lake has two inlet connections to the west and an outlet connection to the stormwater drainage system to the east, it receives inflow from only a small catchment area within the Gardens west of the lake.

Average inflow from the lake catchment is approximately only 1.05ML/year and with evaporation the lake is expected to be dry for 50% of the time without the use of potable water. The lake is oversized compared to its catchment and during water restrictions of the early 2000 period, without access to potable water, the lake dried out and the clay liner became compromised. This means the lake does not successfully hold water for long periods even when there is inflow from the catchment after rainfall.

The existing lake design also does not meet contemporary standards for sustainable water quality. The turnover of water in the lake is poor and risk of algal blooms high with no wetland recirculation system and limited area for aquatic planting to improve and manage water quality.

WATER TANKS

The Gardens have access to harvested stormwater from the Melbourne Markets Stormwater Harvesting and Reuse system. The stormwater is pumped from a large underground concrete storage tank (3ML) at the Mosaic

Recreational Reserve to three above ground 85KL storage tanks located at the southern entry of the Gardens, near the Barry Road entry. Two pumps installed in the Mosaic Recreational Reserve wet well pump water via a rising main to the above ground tanks within the Gardens. They are filled slowly during the day and can store several days of irrigation supply for sports fields. The tanks can be topped up with potable water from the local main water supply when needed.

The tanks could provide irrigation water for the Gardens as well as the two sports fields at RGC Cook Reserve however there is no irrigation system currently operation and there is no current allocation of this water to the lake or to the Gardens.

WETLANDS

The constructed wetlands located along the eastern boundary form the upper catchment of Central Creek and treat urban stormwater runoff from the Mosaic Estate, located north of Rotino Crescent.



Photo 10: Existing Water Tanks



Photo 11: Former Lake

The wetlands are not connected to the lake and existing levels mean a gravity feed connection is not possible. Pumping water from the wetlands at the southern end after treatment could be used to restore the lake however modelling indicates the lake will still be too big in its current form to establish a healthy ecosystem.



Photo 12: Existing Wetlands

RECOMMENDATIONS:

- Reinststate only the southern end of the lake (smaller in size with stormwater harvesting/recirculation system utilising the existing wetlands to ensure all year round sustainability.
- Infill the central section of the former lake to provide a direct land bridge between the playground and open grass areas west of the lake with additional seating areas overlooking water
- Establish two new multi-use hard courts with night lighting within the northern section of the former lake. Retain the existing lake concrete edging to enclose the courts and act as a low seating wall and provide an additional picnic shelter overlooking the courts. Refer page 19.
- Longer term, as visitation increases investigate establishment of a new café/community facility at the southern end of the lake and free WiFi in the park (subject to a detailed business case).

Park Infrastructure

To promote and encourage use of open space Whittlesea Public Gardens is one four key existing open space reserves selected to become destination community parks. The upgrade will focus on providing facilities that encourage informal and unstructured recreation activities and increased use of open space. Key requirements include a regional playground, multiuse courts, fitness stations, picnic/barbecue facilities, public toilets and car parking. The works must incorporate universal access and design principles and cater to and promote contemporary events and celebrations that target all age groups in a high quality and distinctive landscape setting. The majority of existing facilities at the Gardens were established almost 20 years ago and will need to be upgraded/replaced to meet this requirement.

PLAYGROUND

The existing playground area at Whittlesea Public Gardens is ideally suited for upgrade to a regional playspace. The site adjoins existing picnic, toilet and car parking facilities and can be expanded north and west to increase the footprint and incorporate established mature trees and opportunities for more diverse play equipment utilising grade changes adjoining the former lake embankment. Redevelopment of the lake to establish the proposed land bridge and multiuse courts will also provide a more direct connection from the playspace to large open grass areas west of the lake.

Regional playspaces are large, signature playspace that have



Photo 13: Existing Playground

special physical and natural qualities that will attract users from all parts of the municipality and beyond and provide facilities that allow for stays of a half to a full day. Generally regional playspaces have a theme or features that makes the playspace unique, not just within the municipality but within the region. They provide a broad range of play opportunities through a diverse selection of activities catering for all ages and abilities providing universal access for all. They are designed to cater for all of the four main play types: physical, social, creative and cognitive with a specific focus on natural and landscaped elements.

Concept development for a new nature based regional playground at the Gardens will incorporate cultural and environmental themes/elements associated with the adjoining Merri Creek *Marran Baba* Parklands.

However, new play equipment is expensive to install and maintain and the current lack of passive surveillance of the playground, picnic and toilets will likely result in higher levels of vandalism and cost. These issues should be addressed prior to redevelopment of the playground. Refer page 16.

TOILET FACILITY

There is an existing toilet facility located between the playground and carpark. It includes separate male and female toilets and accessible facilities. The building is twenty years old and has suffered significant wear and tear and needs upgrade/replacement.



Photo 14: Existing Toilet block

There is significant amount of timber in the structure and complete replacement may be more cost effective than attempting to refurbish the existing facilities.

PICNIC SHELTER

The large existing timber picnic shelter is constructed in timber and matches the distinctive architectural style of the toilet block and playground. The electric BBQ and adjoining playground make this a popular facility for larger group and family gatherings.

The establishment of a new regional playground and future completion of the Merri Creek Trail will significantly increase use of the Gardens and additional picnic and BBQ facilities will be required.



Photo 15: Existing Picnic Shelter and BBQ

FITNESS STATION

The fitness station is located at the southern end of the park next to the basketball half court. It is a full gym consisting of stretch station (step up, push up, stretch post), rowing machine, cycle seat, dip bars, cross trainer, stepper and ab cruncher. There is no path connection or shade at this area.

Park Infrastructure



Photo 16: Existing Fitness Station

BASKETBALL HALF COURT

The basketball half court is located next to the fitness station. This is the only available equipment for teenagers and young adults in the park. There is no seating or path connection.



Photo 17: Existing Basketball half court

DRINKING FOUNTAIN

There are new stainless steel drinking fountains located at the playground and dog off leash area.



Photo 18: Existing Drinking Fountain

WALKING PATHS

There are a range of unsealed circuit walking paths within the Whittlesea public gardens. The north south walking path link from Sarissa Street to Barry Road is the most popular path within the Gardens and connects into the playground. A lack of lights and dense vegetation in close proximity to the path and playground contribute to public perceptions of a lack of safety on this path.



Photo 19: Existing Walking Paths

OFF LEASH DOG AREA

The large dog off-leash area is located at the southern end of the park adjoining the unused Barry Road Reserve. The fenced area is over 8,000sqm with a single entry/exit gate system to enforce control and management of the area.

This popular fenced off leash dog area enables dogs and their owners to walk/run within a controlled and safe environment, providing important healthy and social interaction for owners and dogs alike. This can potentially reduce behavioral problems such as nuisance barking and roaming around the Gardens.



Photo 20: Existing Off Leash Dog Area

RECOMMENDATIONS:

- Upgrade the popular path link from Sarissa Street to Barry Road to concrete and install new lighting and seating.
- Support continued use of the Gardens for festival and major events.
- Replace and expand the existing playground to a regional park standard.
- Provide direct land bridge between the playground and open grass areas west of the lake to maximise available space and connectivity within the park.
- Replace the existing public toilets with a new all abilities public toilet and a Changing Places facility to meet current standards.
- Retain and resurface existing unsealed walking path network to improve all weather access.
- Add new seats and another dog water bowl to the dog off lead area
- Establish two new multi-use hard courts with night lighting within the northern section of the existing lake. Retain the existing lake concrete edging to enclose the courts and act as a low seating wall and provide an additional picnic shelter overlooking the courts for spectators.
- Provide new picnic facilities including additional shelters and BBQs for large family and community groups.
- Upgrade existing signage and consider renaming of the reserve to Lalor Public Gardens.

Community Festival and Events

COMMUNITY FESTIVAL

The Whittlesea Community Festival was held at the Gardens in March/April for twenty years until 2017. At its peak the festival attracted up to 15,000 people annually, with visitors attending from all parts of Melbourne.

Established overstorey trees, large areas of open space and expansive overflow parking at RGC Cook Reserve mean the Gardens will continue to be an important site for community events. However the following issues have been identified with major events at the Gardens:

- Melbourne Airport flight path restrict use of fireworks during evening events.
- Lack of connection to public transport.
- Existing dry lake reduces amenity and restricts connection to larger open grass areas on the western side or the Gardens.
- Area can be exposed to the elements with a lack of shelter for larger and smaller events.

The Master Plan recommendations seeks to address these issues and the Gardens will continue to be the main event space for the south west section of the City of Whittlesea.



Photo 21: Connection to overflow parking at RGC Cook Reserve

PARK RUN

Parkrun is held every Saturday in the Gardens from 8.00am. A free event organised by volunteers runners start/end at the Gardens and complete a 5km circuit along the freeway shared trail. Proposed upgrades to the path network in Merri Creek Parklands will also enable extension of the run into more natural areas. Increased use of the Gardens as the start/end point for organised running and fitness groups including local schools is expected following completion of the 4km off road circuit around Galada tamboore. Refer Figure 4.

RECOMMENDATIONS:

- Support continued use of the Gardens for festivals and major events.
- Provide new picnic facilities including additional shelters and BBQs for large family and community groups.
- Advocate for improved access to public transport via extension of bus routes (554 and 557 bus service).
- Extend off road pedestrian cycle links along Barry Road.
- Improve direct pedestrian connection between the picnic area and open grass areas by infilling the central area of the lake to improve connection to other open grass areas.
- As part of new public toilet/changing place development review and upgrade provision of event power supply.



Photo 22: Lalor Park Run



Photo 23: Community Festival 1998



Photo 24: Community Festival 2017

Environmental and Cultural Heritage Values

ECOLOGICAL CONTEXT

The Merri Creek corridor provides important habitat and connectivity for a range of flora and fauna species. Merri Creek *Marran Baba* Parklands contain some of the best and largest remaining examples of grasslands that once covered the plains to the north of Melbourne. This vegetation community is protected under the Flora and Fauna Guarantee Act (FFG Act) as Western (Basalt) Plains Grassland and the Environment Protection and Biodiversity Conservation Act (EPBC Act) as Natural Temperate Grassland of the Victorian Volcanic Plains. Establishment of the Hume Freeway separated Whittlesea Public Gardens from the Merri Creek corridor however remnant areas of grassland can be found within the north western section of the gardens and south along the eastern edge of the freeway.



Photo 25: Existing Shared Trail Link over Hume Fwy

The Galada Tamboore Gorge is regarded as one of the most distinctive topographical features of the Merri Creek catchment and a major landscape feature within northern Melbourne. It is a site of State significance for its geology and geomorphology. It is an example of exposed unconformity between basalt and Silurian bedrock. The vegetation, geology and aquatic values of the parkland provide a diversity of habitats for numerous fauna species, ranging from common species to critically endangered species. The wide expanses of grassland support a large population of Eastern Grey Kangaroos. These can be viewed roaming freely within 25km of the Melbourne CBD less than a 5 minute walk from the Gardens.

The proposed completion of a second bridge across the Merri Creek by Parks Victoria near Horne Street will enable visitors to the Whittlesea Public Gardens to complete extended walking loop and immersive environmental experience of just over 4km (1hr) through the remnant grasslands and around the Galada Tamboore basin via the gorge.



Photo 26: Barry Road Gorge



Photo 27: Merri Creek Grasslands



Photo 28: Merri Creek Grasslands

CULTURAL HERITAGE

The Whittlesea Public Gardens are located within the traditional 'Country' of the Wurundjeri Willum clan, part of the Woiwurrung language group. The Wurundjeri Tribe Land and Compensation Cultural Heritage Council is the Registered Aboriginal Party for the area including the Merri Creek *Marran Baba* Parklands. Whilst much of the Gardens has been subject to significant ground disturbance with past establishment of the Hume Freeway, constructed wetlands and ornamental lake the Merri Creek Parklands contains numerous cultural heritage places as well as scar trees, stone artefacts and fragments or debris which are evidence of toolmaking processes registered with the Office of Aboriginal Affairs Victoria (OAAV). This connection of place, spirit and history continues for the Wurundjeri community today and the Gardens, as the main eastern entry and to the Merri Creek *Marran Baba* Parklands and start/end point of the Merri Creek Trail, provide an opportunity to acknowledge this ongoing connection and provide further information to visitors regarding cultural heritage values of Wurundjeri.

Other sites of cultural significance within walking distance of Whittlesea Public Gardens include the ruins of the Barber & Son Flour Mill (c1849), located near Merri Creek just north of Mahoneys Road, and the remains of dry stone walls, a cobbled road and pipe crossing at the termination of Barry Road on the Merri Creek.



Photo 29: Native grassland areas at west end of Rotina Crescent

Gardens Vegetation Management

There has been extensive indigenous revegetation undertaken at the Gardens since the mid 1990's. Planting includes a mix of Yellow Gum *Eucalyptus leucoxylon*, Yellow Box *Eucalyptus melliodora*, River Red Gum *Eucalyptus camaldulensis*, Blackwood *Acacia melanoxylon*, Lightwood *Acacia implexa* and Sheoak *Allocasuarina verticillata* and the Gardens has an established framework of overstorey trees. However infill shrub planting to the park perimeter including Hedge Wattle *Acacia paradoxa*, Sweet Bursaria *Bursaria spinosa*, Tree Violet *Melictytus dentata*, Bottlebrush *Callistemon sp.* and Swamp Paperbark *Melaleuca ericifolia* around the wetlands and adjoining the playground has in some areas become very dense, limiting views into and along paths within the Gardens impacting on passive surveillance and perceptions of public safety within the reserve.

The constructed wetlands, form the upper catchment of Central Creek and have become well established with a diverse mix of indigenous sedge, rush and aquatic marsh species. The wetlands perform both a water quality treatment function and provide important habitat for wildlife including a range of frogs and birdlife. Other grass areas within the gardens become extremely dry over summer. This has enabled protection and recovery of some native grassland patches however in high use recreational areas in and around the picnic area the lack of sustainable grass cover reduces public amenity and useability of these areas.

RECOMMENDATIONS:

- Thin and selectively remove existing thick shrub vegetation to improve sightlines and passive surveillance throughout the entire reserve.
- Protect existing grassland conservation areas and improve habitat links.
- Establish new recycled water irrigation system for selected open grass areas and to enable establishment of more diverse tree planting within the gardens.



Existing view from Rotino Crescent



Rotino Crescent proposed vegetation thinning



Existing views to playground from Downs Road



Proposed vegetation thinning at playground

Passive Surveillance and Public Safety

Initial establishment of Whittlesea Public Gardens required use of continuous chainmesh fencing around the perimeter to protect the park from illegal motorbike and other off road vehicle use. The Hume Freeway sound walls mean there are no direct views into the Gardens on the west side. Motorbikes continue to use the bridge and completed sections of the Merri Creek Trail to access the Gardens from Campbellfield and there are several well-worn tracks indicating a high frequency of use. Motorbikes can access the same areas as bicycles so there is no method to restrict motorbike access without disadvantaging genuine users of the Gardens and path network.

The alignment of the entry from Barry Road and dense planting means that there are no views into the main car park from adjoining roads or houses. Gates are used to restrict after-hours access however rates of vandalism and other illegal activities are far higher at Whittlesea Public Gardens than at other similar sizes reserves across the city. Community consultation indicates that the impact of these activities on facilities and a general perception that the area is unsafe prevent many residents and other visitors from coming to the Gardens.

DOWNES ROAD

The unused Downs Road reserve forms the eastern boundary of the Gardens. This grass area extending from Sarissa Street right through to Barry Road is fenced and not currently zoned or used as public open space. Removal of the fencing and thick perimeter vegetation to establish a new road and residential development facing onto the Gardens along Downs Road will improve passive surveillance and public safety at key areas around the toilet block, car park and playground. The use of double storey housing is preferred with views focused west out over the adjoining wetlands and further into the Gardens with restricted views from the second storey east into the backyards of existing adjoining properties along Network Drive and Kilara Street. Revenue generated by Council from sale of the road reserve as housing can be reinvested in the new facilities proposed for the Gardens.

ROTINO CRESCENT

Recent completion of new residential development along Rotino Crescent has established some houses facing directly onto the Gardens. However views from these houses into the Gardens are obstructed by dense perimeter planting. Thinning vegetation along Rotino Crescent will improve views to the northern path network there is no view through to the more vulnerable areas of the Gardens around the toilet block, car park and playground from this side.



Photo 30: Existing Downs Road Reserve



View A: Views to wetlands north along Downs Road



View A: New path, lighting and residential development along Downs Road

Passive Surveillance and Public Safety



View B: Views to wetlands south along Downs Road



View B: View south to new path, lighting and residential development along Downs Road



View B: Evening view south to new path and lighting along Downs Road

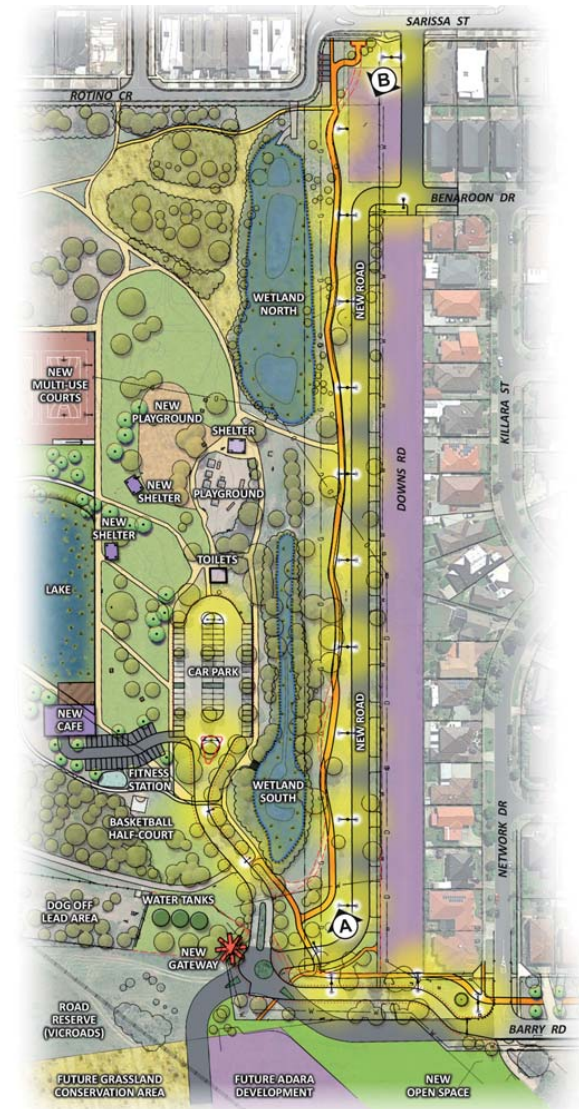


Figure 9: Proposed Lighting Improvements



WHITTLESEA PUBLIC GARDENS MASTER PLAN

OVERALL OBJECTIVES

Whittlesea Public Gardens is one of four major community parks identified for upgrade and renewal in the City of Whittlesea Open Space Strategy (2016). The Gardens are located in Lalor at the western end of Barry Road and comprises an area of approximately 14.78 hectares. When complete, the master plan will guide and provide direction on how the public gardens will be upgraded in the short term and into the future. Key master plan objectives include:

- Improvement to the landscape character and quality to broaden the appeal and use of the public gardens
- Create safe, connected and well maintained public open space
- Aid in seeking State Government or external funding for facilities of regional context and significance
- Promote environmental sustainability practices through well considered landscapes and water sensitive urban design
- Improvement to the visibility and safety by the way of upgrading the eastern interface to the park

IMPLEMENTATION

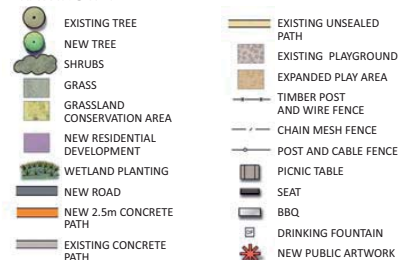
The large number of facilities and complexity of replacing older asset at Whittlesea Public Gardens mean that staging of works will be required. The staging and timing for delivery of the works is subject to external agency funding and implementation of some works may need to be delayed or bought forward, i.e. due to the need for urgent maintenance or as part of cost-effective delivery of other projects. In all cases priorities should be viewed as a guide only.

(H) High (1-3 years)

(M) Medium (4-6 years)

(L) Low (7-10 years)

DRAWING KEY



OVERALL MASTERPLAN
DWG NO. PWG_MP_01
JULY 2018



RECOMMENDATIONS

- 1 Upgrade the popular path link from Sarissa to Barry Road to concrete and install new lighting and seating. (H)
- 2 Thin and selectively remove existing thick vegetation to improve sightlines and passive surveillance throughout the entire reserve. (H)
- 3 Realign the entry road, remove redundant fencing and improve path links through to RGC Cook Reserve. (H)
- 4 Replace the existing public toilets to an all abilities public toilet and a Changing Places facility. (H)
- 5 Retain and resurface existing unsealed walking paths to improve all weather access. (H)
- 6 Add new seats and dog water bowl to the dog off lead area. (H)
- 7 Protect existing grassland conservation areas and improve habitat links. (H)
- 8 Reinstate the southern end of the lake (smaller size with stormwater harvesting/recirculation system utilising the existing wetlands) including circuit walking path, new direct link between the playground and open grass areas west of the lake and additional seating areas overlooking water. (M)
- 9 Establish two new multi-use hard courts with night lighting within the northern section of the existing lake. Retain the existing lake concrete edging to enclose the courts and act as a low seating wall and provide an additional picnic shelter overlooking the courts. (M)
- 10 Establish new recycled water irrigation system for selected open grass areas and to enable establishment of more diverse tree planting within the gardens. (M)
- 11 Establish new road and residential housing facing onto the gardens along Downs Road to improve passive surveillance and public safety in the reserve. (M)
- 12 Replace and expand the existing playground to a regional park standard. (M)
- 13 Provide new picnic facilities including additional shelters and BBQs for large family and community groups. (M)
- 14 Upgrade existing signage and consider renaming of the reserve to Lalor Public Gardens. (M)
- 15 Establish shared trail/cycle path and avenue tree planting along Barry Road. (L)
- 16 In partnership with Parks Victoria and the Wurrundjeri seek to commission a new gateway/entry sculpture at the end of Barry Road as the main entry to the Merri Creek Parklands. (L)
- 17 Establish a small off street public car park (3-5 spaces) with access from Rotino Crescent. (L)
- 18 Investigate establishment of a new café/community facility at the southern end of the lake and free WiFi in the park (subject to a detailed business case). (L)
- 19 Support continued use of the gardens for festivals and major events. (H)
- 20 Advocate for re-routing of the 554 or 557 bus service on Barry Road to include the Gardens to improve links to Thomastown and Lalor Railway Stations. (L)

Figure 10: Master Plan



WHITTLESEA PUBLIC GARDENS MASTER PLAN

MASTER PLAN IMAGES



Example of multi-use hard courts with night lighting



Example of accessible toilets with change facilities



Example of Park Shelters (Landmark Pro Longreach)



Examples of regional park standard playground



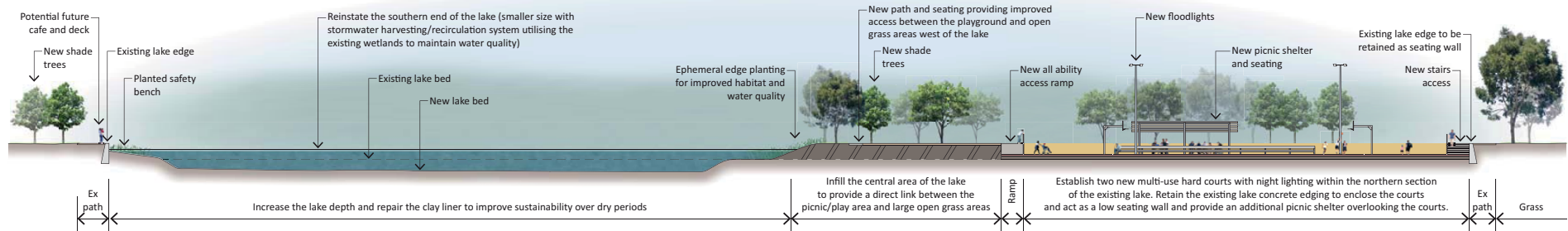
(A) Artist's impression of wetland south path and lighting upgrade



(B1) Artist's impression of wetland north path and lighting upgrade



(B2) Artist's impression of wetland north path and lighting upgrade - night time



(C) Sketch cross-section through lake and new multi-use courts

Figure 11: Master Plan Images

OVERALL MASTERPLAN
DWG NO. PWG_MP_02
JULY 2018



Master Plan Implementation Works

The adoption of the Whittlesea Public Gardens Master Plan by Council does not constitute a decision to proceed with any identified opportunities. It provides a long-term concept to guide decision making and will be subject to future decisions and funding considerations by Council.

STAGE 1 WORKS (1-3 years)

The three year plan for Whittlesea Public Gardens aims to improve park facilities and safety for existing and future users. There will be a mixture of maintenance and capital works improvements including thinning of existing vegetation, new paths and toilet facilities to improve facilities for existing residents and community groups who already use the reserve.

Stage 1 Actions:

- Upgrade the popular path link from Sarissa to Barry Road to concrete and install new lighting and seating.
- Thin and selectively remove existing thick vegetation to improve sightlines and passive surveillance throughout the entire reserve.
- Remove redundant fencing and improve path links through to RGC Cook Reserve.
- Replace the existing public toilets.
- Retain and resurface existing unsealed walking paths to improve all weather access.
- Protect existing grassland conservation areas and improve habitat links.
- Complete detailed design for redevelopment of the lake.
- Complete detailed design for the new regional playground.
- Commence planning process for rezoning and redevelopment of Downs Road (road reserve) as residential housing to improve passive surveillance and security within the park.
- Support continued use of the Gardens for festivals and major events.

STAGE 2 WORKS (4-6 years)

The second phase of works will seek to increase use of the gardens focusing on-ground delivery of Stage 1 design and planning including the lake reinstatement, new hard courts, irrigation system and planting works. Timing for installation of new expensive and high maintenance items such as the new playground and picnic facilities will be dependent on the improvement in surveillance and security to be provided by establishment of new residential development along the Downs Road reserve.

Stage 2 Actions:

- Reinststate the southern end of the lake (smaller size with stormwater harvesting/recirculation system utilising the existing wetlands) including circuit walking path, new land bridge linking the playground and open grass areas west of the lake and additional seating areas overlooking water.
- Establish two new multi-use hard courts with night lighting within the northern section of the existing lake. Retain the existing lake concrete edging to enclose the courts and act as a low seating wall and provide an additional picnic shelter overlooking the courts.
- Establish new recycled water irrigation system for selected open grass areas and to enable establishment of more diverse tree planting within the gardens.
- Realign the entry road and establish new residential housing overlooking the gardens along Downs Road to improve passive surveillance and public safety in the reserve.
- Replace and expand the existing playground to a regional park standard.
- Provide new picnic facilities including additional shelters and BBQs for large family groups.
- Upgrade existing signage and consider renaming of the reserve Lalor Public Gardens.

STAGE 3 WORKS (7-10 years)

The third phase of works for Whittlesea Public Gardens will seek to upgrade facilities at the gardens consistent with its status as one of the four Major Community Parks. Upgrade of facilities will aim to cater for existing and new residents and the completion of missing links in the Merri Creek Trail (north of Mahoneys Rd to Bolinda Rd by Hume City Council/ Parks Victoria) is expected to also substantially increase regional visitation to the gardens, which will become the start/end points for recreational trail users and visitors to the Merri Creek Parklands.

Stage 3 Actions:

- In partnership with Parks Victoria and the Wurrundjeri seek to commission a new gateway/entry sculpture at the end of Barry Road as the main entry to the Merri Creek Marram Baba Parklands.
- Establish shared trail/cycle path and avenue tree planting along Barry Road.
- Liaise with VicRoads to confirm the future use of the Barry Road Reserve.
- Liaise with Transport for Victoria to advocate for re-routing of the 554 or 557 bus service on Barry Road to include the Gardens to provide direct links to Thomastown and Lalor Railway Stations.
- Establish a small off street public car park (3-5 spaces) with access from Rotino Crescent.
- Investigate establishment of a new café/community facility at the southern end of the lake and free WiFi in the park (subject to a detailed business case).

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City of Whittlesea, *Stormwater Management Plan 2011-2016*, City of Whittlesea, 2011

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Parks Victoria, *Merri Creek Marran Baba Parklands: Strategic Management Plan*, Parks Victoria, May 2013

Attachment 4: Conditions**Conditions to be met prior to certification of the Plan of Subdivision****Amended Subdivision Layout Plan**

1. Before the submission and approval of a Functional Layout Plan and certification of a plan of subdivision for the first stage, an amended Subdivision Layout Plan must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the Subdivision Layout Plan dated 3 December 2024 and prepared by Urbis, but modified to show:
 - a. The realignment of the shared public footpath abutting Lot 2 to also deviate diagonally north-west and connect to the existing shared path within the public open space reserve of 2W Atarhi Parade.
 - b. Details of building envelopes in accordance with the *Whittlesea Public Gardens – Residential Edge Design Guidelines*.

Stormwater Management Strategy

2. Prior to the submission and approval of a Functional Layout Plan and certification of a plan of subdivision, a Stormwater Management Strategy must be submitted to and approved by the Responsible Authority. The Stormwater Management Strategy must include the following:
 - a. Drainage computations identifying the stormwater flow rate from the existing external catchment and the flows generated by this development.
 - b. Proposed stormwater retardation should the existing downstream infrastructure not be adequately sized to accommodate the increase in stormwater flows generated by this development. On-site detention within residential lots shall not be proposed.
 - c. Updated PC convey results that show the conveyance of the Qgap flows along the proposed 15.0m road services to demonstrate adequate freeboard to residential lots.

Functional Layout Plan

3. Prior to the submission of Detail Plans and certification of a plan of subdivision a Functional Layout Plan for the subdivision must be submitted to and approved by the Responsible Authority. An electronic copy of the Functional Layout Plan must be drawn at a scale of 1:500 to acceptable drafting standards. The Functional Layout Plan/s must include:
 - a. A fully dimensioned subdivision layout, including lot areas, lot numbers, open space areas, widths of street reservations, stage boundaries and the relationship between the site/stage and the surrounding land.
 - b. Topography and existing features, including contours for the subject land and any affected adjacent land.
 - c. Identification by survey of all trees (or group of trees) existing on the site, including dead trees, those that overhang the site from adjoining land and any impacted by the development or associated infrastructure works. All trees proposed for removal must be designated with a cross.

- d. Details of Tree Protection Zones (TPZs), for all trees to be retained on site, overhanging from adjoining sites land and any impacted by the development or associated infrastructure works in accordance with the City of Whittlesea TPZ standard.
- e. Typical cross-sections for each street type, dimensioning individual elements, services offsets.
- f. A table of offsets for all utility services.
- g. Location and alignment of kerbs, indented parking spaces, footpaths on the subject land and between the subject land and the nearest other subdivision, shared paths on the subject land and between the subject land and the nearest other existing subdivision, bus stop locations marked with a cross.
- h. The location of any traffic management devices required to service the subdivision (signals, roundabouts, splitter islands, etc).
 - l. The inclusion of at least three speed hump traffic devices, as indicated on the subdivision layout plan.
- i. Provision of notional on-street parking for all lots at a rate of one space per lot.
- j. Swept path diagrams demonstrating that the road network can accommodate the design and checking vehicle in accordance with Austroads Design Vehicle and Turning Path Templates.
- k. Swept path diagrams demonstrating that the shared/extended driveway can accommodate a three-point turn for passenger vehicles.
- l. Any spatial requirements for drainage as identified in the submitted Drainage Strategy and the proposed overland flow paths.
- m. Location of reserves for electrical kiosk. First stage of any staged subdivision must provide an overall masterplan showing the location of substations throughout the entire estate.
- n. Works external to the subdivision, including both interim and ultimate intersection design requirements and layouts.
- o. The location of waste bins to be placed for kerbside Council collection for Lot 2 and 3.

Stormwater Drainage

- 4. Any stormwater drain, temporary drainage out falls and ancillary works, required as a condition of a Melbourne Water Drainage Scheme, or that are designated to become the responsibility of the Council for maintenance, must be designed and constructed to the satisfaction of the Responsible Authority.

Before the approval of Civil Engineering Plans for roadworks and drainage and certification of a plan of subdivision for the first stage, the designs for such works and the details of maintenance requirements (asset management and maintenance schedule) must be submitted to and approved by the Responsible Authority.

Amended Design Guidelines

- 5. Prior to the certification of the Plan of Subdivision amended Design Guidelines must be submitted to and approved by the Responsible Authority. The Design Guidelines must be generally in accordance with the *Whittlesea Public Gardens – Residential Edge Design*

Guidelines dated 3 December 2024 and prepared by Urbis, but modified to require all dwellings to:

- a. Be constructed of robust, high-quality materials of light-colour and/or earthy-tones. No rendered veneer is to be provided to the front façade, unless otherwise agreed by the Responsible Authority.
- b. The front façade is to consist of predominately (at least 50%) brick material, unless otherwise agreed by the Responsible Authority.
- c. Provide light coloured roof materials with Solar Reflectance Index value of >.50 (50%) or Solar Absorptance <0.6 to mitigate urban heat island effect.
- d. Provide no synthetic turf in landscaped areas unless otherwise agreed by the Responsible Authority.
- e. Use native or indigenous plants to enhance biodiversity where possible.
- f. Correction to the Passive Surveillance section for Clause 54.04-6 (Overlooking) to have Standard A25 be amended to Standard A15.

Restriction on Plan of Subdivision

6. Prior to the certification of the Plan of Subdivision, a restriction must be registered on the Plan of Subdivision for all lots, requiring that:
 - a. Any dwelling constructed must be in accordance with the *Whittlesea Public Gardens – Residential Edge Design Guidelines*, as endorsed and amended from time to time, unless with the prior written consent of the Responsible Authority.
 - b. The waste bins to Lots 2 and 3 are to be located on the kerb of the 15-metre local road during kerbside Council collection.

Certification Plans

7. All plans submitted for certification under the *Subdivision Act 1988*, must show bearings, distances, street names, lot numbers and easements, in accordance with the approved Functional Layout Plan.

Tree Protection Zones

8. Prior to the certification of a plan of subdivision under the *Subdivision Act 1988*, a Tree Protection Zone plan for the subdivision must be submitted to and approved by the Responsible Authority. The Tree Protection Zone plan must be drawn to scale with dimensions must show:
 - a. A Tree Protection Zone on a lot covering each tree marked for retention on the approved tree protection envelope plan.
 - b. A Tree Protection Zone within open space and road reserves for each tree or cluster of trees marked for retention on the approved tree management plan.

The Tree Protection Zone is a shape defined by a circle, whose centre point is the centre point of the tree trunk at ground level, and whose radius is equal to half the height of the tree (or half the crown width (whichever is the greater)) plus the tree canopy plus one metre.

Layout

9. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Conditions to be met prior to commencement of works**Vegetation Marking on Site**

10. Prior to the commencement of any works on site, and before the removal, destruction or lopping of any native vegetation, all vegetation must be clearly marked on site as retained or removed in accordance with this permit, to the satisfaction of the Responsible Authority.

Tree Protection Plan and Tree Management Plan

11. Prior to the commencement of any works on site, a Tree Protection Plan (drawing) and Tree Management Plan (report) for the entire permit area to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The documents must:
 - a. The Tree Protection Plan must detail:
 - i. The geographic location and canopy dimensions of retained trees in proximity to the development, within and adjacent to the site/associated works. An updated arboricultural assessment of all trees to be retained, must be provided.
 - ii. Tree Protection Zones (TPZ) calculated in accordance with the City of Whittlesea Standards and Structural Root Zone (SRZ) calculated in accordance with Australian Standard AS4970 for all trees nominated for retention, including trees on neighbouring private properties, nature strips and Council Reserves, where the TPZ falls partially within the subject site and/or impacted by associated infrastructure works. Where the Tree Protection Fencing cannot be installed in accordance with AS4970-2009 a detailed scaled plan must be provided to the written satisfaction of the Responsible Authority which clearly shows:
 - TPZ.
 - TPZ encroachment (expressed as a %).
 - Location of the proposed impact works area.
 - iii. Tree protection fencing provided in accordance with the City of Whittlesea Standards.
 - iv. Signage indicating tree protection fencing and prohibiting access, excavation, changes in soil levels, or any storage within the TPZ in accordance with the City of Whittlesea Standards.
 - v. The location of any proposed excavation or boring within the TPZ of retained trees.
 - vi. The specific location of any root sympathetic excavation proposed to be undertaken including details to determine the location and distribution of roots of retained trees where TPZ encroachment exceeds 10%.

- vii. Surface materials proposed to be used to protect area/s within TPZs in accordance with Australian Standard AS4970.
 - viii. Site access point/s and/or material storage area/s.
- b. The Tree Management Plan must be prepared by a suitably qualified arborist, reference the Tree Protection Plan and, detail:
- i. Proposed footings and construction methods for any buildings, structures or pavements within TPZ 's of retained trees (as nominated on the Tree Protection Plan).
 - ii. How proposed excavation will impact on the health and structure of trees nominated for retention on the Tree Protection Plan and how these impacts, and those associated with changes in soil levels and hydrology, will be managed.
 - iii. Proposed techniques for root sympathetic excavation to determine the location and distribution of roots of retained trees where TPZ encroachment exceeds 10% (i.e. hand digging, hydro excavation, air-knife etc.).
 - iv. The location and extent of pruning (to be undertaken being in accordance with Australian Standard AS4373).
 - v. How the canopy and root systems of trees nominated on the Tree Protection Plan will be protected during development/works.
 - vi. When and how the consulting arborist will undertake a minimum of five (05) construction hold point inspections to formally certify the implementation of the Tree Management Plan. At least one (01) construction hold point inspection must be undertaken at each of the following development stages: pre-demolition, pre-construction, construction stage, building completion stage and landscaping stage.
 - vii. Direction for management activities to:
 - Improve the health of the retained trees over the long term.
 - Ensure public safety within lots and within public spaces (i.e. roads/paths/open space etc.).
 - viii. Recommendations relating to proposed construction methodology for services under retained vegetation.
 - ix. Structural assessment of all retained trees.
 - x. Any other measure to demonstrate the successful ongoing retention and post construction viability of any trees nominated on the Tree Protection Plan.

Connection to Telecommunication Services

12. Prior to the commencement of any works on site, the owner of the land must provide written confirmation from:
- a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time.
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the

applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Civil Engineering Plan, Landscape Works Plan and Site Management Plan

13. Prior to the commencement of any works on site, a detailed Civil Engineering Plan, and a Site Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

a. The Civil Engineering Plan must include:

- i. specifications of the proposed works that are to become public assets within and outside of the subdivision as required by this permit;
- ii. all necessary computations and supporting documentation, including a Certificate of Compliance (design) for any structure, traffic data, road safety audit and geotechnical investigation report;
- iii. all details of works consistent with the approved functional layout plan, submitted draft landscape works plan and lodged plan of subdivision;
- iv. design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt;
- v. provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan;
- vi. provision of public lighting and underground electricity supply within all streets;
- vii. traffic control measures;
- viii. provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers;
- ix. provision of footpaths in all streets and reserves and between the subject land and the nearest other existing subdivision in accordance with the approved functional layout plan;
- x. shared paths within streets and reserves to the satisfaction of the Responsible Authority;
- xi. provision of underground easement drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot;
- xii. the location and provision of vehicle exclusion mechanisms abutting reserves;
- xiii. details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves;
- xiv. appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision;
- xv. provision for the utilisation of any surplus top soil from this stage;
- xvi. permanent survey marks;
- xvii. unless an alternative empty conduit network is being installed that is suitable for fibre optic infrastructure and the applicant has evidence of an access agreement between the carrier putting in the conduit and the National Broadband Network Company, the provision of conduits, including pits and ancillary works for optical fibre telecommunications services or any equivalent alternative approved by the Responsible Authority and the conduit must be designed in accordance with Clause

- 19.03-4L Telecommunications Conduit Policy of the *Whittlesea Planning Scheme* and Planning Guidelines for Conduits for Optic Fibre Services, 2001;
- xviii. survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones;
 - xix. details in relation to all filling on the site which must be compacted to specifications approved by the Responsible Authority;
 - xx. the relocation underground of all existing aerial services, including electricity and telecommunications assets, within streets abutting the subdivision;
 - xxi. the location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained; and
 - xxii. a separate signage and line marking plan identifying the road layout, proposed signs, line marking, RRPMS and a sign schedule.
- b. The Landscape Works Plan must include:
- i. all details of works consistent with any approved landscape masterplan;
 - ii. the removal of all existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds;
 - iii. all proposed street-tree planting using semi - advanced trees; with maximum container size of 45 litres or equivalent (larger sizes will incur additional establishment and extended maintenance obligations);
 - iv. earth shaping including the supply and spread of sufficient topsoil and sub soil if required on the proposed areas of open space to provide a stable, free draining surface and hydro-seeding of proposed grass areas (including within the drainage reserve if applicable);
 - v. mechanisms for the exclusion of vehicles,
 - vi. all proposed open space and streetscape embellishments such as installation of pathways, park lighting, garden beds, seating, shelters, picnic facilities, boardwalks, tree planting, signage, drinking fountains, irrigation systems, playgrounds, artwork, retaining walls, protective fencing (temporary and permanent), wetlands and ornamental water bodies (including within the drainage reserve if applicable); and
 - vii. hazard reduction pruning of trees to be retained, to the satisfaction of the Responsible Authority.
- c. The Site Management Plan must include:
- i. address occupational health and safety; traffic management, environmental controls and cultural heritage and/or dry-stone wall protection measures to the satisfaction of the Responsible Authority;
 - ii. be submitted to the Responsible Authority a minimum of 21 days before a required pre-commencement meeting (attended by authorised representatives of the construction contractor and project

- superintendent as appointed by the developer) on the site of the works;
- iii. identify any site offices, workspaces, personnel rest and amenity areas, hardstands, material laydown areas, and stockpiles.
- iv. include the proposed route for construction vehicle, equipment and machinery access to the site including a program for the upgrade and maintenance works required along this route while works are in progress;
- v. address the location of parking areas for construction and sub-contractors' vehicles, equipment and machinery on and surrounding the site, to ensure that they cause minimum disruption to surrounding properties.
- vi. include measures to reduce the impact of noise, dust and other emissions created during the construction process;
- vii. demonstrate all environmental and cultural heritage and/or dry-stone wall protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings;
- viii. provide measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system;
- ix. include means by which foreign material will be restricted from being deposited on public roads by vehicles, equipment and machinery associated with the building and works on the land to the satisfaction of the Responsible Authority;
- x. address any recommendations of any approved Cultural Heritage, Dry Stone Wall and Conservation Management Plans applying to the land;
- xi. identify the location and method of any Tree Protection Zones; and
- xii. ensure that all contractors working on the site must be inducted into an environmental management program for construction works.

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

The Civil Engineering Plan, Site Management Plan and Landscape Works Plan will not be considered or approved until the Functional Layout Plan(s) for the relevant stage has been approved by the Responsible Authority, the plan of subdivision has been certified, a draft landscape works plan for the relevant stage has been submitted for comparison against the civil engineering plan and the locations of other authorities' services have been provided to the satisfaction of the Responsible Authority. When approved, the Civil Engineering Plan, Landscape Works Plan and a Site Management Plan will be endorsed and will then form part of the permit.

Implementation of Tree Protection Zone Fence

14. Prior to the commencement of any works on site, open space and/or road reservation, each Tree Protection Zone on that lot, open space and/or road reservation must:
 - a. be fenced with temporary fencing in accordance with the attached specifications, to the satisfaction of the Responsible Authority;
 - b. include a notice on the fence to the satisfaction of the Responsible Authority advising on the purpose of the Tree Protection Zone, the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.

The Tree Protection Zone temporary fencing must be maintained until works are completed; including the construction of a dwelling to the satisfaction of the Responsible Authority or until such earlier date as is approved by the Responsible Authority in writing.

A copy of the tree protection zone(s) must be included in any contract for the construction of the estate or for any other works which may impact upon the trees.

Prior to the commencement of works, including demolition or removal of vegetation, the name and contact details of the Project Arborist responsible for implementing the Tree Management Plan must be submitted to the Responsible Authority.

Conditions to be met during construction works

Native vegetation removal

15. Vegetation impact, including but not limited to removal, destruction, felling, lopping, ring barking, uprooting and/or pruning, must be in accordance with the endorsed plans.

Trees to be Removed

16. Wherever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or in open space as urban art, park furniture etc. to the satisfaction of the responsible authority. All timber less than 300mm diameter and branch/leaf material must be shredded for reuse as mulch.

Each native tree nominated for removal or pruning works must be suitably marked prior to its removal or works commencing and an inspection arranged with an appropriate Council officer to verify that the tree marked accords with this permit.

Prior to any removal or pruning works of native trees commencing, the subject tree must be inspected by an experienced Wildlife Handler to determine the presence of any native animals living or nesting in the tree. Should any native animals be detected they must be caught and relocated to a site deemed appropriate by the Wildlife Handler.

Works in tree protection zones

17. No buildings or works, including loading and unloading, storage of materials, dumping of waste, vehicle access, parking or other construction activity is to occur within a tree protection zone without the written consent of and to the satisfaction of the Responsible Authority.

Filling of land

18. All filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the Responsible Authority. The geotechnical authority responsible for supervision and testing under this condition must be independently engaged by the applicant and not be engaged by the contractor carrying out the works. Before the issue of a Statement of Compliance unless otherwise agreed in writing by the responsible authority, compaction test results and a report must be provided to the satisfaction of the Responsible Authority.

Conditions to be met following construction works**Notification of Commencement of Street Tree Planting and Landscaping Works**

19. The developer must notify the Responsible Authority a minimum of seven (7) days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken. At this time, the developer must provide written advice to Council from an independent and suitably qualified and experienced arborist confirming that the tree stock to be installed within the stage has been inspected and is healthy, free of root girdling, fit for purpose and meets all standards and benchmarks contained within *AS 2303:2018 – Tree Stock for Landscape Use*.

Completion of landscape works

20. Within three (3) months of the commencement of the landscaping works or by such later date as is approved by the Responsible Authority in writing, the landscape works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority. Upon completion of the landscape construction works, the applicant must notify the Responsible Authority to enable its inspection. Subject to satisfactory completion of the landscaping in accordance with the endorsed plan, a Certificate of Practical Completion for landscaping will be issued, triggering the commencement of the maintenance period.

Landscape Maintenance

21. All public landscaping works (except for grass in nature strips of streets abutting private property) shown on the approved landscape plans, must be maintained to the satisfaction of the responsible authority for a minimum period of 18 months ending on 31 May of the given year from the date of issue of a Certificate of Practical Completion of landscaping, including that any dead, diseased or damaged plants must be replaced, bare areas of grass are re-established, mulched surfaces reinstated, damaged or faulty infrastructure repaired or replaced etc. Rectification works must not be deferred until the completion of the maintenance period.
22. To ensure all assets as identified in the approved stage landscape plans are retained in a safe and functional state and to prolong functional life of the asset, landscape works must be maintained in accordance with Council's *Minimum Landscape Maintenance Specification of Services and Works (May 2010)*.

23. Upon the completion of maintenance of the street tree planting and landscaping works, the developer must notify the responsible authority to undertake an inspection prior to the issue of the Certificate of Final Completion.

Landscape Works

24. Prior to Council's consent to Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:
 - a. Landscape Architectural Drawings in the following format:
 - i. One (1x) PDF images of "As-Constructed" plans,
 - ii. One (1x) DXF (preferred format) or DWG files (recent version) including attribution, at 1:1 scale, and
 - iii. All GIS data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 1994. Height must be based on Australia Height Datum (AHD).
 - b. "As Constructed detail" of the works as digital data for the Open Space assets information component of the subdivision, in accordance with the current version of O-SPEC. The preferred format is:
 - i. GIS Format (refer to O-SPEC for further information). – ESRI Shape files (preferred format) with attributions.
 - ii. All GIS data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 1994. Height must be based on Australian Height Datum (AHD).
 - iii. Referenced to existing PSM Survey marks where available. Please refer to the following website for detailed O-Spec Standards: <http://www.a-specstandards.com.au/o-spec>

Bonds will not be released until such time the drawings are delivered in the correct format to Council.

As constructed Engineering Plans

25. Prior to Council's consent to Practical Completion, City of Whittlesea requires As Constructed data from Consultants/Developers for newly built assets as per A-Spec (specifications to maintain Asset Registers).

Asset information must be projected to GDA94 in digital format to include D-Spec (drainage data), R-Spec (road data) and O-Spec (open space data) as per "A-Spec" specifications.

Civil Works

26. Prior to Council's consent to Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:
 - a. A complete set of 'as constructed plans' of site works (amended, if necessary, to show changes which occurred during construction). Includes: civil, electrical and telecommunication works, in digital file format AutoCAD (recent version) and PDF.BASE file with separate asset layers titled for road, footpath, kerb,

bicycle path, lighting, line marking, guardrails, signs, carparks, parking bays, drainage pit and drainage pipe.

GIS and CAD data must be referenced to Geocentric Datum of Australia 2020 (GDA2020).

Note - City of Whittlesea requires As Constructed data from Consultants/Developers for newly built assets as per current A-Spec (specifications to maintain Asset Registers). Asset information must be projected to GDA2020 in digital format to include D-Spec (drainage data), R-Spec (road data) and O-Spec (open space data) as per current "A-Spec" specifications.

- b. Digital files utilising naming convention: 'Subdivision name Stage' and projected to GDA2020-MGA Zone 55.

Note - Council Assets: Area of Work Extent (Polygon), Road Reserve (Polygon), Surface -Seal (Polygon), Surface (Seal) Centreline (Line/Polyline), Pavement (Polygon), Pathways (Polygon), Tactile Ground Surface Indicators (Polygon), Parking (Polygon), Kerbs (Line/Polyline), Table Drain (Polygon), Traffic Management Devices (Polygon), Shelters (Polygon), Bridge/Major Culvert (Polygon), Signs (Point), Trees (Point), Lighting (Point), Vehicle Crossing (Line/Polyline), Road Safety Barriers (Line/Polyline), Traffic Signals (Point), Pipe (Line/Polyline), Pits (Point), Head/End Walls (Polyline), Property Connection (Line/Polyline), Bioretention Swale (Polygon), Underground Conduits (Polygon), Underground Conduit Pits (Point).

- c. Asset quantities (list) including all Council assets.

Asset information must include D-Spec (drainage data), R-Spec (road data) and O-Spec (Open Space data) as per current "A-Spec" specifications (the Consultant/Developer Specifications for the delivery of digital data to Local Governments) in ESRI Shape Files (preferred format) or MapInfo with attributions. All GIS and CAD data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 2020.

Please refer to website for detailed A-Spec Standards:

<http://www.a-specstandards.com.au/>

Bonds will not be released until such time the drawings are delivered in the correct format to Council.

Reticulated Services

- 27. Reticulated water, drainage, sewerage and electricity reticulation underground must be available to the satisfaction of the Responsible Authority.

Conditions to be met prior to the issue of a Statement of Compliance**Open Space Contributions**

28. Prior to the issue of a Statement of Compliance for the subdivision, open space contributions must be paid to the Responsible Authority in accordance with Clause 53.01 of the *Whittlesea Planning Scheme*, unless otherwise agreed to in writing by the Responsible Authority.

Statement of compliance with deferment of engineering/landscape works

29. Prior to the issue of a Statement of Compliance or by such later date as is approved by the Responsible Authority in writing, the applicant may seek, to the satisfaction of the Responsible Authority, the issue of the Statement of Compliance but with deferment of completion of specified civil construction works shown on the endorsed construction plans and all or part of landscape construction works shown on the endorsed plans, provided the following requirements have been met:

Civil Works

- a. all relevant referral authorities have consented to the issue of a Statement of Compliance,
- b. civil construction works have been completed except for the wearing course asphalt works, the landscaping component of the works and any other minor works as agreed with the Responsible Authority,
- c. an amount equivalent to 150% the agreed estimated cost of outstanding civil construction works will be required by the Responsible Authority as security deposit,
- d. a works program is provided setting out the proposed timing of all outstanding construction works,
- e. a site safety plan that ensures continuous public safety measures are maintained until completion of the deferred works.

Upon completion of the deferred civil construction works the applicant must notify the Responsible Authority to enable its inspection. If the works have been completed to its satisfaction, the Responsible Authority must refund fully the security deposit.

Landscape Works

- a. An amount equivalent to 150% of the agreed estimated cost of outstanding streetscape / landscape construction plus an agreed amount for the maintenance works will be required by the Responsible Authority as security deposit.
- b. A works program is provided setting out the proposed timing of all outstanding landscape construction works. Works must commence within 12 months of issue of Statement of Compliance for the given stage of the subdivision and must be completed prior to occupancy of any new dwelling within the given stage.

Upon completion of the deferred landscaping construction works, the applicant must notify the Responsible Authority to enable its inspection. Subject to satisfactory completion of the deferred landscaping, a Certificate of Practical Completion for landscaping will be issued, triggering the commencement of the maintenance period. If

the works have been completed to its satisfaction, the Responsible Authority must refund fully the security deposit.

Connection to Telecommunication Services

30. Before the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Fences adjoining reserves

31. Prior to the issue of a Statement of Compliance for the subdivision, all fences adjoining all reserves (including walkway extensions of road reserves but otherwise excluding road reserves) must be erected by the developer (or owner).

General and Ongoing Conditions**Filling Requirements**

32. The land must be filled and constructed in a manner that does not cause an unreasonable amount of dust to be carried onto nearby land and/or adversely affect the drainage of adjacent land.

Foreign Soil

33. Fill must not be introduced on the site, unless with the prior approval of the Responsible Authority.

Sediment Control

34. Sediment and erosion prevention/control measures must be in place to ensure the development is managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system to the satisfaction of Responsible Authority. Measures must be maintained until the area has sufficient vegetation cover to resist erosion, and there is no longer any threat of erosion and siltation caused by the proposed development to the satisfaction of Responsible Authority.

Tree Protection

35. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zones/s without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zones.

Batters

36. All batters resulting from excavation or filling must be properly stabilised and vegetated to prevent erosion to the satisfaction of the Responsible Authority.

Amenity

37. The amenity of the area must not be detrimentally affected by:
- Transport of materials, goods or commodities to and from the land.
 - Appearance of buildings, works or materials.
 - Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 - Presence of vermin.

Noise Levels

38. Noise levels must at all times comply with Environment Protection Regulations, the *Environment Protection Act 2017* and *Publication 1826.4: Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Environmental Protection Authority, June 2021*.

Litter

39. Any litters must be collected and stored in an appropriate enclosure. The enclosures must be regularly emptied and maintained such that no litter overflows onto adjoining land.
40. The site must at all times be kept in a neat and tidy condition and, any litter must be immediately removed to the satisfaction of the Responsible Authority.

Referral Authority Conditions**APA Group Conditions**

41. Prior to the endorsement of any plans the plans need to be amended to clearly show:
- the existing 35m wide APA high pressure gas pipeline easement;
 - That the new road does not encroach more than 15m into the eastern side of the existing APA easement.
 - Clearly show the retention of the full 35m wide easement (including under the section of new road).
42. Buildings, structures, roadway, pavement, pipeline, cable, fence or any other improvement on or under the land within the gas transmission pipeline easement must not be constructed without prior consent in writing from the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). No structure or vegetation will be permitted on the easement that prohibits maintenance of line of sight along the pipeline easement.
43. Prior to the commencement of any works within the gas transmission pipeline easement, the proponent must enter a Third Party Works Authorisation agreement with the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd). Works within the easement must comply with any conditions attached to a third party works approval.

44. Prior to the development commencing for any stage which includes the gas transmission pipeline easement, landscape plans depicting any planned landscaping, including the planting of vegetation, species details, surface treatments, furniture, structures or improvements on or immediately abutting the gas transmission pipeline easement must be submitted to and approved by the responsible authority. A three metre minimum clearance between the pipeline and any vegetation with a mature height greater than 0.5 metres must be maintained. The responsible authority will seek the view of the pipeline licensee / operator (APA VTS Australia (Operations) Pty Ltd) in this matter.
45. Prior to development commencing for any stage which include the gas transmission pipeline, detailed engineering plans for the proposed road crossings over the gas transmission pipeline/ transmission gas pipeline easement must be submitted to and approved by the responsible authority. These crossing must not result in any reduction in the cover over the pipeline asset. The responsible authority will seek the view of the pipeline licensee / operator (APA VTS Australia (Operations) Pty Ltd) in this matter.
46. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to APA VTS Australia (Operations) Pty Ltd in accordance with section 8 of that Act.
47. No civil infrastructure providing for water, sewer, electric, telecommunications and other like services will be accepted within the gas pipeline easement (other than within the 15m eastern side that is covered by the proposed north/south road), other than service crossings to the satisfaction of the pipeline licensee/operator (APA VTS Australia (Operations) Pty Ltd).

AusNet Conditions

48. The Plan of Subdivision must be submitted for certification and referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988. The applicant must –
 - Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
 - Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
 - Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of “Power Line” in the favour of “AUSNET ELECTRICITY SERVICES PTY LTD” pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.

- Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
- Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
- Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
- Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
- Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

Fire Rescue Victoria Conditions

49. Subdivision plan not to be altered

The subdivision as shown on the endorsed plans must not be altered without the consent of FRV.

50. Hydrants

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the FRV:

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

51. Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.

- b. Curves must have a minimum inner radius of 10 metres.
- c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- d. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by FRV may be used as alternatives.

Melbourne Water Conditions

- 52. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 53. Engineering plans of the subdivision (in electronic format) are to be forwarded to Melbourne Water for comments/approval.
- 54. All new lots must be filled to a level no lower than 300mm above the applicable flood level at the location of each lot. Refer attached diagram indicating flood levels at each location.
- 55. Prior to the issue of a Statement of Compliance, a Certified Survey Plan must be submitted to Melbourne Water for approval.
- 56. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
- 57. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

Yarra Valley Water Conditions

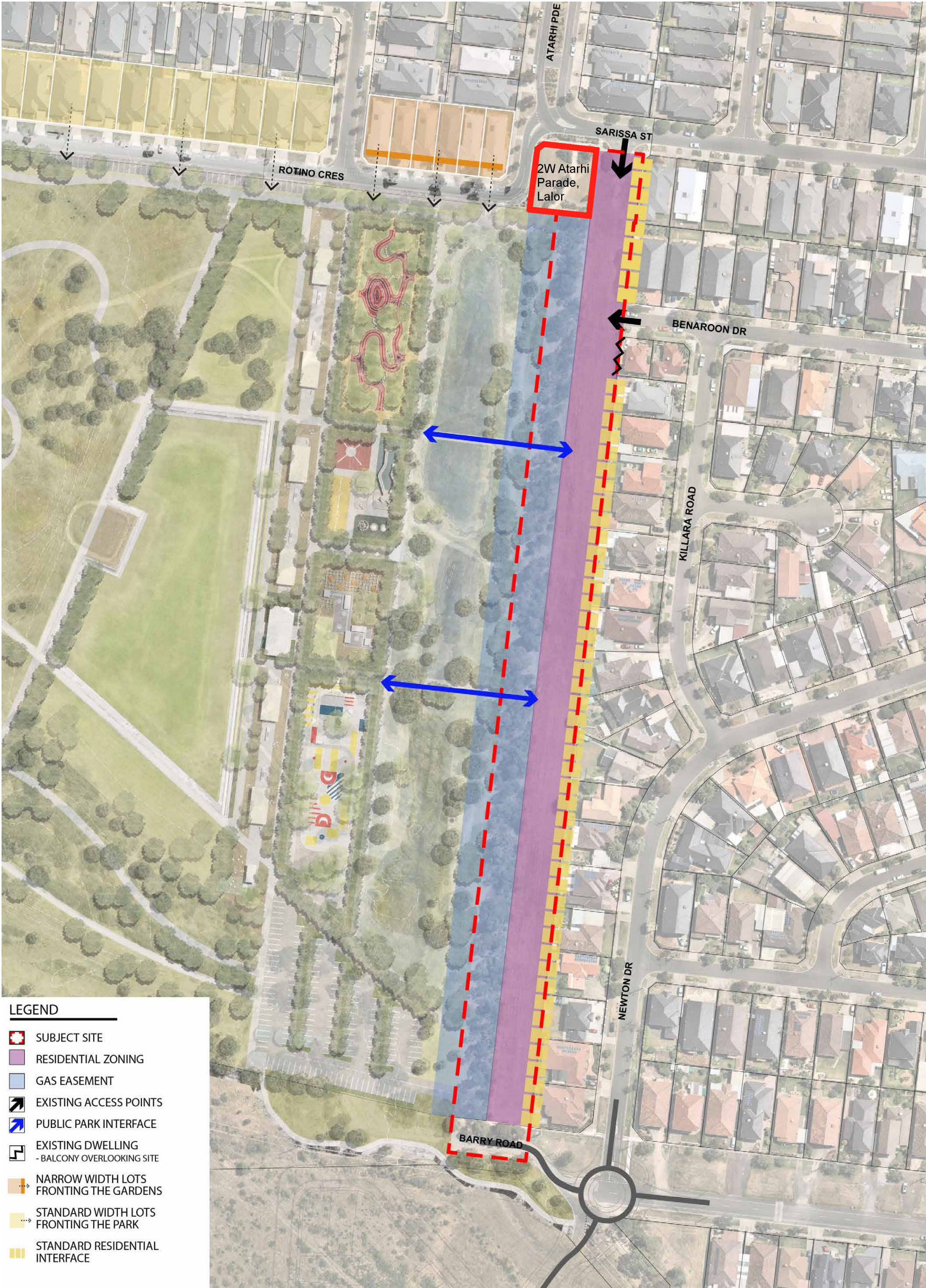
- 58. **Water**
The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
- 59. **Sewerage**
The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Permit expiry

- 60. In accordance with the *Planning and Environment Act 1987* this permit for subdivision will expire if:
 - a. The plan of subdivision is not certified within two (2) years of the date of this permit;

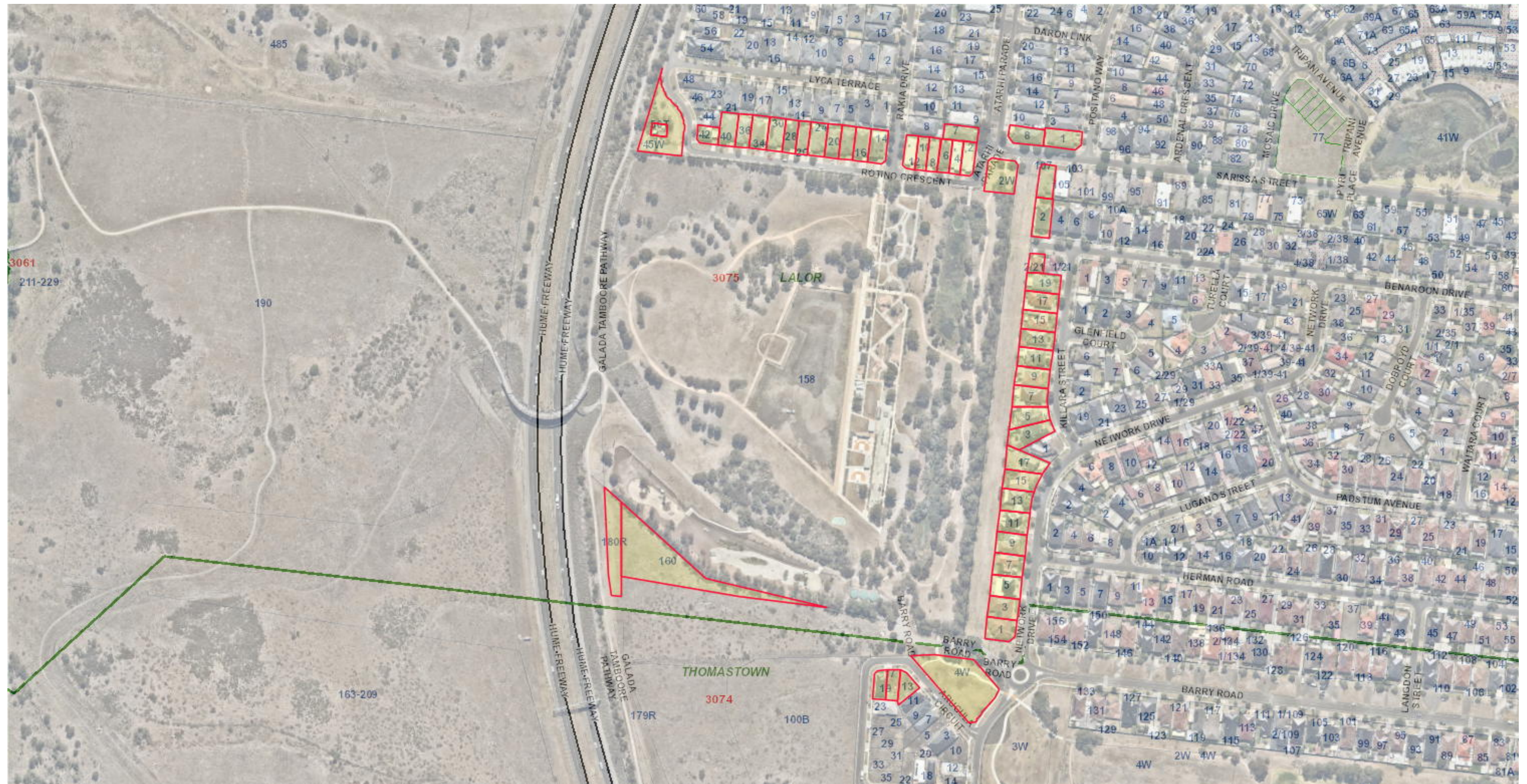
- b. The registration of the last stage of the subdivision is not completed within five (5) years from the date of certification of that plan of subdivision.

An application may be submitted to the Responsible Authority for an extension of the period referred to in this condition in accordance with Section 69(2) of the *Planning and Environment Act 1987*.



WHITTLESEA PUBLIC GARDENS RESIDENTIAL EDGE
SITE ANALYSIS

DATE: 07.12.2020
JOB NO: P0018446
DWG NO: SA-02
REV:
1:1500 @ A3



Attachment 7: Submission and Officer Response Summary Table

| Submission | Officer Response | Summary Response |
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| Submitter 1 | | |
| The submitter is concerned the proposal will lead to speeding along a 365 metre straight road. The plan does not contain details of traffic controls to deter straight line speeding and possible 'hooning' that may occur during the day or night. The entry/exit onto Benaroon Drive was raised as particularly concerning as high speed vehicles may use this as an escape route after speeding, rather than Barry Road which has a nearby roundabout. | The subdivision plan is a high-level concept of the layout. The plan does indicate three traffic calming devices (speed humps); however, this will be further refined in the Functional Layout Plan submission. The road operating speeds will be consistent with Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements. | Noted. |
| The submitter notes that the construction phase of the road will also include heavy machinery, trucks and bulldozers using the Benaroon Drive entry as well, this poses risks of increased traffic, accident risk (due to the size of these heavy vehicles) and noise pollution. | Noise during construction is governed by Environmental Protection Authority legislation (1934.1: Civil construction, building and demolition guide) which seeks to eliminate or reduce the risk of harm to human health and the environment during construction. Additionally, a Site Environmental Management Plan will be required prior to commencement of construction and will be managed by Council's Asset Protection Officers. It is also noted that the site is also accessible via Barry Road, which is a collector road. | Noted. |
| The submitter has requested for Council to consider not having an entry via Benaroon Drive, removing lots 2,3,4,5 and 6 and redesigning the road, adding a circular shape so vehicles can turn around if they need to and exit via Barry Road. This will ensure that vehicles will not have the opportunity to engage in high speed racing, reducing speed significantly, and greater controls during all phases of the development. | The current termination at the end of Benaroon Drive allows for the consideration of a future connection through to the site. The layout allows access to the 25 lots from both Barry Road and Benaroon Drive, rather than only including one point of connection. The subdivision plan does indicate three traffic calming devices. | Noted. |
| The submitter has commented on the layout of the lots with a depth of 19.4 metres, may occupy the full lot footprint and not have any decent backyard space, having the effect of bringing the construction dwelling too close to the homes and backyards of those living on | The Design Guidelines were included as a set of advertised plans and includes a building envelope to require a minimum five metre rear setback to the rear boundary of the lots along Network Drive and Killara Street. | Noted. |

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| the western side of Network Drive and Killara Street. | | |
| <p>The submitter has labelled issues with a lack of privacy and shading for the existing residents and requested strict design rules in terms of dwelling height, roof pitch limits and a requirement of generous back yard space from the back fence boundary.</p> <p>The council needs to consider applying design rules that only single storey dwellings will be allowed with a roof pitch of no greater than 7" and backyards of 7 metres or greater. Also eliminating lots 2,3,4,5,24 and 25 will greatly improve the view for residents as it presents an opportunity for the developer to attractively landscape those areas bring greater appeal to the development and the Whittlesea Public Garden perimeter.</p> | Design Guidelines will be attached via a restriction on title for each lot and will dictate the requirement for a minimum five rear setback, which is consistent with the varied ResCode (Clause 55) Standard for Schedule 5 of the General Residential Zone, the current zoning of the land. There will be no restriction on single- or double-storey dwellings, as single- and double-storey are a generally accepted outcome in residential areas. Hipped and gabled roof forms will be encouraged as this is consistent with the roofing types of the surrounding dwellings. The intent of lots 2, 3, 4, 5, 24 and 25 are to have lots fronting onto and facing the Whittlesea Public Gardens. All new dwellings would require a Building Permit which are subject to assessment against the Building Regulations which include measures for siting. | Noted. |
| The submitter has noted the prospect of reduced privacy and excessive shading due to this permit application and will reduce the current pleasant environment and the view of the tall trees and nature within the Whittlesea Public Garden. | All new dwellings would require a Building Permit which are subject to assessment against the Building Regulations which include measures for assessing overshadowing and overlooking into existing habitable room windows and secluded open spaces (backyards). It is acknowledged that the view to the existing vegetation planted on the gas easement will be lost; however, prior decisions by the Victorian Civil and Administrative Tribunal (VCAT) have established principles to guide the consideration of development impacts on existing views enjoyed by established residents. Notably, while there is no legal right to a view, the VCAT has emphasised the importance of reasonably sharing views among residents. | Noted. |
| Submitter 2 | | Noted. |
| The submitter highlights a balcony built on top a garage and located on the title boundary. Any development will remove all privacy. The balcony will be in plain view of any new development. In turn this creates privacy issues to the rear yard of any potential development. | There would be no further loss of privacy to the occupants of the balcony due to existing views to the balcony from the discontinued road reserve and public street. While it is acknowledged that future occupants of Lot 4 would be overlooked by the balcony, this is existing and will be clear to any potential purchasers of the lot in the future. | Noted. |

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| <p>The submitter contends that existing property was purchased with deliberate consideration of the westerly setting sun and views offered. The architectural design process of the existing home was deliberate. The design was solely based to ensure that there would be no obstruction to the westerly setting sun and an unobstructed view of Whittlesea gardens, parkland and the city skyline.</p> | <p>This is acknowledged however, prior decisions by the Victorian Civil and Administrative Tribunal (VCAT) have established principles to guide the consideration of development impacts on existing views enjoyed by established residents. Notably, while there is no legal right to a view, the VCAT has emphasised the importance of reasonably sharing views among residents. There are no direct views into the Whittlesea Public Gardens itself from the dwellings backing onto the gardens as the views from these dwellings are currently obscured by the planted trees and back fences.</p> | <p>Noted.</p> |
| <p>The submitter contends that should a double storey home be built on the neighbouring dwellings western boundary, it would significantly affect the sunlight received throughout the year, and especially during the winter months. This would require the use of internal lighting sooner each day which in turn will increase electrical bills, even more so during the winter months when the sun sets lower in the sky.</p> | <p>The Design Guidelines will require a minimum five metre rear setback to the rear boundary of dwellings on Killara Street and Network Drive. All new dwellings will require a Building Permit which are subject to assessment against the Building Regulations which includes measures for overshadowing into existing habitable room windows and secluded open spaces (backyards).</p> | <p>Noted.</p> |
| <p>The applicant contends that Benaroon Drive is a quiet street with only three properties who transverse the. The traffic flow is minimal. Once Downs Road is created there will be an increase in traffic flow into Benaroon Drive, for several reasons, of two are noted:</p> <ul style="list-style-type: none"> (i) Downs Road presents itself as a straight road approximately 365 metres in length, 15 metres wide - a perfect opportunity for local drag racing. As such Benaroon Drive and Down Roads intersection will become the likely exit and/or entry point for drivers who participate in this hooning activity. The existing plan does not show any traffic controls to curb this behaviour. (ii) With the opening of Downs Road, Mosaic estate residents will use Benaroon Drive as a short cut to the Whittlesea Gardens Car Park. I am unclear as to why Council is not | <p>The Traffic Impact Report for this application has been prepared by the proponent and reviewed by Council's engineers. The report confirms that the existing road network has sufficient capacity to accommodate this increase without causing undue congestion. There are two access point for the proposed street, Benaroon Drive and Barry Road. Barry Road is a collector road with direct access to Edgars Road, an arterial road; it is anticipated most vehicle-users will use Barry Road as the main thoroughfare. In response to the additional comments:</p> <ul style="list-style-type: none"> (i) The subdivision plan is a high-level concept of the layout. The plan does indicate three traffic calming devices (speed humps); however, this will be further refined in the Functional Layout Plan submission which will detail these measures. (ii) Early concepts did include connections to Sarissa Street; however, this would either have resulted in the reduction of the public open space at 2W Atarhi Parade and reduced lots directly fronting the Whittlesea Public Gardens. Access to Rotino Crescent was also explored, however, the plans at the time identified an intersection hazard from the curved Rotino | <p>Noted.</p> |

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| extending Downs Road all the way to Sarissa St or Rotino Crescent, as this will eliminate unnecessary traffic along Benaroon Drive and provide the residents of Mosaic estate another exit for their estate. | Crescent which was not resolved further. This would also require the reduction in size of 2W Atarhi Parade. | |
| The submitter contends that the opening of Down Roads and subsequent residential properties presents an increase in traffic. This in turn becomes an increase of vehicle noise and pollution to an otherwise clean and quiet environment. This will negatively affect the nearby wildlife and quality of the existing environment. | The Traffic Impact Report for this application has been prepared by the proponent and reviewed by Council's engineers. The report confirms that the existing road network has sufficient capacity to accommodate this increase without causing undue congestion. Specifically, the proposed residential subdivision is expected to generate a total of approximately 25 vehicle movements during the peak periods, and 218 daily vehicle movements, both of which are expected to be comfortably accommodated by the proposed road and existing road network. It is not anticipated that a local park in a residential area would be adversely impacted by an additional 25 lots. | Noted. |
| The submitter has contended that the diminished sunlight, increase in traffic, noise and pollution, removal of the views of the gardens, parkland / city skyline and disturbance of personal privacy will have negative financial effect to the property value of neighbouring dwellings. | The <i>Planning and Environment Act 1987</i> does not require the Responsible Authority to consider property values when making planning decisions. Instead, it emphasises factors such as sustainable development, environmental protection, and community well-being. The issues highlighted in this item have been discussed further in this table of submissions. | Noted. |
| Submitter 3 and Submitter 4 | | Noted. |
| The submitters note that the site currently hosts an important amount of vegetation, which supports local wildlife, some of which are endangered including growling frogs, blue tongue lizards, possums, bird life, kangaroos, snakes and insects which are important for the balance of our ecosystem. The development would result in the destruction of these natural features, diminishing the green space that is in fact crucial for the local ecosystem. The loss of trees and plant life will have a lasting negative impact on both the environmental health of the area and the local fauna, potentially displacing and evicting | The vegetation to be removed as part of the proposal is planted and while native, is not of a significant quality to provide for significant habitat. The requirements to obtain a planning permit does not apply to planted vegetation under Clause 52.17 (Native vegetation) of the Whittlesea Planning Scheme. Opportunities exist for landscape embellishment and tree planting, including the provision of street trees upon the completion of the road. Standard conditions for tree removal are included for the inspection of trees for wildlife prior to removal. Further embellishment of the Whittlesea Public Gardens is found in the <i>Whittlesea Public Gardens Masterplan</i> . | Noted. |

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| native species and animals that rely on this habitat. | | |
| <p>The submitters raised a number of concerns regarding health implications on residents from removing green space in residential areas:</p> <ul style="list-style-type: none"> • Reduced Air Quality: Green spaces help filter air by absorbing pollutants and producing oxygen. Without them, air quality may decline, leading to respiratory issues such as asthma and other lung diseases. • Mental Health Decline: Natural environments have been shown to reduce stress, anxiety, and depression. Lack of green spaces can lead to an increase in Mental health problems due to the absence of calming, restorative environments. • Increased Heat: Green spaces help cool the environment through evapotranspiration. Without them urban areas may experience the 'urban heat island' effect where temperature rises significantly, contributing to heat-related illnesses like heat stroke. • Increased Noise Pollution: Green spaces act as buffers against noise. Without them, urban areas may become noisier, which can contribute to stress, sleep disturbances and cardiovascular disease. • Reduced Physical Activity: Parks and green areas provide space for exercise and outdoor recreation. The removal of such a large area of trees and walking path that many of the local residents use, including myself, will limit opportunities for physical activity, contributing to | <p>The proposal improves on the interface to the Whittlesea Public Gardens and will include additional street tree planting within the proposed road. The tree removal along the eastern boundary of the Whittlesea Public Gardens will alter the interface to the residential area, however it is foreseen that the removal of tree will increase the passive surveillance and improve on interaction to the Whittlesea Public Gardens in-line with the <i>Whittlesea Public Gardens Masterplan</i>. Additionally, the design guidelines will require new trees within each lot, one in the front yard and one to the rear. It is not anticipated that there would be a reduction of air quality due to the removal of trees while there is also a continued improvement and upgrade to Whittlesea Public Gardens. No walking paths are to be removed and the proposal will allow for additional connections to existing footpaths. The proposal will allow for greater pedestrian access to the Gardens for existing dwellings located to the east. Sustainability measures in the Design Guidelines have been included to ensure development includes vegetation planting and light colour materials to reduce impacts of the urban heat island effect.</p> | Noted. |

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| <p>sedentary lifestyles, obesity and associated health risks.</p> <ul style="list-style-type: none"> • Social isolation: Green spaces often act as community hubs for social interaction and fostering a sense of belonging. Without them there may be a decrease in community engagement, which is linked to better social and mental health. • Loss of Biodiversity: Green spaces support diverse ecosystems, and their loss can affect local wildlife and plant species. This can disrupt the balance of the local environment, indirectly affecting Human health through ecosystem services like pollination and pest control. | | |
| <p>The submitters note that as the proposed townhouses are intended to be double-storey, this would impact the privacy of existing properties and view of nature, sunlight and wildlife. The new homes will be constructed directly behind existing dwellings and in a direct line of sight into gardens and living areas.</p> | <p>The Design Guidelines do not enforce a double-storey development, although it is acknowledged that the building envelopes may encourage double-storey buildings to allow for greater floor area on a smaller building footprint. Despite this, double-storey dwellings are a commonly accepted occurrence within residential areas. Building Permits will be required and are subject to assessment against the Building Regulations including provisions to avoid direct overlooking into existing habitable room windows and secluded open spaces (backyards). It is acknowledged that the view to the existing vegetation planted on the gas easement will be lost; however, prior decisions by the Victorian Civil and Administrative Tribunal (VCAT) have established principles to guide the consideration of development impacts on existing views enjoyed by established residents. Notably, while there is no legal right to a view, the VCAT has emphasised the importance of reasonably sharing views among residents. There are no direct views into the Whittlesea Public Gardens itself from the dwellings backing onto the gardens as the views from these dwellings are currently obscured by the planted trees and back fences.</p> | <p>Noted.</p> |
| <p>The submitter mentions that the development could have a negative impact on property values. With the development being in close proximity, coupled with loss of green space and potential increase in noise and traffic, this would significantly alter the character of the</p> | <p>The <i>Planning and Environment Act 1987</i> does not require the Responsible Authority to consider property values when making planning decisions. Instead, it emphasises factors such as sustainable development, environmental protection, and community well-being. The issues highlighted in this item have been discussed further in this table of submissions.</p> | <p>Noted.</p> |

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| area, making the property less desirable and reduce market appeal would the need to sell ever arise. | | |
| <p>The submitters advise that the development of the 25 townhouses, along with the new upcoming Marran Run estate (located to the south) which includes 173 new houses will cause a substantial increase of traffic in the area. On average every household will have a minimum of two vehicles, and with this amount of new housing in such a small area, it will lead to potentially another 400 vehicles entering and exiting the site, adding to congestion, traffic volume in the local streets in particular Barry Road, and pollution.</p> <p>It also proposes a new road measuring 15 metres wide be built in front of the new housing, and in very close proximity to the newly upgraded park area currently enjoyed by the hundreds of children every week. This will exacerbate safety concerns, particularly for pedestrians and children. The new road will also attract more speeding motorists, in particular some of the younger drivers who don't abide by the road rules will take the opportunity to use it as their race way.</p> | <p>Regarding the increase in traffic along Barry Road, both this application the planning permit application for the Marran Run Estate included a Traffic Impact Report. The Traffic Impact Report for this application has been prepared by the proponent and reviewed by Council's engineers. The report confirms that the existing road network has sufficient capacity to accommodate this increase without causing undue congestion. Specifically, the proposed residential subdivision is expected to generate a total of approximately 25 vehicle movements during the peak periods, and 218 daily vehicle movements, both of which are expected to be comfortably accommodated by the proposed road and existing road network. Barry Road is a higher-order collector road.</p> <p>The road operating speeds will be consistent with Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements, also assessed by Council engineers. The subdivision plan indicates three traffic calming devices (speed humps). However, this will be further refined in the Functional Layout Plan submission.</p> | Noted. |
| The submitter is concerned the development would lead to an increase in noise both during the construction phase and once the homes are occupied. There would be noise from construction machinery, deliveries and the general activity associated with development would be disruptive. Once built, the added population and vehicles would result in continuous noise and disturbance. | The proposed traffic calming devices will ensure the road is kept as a low-speed local road. The road operating speeds will be consistent with Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements. It is not considered that additional dwellings located in a residential area would result in a detrimental noise impact to existing dwellings. The lots are of a standard density. Noise during construction is governed by Environmental Protection Authority legislation (1934.1: Civil construction, building and demolition guide) which seeks to eliminate or reduce the risk of harm to human health and the environment during construction. Additionally, a Site Environmental Management Plan will | Noted. |

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| | be required prior to commencement of construction and will be managed by Council's Asset Protection Officers. | |
| There submitter is concerned for insufficient consultation with local residents regarding details of the development. A number of residents are unaware of the proposal. Neighbours along Network Drive and Killara Street were the only residents who received notification a week before Christmas when people are busy. | The application was advertised in accordance with the <i>Planning and Environment Act 1987</i> . 54 letters were sent to directly adjoining landowners and occupiers to the subject site, as required by the Act. Two signs, one located on the southern boundary facing Barry Road and one sign located on the northern boundary were also placed on the site. Due to the December timeframe, a longer advertising period was undertaken to allow more time for residents to respond. Additionally, other Council projects related to the <i>Whittlesea Public Gardens Master Plan</i> , approved in 2018, have been communicated to residents. The road discontinuation application approved at a Council meeting on 18 March 2025 was advertised concurrently and included a wider update on the <i>Master plan</i> project. | Noted. |
| Submission 5 | | Noted. |
| The submitter remarks they purchased the dwelling with the consideration that the back of the property would face out to park land and would be open to seeing wildlife at all hours of the day. The park was a consideration in purchasing property because of its location, size and walk ways. | Land is potentially subject to development and change overtime. Prior decisions by the Victorian Civil and Administrative Tribunal (VCAT) have established principles to guide the consideration of development impacts on existing views enjoyed by established residents. Notably, while there is no legal right to a view, the VCAT has emphasised the importance of reasonably sharing views among residents. The proposal will include additional footpath connections to the Whittlesea Public Gardens, providing greater direct access to the park for the residents located to the east of the Gardens. The existing unencumbered Gardens providing recently upgraded infrastructure will not be reduced. | Noted. |
| The submitter contends that if a permit is granted to build 25 lots and a new road, this will increase noise pollution and traffic in a small community that has already had to face these issues with the new development and the creation of an unmonitored roundabout. | The proposed traffic calming devices will ensure the road is kept as a low-speed local road. The road operating speeds will be consistent with Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements. The existing Barry Road roundabout has been constructed in accordance with the Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements. | Noted. |
| The submitter notes that the number of houses being located directly behind existing dwellings is a breach to privacy. Each house across Network Drive and Killara Street will have approximately 1½-2 houses looking into each property. | Building Permits will be required for each new dwelling and are subject to assessment against the Building Regulations which include measures for siting, including provisions to avoid direct overlooking into existing habitable room windows and secluded open spaces (backyards). Additionally, the Design Guidelines will require a minimum five metre setback of the new dwelling from the rear boundary. | Noted. |

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| <p>The submitter contends that the building of the 25 lots, not only reduces the size of the park but will also affect the amount of shading provided to each house and will lead to a loss of daylight and night light to each property. The building of the new estates will affect the sunrays to solar panels, reducing the amount of reusable and sustainable energy we can consume in Whittlesea.</p> | <p>The lots are to be constructed on a discontinued road reserve not used for open space purpose and the road is to be located within the 158 Barry Road lot (Whittlesea Public Gardens) on an encumbered gas easement. There will be no reduction to the existing park infrastructure. Building Permits will be required for each new dwelling and are subject to assessment against the Building Regulations which include measures for siting, including provisions for overshadowing into existing habitable room windows and secluded open spaces (backyards). It is not anticipated that dwellings with a five metre rear setback would overshadow any existing solar panel located at the dwellings to the east, which are also considerably setback from the rear boundary.</p> | <p>Noted.</p> |
| <p>The submitter mentions that the granting of this permit will lead to a severe reduction in car parking. The roads are quite narrow when both side of the street are blocked off by vehicles, which leads to cars being parked inside streets and on grassland along Barry Road.</p> | <p>A total of 39 indented car parking bays will be provided on the western side of proposed Downs Road and no car parking bays on the eastern side. The 39 car parking bays is considered sufficient to provide for additional car parking for the residents of the 25 lots. The road reserve is 15 metres wide and designed to accommodate two-way traffic. Existing car parking for visitor to Whittlesea Public Gardens is located within the park itself, located at the end of Barry Road.</p> | <p>Noted.</p> |
| <p>The submitter contends that there is no monitoring or security of any of the surrounding streets/roads by the Council or the police, with a lack of cameras/surveillance in these areas. This is a safety concern for not only existing, but potential new residents.</p> | <p>This is not a planning consideration and the proposed road will be consistent with Engineering Design Construction Manual (EDCM) and City of Whittlesea requirements. The proposed subdivision will allow for greater passive surveillance of the parkland as recommended by the endorsed Whittlesea Public Gardens Masterplan.</p> | <p>Noted.</p> |



Zoning Map



- Property
 - Property
 - Property
 - Property
- Property
 - Property
- Planning codes
 - Planning codes
- Planning zones
 - General Residential Zone 1
 - General Residential Zone 5
 - Mixed Use 1
 - Public Park and Recreation
 - Public Use 6: Local Government
 - Transport Zone 1
- Body Corporate
 - Body Corporate
- Parcel (proposed)
 - Parcel (proposed)
- Road Names - Local
 - Road Names - Local
- Roads - Main
 - Primary Arterial
 - Secondary Arterial
- Road Names - Main
 - Road Names - Main



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Map Scale: 1 : 5893
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Residential Subdivision – Clause 56

Clause 56 of the *Whittlesea Planning Scheme* applies to an application for residential subdivision. The following table provides details on whether the proposed subdivision complies with the requirements of Clause 56.

- **Objectives.** An objective describes the desired outcome to be achieved in the completed subdivision.
- **Standards.** A standard contains the requirements to meet the objective.

A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered.

| Policy | Standard | Assessment |
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| <p><u>C1 - Strategic implementation objective</u></p> <p>To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.</p> | <p>Standard C1</p> <p>An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.</p> | <p>Objective and standard achieved</p> <p>The layout and design of the subdivision is generally in accordance with wider planning policies, including the Planning Policy Framework of the Whittlesea Planning Scheme. The subdivision provides an appropriate interface with the Whittlesea Public Gardens to the west, a transition from the existing residential lots to the east and logically connects to an existing network.</p> |
| <p><u>Compact and walkable neighbourhoods objectives</u></p> <p>To create compact neighbourhoods that are oriented round easy walking distances to activity centres, schools and community facilities, public open space and public transport.</p> <p>To allow easy movement through and between neighbourhoods for all people</p> | <p>Standard C2</p> <p>A subdivision should implement any relevant growth area or any approved land-use and development strategy, plan or policy for the area set out in this scheme.</p> <ul style="list-style-type: none"> • An application for subdivision must include a plan of the layout of the subdivision that: • Meets the objectives (if relevant to the class of subdivision specified in the zone) of: <ul style="list-style-type: none"> - Clause 56.03-2 Activity centres - Clause 56.03-3 Planning for community facilities - Clause 56.04-1 Lot diversity and distribution - Clause 56.06-2 Walking and cycling network - Clause 56.06-3 Public transport network - Clause 56.06-4 Neighbourhood street network • Shows the 400 metre street walking distance around each existing or proposed bus stop, 600 metres street walking distance around each existing or proposed tram stop and 800 metres street walking distance around each existing or proposed railway station and shows the estimated number of dwellings within those distances. • Shows the layout of the subdivision in relation to the surrounding area. | <p>Objective and standard achieved</p> <p>The subdivision implements the objectives of the Planning Policy Framework, in addition to zoning and overlay requirements. The subdivision creates a compact neighbourhood that has a highly permeable movement network, improving connectivity from the east through to the public gardens. Additionally further improving vehicle and pedestrian connections throughout the precinct.</p> |

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| | <ul style="list-style-type: none"> Is designed to be accessible for people with disabilities. | |
| <p><u>Clause 56.03-2 Activity centre objective</u></p> <p>To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.</p> | <p>Standard C3</p> <p>A subdivision should implement any relevant activity centre strategy, plan or policy for the area set out in this scheme. Subdivision should be supported by activity centres that are:</p> <ul style="list-style-type: none"> Accessible by neighbourhood and regional walking and cycling networks. Served by public transport that is connected to the regional public transport network. Located at public transport interchange points for the convenience of passengers and easy connections between public transport services. Located on arterial roads or connector streets. Of appropriate size to accommodate a mix of uses that meet local community needs. Oriented to support active street frontages, support street-based community interaction and pedestrian safety. | <p>Objective and standard achieved</p> <p>The proposed subdivision isn't located in close proximity to an activity centre, however will have access to public transport networks to the south-east along Victoria Drive. Additionally, the proposal will provide for a range of lot sizes, providing dwelling diversity within an area which has excellent access to open space.</p> |
| <p><u>Clause 56.03-3 Planning for community facilities objective</u></p> <p>To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities</p> | <p>Standard C4</p> <p>A subdivision should:</p> <ul style="list-style-type: none"> Implement any relevant regional and local community facility strategy, plan or policy for the area set out in this scheme. Locate community facilities on sites that are in or near activity centres and public transport. School sites should: <ul style="list-style-type: none"> Be integrated with the neighbourhood and located near activity centres. Be located on walking and cycling networks. Have a bus stop located along the school site boundary. Have student drop-off zones, but parking and on-street parking in addition to other street functions in abutting streets. Adjoin the public open space network and community sporting and other recreation facilities. Be integrated with community facilities. Be located on land that is not affected by physical, environmental or other constraints. <p>Schools should be accessible by the Principal Public Transport Network in Metropolitan Melbourne and on</p> | <p>Objective and standard achieved</p> <p>The proposal is not incorporating community facilities, however the site has access to existing schools to the north-east. Transport provide access to nearby facilities.</p> |

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| | <p>the regional public transport network outside Metropolitan Melbourne.</p> <p>Primary schools should be located on connector streets and not on arterial roads.</p> <p>New State Government school sites must meet the requirements of the Department of Education and Training and abut at least two streets with sufficient widths to provide student drop-off zones, bus parking and on-street parking in addition to other street functions.</p> | |
| <p><u>Clause 56.03-4 Built environment objective</u></p> <p>To create urban places with identity and character.</p> | <p>Standard C5</p> <p>The built environment should:</p> <ul style="list-style-type: none"> • Implement any relevant urban design strategy, plan or policy for the area set out in this scheme. • Provide living and working environments that are functional, safe and attractive. • Provide an integrated layout, built form and urban landscape. • Contribute to a sense of place and cultural identity. An application should describe the identity and character to be achieved and the elements that contribute to that identity and character. | <p>Objective and standard achieved</p> <p>The proposed subdivision will contribute towards the creation of a distinctive residential character and identity for the site. The proposal will improve the interface with the public gardens and will ensure that the public realm is improved. This application is solely proposing subdivision, however design guidelines will be enforced via a restriction on title which will guide built form outcomes on each lot, aligning with the zoning.</p> |
| <p><u>Clause 56.03-5 Neighbourhood character objective</u></p> <p>To design subdivisions that respond to neighbourhood character.</p> | <p>Standard C6</p> <p>Subdivision should:</p> <ul style="list-style-type: none"> • Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme. • Respond to and integrate with the surrounding urban environment. • Protect significant vegetation and site features. | <p>Objective and standard achieved</p> <p>The proposed subdivision layout will be appropriate considering the current context connections to existing residential subdivision. The proposed subdivision layout will improve the connectivity to the public gardens and will fit within the surrounding area, which consists of larger lots to the east and smaller lots to the north. The land does have existing vegetation however this is proposed to be removed with no planning permission required. Design guidelines will ensure the built development is consistent with the area.</p> |
| <p><u>Clause 56.04-1 Lot diversity and distribution objectives</u></p> <p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres. To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p> | <p>Standard C7</p> <p>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</p> <p>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.</p> <p>A range and mix of lot sizes should be provided including lots suitable for the development of:</p> <ul style="list-style-type: none"> • Single dwellings. | <p>Objective and standard achieved</p> <p>25 lots are provided as part of this subdivision at a variety of sizes. Medium density is unavailable due to the Melbourne Airport Environs Overlay and therefore all lots will be at least 300 square metres or greater. All lots will be capable of accommodating a dwelling, with approval either sought via a planning or building permit.</p> |

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| | <ul style="list-style-type: none"> • Two dwellings or more. • Higher density housing. • Residential buildings and Retirement villages. <p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</p> <p>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p> | |
| <p>Clause 56.04-2 Lot area and building envelopes objectives</p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p> | <p>Standard C8</p> <p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows: That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</p> <ul style="list-style-type: none"> • That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. Lots of between 300 square metres and 500 square metres should: • Contain a building envelope that is consistent with a development of the lot approved under this scheme, or • If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope. <p>If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</p> <p>Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</p> | <p>Objective and standard achieved</p> <p>This application is proposing the subdivision of the land to create 25 developable lots. Future dwellings on these lots will be able to achieve:</p> <ul style="list-style-type: none"> • Appropriate solar access. • An appropriate area of secluded private open space. • Safe vehicle access and adequate onsite parking. • Access to a full range of utilities. <p>Each lot will have a building envelope included as a restriction on title allowing for sufficient separation from the existing rear dwellings (5 metre rear setback).</p> |

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| | <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <ul style="list-style-type: none"> • The objectives of the relevant standards are met, and • The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act. <p>Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</p> <ul style="list-style-type: none"> • The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and • The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement. <p>Lot dimensions and building envelopes should protect:</p> <ul style="list-style-type: none"> • Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations. • Existing or proposed easements on lots. • Significant vegetation and site features | |
| <p><u>Clause 56.04-3 Solar orientation of lots objective</u></p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p> | <p>Standard C9</p> <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation. Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. | <p>Objective and standard achieved</p> <p>Given the constraints of the site, all lots will be designed to run east-west with east facing areas of secluded private open space, which will receive good solar access during the morning hours. The minimum five metre rear setback will allow for sunlight to access the rear secluded private open space (backyard).</p> |

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| <p><u>Clause 56.04-4 Street orientation objective</u> To provide a lot layout that contributes to community social interaction, personal safety and property security.</p> | <p>Standard C10 Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. • Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. • Providing roads and streets along public open space boundaries. | <p>Objective and standard achieved A number of features are proposed in the subdivision to enable the creation of a safe community and to promote interaction between residents including:</p> <ul style="list-style-type: none"> • All lots have primary frontage to a road. • The public open space will abut a road frontage. • Future dwellings will front onto the open space, ensuring that passive surveillance. <p>Due to the Melbourne Airport Environs Overlay, lots less than 300 square metres are not available.</p> |
| <p><u>Clause 56.04-5 Common area objectives</u> To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.</p> | <p>Standard C11 An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. | <p>Not applicable No common land is created as a result of this subdivision. It is proposed that the roads created will be public roads and owned by Council.</p> |
| <p><u>Clause 56.05-1 Integrated urban landscape objectives</u> To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. To incorporate natural and cultural features in the design of streets and public open space where appropriate. To protect and enhance native habitat and discourage the planting and spread of noxious weeds. To provide for integrated water management systems and contribute to drinking water conservation.</p> | <p>Standard C12 An application for subdivision that creates streets or public open space should be accompanied by a landscape design. The landscape design should:</p> <ul style="list-style-type: none"> • Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. • Create attractive landscapes that visually emphasise streets and public open spaces. • Respond to the site and context description for the site and surrounding area. • Maintain significant vegetation where possible within an urban context. • Take account of the physical features of the land including landform, soil and climate. • Protect and enhance any significant natural and cultural features. | <p>Objective and standard achieved The primary public areas within the subdivision that require landscape design will be the streetscapes. A landscape plan is to be developed in coordination with Council's landscaping department after a decision is used, as standard for subdivision applications. The landscape plan will consider species appropriate for the Lalor area, by providing for appropriate street trees and embellishments.</p> |

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| | <ul style="list-style-type: none"> • Protect and link areas of significant local habitat where appropriate. • Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. • Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. • Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. • Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas. • Provide for walking and cycling networks that link with community facilities. • Provide appropriate pathways, signage, fencing, public lighting and street furniture. • Create low maintenance, durable landscapes that are capable of a long life. The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs. | |
| <p><u>Clause 56.05-2 Public open space provision objectives</u></p> <p>To provide a variety of open spaces with links to other open spaces and regional parks where possible.</p> <p>To ensure that public open space of appropriate quality and quantity is provided in convenient locations to meet the recreational and social needs of the community.</p> <p>To support active and healthy communities.</p> | <p>Standard C13</p> <p>The provision of public open space should:</p> <ul style="list-style-type: none"> • Implement any relevant open space plan, strategy or policy for the area set out in this scheme. • Provide a network of well-distributed regional and local open space that includes: <ul style="list-style-type: none"> - Regional public open space where appropriate, including along foreshores, streams and permanent water bodies. - Regional parks of at least 3 hectares, combining passive and active use, within 2 kilometres of all dwellings. - Large local parks of at least 1 hectare for active and passive use, within 500 metres safe walking distance from all dwellings. - Small local parks within 150 metres to 300 metres safe walking distance of all dwellings, where appropriate. | <p>Objective and strategy achieved</p> <p>No open space is proposed as part of this application, however the site will have access to the Whittlesea Public Gardens located directly west of the site.</p> <p>Pedestrian connections will be provided to the gardens ensuring that the gardens are highly accessible to future residents, in addition providing more access to existing residents within the surrounding area.</p> |

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| | <ul style="list-style-type: none"> • Include land used for drainage control or stream and floodway purposes if generally available for recreational use. • Be integrated with urban water management systems including watercourses and water bodies. • Incorporate natural and cultural features where appropriate. • Encourage shared use of active open space. • Adjoin schools and other community facilities where practical. • Meet the social, cultural, recreational and sporting needs of the community including different age groups and abilities. • Be linked to existing or proposed future public open spaces where appropriate. • Include publicly owned plazas or parks in activity centres where appropriate. <p>Land provided for public open space should be:</p> <ul style="list-style-type: none"> • Of a quality, quantity and character that makes it fit for its potential functions. • Located so that every lot in the subdivision is within 500 metres street walking distance of existing or proposed public open space. • Related to the street and lot layout in a manner that promotes personal safety and surveillance of users of the public open space from streets along public open space boundaries. • Of an area and dimensions to allow easy adaptation to different uses in response to changing community sport and recreational preferences. | |
| <p><u>Clause 56.06-1 Integrated mobility objectives</u></p> <p>To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.</p> <p>To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.</p> <p>To contribute to reduced car dependence, improved energy efficiency, reduced greenhouse gas emissions and reduced air pollution.</p> | <p>Standard C14</p> <p>An application for a subdivision must include a plan of the layout of the neighbourhood that meets the objectives of:</p> <ul style="list-style-type: none"> • Clause 56.06-2 Walking and cycling network. • Clause 56.06-3 Public transport network. • Clause 56.06-4 Neighbourhood street network. | <p>Objective and standard achieved</p> <p>The subdivision plan, and associated plans submitted with the application, details the neighbourhood street network.</p> |

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| <p><u>Clause 56.06-2 Walking and cycling network objectives</u></p> <p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p> | <p>Standard C15</p> <ul style="list-style-type: none"> • The walking and cycling network should be designed to: Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. • Be accessible to people with disabilities. | <p>Objective and standard achieved</p> <p>The new north to east road will incorporate footpaths, which will provide connections to the north, south, east and west existing footpaths, including connection across to the gardens. The proposed subdivision will improve pedestrian connectivity from the north, east and south given there is currently no direct route.</p> |
| <p><u>Public transport network objectives</u></p> <p>To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.</p> <p>To encourage maximum use of public transport.</p> | <p>Standard C16</p> <p>The public transport network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant public transport strategy, plan or policy for the area set out in this scheme. • Connect new public transport routes to existing and proposed routes to the satisfaction of the relevant public transport authority. • Provide for public transport links between activity centres and other locations that attract people using the Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne. • Locate regional bus routes principally on arterial roads and locate local bus services principally on connector streets to provide: | <p>Objective and standard achieved</p> <p>At this stage, no bus route is planned through the proposed subdivision, however the site has access to existing public transport routes to the south-east of the site.</p> |

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| | <ul style="list-style-type: none"> - Safe and direct movement between activity centres without complicated turning manoeuvres. - Direct travel between neighbourhoods and neighbourhood activity centres. - A short and safe walk to a public transport stop from most dwellings. | |
| <p>Neighbourhood street network objective</p> <p>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p> | <p>Standard C17</p> <p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> • Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, cycle paths, footpaths and public transport routes. • Provide clear physical distinctions between arterial roads and neighbourhood street types. • Comply with the Roads Corporation's arterial road access management policies. • Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. • Provide safe and efficient access to activity centres for commercial and freight vehicles. • Provide safe and efficient access to all lots for service and emergency vehicles. • Provide safe movement for all vehicles. • Incorporate any necessary traffic control measures and traffic management infrastructure. The neighbourhood street network should be designed to: • Implement any relevant transport strategy, plan or policy for the area set out in this scheme. • Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. • Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. • Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. • Provide an interconnected and continuous network of streets within and between neighbourhoods for | <p>Objective and standard achieved</p> <p>The road dimensions within the proposed subdivision are sufficient to comfortably accommodate the key components of the neighbourhood street network including appropriate sized carriageways, sufficient on street parking, landscaping, and drainage where required. All carriageways will be constructed to accommodate emergency vehicles and service vehicles.</p> |

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| | <p>use by pedestrians, cyclists, public transport and other vehicles.</p> <ul style="list-style-type: none"> • Provide an appropriate level of local traffic dispersal. • Indicate the appropriate street type. Provide a speed environment that is appropriate to the street type. • Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). Encourage appropriate and safe pedestrian, cyclist and driver behaviour. • Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. • Minimise the provision of cul-de-sacs. • Provide for service and emergency vehicles to safely turn at the end of a dead-end street. • Facilitate solar orientation of lots. • Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees. • Contribute to the area's character and identity. • Take account of any identified significant features. | |
| <p><u>Clause 56.06-5 Walking and cycling network detail objectives</u></p> <p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p> | <p>Standard C18</p> <p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> • Be part of a comprehensive design of the road or street reservation. • Be continuous and connect. • Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. • Accommodate projected user volumes and mix. • Meet the requirements of Table C1. • Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. • Provide appropriate signage. Be constructed to allow access to lots without damage to the footpath or shared path surfaces. | <p>Objective and standard achieved</p> <p>The proposed new road will provide connections through to the north, east, south and west. Footpaths will be constructed with the roads and will be designed to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p> |

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| | <ul style="list-style-type: none"> • Be constructed with a durable, non-skid surface. • Be of a quality and durability to ensure: <ul style="list-style-type: none"> - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. - Discharge of urban run-off. - Preservation of all-weather access. - Maintenance of a reasonable, comfortable riding quality. - A minimum 20 year life span. • Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities. | |
| <p><u>Clause 56.06-6 Public transport network detail objectives</u></p> <p>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.</p> <p>To provide public transport stops that are accessible to people with disabilities.</p> | <p>Standard C19</p> <p>Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.</p> <p>Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.</p> <p>The design of public transport stops should not impede the movement of pedestrians.</p> <p>Bus and tram stops should have:</p> <ul style="list-style-type: none"> • Surveillance from streets and adjacent lots. • Safe street crossing conditions for pedestrians and cyclists. • Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority. • Continuous hard pavement from the footpath to the kerb. • Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage. • Appropriate signage. <p>Public transport stops and associated waiting areas should be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.</p> | <p>Objective and standard achieved</p> <p>The proposed subdivision does not include any proposed arterial road, nor is it located adjacent to one. All connections are through local residential roads. It is within the proximity of bus networks located to the south-east.</p> |

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| <p><u>Neighbourhood street network detail</u></p> <p><u>objective</u></p> <p>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p> | <p>Standard C20</p> <p>The design of streets and roads should:</p> <ul style="list-style-type: none"> • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. • Provide a safe environment for all street users applying speed control measures where appropriate. • Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. • Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> - Enable the carriage of vehicles. - Avoid damage by construction vehicles and equipment. - Ensure street pavements are of sufficient quality and durability for the: - Safe passage of pedestrians, cyclists and vehicles. - Discharge of urban run-off. | <p>Objective and strategy achieved</p> <p>The road design will provide an accessible and safe neighbourhood street system for all users. The proposed road reservation widths are generally wide enough to accommodate appropriately sized carriageways, traffic calming devices, parking, landscaping, drainage, public transport, and pedestrian/cycleway requirements. Given the existing dwellings to the east, the block length will exceed 240 metres as there are no possible connections to the east however traffic calming measures will be incorporated to ensure that a safe environment is provided. A Functional layout Plan which is generally only required after a permit is issued was lodged prematurely, allowing for Council Officer's, including engineers to provide an early assessment. While some changes have been requested, these are minor (e.g. footpath locations and road widths) and this can therefore be provide as a condition.</p> |
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| | <ul style="list-style-type: none"> - Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. • Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. • Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> - Perform the required integrated water management functions. - Delineate the edge of the carriageway for all street users. - Provide efficient and comfortable access to abutting lots at appropriate locations. - Contribute to streetscape design. • Provide for the safe and efficient collection of waste and recycling materials from lots. • Be accessible to people with disabilities. A street detail plan should be prepared that shows, as appropriate: • The street hierarchy and typical cross-sections for all street types. • Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. | |
| <u>Lot access objective</u> To provide for safe vehicle access between roads and lots. | Standard C21 Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority. Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets. The design and construction of a crossover should meet the requirements of the relevant road authority. | Objective and standard achieved Lots are not less than 300s square metres, nor are connected to an arterial road. Crossovers can be refined further in the amended Functional Layout Plan should a permit be issued. |
| <u>Clause 56.07-1 Drinking water supply objectives</u> To reduce the use of drinking water. | Standard C22 The supply of drinking water must be: <ul style="list-style-type: none"> • Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. | Objective and standard achieved All lots will be connected to the local water supply to the satisfaction of the water authority (Yarra Valley Water) who have been provided a copy of the application for assessment. |

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| To provide an adequate, cost-effective supply of drinking water. | <ul style="list-style-type: none"> • Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. | |
| <u>Clause 56.07-2 Reused and recycled water objective</u> To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water | Standard C23 Reused and recycled water supply systems must be: <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. • Provided to the boundary of all lots in the subdivision where required by the relevant water authority. | Objective and standard achieved Recycled water supply systems will be developed to the satisfaction of the relevant water authority (Yarra Valley Water), who have been provided a copy of the application for assessment. |
| <u>Clause 56.07-3 Waste water management objective</u> To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner | Standard C24 Waste water systems must be: <ul style="list-style-type: none"> • Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. • Consistent with any relevant approved domestic waste water management plan. Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority. | Objective and strategy achieved Waste water systems will be designed, constructed and managed in accordance with the requirements of the relevant water authorities (Yarra Valley Water). Reticulated waste water systems will be provided to the boundary of all lots and have been indicated in the Functional Layout Plan. |
| <u>Clause 56.07-4 Urban run-off management objectives</u> To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off. | Standard C25 The urban stormwater management system must be: <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. The stormwater management system should be integrated with the overall development plan including | Objective and standard achieved The subdivision design will be designed and managed in accordance with the requirements and satisfaction of the drainage authority (Melbourne Water), who have been provided a copy of the application for review. The Stormwater Management Strategy was assessed as satisfactory by Melbourne Water and Council engineers, subject to a few minor amendments to calculations. |

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| | <p>the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedance Probability (AEP) standard:</p> <ul style="list-style-type: none"> • Stormwater flows should be contained within the drainage system to the requirements of the relevant authority. • Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. For storm events greater than 20% AEP and up to and including 1% AEP standard: • Provision must be made for the safe and effective passage of stormwater flows. • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second). The design of the local drainage network should: • Ensure run-off is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage run-off in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p> | |
| <u>Site management objectives</u> | Standard C26 | Objective and standard achieved |

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| <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p> | <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p> | <p>A Construction Management Plan can be prepared post-permit and provided as a condition upon any decision issued, as standard for subdivision applications. This can ensure that environmental impacts are minimised during the construction phase.</p> |
| <p><u>Shared trenching objectives</u></p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves</p> | <p>Standard C27</p> <p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p> | <p>Objective and standard achieved</p> <p>Reticulated services will be constructed within trenches where appropriate as indicated on the preliminary Functional layout Plan. All services will be located on one side of the local road due to limitations in the width of the road within the gas easement. This is a varied, but accepted approach.</p> |
| <p><u>Electricity, telecommunications and gas objectives</u></p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p> | <p>Standard C28</p> <p>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology.</p> <p>The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <p>Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</p> | <p>Objective and standard achieved</p> <p>Electricity services can be made available to a staged development subject to the developer entering into the standard conditions of supply. The application was referred to AusNet.</p> <p>The demand on the electricity supply will be minimised by:</p> <ul style="list-style-type: none"> • Providing allotments with good solar orientation • Constructing dwellings that achieve good energy efficiency rating, as per the design guidelines • Telecommunication infrastructure will be provided. <p>While the application was lodged prior to mandatory provisions prohibiting the provision of gas to new subdivisions and development, the use of gas is not proposed in this application, in line with State Government expectations.</p> |
| <p><u>Fire hydrants objective</u></p> | <p>Standard C29</p> | <p>Objective and standard achieved</p> |

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| To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently. | <p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> • A maximum distance of 120 metres from the rear of the each lot. • No more than 200 metres apart. Hydrants and fire plugs must be compatible with the relevant fire service equipment. | Fire hydrants will be installed to satisfy this standard and indicated on the design detail plans. Fire Rescue Victoria have been provided a copy of this application, with conditions provided. |
| <p><u>Public lighting objective</u></p> <p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</p> <p>To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p> | <p>Standard C30</p> <p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p> | <p>Objective and standard achieved</p> <p>Public lighting will be provided within the street network, to help contribute towards a safe movement network and indicated on the design detail plans.</p> |

5.2 2388 Plenty Road Whittlesea 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 *2388 Plenty Road Whittlesea Development Plan* (Development Plan), prepared and submitted by Whiteman Property and Associates.

The site subject to the Development Plan is 2388 Plenty Road, Whittlesea (*refer Attachment 1*). The site is approximately 4.5ha in size and bound by Plenty Road to the west, an industrial estate to the north, the former rail reserve and 'green wedge' land to the east and existing low density residential development to the south (Retland Estate).

The Development Plan proposes that the site be developed for a residential aged care facility, medical centre, retirement living and a shared resident's garden for the majority of the site and non-residential (commercial) uses in the north-west corner of the site fronting Plenty Road. The mix of uses has been proposed as an appropriate response to the surrounding uses and as a transition between the industrial use to the north and residential use to the south.

The Development Plan has been prepared in accordance with Schedule 2 to the Development Plan Overlay (DPO2) at Clause 43.04 of the Whittlesea Planning Scheme and the *Whittlesea Local Structure Plan 1998* (LSP).

The draft Development Plan and supporting documents were placed on non-statutory exhibition in November and December 2024. Neighbouring and nearby properties, and relevant agencies, were notified and provided with the opportunity to comment on the proposal.

A total of 29 submissions were received from affected and adjacent landowners/residents as well as agencies, which are summarised in *Attachment 2*. In response to submissions, officers recommended a number of changes be made to the exhibited documents which have been incorporated by the proponent into the final Development Plan (*refer to Attachment 3*).

The Development Plan has been assessed as meeting the relevant requirements of the Whittlesea Planning Scheme and satisfactorily responds to the existing site features and local context. It provides for use and development that meets a community need for medical and residential aged care services and accommodation. In particular, the proposed residential aged care use responds to state planning policy which aims to facilitate additional residential aged care facilities to enable residents to access diverse housing options in their community. The Development Plan also provides a transition between and response to the mix of uses surrounding the site and aligns with the *Whittlesea Local Structure Plan* and *Whittlesea Township Plan* (2021).

Given the Development Plan's alignment with the Whittlesea Planning Scheme including relevant planning policy and the updates made to the Development Plan by the proponent in response to community feedback, the report to Council recommends that Council approves the *2388 Plenty Road Whittlesea Development Plan*.

Officers' Recommendation

THAT Council:

1. **Note the *2388 Plenty Road Whittlesea Development Plan* at Attachment 3 which proposes to develop the subject land for health, residential aged care and retirement living purposes with a commercial use abutting the industrial estate to the north.**
2. **Note the outcomes of non-statutory exhibition and officer recommendations detailed in the report at Attachment 2.**
3. **Approve the *2388 Plenty Road Whittlesea Development Plan* in the form contained at Attachment 3.**
4. **Note Council officers will notify the submitters and proponent of this resolution.**

Background / Key Information

Site Context

The subject site is located on the eastern side of Plenty Road at the southern edge of Whittlesea Township (*refer Attachment 1*).

The land directly north of the subject site is zoned Industrial 3 (IN3Z) and is occupied by commercial tenancies, including a veterinary surgery, factories, mail sorting facility and Ambulance depot in 6m-7m tall, concrete warehouses. Transport zoned land to the north-east (the former rail reserve) contains a Council works depot and a timber yard.

The land to the south is zoned Low Density Residential Zone (LDRZ) and contains single storey residences on lots ranging in area from 6000 to 7000sqm, developed in the 1990's and known as the Retland Estate.

The Funfields Theme Park is located directly opposite the site with its frontage dominated by a large area of carparking (*refer to Attachment 4 for site and surrounding zoning*).

The subject site is developed with a single dwelling near its northern boundary and is currently used for grazing. The majority of the subject site is zoned LDRZ, with a section along the eastern boundary zoned Green Wedge (GWZ). The LDRZ land is approximately 3.85 hectares in area and the GWZ land is approximately 0.59 hectares in area.

The main retail activity for Whittlesea Township occurs in Church Street, approximately 1-2km to the north of the site. Public transport in the area is confined to a bus service, with a bus stop available just to the south of the subject site.

As noted, the subject site is located between employment use to the north and the low density residential Retland Estate to the south. There are no connections to the subject site from either of the adjoining parcels. While the zoning of the subject site enables a low-density residential outcome, it was not developed at the time of the other low density residential land in the Retland Estate to the south and has remained vacant.

Over the past several years, there have been many enquiries and discussions over the future of the subject site, mainly in respect to potential commercial proposals. It has been challenging to find a land use outcome for the site which responds to the low-density residential nature of the land to the south and industrial interface to the north.

The subject Development Plan proposes a land use that responds to a community need for residential aged care in the area and adopts a site planning and built form strategy which seeks to make an appropriate transition from the residential uses to the south to the industrial land to the north.

As a significant gateway site into Whittlesea, it will be important the interface to Plenty Road is of a high quality. The presentation of the development to Plenty Road will be guided by objectives and design guidelines set out in the Development Plan and assessed in more detail through the subsequent planning permit application process. The Development Plan includes the requirement for a landscaping strip along Plenty Road.

In summary, the Development Plan proposal seeks to respond to this land use context by proposing a residential aged care facility to meet a community need and other uses including commercial and retirement living which are compatible with and provide a transition between adjoining uses.

The Development Plan Process at City of Whittlesea

The subject land is affected by a Development Plan Overlay (DPO). This is the principal planning tool applied to the older structure plan areas that originally converted rural land to urban use in Whittlesea Township, Mernda, Doreen, South Morang, Wollert, Epping, and Epping North. The Development Plan process is explained further at *Attachment 5* and the location of Development Plans in the planning document hierarchy is shown at *Attachment 6*.

The Development Plan Overlay Schedule 2 applies to the subject site and implements the requirements of the *Whittlesea Township Local Structure Plan 1994*.

Council in its role as the responsible authority for administering the Whittlesea Planning Scheme is required to make a decision as to whether the proposed Development Plan satisfies the requirements of the scheme.

Planning Context

The majority of the subject site is zoned Low Density Residential Zone Schedule 1 (LDRZ) in the Whittlesea Planning Scheme. The primary purpose of the LDRZ is to provide low density residential development and provide treatment and retention of sewage if required.

A portion of the site in the northeast corner is zoned Green Wedge Zone (GWZ). The primary purpose of the GWZ is to recognise, protect and conserve non-urban land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities.

The site is also affected by the Development Plan Overlay Schedule 2 (DPO2). This requires the approval of a Development Plan before a permit can be granted to use or develop the land. The DPO2 imposes a number of requirements the development plan must respond to, including compliance with the Local Structure Plan, the inclusion of bicycle and pedestrian paths in the internal road network, the subdivision layout, and a drainage plan.

Use of the site has been considered in two Council Strategic Plans, the incorporated *Whittlesea Township Local Structure Plan (1998)* and the *Whittlesea Township Plan (2021)*. The site is within Precinct 5 of the *Whittlesea Township Local Structure Plan*. The objective of this precinct is to provide an attractive entrance to Whittlesea Township and a buffer between the town to the north and rural land to the south.

This need for a transition of uses is further supported by the *Whittlesea Township Plan* which specifically considers the subject site and notes it provides an opportunity for a range of land uses to be considered that provide a transition between the current land uses to the north (employment) and the south (low density residential).

Development Plan Proposal

The Development Plan proposes a mix of uses across the site, including residential aged care, retirement living and commercial use, which provide interface treatments and responses to manage transitions to the surrounding land uses. The Development Plan proposal has been supported and informed by a number of background technical reports and assessments.

Specifically, the Development Plan proposes:

- A residential aged care facility with a building height up to 13.5m and 4 storeys in the north-east quadrant, which will provide a site specific acoustic and built-form response to the industrial development to the north. This will also directly interface with the GWZ zoned land to the east.
- The GWZ land along the eastern boundary is proposed to be embellished and used as open space by the residential aged care and retirement village residents.
- A medical centre with upper storey independent living units with a building height up to 10m and 3 storeys in the centre of the site. The medical centre will support the retirement and residential aged care village and provide a transition from the commercial uses along the north-west boundary, to the residential uses in the south of the site.
- A retirement village with 1 and 2 storey buildings with heights of 6m-9m in the south of the site which transition to low density residential use south of the site.
- Two commercial sites in the north-west quadrant with elements of built form (determined by the use) allowed up to 12m. This use will interface with the industrial development to the north and provides a transition from that use to the residential uses proposed to the south. Commercial uses allowed under the zone, but require a planning permit, include:
 - Car wash,
 - Convenience store,
 - Service Station,
 - Convenience restaurant, and
 - Food and drink premises.

- A single point of access to the site through a new roundabout from Plenty Road. The roundabout allows for continual flow of traffic. It also provides the potential to add an additional fourth, western leg to expand the road network in the immediate area and improve current conditions in respect to both congestion and safety.
- Shared path along Plenty Road frontage connecting the bus stop to the south of the site to the existing footpath which currently terminates to the north of the site.
- The following development conditions and planning permit application requirements form part of the Development Plan:
 - To ensure the delivery of the roundabout as the first stage of any development. No interim access arrangements will be considered.
 - To provide information on how the balance of the land will be managed and developed, and the timing of development.
 - To provide additional assessment of aged care demand at the time of the planning permit.
 - Acoustic assessment to support the amenity for future residents of the residential aged care building.
 - Agreements with neighbouring landowners and managers for stormwater and drainage provision.
 - Design guidelines requiring high quality architectural form and landscape treatment along Plenty Road, in line the with gateway location of the site.

Non-statutory Exhibition

Submissions

In total, 29 submissions were received during exhibition. One submission expressed support for the proposal, 17 submissions objected to the proposal, six submissions expressed conditional approval, and several submissions did not address the draft Development Plan but instead suggested alternative uses. Several themes emerged across the submissions, which are discussed in detail below. *Attachment 2* details all submissions received and provides responses to all other matters which are not discussed below.

Plenty Road and Roundabout Access

Sixteen submissions raised a concern regarding the impact that the proposed roundabout access will have on existing traffic congestion and safety along Plenty Road. The draft Development Plan proposes a roundabout access on Plenty Road immediately south-west of commercial uses, which will be the sole access to the site and will service all proposed uses.

In addressing the submitters concerns, Council officers note that any form of development on the subject site will result in increased traffic volumes in the area.

The traffic volume data from the Traffic Engineering Assessment which accompanied the draft Development Plan indicates that this increase in traffic volume will be negligible and will be accommodated by the existing road network. Council's engineering officers and the Department of Transport and Planning consider that the roundabout access arrangement will provide a safe and effective option that provides for the continual flow of traffic, calms traffic and reduces the opportunity for accidents compared to other treatment options such as service or turning lanes.

Submissions also specifically mention the existing congestion and traffic impact along Plenty Road adjacent to the subject site. While addressing this issue directly is beyond the scope of assessing this Development Plan application, Council engineering officers and the Department of Transport and Planning noted the roundabout presents an opportunity to provide a fourth, western leg which would improve the road network in the immediate area. This could help address and alleviate some of these existing traffic issues, both in relation to congestion and safety generated by existing uses in the vicinity of the subject site.

The Development Plan has been updated to note the fourth leg and include a preliminary design showing the expanded roundabout with the fourth, western leg. The timing of and responsibility for delivery of the fourth leg is outside the responsibility of this landowner and will be determined through further detailed assessment by others.

As Plenty Road is managed by Department of Transport and Planning (zoned Transport Zone 2), any application for future works associated with the modification of Plenty Road must be approved by the Department of Transport and Planning. The Department of Transport and Planning's submission to the exhibition of the Development Plan provided conditional approval for a single entry into the site from Plenty Road, in the form of a roundabout or signalised intersection. Thorough planning and design work is to follow the adoption of the Development Plan. Through this, Council will advocate for the removal of an existing gravel driveway on the west side of Plenty Road, as this is a potential conflict point.

The draft Development Plan initially provided secondary site access through service lane access to the commercial uses, and left in, left out (LILO) entrances south of the roundabout. The service lanes and LILO access points were subsequently removed from the Development Plan in response to feedback from Department of Transport and Planning, which did not support those treatments, citing them as potential conflict points and noting the increased risk of traffic incidents on Plenty Road. This position is also supported by Council's traffic engineering officers.

Industrial Interface

One submission was received from the owner of the industrial development to the north of the subject site, regarding the proximity of existing industrial uses to proposed sensitive uses (i.e. the residential aged care use in the north-east portion of the site). The industrial park at 2396 Plenty Road, Whittlesea, includes tenants with 24/7 operating hours, including a mail distribution centre and Ambulance Victoria depot. The noise and light spill associated with these industrial uses will need to be addressed. The onus lies with the developer of the subject site to manage and buffer these impacts in a way that maintains residential amenity for aged care users and ensures the ongoing operational viability of the existing industrial tenants.

Accordingly, the Development Plan has been updated to include a future application requirement for an acoustic assessment and design response that addresses the need to buffer and mitigate noise and light spill. Additionally, the maximum building height of the residential aged care site has been maintained at 13.5m and four storeys, in part to ensure that the facility:

- Has substantial massing to absorb and divert noise/light transmission away from the retirement and medical uses in the southern portion of the site.
- Has the operational capacity to incorporate any additional noise attenuating design features (e.g., acoustic fencing, noise attenuating building materials).

Building Heights and Neighbourhood Character

Eleven submissions were received by neighbouring residents and community members who raised concern about the proposed building heights being disproportionately high compared to the existing semi-rural character of the area. Overall, the submissions suggest that the *Development Plan* proposal is an overdevelopment for the township and does not align with the existing neighbourhood character of the area.

Specifically, submissions cited concerns regarding the building heights obstructing views to the hills, impacting privacy to residents to the south of the property, and overshadowing Plenty Road.

It is noted that the zone applying to the site does not specify a maximum building height limit nor do any of the adjoining zones to the site. As a comparison, the maximum building height in the General Residential Zone, which applies to the majority of residential areas in the Whittlesea township, is 11m however, there is a dispensation for residential aged care buildings which can be built up to 16m in height, (this is explained in further detail below).

In response to the concerns raised in submissions, Council officers further reviewed the proposed built form controls, and a number of changes were requested by officers to the building heights, setbacks, building articulation and fencing for the site.

These changes have been made to reduce the visual impact of the development to the properties at the southern interface and along the Plenty Road frontage. The changes have included:

- reducing the recommended maximum allowable building heights / number of storeys as per below:
 - medical centre 13.5m and 4 storeys to 10m and 3 storeys;
 - club house from 13.5m and 4 storeys to 12m and 3 storeys;
 - retirement village southern extent 7m and 2 storeys to 6m and 1 storey.
- increasing upper storey setbacks for the medical centre building from 0m to 2m.
- requiring landscaping buffers of 6m along Plenty Road south of the roundabout.

In the Development Plan, taller buildings have been located in the east and north of the site, approximately 95m from Plenty Road and 110m from the southern boundary and residential interface. These heights reduce to the interface with Plenty Road. For development in the southern section of the site, new height and storey limits are reduced to 6m and single storey to be consistent with the height of dwellings in the low density residential development of the south.

The more intense activity and built form will be on the northern part of the site which interfaces to the industrial land uses. In this location the Development Plan proposes a maximum building height for a residential aged care building of up to 13.5m or 4 storeys. This more closely aligns with the recommendations of the *Managing Residential Development Advisory Committee – Residential Zones Review report* (2016) and responds to different built form and functional requirements of residential aged care facilities, to enable them to be delivered.

In this respect, it should be noted that the State Government has also introduced planning controls via Planning Scheme Amendment VC152 in 2018 to overwrite height limits, site coverage, built form and neighbourhood character considerations for residential aged care facilities in a number of residential zones including the General Residential Zone. This includes a variation to the height limits to permit residential aged care buildings up to 16m in height, in areas where the maximum building height for other residential buildings is less (for example, 11m in the General Residential Zone).

This variation for residential aged care facilities recognises the Victorian Government's drive to be able to access all forms of housing including residential aged care facilities within the communities in which they live. The controls also recognise that residential aged care facilities have different functional and built form requirements (including height, scale and mass). While these controls don't apply to the LDRZ (noting the LDRZ does not have a default maximum building height), it provides a benchmark in respect to a standard maximum building height control for residential aged care buildings.

In this instance, the development plan process has allowed Council officers to negotiate a reduced height limit and the siting of the residential aged care building to minimise potential visual impacts.

The outcomes of the final Development Plan (*refer Attachment 3*) including changes made following exhibition of the draft Development Plan document, are detailed below:

- In the northern quadrant of the site, building height maximums will be maintained at 12m and 13.5m respectively for the commercial sites and residential aged care facility. This is to ensure that the commercial sites can accommodate a variety of uses and access requirements, and manage the industrial interface as referenced above. The commercial sites will now feature a 4m landscaped buffer along Plenty Road for a consistent street presentation.
- In the second quadrant to the south, the visual impact of the medical centre has been reduced at the Plenty Road interface, through the adoption of a 6m landscaped setback, and an additional upper-level setback of 1.5 – 2m from the western site boundary. This site will have a maximum building height of 10m and 3 storeys, increasing to 12m and three storeys in the independent living facility that is positioned further east of the Plenty Road interface.
- In the third quadrant, retirement units will maintain a maximum building height of 9m and two storeys.
- The fourth quadrant heights are reduced to 6m and one storey to transition to the low-density residential land to the south of the site. Council officers consider that the five metre landscaped buffer, in addition to the width of the internal access road will adequately setback the retirement village units in the southern portion of the site from Plenty Road and the residential interface to the south.

It is considered that the combination of these features will ensure the development will sit appropriately in the landscape and aid the privacy, views, and amenity of residents, while aiding the transition from the industrial uses north of the subject site, to the residential uses to the south.

Aged Care/Medical uses

Seven submissions were received raising concerns about the proposed residential aged care and medical uses on the site. Residents and community members were concerned that there are already an adequate number of medical and residential aged care facilities to meet community demand in the Whittlesea Township, and submitters either did not see the need for another medical and/or residential aged care facility, or expressed desire for a different use instead, most commonly a supermarket. The latter request cannot be supported because a supermarket use is prohibited by the LDRZ zoning.

Council officers consider the residential aged care and medical uses effectively support the transition of land uses between the industrial uses to the north and the low-density residential development to the south of the site. With access to the site constrained and reliant on Plenty Road, this use will also minimise the amount of traffic generated compared to a purely commercial use.

The community infrastructure assessment prepared as a background report to support the *Whittlesea Township Plan* (2021) identified a need for two additional residential aged care facilities in Whittlesea by 2035. This is based on the current provision and responds to the increased need due to anticipated population and demographic changes. It is considered the proposed use represents a community benefit to Whittlesea Township. Further, state planning policy aims to facilitate the development of well-designed and appropriately located residential aged care facilities, recognising their role in providing diverse housing options for the community.

Although the need for additional residential aged care facilities has been strategically identified, the Development Plan requires a further needs assessment at the time of future planning permit application via requirement, listed in Section 6.2:

“When proposing health & aged care, retirement living or medical centre land uses on the land, an appropriate written justification of a demonstrated need or lack of similar services readily available to residents. This may include an accompanying needs assessment and/or economic advice prepared by a suitably qualified professional or agency.”

The above application requirement effectively ensures that the applicant will need to provide contemporary evidence which defines the need for residential aged care at the time of the planning permit application.

As the various uses within the Development Plan are likely to be delivered at different times and independent of each other, we have also included a permit application requirement that requests details on how the site will be managed, and the order and timing of development of the various uses, including the residential aged care facility.

Discussion

The submitted Development Plan provides for a land use and built form response on a challenging site that poses a number of contextual issues and competing priorities. The proposal provides a balanced mix of uses which draws on a range of permissible uses within the LDRZ to respond to and provide a transition between the surrounding low density residential, commercial, and industrial uses, as well as the limited opportunities to access the site from a main road.

The need for additional residential aged care facilities in the Whittlesea township, identified through the *Whittlesea Township Plan* and supported by state planning policy, anchors the proposed mix of uses. In assessing the proposal, consideration of competing objectives and policy has been required, and the proposal seeks to provide a balanced outcome that delivers a community benefit including more diverse housing options and additional employment opportunities to the Whittlesea township through the provision of the residential aged care facility, complementary medical uses and retirement living.

The proposed uses have influenced the built form in the development plan increasing building heights compared to existing development. The Development Plan seeks to minimise impacts on neighbouring use and development through building siting, materials to be used, setbacks and landscape buffers.

The character of the low density residential development to the south of the site and Plenty Road to the west is responded to through the lower scale retirement village component of the Development Plan and through built-form setbacks and landscaping buffers. The industrial uses to the north are responded to through commercial uses and the higher scale residential aged care building which can mitigate any noise or light spill issues with its built form. Heights are concentrated in the north and east of the site to support the built form required for the proposed uses while limiting the impact on residential neighbours and the township entrance. The retirement and residential aged care facilities are complemented by the medical centre and a new embellished open space for use by residents in the green wedge land.

It is recommended that the Development Plan, as provided at *Attachment 3*, is approved by Council.

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.

Response:

The *Development Plan* has been prepared to respond to the strategic framework for the site which seeks a transition between low density residential and industrial uses. The proposed mix of uses across the site provides for majority residential use complimented with commercial uses to interface with existing industrial development to the north.

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.

Response: The proposed uses including; commercial, medical, residential aged care, will generate employment opportunities for local 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 the surrounding precinct, and relevant authorities from 6 November 2024 until 6 December 2024.

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.

Council officers have considered the submissions received and adopted a range of changes in response to the submitter concerns. These are discussed in detail in the above 'Non-Statutory Exhibition' section and in *Attachment 2*.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

- (d) The municipal community is to be engaged in strategic planning and strategic decision making.
- (i) The transparency of Council decisions, actions and information is to be ensured.

Public Transparency Principles

- (b) Council information must be publicly available unless—
 - (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest.

Council Policy Considerations

Environmental Sustainability Considerations

The proposed *Development Plan* contains a number of Environmentally Sustainable Design principles to be met at the permit stage.

Social, Cultural and Health

The development of the site for retirement and residential aged care uses provides an ability to age in place and maintain existing social connections.

Economic

The proposed uses of the site will have a positive economic effect by providing on-going employment opportunities.

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 PolicyPlanning 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 housing diversity and choice.
- Clause 15- Urban Design: The Development Plan provides landscaping that supports amenity, attractiveness and safety of the public realm. And enhances the appearance of the municipality's major gateways through prominent and distinctive built form.
- Clause 16.01-5S – Housing – Residential Aged Care Facilities: The objective of this policy is to: "To facilitate the development of well-designed and appropriately located residential aged care facilities."

Relevant strategies include:

- "Recognise that residential aged care facilities contribute to housing diversity and choice, and are an appropriate use in a residential area."
- "Recognise that residential aged care facilities are different to dwellings in their purpose and function, and will have a different built form (including height, scale and mass)."

The Development Plan responds to the need for a mix of housing for older people with appropriate access to care and support services in the Whittlesea Township. This will enable local residents to have access to this form of residential accommodation in the community which they live. The Development Plan also recognises that residential aged care facilities have a different built form (including height, scale and mass) and provides for controls which responds to this built form.

Low Density Residential Zone

- The Development Plan includes land uses permissible in the zone. The proximity of the site to industrial uses affects its suitability for low density residential uses at the northern interface. The proposed uses provide a transition from existing low density residential development adjoining the site to the south to the industrial uses to the north.

Green Wedge Zone

- The Development Plan protects the Green Wedge Zoned land from urban development by designating it as private open space.

Development Plan Overlay Schedule 2

The DPO2 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 DPO:

- Compliance with the Whittlesea Local Structure plan.
- Providing for an internal road network including cycle and pedestrian paths.
- A drainage plan addressing stormwater.

Implementation Strategy

Communication

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

Critical Dates

January 2023 – Development Plan submitted to Council.

November – December 2024 – Non-statutory exhibition of the draft Development Plan.

Declaration of Conflict of Interest

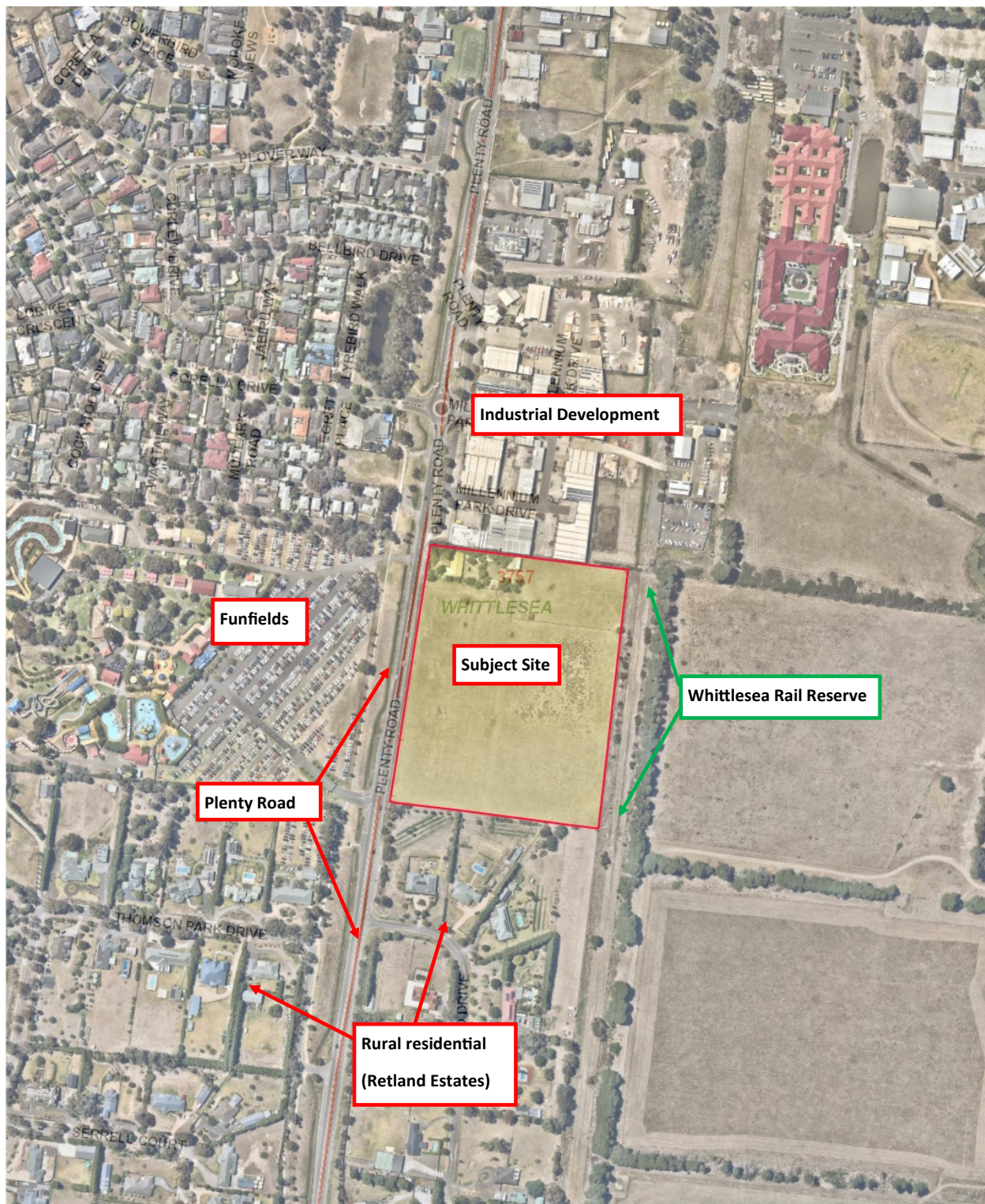
Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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. Subject Site Plan [**5.2.1** - 1 page]
2. Summary of Submissions and Officer Response Table [**5.2.2** - 10 pages]
3. 2388 Plenty Road Development Plan - May 2025 [**5.2.3** - 37 pages]
4. Zoning Plan [**5.2.4** - 1 page]
5. Development Plan Assessment Process [**5.2.5** - 1 page]
6. Planning Document Hierarchy [**5.2.6** - 1 page]

Subject Site and Context



| Submission | Officer Response | Officer Recommendation |
|--|--|-------------------------|
| Department of Transport and Planning (DTP) | | |
| DTP submits that the proposal is only acceptable with a single entry-point into the development, in the form of either a controlled (signalised) intersection or a roundabout | DTP are the road managers for Plenty Road, as such we defer to their position on this matter. The development plan now shows only one site access point, being the roundabout entrance. | Support and change made |
| They submit that the left in entry to the north-west of the site creates a point of conflict with the existing service road exit for the industrial park | As above, the Development Plan no longer shows the additional site entrances along Plenty Road | Support and change made |
| They advise the service station has inadequate frontage to Plenty Road – between the existing service road and the proposed roundabout | The service station use is not confirmed or endorsed via the Development Plan. Use of the site for a service station would require a permit and any site layout matters would be assessed at that point. | Support |
| They submit the south-west left in access is inappropriately located too close to the proposed roundabout | As above, the Development Plan no longer shows the additional site entrances along Plenty Road | Support and change made |
| They advise the proposed bus stop is inappropriately located in close proximity to the roundabout to the north and to the existing bus stop adjacent to Retland Drive | The new bus stop has been removed from the Development Plan. | Support and change made |
| They note inconsistencies between the Layout plan on page 22 and the concept plan on 23 regarding the access points. | These two plans are now consistent with each other. | Support and change made |
| They advise there is a possibility to apply for an additional access point to the south of the main access point at a later stage. This must be supported by the use of an appropriate treatment and accompanied by traffic volume reports, etc. | This is noted. | Noted |
| They request property setbacks should be reviewed to accommodate a shared user path at the roundabout (or controlled intersection). The 3.5m minimum setback as shown on the Traffic Report concept plans may be inadequate. | The FLP for the roundabout is to be approved by DTP at the statutory permit stage, to ensure that the alignment is appropriate and reflects the correct development footprint, and placement of the shared path | Support |
| Aged Care Operator | | |
| The submitter advises appendices to the Development Plan, which contain material crucial to understanding what is proposed and the justifications put forward for the Development Plan, have not been exhibited with the Development Plan in order to properly inform the public and submissions | The background reports/appendices were available and supplied upon request, rather than hosted on Council's website. This does not invalidate the exhibition as they were summarised and referenced in the body of the Development Plan. | Do not support |
| They submit the Development Plan fails to meet the requirements set out in Schedule 2 to Clause 43.04 (DPO2) of the Whittlesea Planning Scheme (Scheme), including by not: | | Do not support |

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| <ul style="list-style-type: none"> demonstrating compliance with the applicable Local Structure Plan | The Development Plan states its compliance with the Whittlesea Local Structure Plan. | Do not support |
| <ul style="list-style-type: none"> including up-to-date “identification of significant environmental, physical and cultural features” | This assessment has occurred and is reflected in the Development Plan. | Do not support |
| <ul style="list-style-type: none"> providing a drainage plan which sufficiently details “works to control stormwater drainage run-off from the subdivision and individual lots | The Storm Water Management Strategy was produced in close collaboration with Council engineers. | Do not support |
| <ul style="list-style-type: none"> providing preliminary soil tests | The environmental assessment of the site found no contamination risk factors that warranted further assessment through soil testing. | Do not support |
| They also submit the Development Plan also does not accord with the Whittlesea Township Plan (Township Plan) or the zoning of the Subject Land | The Development Plan states its accordance with the Whittlesea Township Plan. | Do not support |
| The Development Plan also does not adequately address traffic/transport matters | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. This has been reviewed and assessed by both Council engineers and DTP. | Do not support |
| The submitter states important approvals from VicTrack and Yarra Valley Water do not appear to have been sought even at a preliminary level, and a record of apparent in-principle support from the Department of Transport and Planning (DTP) has not been provided | Approvals by VicTrack (managers of the Rail Trail) and Yarra Valley Water (managers of drainage infrastructure) are required at the permit application stage of the process. DTP in-principle support was provided prior to exhibition. | Do not support |
| The advise some material relied on by the Development Plan is between 5.5 and 6.5 years old, some of which is contradictory, and should not be relied upon for the purpose of determining whether the Development Plan should be approved. | The background and supporting reports have been reviewed and assessed by Council officers and found to be acceptable. | Do not support |
| Whittlesea Resident A | | |
| The submitter finds the proposed 5m southern boundary landscape buffer is insufficient for ensuring privacy, safety, and noise mitigation for neighbouring properties. A wider buffer should be applied and the 1.8m paling fence replaced with a post and wire fence, which is in keeping with the area. | The interface to the southern neighbour boundary has been redesigned to address these concerns. Buildings are limited to 6m height and single storey, and fence type has been specified as 1.4m post fence. | Support and change requested. |
| They also find proposed building heights are excessive and inconsistent with the scale of nearby properties and rural character of the township. The heights are not consistent with character, will cause overshadowing, obstruct views and set a poor precedent to the area. | Proposed building heights have been reduced at the interface to the southern neighbour and throughout the site. Though some height is retained in the north of the site, far away from the southern neighbours. | Support and change requested. |

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| A number of other adjustments are suggested. | These are outside the scope of the amendment. | Do not support. |
| Whittlesea Resident B | | |
| The submitter has concerns that building heights in southern zone max of 7mtrs will obstruct views for the low-density residential developments south of the site | Proposed building heights have been reduced at the interface to the southern neighbour to 6m and single storey. | Support and change requested. |
| Similarly, they are concerned that building heights in the middle zone max of 9mtrs will obstruct views for the residential developments south of the site, and exceeds most building structures in and around the area, higher than the factories built in the northern part of the proposed area | Building heights in the centre of the site have been reduced from 13.5m to 10m and 12m, respectively. | Support and change requested. |
| They express particular concern that the building heights in northern zones max 12.5/13mtrs will obstruct views of the mountain range for the residents south of the site | The northern section of the site provides an important transition between residential use and the existing industrial use. Larger built form is required for this transition. | Do not support. |
| They state the proposal is not consistent with the character of Whittlesea township | Building setbacks, building massing, fencing and interface treatments have been adjusted to provide consistency with the existing rural residential to the south and industrial development to the north. | Support and change requested. |
| The submitter is also concerned about the proposal impacting on stormwater and drainage | The Storm Water Management Strategy was produced in close collaboration with Council engineers. | Do not support. |
| Whittlesea Resident C | | |
| The submitter states the three-story aged care facility would be out of scale with the rural, countryside aesthetic of Whittlesea. Concerned that the design and density will set a precedent for future unsuitable development within the township, and detract from the rural views enjoyed by residents. | As per the Whittlesea Local Structure Plan and the Whittlesea Township Plan, the site presents an opportunity to provide an entry to the town and provide a transition between the rural residential to the southern and industrial use to the north. Heights have been reduced from the exhibited version in response to concerns over views. | Partially support. Changes requested. |
| The submitter finds the proposed roundabout is too close to the existing roundabout at Millennium Drive, risking congestion and bottlenecks during peak times. Suggests an alternative design to the roundabout. | Both DTP and Council engineers support the roundabout use and advise it will lessen the impact on existing road conditions than alternative treatments. The roundabout also provides the opportunity to be expanded to provide additional site access to neighbouring properties. | Do not support. |
| The submitter asserts the aged care facility should be in an area with better public transport. This lack of mobility could negatively impact on the residents' quality of life. | Council regularly advocates for public transport provision. Just south of the site is a bus stop with the service running between Whittlesea centre and Mernda train station. | Do not support. |
| Whittlesea Resident D | | |
| The submitter shares concerns regarding the interface between the high-density residential aged care facility and the existing industrial/commercial land to the north. Also note that some of these uses do not operate during standard business hours, which | The Development Plan requires acoustic and light spill assessments be prepared for the aged care development interfacing with the industrial area. These are to be done at the permit stage. Any building design or siting will need to respond to these assessments. | Support and changes requested. |

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| could conflict with the proposed aged residential care use and their amenity. They argue that the Draft DP is the agent of change and the proposal should adapt to the existing uses. This includes mitigation measures. | | |
| The submitter finds the building heights and density are not consistent with the semi-rural character or the Low Density Residential Zone. | The low density residential zone does not contain building height limits. The building heights have been determined with reference to the neighbouring industrial zone and Neighbourhood Residential Zone controls. Building setbacks, building massing, fencing and interface treatments have been adjusted to provide consistency with the existing rural residential to the south and industrial development to the north. | Partially support. Changes requested. |
| The submitter argues that additional buffers should be included in the design. | As above, building siting will be informed by the acoustic and light spill assessments to be prepared at the permit stage. | Partially support. |
| The submitter objects to the "pad sites" and argue these should not be used for non-residential purposes. Asserts that "pad site 2" in particular needs to have road frontage to Plenty Road in order to allow a non-residential use, which is not reflected in the current plans. | The commercial pad sites provide a transition between the industrial development to the north and the residential use on the rest of the subject site. A residential use interfacing with industrial uses is a poor outcome. | Do not support. |
| They also object to any planning outcome that results in commercial or mixed-use being enabled on the site | The proposed commercial uses are allowable under the zone, but will be subject to a permit application. | Do not support. |
| The submitter raises concerns about the impact on traffic and seek additional traffic reports that factor in the seasonal load of Funfields traffic. Do not support the use of a roundabout so close to Millennium Park Drive because of increased traffic congestion. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. This has been reviewed and assessed by both Council engineers and DTP. | Do not support. |
| The submitter asserts that increased parking requirements need to be introduced so that increased traffic/mobility demand from the aged care residences does not create parking overflow into the industrial tenancy parking to the north of the site. | Car parking provision will be determined at the permit stage. | Noted. |
| Whittlesea Resident E | | |
| The submitter finds the plan does not align with Whittlesea's "country and rural" character. Criticises the minimum 5m setbacks, the "urban" architectural styles and presentation, the "high-density" buildings, and the amount of car parking. In summary, an overdevelopment of the site and there is insufficient green space. | As per the Whittlesea Local Structure Plan and the Whittlesea Township Plan, the site presents an opportunity to provide an entry to the town and provide a transition between the rural residential to the southern and industrial use to the north. Building heights at the Plenty Road frontage have been lowered and landscape buffers increased to better sit the development in the township. | Do not support. |

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| The submitter criticises the separation between the proposed roundabout and the existing roundabout, the proximity to the existing intersection at Retland Drive, and the design of the vehicle entry and pedestrian interfaces, all of which will increase the risk of accidents. | Council engineers advise the proposed roundabout minimises disruption to Plenty Road as opposed to other intersection treatments. The number of access points has been reduced to minimise potential conflict points and address pedestrian and cycling safety. | Do not support. |
| They raise concerns about the adjacent bus stop, which is used extensively. Concerned the bus stop will be moved further from Thompson Park Drive. | The new bus stop has been removed from the Development Plan. | Support and change requested. |
| The submitter notes the future rail trail has not been approved, and its inclusion is premature. It should not be relied on to deliver pedestrian permeability to the site. | The development plan will deliver a shared path along the full extent of the Plenty Road frontage, increasing pedestrian options in the township. The rail trail land is in public ownership and is a long planned project that requires acknowledgment and consideration in the development plan. | Do not support. |
| The submitter asserts the medical centre land use is not necessary to the township. | The medical centre is proposed to be used by the retirement and aged care residents. The Development Plan requires an economic and needs assessment for the medical centre (and aged care) use at the permit stage to ensure it is addressing a need. | Do not support. |
| They question whether there is sufficient parking to service the independent living dwellings. | Car parking provision will be determined at the permit stage. | Noted. |
| The submitter is concerned about stormwater runoff, due to the amount of impermeable surfaces. Particularly concerned about the impact on surrounding residential streets and wider prospect of flooding. | The Storm Water Management Strategy was produced in close collaboration with Council engineers. | Do not support. |
| The submitter finds the proposal does not adhere to the "Whittlesea Township Plan 2021," which prioritizes rural character and appropriate transport options. | The Whittlesea Township Plan specifically assess the subject site and finds the site will provide a transition between neighbouring uses, while providing a town entrance function. | Do not support. |
| The submitter notes the addition of a footpath on Plenty Road connecting the existing bus stop and service road is a welcomed improvement. | This is noted. | Noted. |
| Broader Community Member A | | |
| The submitter raises concern that the proposed roundabout is too close to the roundabout to the north. Asserts this is a traffic hazard. | DTP and Council engineers have advised the roundabout minimises the impact of this development on traffic conditions, allowing continual traffic movement. It is also advised the proximity to the existing roundabout does not cause a traffic issue. | Do not support. |
| Whittlesea Resident F | | |
| The submitter requests a Woolworths supermarket should be built on the site. | This use is prohibited by the zone controls. | Do not support. |

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| Whittlesea Resident G | | |
| Submission not related to proposal | | |
| Whittlesea Resident H | | |
| The submitter requests an Aldi supermarket should be built on the site. | This use is prohibited by the zone controls. | Do not support. |
| Broader Community Member B | | |
| The submitter provides their support for the Amendment. | This is noted. | |
| Whittlesea Resident I | | |
| The submitter finds the development is too dense compared with Whittlesea's low density, country town character. | The Whittlesea Township Plan specifically assess the subject site and finds the site will provide a transition between neighbouring uses, whilst providing a town entrance function. Building setbacks, building massing, fencing and interface treatments have been amended to provide consistency with the existing rural residential to the south and industrial development to the north. | Do not support. |
| Whittlesea Resident J | | |
| The submitter requests more disability parking spaces to accommodate the increasing number of elderly residents in the area. | Car parking provision will be determined at the permit stage. | Noted. |
| The submitter shares concerns about increased bus services accessing Walnut Street from the Wallan Road end due to existing heavy traffic and the road's unsuitability for large vehicles. | This is outside the scope of the Development Plan. | |
| The submitter shares concerns about an additional 76 vehicles from the retirement village alone, plus other potential traffic increases. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. This has been reviewed and assessed by both Council engineers and DTP. | Do not support. |
| The submitter shares concerns that double-story independent living units will overshadow Plenty Road, requesting a greater setback to allow more green space in front. | The setback for the upper storeys of the independent living units at the Plenty Road frontage have been increased from 0m to 2m. | Support and change requested. |
| They question the proposed "capacity" for people living in the development. | | |
| The submitter requests Council to enforce the "no truck" rule more strictly and potentially convert Walnut Street into a no-through road. | This is outside the scope of the Development Plan. | |
| They share their strong support for the rail trail, emphasising that it must be included in the plan, not just considered. | Delivery of the rail trail is outside the scope of the Development Plan. Compatible interfaces providing overlooking have been provided. | Noted. |
| Whittlesea Resident K | | |

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| The submitter requests that any small retail shops in the development should not duplicate services already offered on Church Street. | This is outside the scope of the development plan. | |
| Broader Community Member C | | |
| The submitter is opposed the proposed roundabout citing concerns about increased traffic congestion on Plenty Road. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. It includes assessment of existing traffic conditions. This has been reviewed and accepted by both Council engineers and DTP. | Do not support. |
| They also oppose the construction of another nursing home, stating there are already two in the area and a medical centre, advising there are 3 in the township. | The Development Plan requires an economic and needs assessment for the aged care and medical centre use at the permit stage to ensure it is addressing a need. | Do not support. |
| Whittlesea Resident L | | |
| The submitter advises traffic on Plenty Road is heavy during Funfields operating hours. This negatively impacts residents and emergency vehicles during peak periods. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. It includes assessment of existing traffic conditions. This has been reviewed and accepted by both Council engineers and DTP. | Do not support. |
| They suggest that an additional road or service road be constructed alongside Plenty Road, from Donnybrook Road to Funfields, to allow for uninhibited traffic flow into the township. Advises that this could be constructed from gravel. | DTP are the road manager and will determine the timing for duplication of the road. Council officers requested details of the duplication of Plenty Road and were advised this is a low priority for DTP, with no plan in place. | Do not support. |
| Broader Community Member D | | |
| The submitter states another supermarket is needed instead of the land uses proposed by the exhibited development plan | This use is prohibited by the zone controls. | Do not support. |
| Whittlesea Resident M | | |
| The submitter states the community does not need another medical centre or roundabout, as this will increase traffic. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. It includes assessment of existing traffic conditions. This has been reviewed and accepted by both Council engineers and DTP. | Do not support. |
| They share their concern the township is losing its character and becoming more suburban. | As per the Whittlesea Local Structure Plan and the Whittlesea Township Plan, the site presents an opportunity to provide an entry to the town and provide a transition between the rural residential to the southern and industrial use to the north. Building setbacks, building massing, fencing and interface treatments have been amended to provide consistency with the existing rural residential to the south and industrial development to the north. | Do not support. |

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| The submitter requests a new supermarket instead. | This use is prohibited by the zone controls. | Do not support. |
| Whittlesea Resident N | | |
| The submitter finds the proposed roundabout will add more congestion, and that the Council does not maintain grass on existing roundabouts, making it dangerous to pass through. | Council engineers advise the proposed roundabout minimises disruption to Plenty Road as opposed to other intersection treatments. | Do not support. |
| They question the need for an aged care facility and notes the township already has two. | The Development Plan requires an economic and needs assessment for the aged care and medical centre use at the permit stage to ensure it is addressing a need. | Do not support. |
| The submitter opposes the maximum building heights, stating that the township should be kept at its current scale. | Buildings heights have been reduced across the development plan area. Some height is retained in the north and east, this is to enable the built form required for a feasible and functional aged care centre. The tallest part of the development has been located furthest from Plenty Road and southern residential neighbours. | Support and changes requested. |
| The submitter requests a new supermarket instead. | This use is prohibited by the zone controls. | Do not support. |
| Broader Community Member E | | |
| Not a valid submission | | |
| Whittlesea Resident O | | |
| The submitter does not oppose the development's proposed uses, but questions the need for another roundabout so close to an existing one | Council engineers advise the proposed roundabout minimises disruption to Plenty Road as opposed to other intersection treatments. | Do not support. |
| The submitter suggests that a service road would provide safer access and reduce the impact on current traffic congestion, particularly during peak and school hours. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. It includes assessment of existing traffic conditions. This has been reviewed and accepted by both Council engineers and DTP. | Do not support. |
| They argue the town already has enough of the proposed facilities and questions the necessity of more. | The Development Plan requires an economic and needs assessment for the aged care and medical centre use at the permit stage to ensure it is addressing a need. | Do not support. |
| The submitter requests clarification of the proposed facilities' use for public input. | The commercial sites and medical centre will be publicly accessible. | Noted. |
| Whittlesea Resident P | | |
| The submitter finds the development is not consistent with the character of the township. | As per the Whittlesea Local Structure Plan and the Whittlesea Township Plan, the site presents an opportunity to provide an entry to the town and provide a transition between the rural residential to the southern and industrial use to the north. | Do not support. |
| The submitter highlights current congestion issues and believes the town already has enough aged care centres and medical centres. | The Development Plan requires an economic and needs assessment for the aged care and medical centre use at the permit stage to ensure it is addressing a need. | Do not support. |

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| The submitter suggests that a supermarket or multiple police stations with longer hours would be more beneficial. | The supermarket use is prohibited by the zone controls. Council does not and cannot determine the provision of Police Stations. | Do not support. |
| Whittlesea Resident Q | | |
| The submitter notes the township already has medical centres and aged care facilities. | The Development Plan requires an economic and needs assessment for the aged care and medical centre use at the permit stage to ensure it is addressing a need. | Do not support. |
| They oppose the proposed roundabout, citing existing congestion on Plenty Road during peak times, especially when Funfields is open in summer. Notes that it can take significant periods of time to get into Whittlesea, during peak periods. | Council engineers advise the proposed roundabout minimises disruption to Plenty Road as opposed to other intersection treatments. | Do not support. |
| Whittlesea Resident R | | |
| The submitter shares concerns that existing traffic noise will be made worse. | It is not anticipated that traffic noise will be increased by this development. | Do not support. |
| They submitter also mentions the overflow of rubbish from Funfields, which spreads to nearby residential properties. | This is outside the scope of the development plan. | |
| Whittlesea Resident S | | |
| They submitter believes the existing road cannot handle the current traffic, and introducing a roundabout opposite Funfields will create more delays at peak times. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. It includes assessment of existing traffic conditions. This has been reviewed and accepted by both Council engineers and DTP. | Do not support. |
| The submitter indicates the township is already struggling to fill its existing commercial sites near the proposed development. | The Development Plan requires an economic and needs assessment for the aged care and medical centre use at the permit stage to ensure it is addressing a need. | Do not support. |
| They express concern about further development in the area, questioning what will come next and emphasizing the need to protect the township's character. | As per the Whittlesea Local Structure Plan and the Whittlesea Township Plan, the site presents an opportunity to provide an entry to the town and provide a transition between the rural residential to the southern and industrial use to the north. | Do not support. |
| Whittlesea Resident T | | |
| The submitter is concerned about increased traffic on Plenty Road. Indicates that this road is already near to capacity. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. It includes assessment of existing traffic conditions. This has been reviewed and accepted by both Council engineers and DTP. | Do not support. |
| They also oppose the development because positioning it opposite Funfields will negatively impact traffic flow, even with the proposed roundabout. | Council engineers advise the proposed roundabout minimises disruption to Plenty Road as opposed to other intersection treatments. | Do not support. |

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| Community Member F | | |
| The submitter supports the use of the land for residential care. | This is noted. | |
| The submitter opposes the installation of a roundabout to access the site. | Council engineers advise the proposed roundabout minimises disruption to Plenty Road as opposed to other intersection treatments. | Do not support. |
| They suggest that, due to the proximity to Funfields, there is an opportunity to duplicate the section of road to create left and right turning lanes into both Funfields and the residential care facility from both the north and south directions with traffic lights. | DTP are the road manager and will determine the timing for duplication of the road. Council officers requested details of the duplication of Plenty Road and were advised this is a low priority for DTP, with no plan in place. | Do not support. |
| The submitter believes this will enhance pedestrian safety, especially for those accessing the southbound bus stop from Funfields, which a roundabout would not address. | The number of entrances to the site has been reduced to 1 to minimise conflict points and increase pedestrian and cycling safety. | Partially support and changes requested. |
| They request that if traffic lights are installed, no raised intersection be included, as this stretch of road does not need the same treatment as a school zone due to the seasonal traffic patterns | This is noted. | |
| Community Member G | | |
| The submitter states traffic is already heavy along Plenty Road, the proposal will make this worse. | The proposed roundabout may be expanded to include a fourth leg to provide additional access to the existing properties to address road safety and congestion. | Do not support. |
| They argue that having the proposed development directly opposite Funfields will worsen the existing traffic problems. | The proponent has submitted a Traffic Engineering Assessment which provides for the site access, internal road network, pedestrian and cycle paths and integration with the existing transport infrastructure. It includes assessment of existing traffic conditions. This has been reviewed and accepted by both Council engineers and DTP. | Do not support. |
| They submit that this development is not suitable for the township. | As per the Whittlesea Local Structure Plan and the Whittlesea Township Plan, the site presents an opportunity to provide an entry to the town and provide a transition between the rural residential to the southern and industrial use to the north. | Do not support. |

An aerial photograph of a suburban area. In the foreground, a large, rectangular green field is outlined with a thick black border. To the left of the field is a residential street with houses and trees. To the right of the field is a commercial area with several large, white-roofed buildings, likely warehouses or big-box stores, and parking lots. The background shows more residential housing and greenery.

WPA.

Development Plan

April 2025

Prepared on behalf of McDonald Properties (Vic) Pty Ltd

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1 Executive Summary

Subject Site Address: 2388 Plenty Road, Whittlesea

Formal Land Description: Lot 1 TP680470B

Lot Area: The overall combined area is 4.47ha

Proposal: Preparation of a guiding strategic document to assist Council in assessing subsequent permit applications for subdivision, change of land use and development. The Development Plan is prepared in accordance with the applicable overlay provisions and will provide guidance for land use, interface treatments and access (both pedestrian & vehicular).

Site Context: The Development Plan area is bounded by Plenty Road to the west, private industrial landholdings to the north, Green Wedge land to the east, and low-density residential landholdings to the south. The subject site is located within the Whittlesea Township boundary in accordance with the Strategic Framework Plan of the Whittlesea Township Plan adopted by Council in June 2021.

Zones: Low Density Residential Zone – Schedule 1 (LDRZ), Green Wedge Zone – Schedule 1 (GWZ)

Overlays: Development Plan Overlay – Schedule 2 (DPO2)

Existing Strategic Documents: Whittlesea Township Plan 2021

2 Introduction

The 2388 Plenty Road, Whittlesea Development Plan (hereafter 'Development Plan') has been prepared to provide strategic guidance for the future land use and development of the subject site addressed as 2388 Plenty Road, Whittlesea. The Development Plan has been prepared in accordance with the requirements of the Development Plan Overlay – Schedule 2 (DPO2) and key objectives and strategies of the Planning Policy Framework (PPF) of the Whittlesea Planning Scheme.

In particular, *Clause 43.04-2* of the Whittlesea Planning Scheme states that:

'A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority. This does not apply if a schedule to this overlay specifically states that a permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority'.

A permit granted must:

- *Be generally in accordance with the development plan.*
- *Include any conditions or requirements specified in a schedule to this overlay.*

In responding to the applicable requirements for the preparation of the Development Plan, a detailed site analysis has been prepared taking into account the key features and surrounding context of the site. Furthermore, this report provides suitable justification of the proposed development plan layout and land use themes, informed by a series of supporting background reports relating to economics, biodiversity, contamination, servicing/drainage and traffic.

2.1 Vision

The overall vision for the Development Plan is based on the following design considerations:

- Allow for the future use and development of healthcare services and aged care residential to meet demand.
- Achieve active frontages and respond to identified key interfaces.
- Create an inviting and personable scale with good solar orientation.
- Build upon the historical rural character elements of Whittlesea and its surrounds.
- Provide limited commercial tenancies that serve a convenience function to complement shops and services within the core township but do not undermine them.
- Employ best practice sustainability measures to reduce energy requirements and carbon emissions.

This has been informed by a more detailed site analysis, which is provided in the following Section 3 of this report.

3 Detailed Site Analysis

3.1 Site Context

The property forming the Development Plan area is surrounded by varied and contrasting land uses, in a transition area between Whittlesea's core township and rural-residential properties on the town's fringe. The surrounding area has a rich Aboriginal history and significant Aboriginal population, as well as historical built history of European settlement dating from 1837. A number of significant natural and recreational areas are also located nearby, including the Yan Yean Reservoir Park and Kinglake National Park.

Between 2015 and 2036, the population of the Whittlesea Township is expected to grow by 47% overall, while the 70 to 84 age group is expected to grow by 76% (Place Snapshots – whittlesea.vic.gov.au). This indicates a significantly aging population.

Consequently, it is considered important to provide necessary services and infrastructure to support these aging communities. This includes providing suitable accommodation to enable the opportunity to age in place, as well as health and medical services. Whilst also ensuring that new development respects the existing semi-rural character.



Figure 1- Aerial Image (dated 20/02/2024)

Source: Nearmap

3.2 Subject Site

The subject site is currently addressed as 2388 Plenty Road, Whittlesea, and is legally known as Lot 1 on TP680470B.

The subject site is rectangular in shape with a frontage to Plenty Road of 238m and a depth of 182m, giving a total land area of 4.478ha.

The subject site is bounded by Plenty Road to the west, industrial tenancies to the north, the former Whittlesea Railway Line (green wedge land) to the east and rural-residential lots to the south.

A Feature, Level, and Re-Establishment Survey, prepared by Lawlor and Loy Vic Pty Ltd, is presented as an excerpt in *Figure 3* on the next page. It shows that the Development Plan area is mostly flat, with a slight slope toward the south-eastern corner, and includes an existing dwelling in the north-west corner along with several outbuildings.

According to the Ecolink Biodiversity Report, the Development Plan site is largely modified, dominated by exotic grasses and agricultural weeds, with only one native species, Finger Rush, found sporadically in the paddock. No threatened flora or fauna were detected.

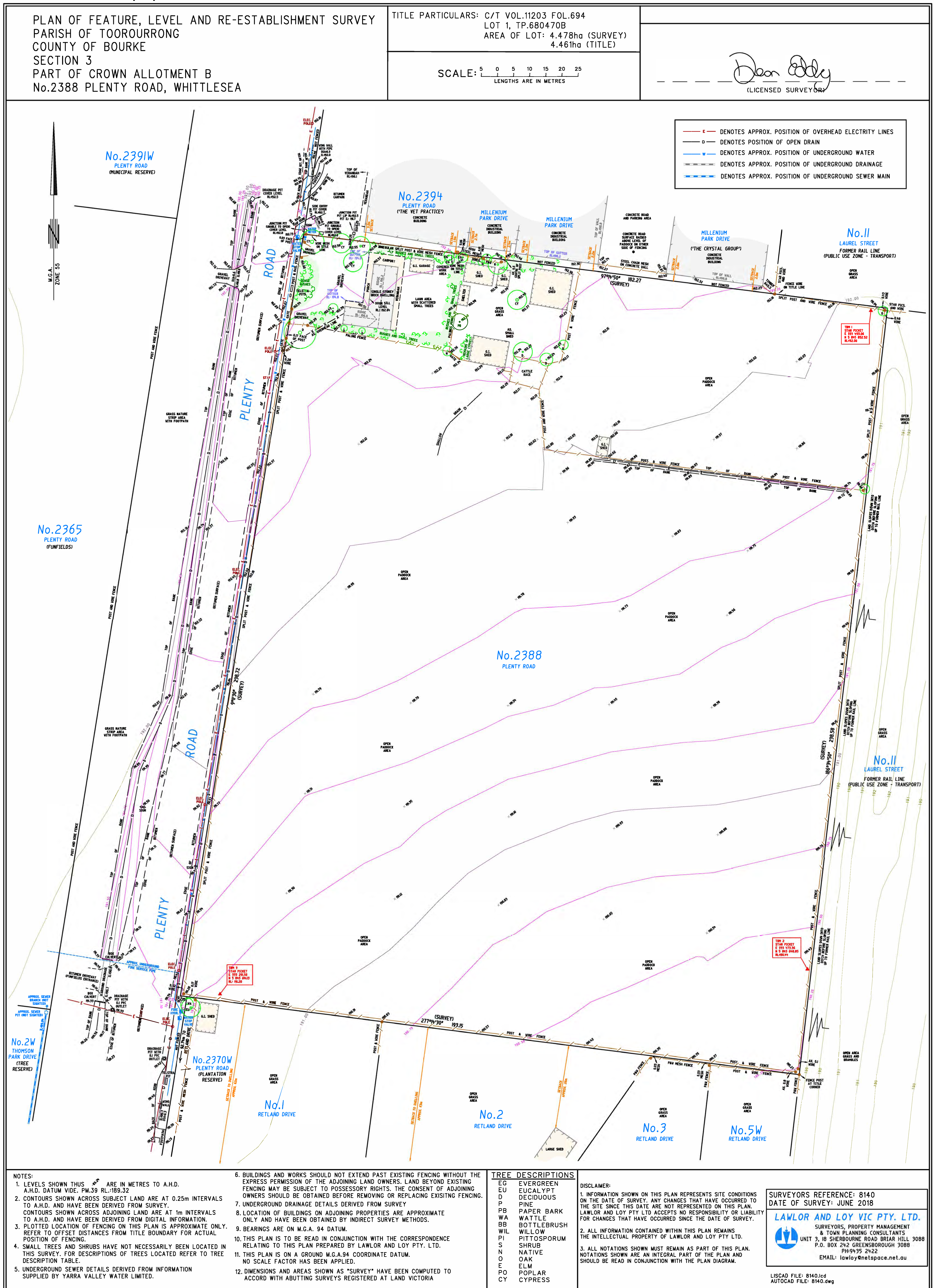
As per the Land Contamination Assessment carried out by Connolly Environmental, the site has no past history of being used for industrial, mining, or chemical storage purposes, and there is no evidence of previous contamination from past activities.



Figure 2- Aerial Image (dated 20/02/2024)

Source: Nearmap

Figure 3- Survey Plan
Source: Lawlor and Loy Pty Ltd



3.3 Site Analysis

A detailed Site Analysis has been undertaken for the Development Plan area which has taken the following items into consideration:

- A. Surrounding Land Uses**
- B. Key Interfaces**
- C. Existing Community Facilities**
- D. Pedestrian Network**
- E. Existing Bus Routes**
- F Road Hierarchy**

A summary of each of these considerations are provided as follows (*see Figures 4-6*):

A. Surrounding Land Uses

There are a range of land uses immediately surrounding the Development Plan area. The area surrounding the subject site is characterised by low density housing to the south, the Funfields regional amusement park to the west, standard density housing to the north-west, commercial/industrial to the north, and the former railway line/green wedge land to the east. The Development Plan must have consideration for, and seek to appropriately integrate with, these surrounding land uses.

B. Key Interfaces

The Development Plan should appropriately respond to the following key interfaces:

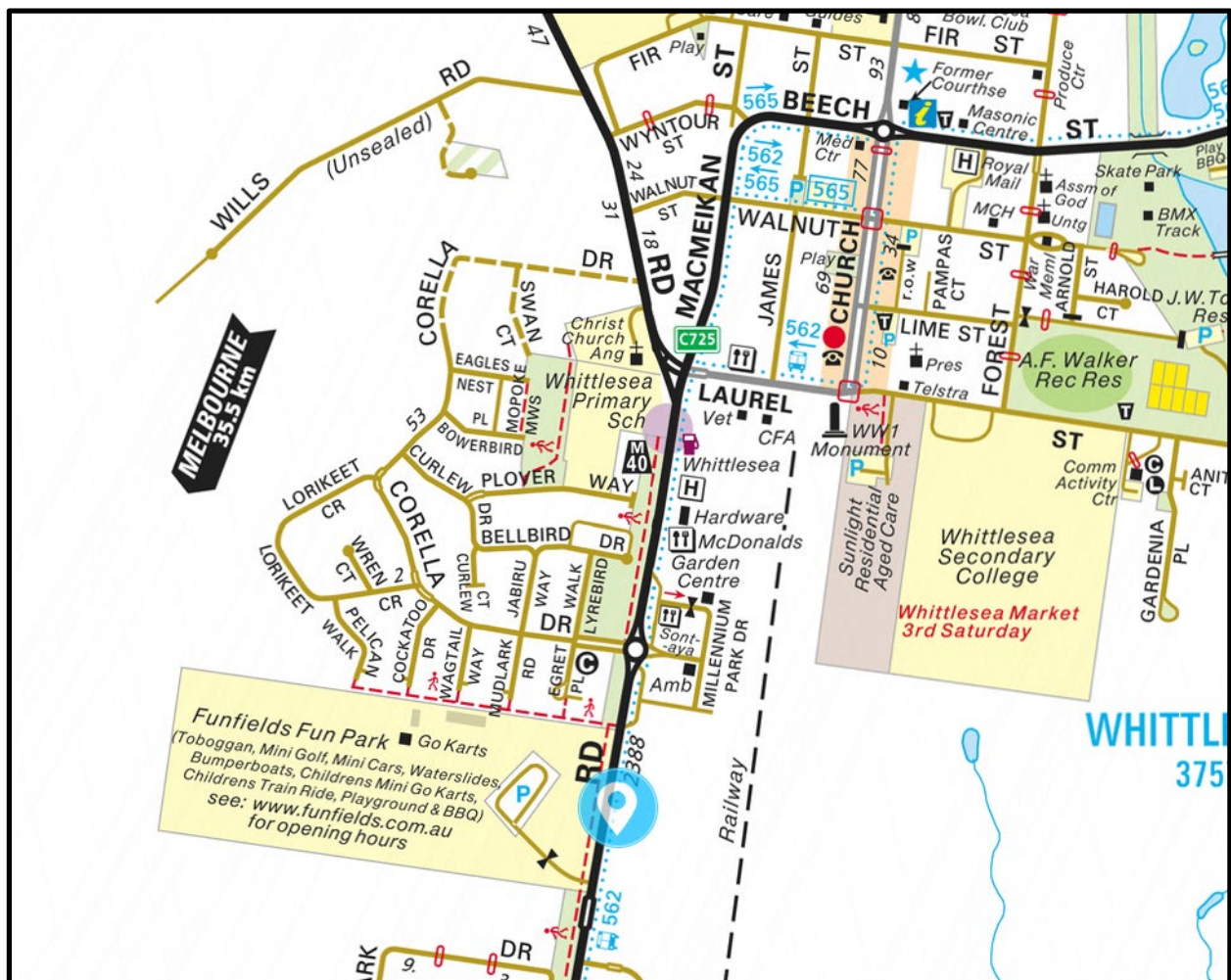
- Green Wedge Land – There is Green Wedge land to the east associated with a remnant area of the historic Whittlesea railway line, as well as rural conservation land. Consequently, land to the east provides natural vistas and should be appropriately activated to discourage illicit behaviour.
- Plenty Road – An arterial road adjacent to the sites western boundary, which provides the main access into the Whittlesea Township, as well as rural areas further north.
- Industrial Estate – There is an existing industrial estate abutting the sites northern boundary, generally comprising of a vet clinic, mail distribution centre, ambulance depot, auto-repairs facility and several trade supplies stores.

C. Existing Community Facilities

The Development Plan area is within proximity to the following existing services:

- Journey Early Learning Centre - 300m
- Whittlesea Primary School - 600m
- TLC Sunlight Residential Aged Care - 1.2km
- Whittlesea Secondary School - 1.3km
- Whittlesea Lodge (Nursing Home) - 1.3km
- Whittlesea Library - 1.4km
- Whittlesea Swim Centre - 1.5km

Figure 4 – Melways Map Source: www.land.vic.gov.au



D. Pedestrian Network

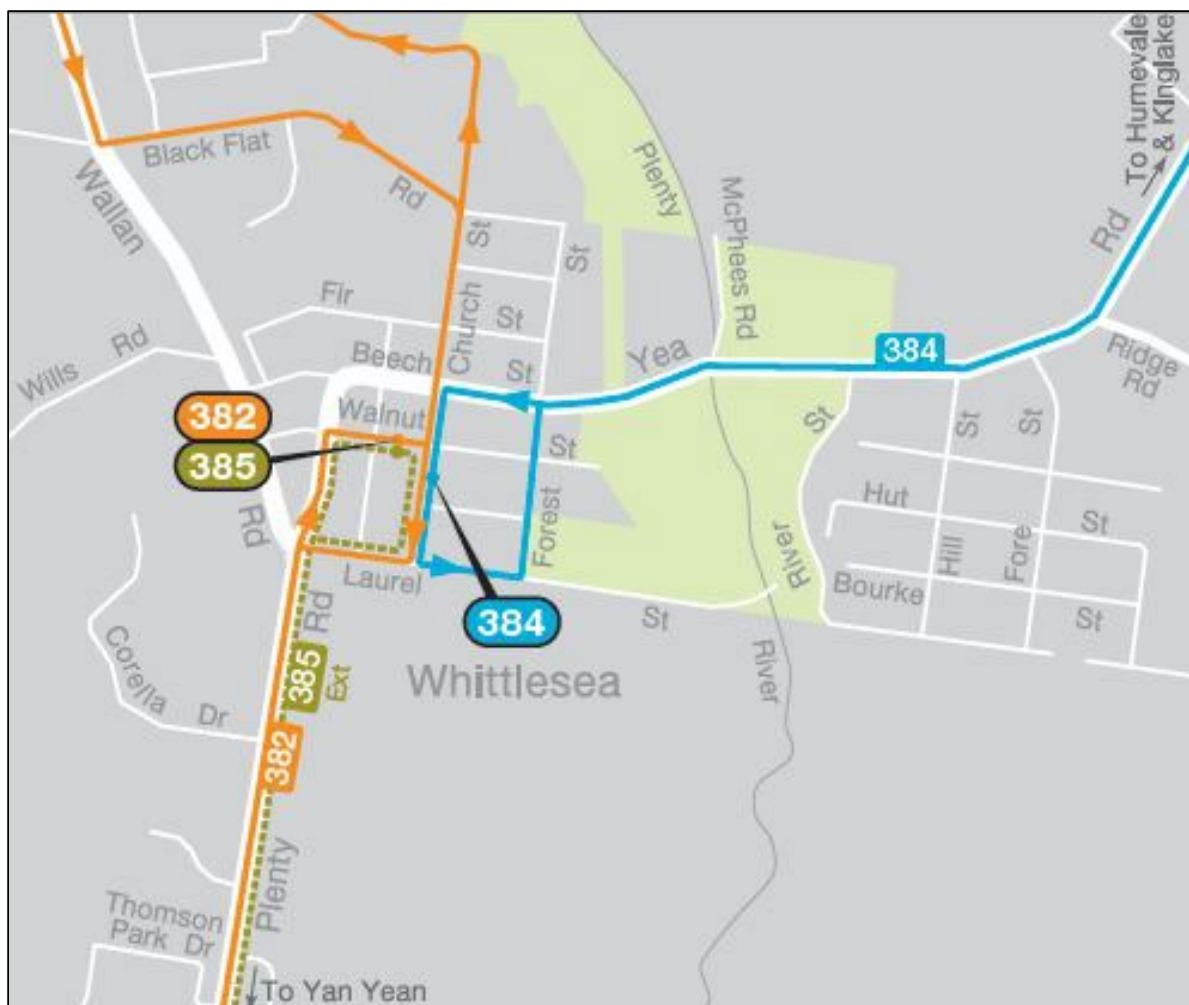
There is an existing footpath adjacent to the Development Plan area on the opposite (western) side of Plenty Road. There is also a footpath on the eastern side of Plenty Road located approximately 10m to the north-west corner of the Development Plan area, and adjacent to a service road.

E. Existing Bus Routes

There are two bus routes which service the Development Plan area, with bus stops located approximately 30m to the south of the site, on both sides of Plenty Road. The services include:

- Service 382- Whittlesea to Northland SC via South Morang Station
- Service 385- Whittlesea - Mernda Station -Greensborough

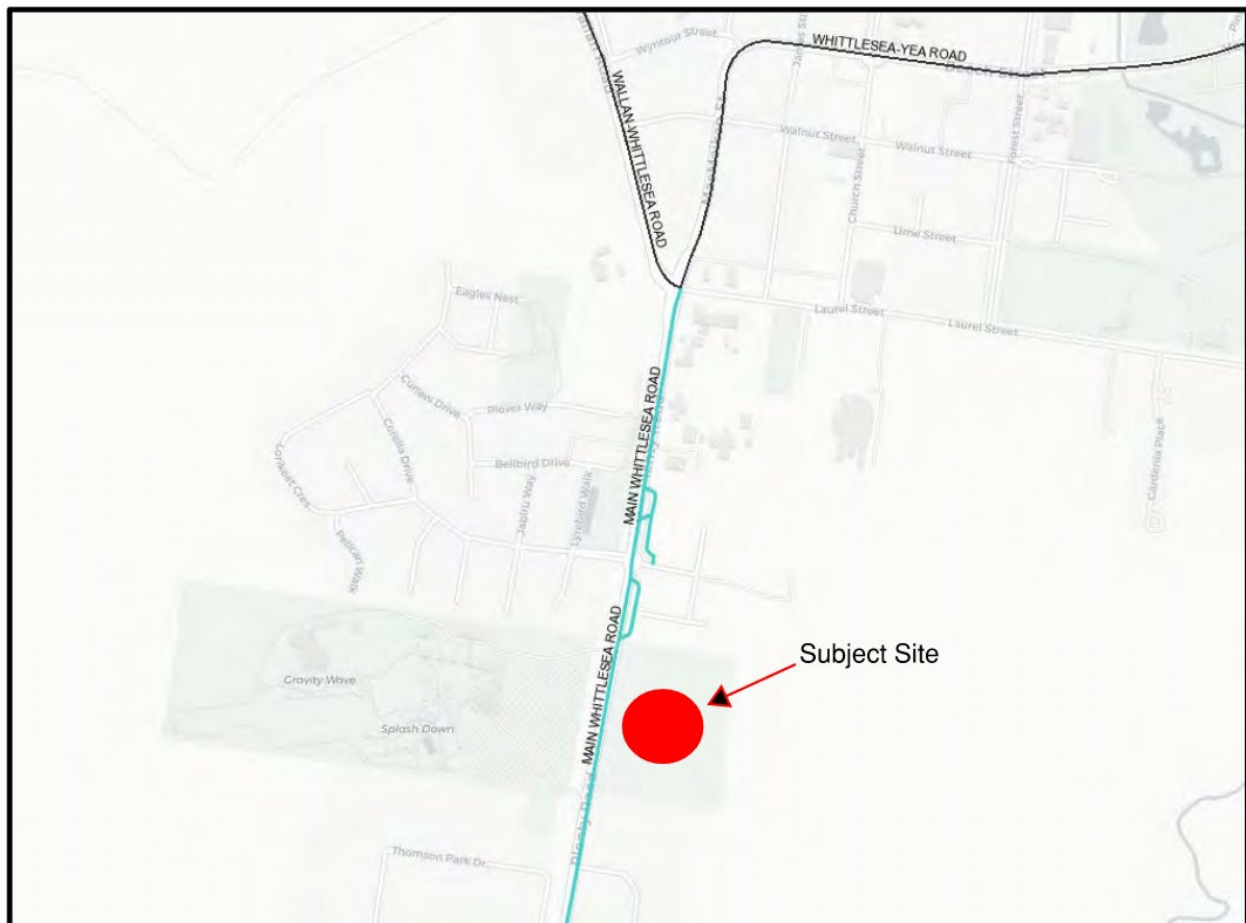
Figure 5 – Whittlesea Local Area Map Source: www.ptv.gov.au



F. Road Hierarchy

The DP area abuts Plenty Road along its entire western boundary. This is a Transport Zone 'TRZ2', arterial road, and any proposed access will require approval from the relevant authorities (i.e. Department of Transport). There is also an access point and right turning lane at the entrance to the Funfields amusement park adjacent the south-west corner of the Development Plan area.

Figure 6 – Vic Roads Declared Roads Source: www.vicroads.vic.gov.au



3.4 Key Considerations from Site Analysis

Based on the site analysis contained in the previous section of this document, there are a series of key matters that will need to be suitably considered forming part of the Development Plan. These factors can be summarised within the following key considerations and represented on the Site Analysis Plan (see *Figure 7* below):

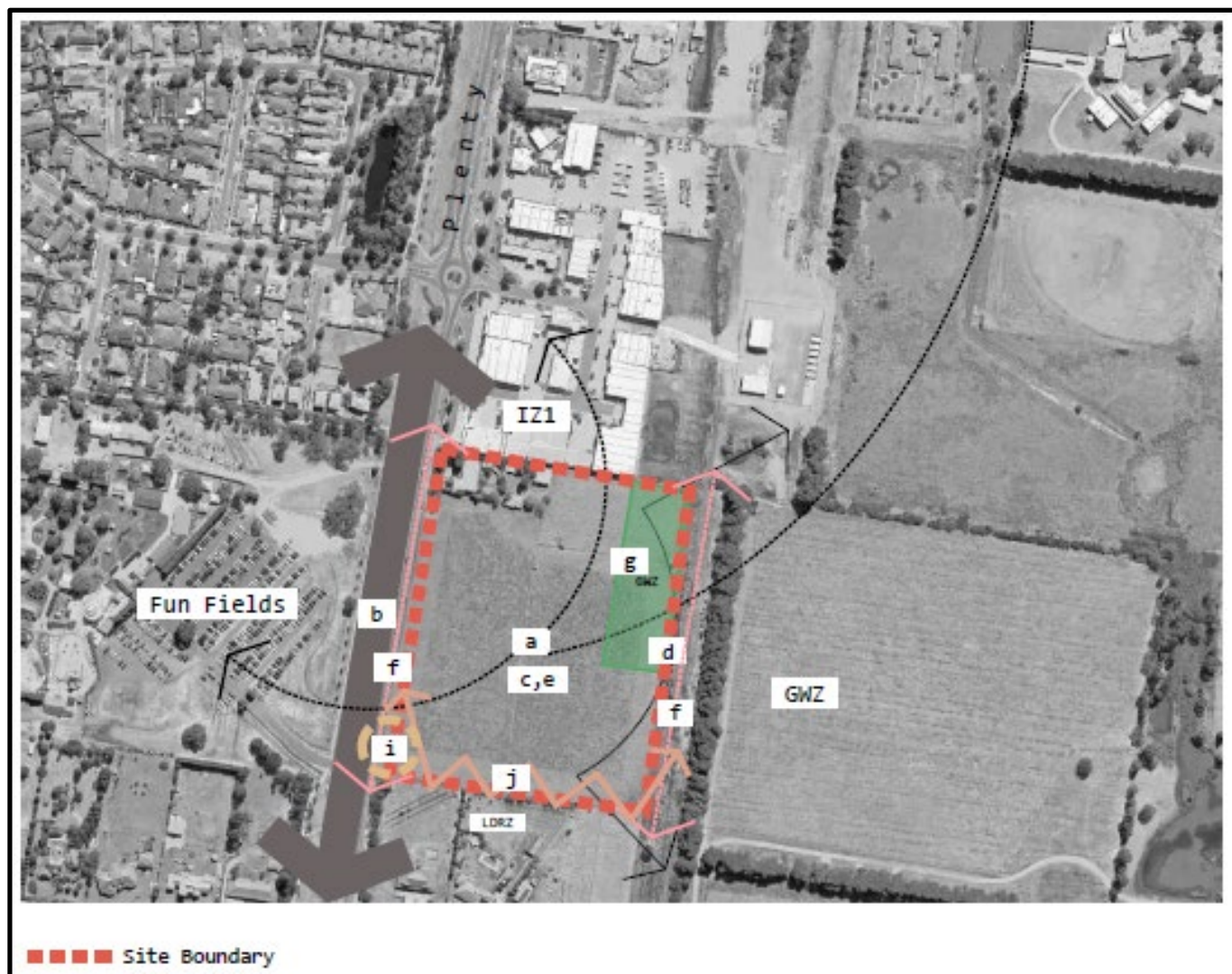


Figure 7 – Site Analysis Plan, Source: Modan

- a) The location is surrounded by a variety of land uses including residential, industrial, a regional amusement park and community facilities
- b) Direct access and frontage to an arterial road (Plenty Road) provides opportunity for convenient access and clear visibility

- c) The site is generally clear of any existing features obstructing development. Most notably, there is no significant vegetation considered worthy of retention
- d) Natural vistas of the green wedge land and rural conservation land to the east
- e) Lack of existing vegetation on the site contributing to local character
- f) Provide accessible and safe connections to the existing pedestrian path network
- g) Ensure activation and appropriate use of the Green Wedge land
- h) There are limited aged care and health services readily available to the local community in the face of growing demand
- i) Contribute to the entry statement into the Whittlesea Township
- j) Provide a transition between rural residential areas to the south and Whittlesea Township to the north

4 Planning Controls and Planning Policy

4.1 Zoning

The property forming the Development Plan area is primarily zoned as Low Density Residential Zone – Schedule 1 (LDRZ), with a small area of Green Wedge Zone (GWZ) in the north-east corner (refer to *Figure 8* below).

The key purpose of the LDRZ is *'to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.'*

The key purpose of the GWZ is *'to recognise, protect and conserve green wedge land for its agricultural, environmental, historic, landscape, recreational and tourism opportunities, and mineral and stone resources.'*

The proposed development plan supports a mixture of uses within the portion of the site zoned as LDRZ, including aged care, health services and a limited commercial offering. Currently, these are all permissible under the zoning, however, are listed as Section 2 uses requiring a planning permit under *Clause 32.03-1 – Table of Uses*. It is also highlighted that industry (other than car wash), office (other than medical centre), and retail premises (other than convenience shop, food and drink premises, market and plant nursery) are all listed as prohibited uses. With respect to the GWZ land, the Development Plan specifies that future land uses are to be determined in accordance with zoning requirements and allowances.



Figure 8 – Zoning Plan

Source: VicPlan

4.2 Overlays

The Development Plan area is covered by the Development Plan Overlay – Schedule 2 (DPO2) as shown in *Figure 9* below. The DPO2 requires a Development Plan to be prepared prior to a permit being granted for subdivision, use or development.

This Development Plan has been prepared pursuant to the requirements of this Overlay, which is discussed further in the following section of this report.



Figure 9 – Development Plan Overlay Map

Source: VicPlan

4.3 Planning Policy

The key objectives and strategies of the Planning Policy Framework (PPF) have been considered in the preparation of this Development Plan. The following clauses are considered most relevant:

Clause 11 – Settlement

Clause 11.01-1S – Settlement: To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Clause 11.02-1S – Supply of Urban Land: To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Clause 12 – Biodiversity

Clause 12.01-1S – Protection of Biodiversity: To protect and enhance Victoria's biodiversity.

Clause 12.01-1L – River Red Gum Protection: To retain and provide for the long-term viability of River Red Gums.

Clause 12.01-2S – Native Vegetation Management: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

Clause 15 – Built Environment and Heritage

Clause 15.01-1S – Urban Design: To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

Clause 15.01-1L – Urban Design in the City of Whittlesea:

- Support built form outcomes that create a connection to place and the community.
- Design development to orient toward rather than away from the street.

Clause 15.01-2S – Building Design: To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.

Clause 15.01-2L – Environmentally Sustainable Development: To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.

Clause 15.01-3S – Subdivision Design: To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-3L – Subdivision Design: To design subdivisions to be site responsive.

Clause 15.01-5S – Neighbourhood Character: To recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 15.03-2S – Aboriginal Cultural Heritage: To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Clause 16 – Housing

Clause 16.01-1S – Housing Supply: To facilitate well-located, integrated and diverse housing that meets community needs.

Clause 16.01-2S – Housing Affordability: To deliver more affordable housing closer to jobs, transport and services.

Clause 18 – Transport

Clause 18.01-1S – Land Use and Transport Integration: To facilitate access to social, cultural and economic opportunities by effectively integrating land use and transport.

Clause 18.01-2S – Transport System: To facilitate the efficient, coordinated and reliable movement of people and goods by developing an integrated and efficient transport system.

Clause 18.01-3S – Sustainable and Safe Transport: To facilitate an environmentally sustainable transport system that is safe and supports health and wellbeing.

Clause 18.02-1S – Walking: To facilitate an efficient and safe walking network and increase the proportion of trips made by walking.

Clause 18.02-2S – Cycling: To facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.

Clause 18.02-3S – Public Transport: To facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.

Clause 18.01-4S – Roads: To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

5 Development Plan Requirements

This section outlines how each of the general requirements for a Development Plan, as specified in Clause 43.04-4 of the Whittlesea Planning Scheme, is addressed, along with the specific requirements outlined in Schedule 2 of the Development Plan Overlay.

5.1 General Requirements

The Development Plan responds to the requirements set out in the Development Plan Overlay parent clause (Clause 43.04 and specifically Clause 43.04-4) as follows:

| Clause 43.04-4 Requirement | Assessment / Response |
|--|--|
| The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages. | The Development Plan Package is inclusive of a Development Plan Layout & Indicative Concept Plan, supported by a range of background documents, as referenced in Sections 6 and 7. |
| A development plan that provides for residential subdivision in several specified zones, including GRZ, must meet the requirements of Clause 56 as specified in the zone. | The Low Density Residential Zone is not specified, and therefore, this is not considered a relevant consideration of this development plan. |
| The development plan must describe: <ul style="list-style-type: none"> The land to which the plan applies. The proposed use and development of each part of the land. Any other requirements specified for the plan in a schedule to this overlay | <ul style="list-style-type: none"> The Development Plan applies to the land at 2388 Plenty Road, Whittlesea, which is identified as Lot 1 on TP680470. The proposed use and development of each part of the land is detailed on the proposed Development Plan Layout & Indicative Concept Plan. Refer to section 5.2 for a response to specific DP schedule requirements. |

5.2 DPO2 Specific Requirements

The following table sets out the specific requirements for a development plan under DPO2 and explains how the proposed Development Plan meets those requirements:

| DPO2 Requirements | Assessment/Response |
|--|--|
| <i>Compliance with any approved Local Structure Plan or Incorporated Plan which applies to the land.</i> | The Development Plan is consistent with the objectives of the Whittlesea Township Plan (LSP) 2021. |

| | |
|--|---|
| | <p>The subject site is located within Precinct 3 of the LSP, which aims to maintain low-density residential lots larger than 0.4ha. The LSP also seeks to ensure the site contributes to an attractive southern entrance to the township along Plenty Road and provides a suitable transition between the low-density properties to the south and the industrial estate to the north. Additionally, the LSP encourages the development of aged care facilities and other housing options for older residents in appropriate locations within the Township to support aging in place.</p> <p>As shown in the Development Plan Layout and Indicative Concept Plan (<i>Figures 10 and 11</i>), these outcomes have been carefully considered and can be implemented across three large super lots, each over 0.4ha, facilitating a staggered approach to built form across the site.</p> <p>As per the Development Plan Layout, this requires the adoption of four distinct precincts, each with varying recommended maximum height limits, allowing for:</p> <ul style="list-style-type: none"> ▪ Health, retirement & aged care living. ▪ Medical centre, health, retirement & aged care living. ▪ Health & aged care living. ▪ Non- residential land uses permissible when fronting a road zone. <p>The Indicative Concept Plans supporting the Development Plan Layout illustrate a more detailed potential development of these precincts, beginning with a retirement village to the south, followed by independent living units and a medical center further north, and aged care and commercial uses at the northernmost part. The layout has been carefully designed to demonstrate how the built form could be managed sensitively to preserve the amenity of the low-density properties to the south.</p> <p>The Development Plan Layout also aims to ensure that future development along the Plenty Road interface creates a strong sense of address, featuring permeable fencing, attractive landscaping, and appropriate setbacks to enhance the southern entrance to the Whittlesea Township. Furthermore,</p> |
|--|---|

| | |
|---|---|
| | acoustic evaluation and treatments are required for any sensitive residential uses in the north-eastern corner of the site to mitigate potential conflicts with the northern industrial interface. |
| <i>The subdivision design or layout of allotments.</i> | Detailed subdivision layouts will be the subject of future planning permit applications. However, as demonstrated by the Indicative Concept Plan in <i>Figure 12</i> there is adequate space to accommodate the future arrangement of proposed uses, including internal roads and buildings. |
| <i>The internal road networks, road cross-sections and traffic treatments including the location and standard of bicycle and pedestrian footpaths</i> | <p>A Traffic Impact Assessment Report has been prepared to support the movement elements of the Development Plan Layout. This report takes into account current traffic volumes on Plenty Road, as well as the projected traffic volumes related to the potential land uses shown on the Indicative Concept Plans.</p> <p>The key findings of this report adopted on both the Development Plan Layout and Indicative Concept Plan include the following:</p> <ul style="list-style-type: none"> ▪ A roundabout, equipped with kerb and channel, off-road bicycle lanes, and pedestrian paths, is adequate to ensure safe multi-purpose access to and from the site while still maintaining efficient traffic flows along Plenty Road. ▪ An 18m wide east-west public road, with a roundabout at its eastern end, is adequate to accommodate and distribute vehicular traffic volumes passing through the site. ▪ A footpath and shared path can be integrated within the 18m east-west public road to accommodate both pedestrians and cyclists. ▪ A connection should be established between the existing footpaths to the north and south of the site along Plenty Road. <p>All the infrastructure mentioned above is supported by functional layout plans or cross-sections included in the traffic report, which confirm their suitability.</p> |

| | |
|--|--|
| <i>The co-ordination of different land ownerships</i> | The subject site only comprises a single landholding, which can accommodate an appropriate arrangement of buildings and roads, as well as an appropriate interface to adjoining land uses. |
| <i>Topographic details and the identification of significant environmental, physical and cultural features</i> | <p>Please refer to the submitted Feature, Level and Re-establishment Survey Plan, prepared by Lawlor and Loy Pty. Ltd. for details of the site features and topography (<i>figure 3</i>).</p> <p>The submitted Biodiversity Assessment prepared by Ecolink Consulting identifies that the subject site does not contain any significant vegetation worthy of retention.</p> <p>The subject site is not within an area of Aboriginal Cultural Heritage Sensitivity and, therefore, the preparation of a Cultural Heritage Management Plan (CHMP) is not required.</p> |
| <i>A drainage plan detailing works to control stormwater drainage run-off from the subdivision and individual lots</i> | A Storm Water Management Strategy has been prepared which identifies that the site can outfall to an open table drain located externally at the south eastern corner of the property, whilst peak flows can be attenuated to pre-developed levels via an underground detention system (refer to Section 7). Detailed Engineering plans will eventually need to be submitted as part of any future planning permit application. |
| <i>Open space contribution requirements</i> | <p>Pursuant to Clause 53.01, a person who proposes to subdivide the land must make a contribution to the council for public open space. This contribution will be either:</p> <ul style="list-style-type: none"> • An allocation of 5% of the land for public open space. • A payment up to 5% of the site value of the land. • Or a combination of both. |
| <i>Preliminary soil tests</i> | The submitted Contamination Assessment prepared by Connolly Environmental found that the site has low potential for contamination and consequently is suitable for residential purposes. |
| <i>A conceptual level landscape plan including the location and retention of existing vegetation, the</i> | A Landscape Concept Plan has been prepared by WPA to conceptually outline where landscape planting should occur to support the future subdivision & |

| | |
|---|---|
| <i>area proposed for revegetation including tree species and density and details of any excavations or alterations to the natural surface level</i> | development of the site. For further details, including species selection, see the concept plan located in Section 7. |
| <i>Separate building and effluent disposal envelopes for each lot</i> | There is an existing sewer pipeline along the Plenty Road reserve. Consequently, it is expected that a connection can be provided and sewerage can be conveyed offsite. |

6 2388 Plenty Road, Whittlesea Development Plan

6.1 Development Plan Overview

The **2388 Plenty Road, Whittlesea Development Plan** (the 'Development Plan') comprises a single property with an overall area of 4.47ha.

A copy of the **Development Plan Layout** is provided on the following page (see *Figure 10*).

The proposed Development Plan Layout designates the site for a combination of potential land uses including health & aged care, medical, retirement and non-residential uses permissible when fronting a road zone, such as car wash, convenience restaurant, service station, convenience shop, food and drink premises etc.

The layout is deliberately set out at a high level to retain appropriate flexibility for the subsequent planning permit application phase, however is supported by the **Indicative Concept Plans** shown at *Figure 12*. These Concept Plans which are strictly indicative and for illustrative purposes, have been prepared to show how the site could practically be developed upon approval of this Development Plan.

As per the Concept Plans, the subject site will be supported by an internal local road network that will connect to Plenty Road. This includes a roundabout on Plenty Road to provide safe ingress & egress and another at the end of the local road to ensure vehicles may exit the site in a forwards direction. The internal and external road network will be designed to ensure traffic is unobstructed and bicycle and pedestrian movements are supported.

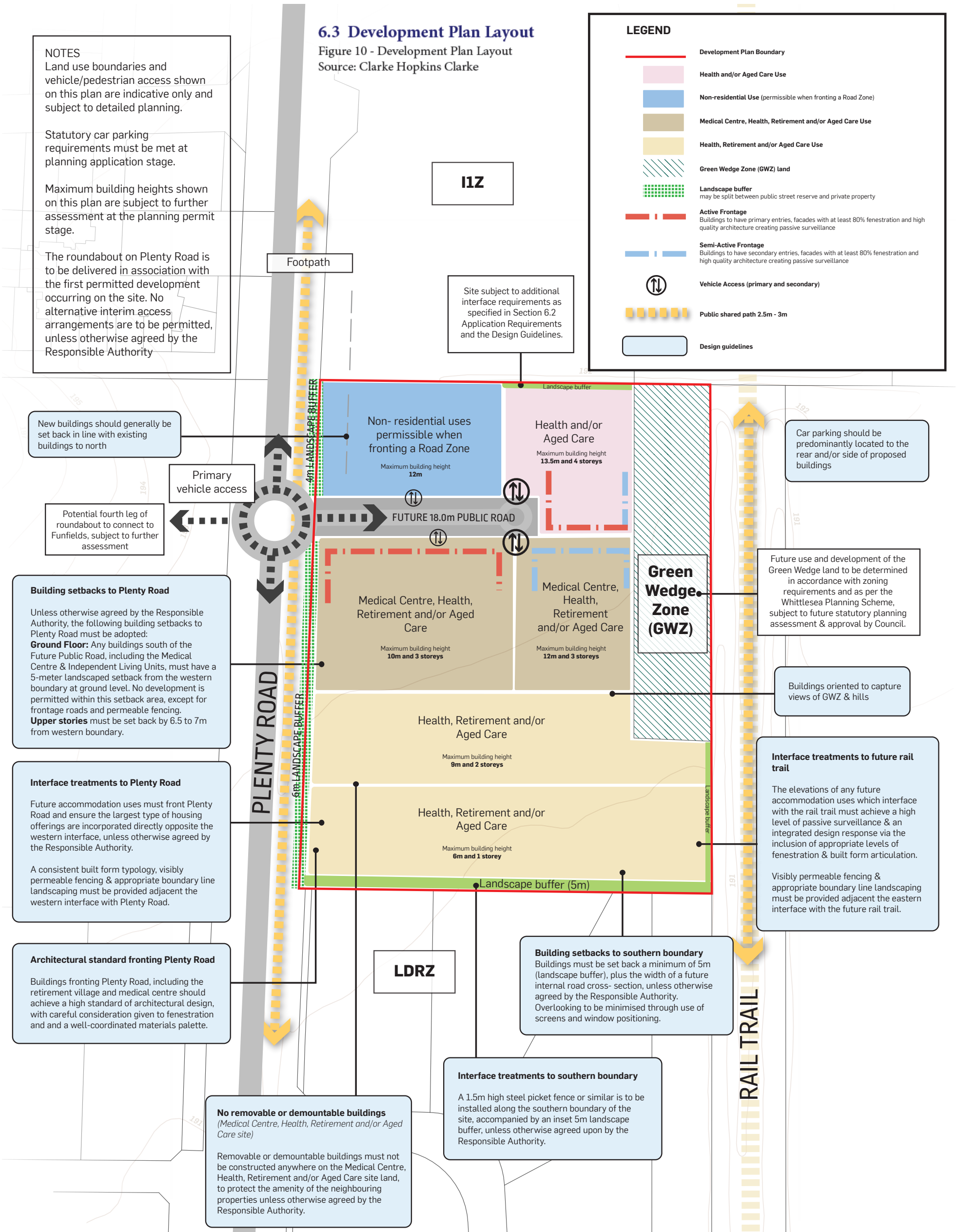
Importantly, the Development ensures that future buildings will be appropriately oriented to capture views of the green wedge land and hills to the east of the site, while also delivering a high-quality built form along Plenty Road to the west.

6.2 Future Application Requirements

Unless otherwise agreed to by the Responsible Authority, any subsequent planning permit application submitted for the subject site must include:

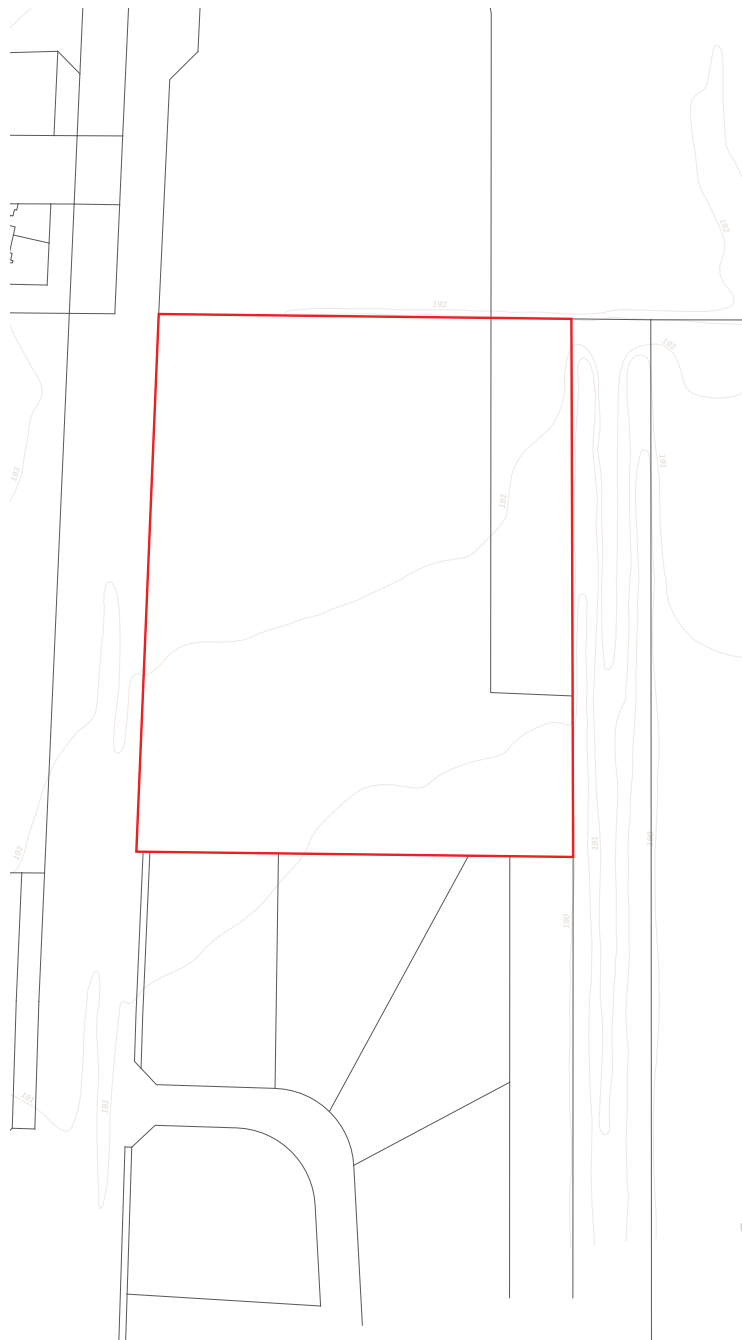
- When proposing health & aged care, retirement living or medical centre land uses on the land, an appropriate written justification of a demonstrated need or lack of similar services readily available to residents. This may include an accompanying needs assessment and/or economic advice prepared by a suitably qualified professional or agency.
- An outfall agreement with the relevant neighbouring parties for the acceptance of a controlled increase in storm water volumes discharging from the south eastern corner of the site to the agreed legal point of discharge, being the open table drain within the Rail Trail. This agreement may be provided as a condition of any future permit granted.

- An acoustic assessment, conducted by a qualified acoustic engineer, must be included for any sensitive use (such as residential, child care centre, education centre, residential aged care centre, or hospital) to be developed in the northeast corner of the site. The assessment should thoroughly address the site's industrial interface concerning noise and light spill and recommend appropriate siting and design measures to mitigate these impacts.
- The first permit application for the development of the site must be accompanied by a high level plan outlining the proposed management of the remaining balance land, including the intended staging of future development and the anticipated timing for each stage.



6.4 Environmentally Sustainable Design Plan

Figure 11 - Environmentally Sustainable Design Plan
Source: Clarke Hopkins Clarke



ENVIRONMENTALLY SUSTAINABLE DESIGN (ESD)
TREATMENTS SCHEDULE

RAINWATER TANKS
Rainwater runoff will be collected and stored within five 10,000 litre rainwater tanks located across site to service each substantial consolidated building footprint.

STORMWATER TREATMENT
Site runoff including from roofed areas and overflows from Storm Water Tanks are to be diverted to & treated by a combination of Atlan Stormsacks & Flow filters, ensuring storm water flows are filtered for coarse and fine pollutants before reaching the legal point of discharge.

SOLAR ENERGY
The rooftops of each substantial building will be constructed in a manner which ensures that a minimum 10kW solar photovoltaic system can be installed by a future owner/tenant.

HEATING & COOLING SYSTEMS
To reduce energy consumption associated with the heating & cooling of any proposed buildings, each building will be installed with energy efficient air conditioners within one star of the best available product in the range at the time of purchase.

URBAN HEAT ISLAND EFFECT
Rooftops and future accessways/open car parking areas will be finished with light colours to reduce heat loads. Light coloured roofing must have a minimum solar reflective index of 82 (Colourbond 'Surfmist' or similar).

FOSSIL FUEL FREE DEVELOPMENT
No gas connections will be provided to service future buildings in order to reduce reliance on fossil fuel and in line with local and state targets of decarbonisation.

VENTILATION
All residential buildings must provide for satisfactory cross flow ventilation to reduce the need for mechanical cooling. Where possible, this outcome must also be achieved in the design of the potential commercial offerings onsite.

ACOUSTIC INSTALLATION:
All buildings will be designed to meet the National Construction Code requirement for acoustic insulation to minimise noise levels & noise transfer within and between buildings.

For any sensitive land uses located in the north-eastern corner of the site, an acoustic report must be prepared as part of the future permit application. The report should include suitable recommendations to ensure that all external industrial noise sources are satisfactorily attenuated in the building(s) siting & design.

BUILDING MATERIAL ASPIRATIONS
All timber, flooring, joinery & steel used in the construction of the development should be either recycled/reused (if available); sourced from responsible entities; or appropriately certified/accredited by leading organisations such as the Forest Stewardship Council; the Carpet Institute of Australia etc.

OPERATIONAL WASTE
A dedicated & sufficiently sized storage area must be included within each building to provide convenient access to general waste; recycling waste; food/organic waste; & future glass waste disposal opportunities.

Note: *The above ESD measures may be amended, deleted or supplemented with further initiatives when a detailed ESD Report is prepared for each future Buildings & Works Town Planning Application.*

Figure 12 - Indicative Concept Plan
Source: Clarke Hopkins Clarke

Indicative Concept Plan - Ground Floor | **CP01**

PLENTY ROAD



PRELIMINARY

7 Supporting Background Reports

Following the preparation of an initial Development Plan Layout, a series of sub-consultants were engaged to prepare specialised reports and assessments to support the Development Plan. These reports provide the necessary information to establish clear development and engineering expectations, which will assist future permit applications for subdivision and development. The findings of these reports are summarised below:

Letter of Economic Advice (Ethos Urban, 8 March 2019) **ETHOS URBAN**

A letter of advice has been prepared by Ethos Urban outlining their professional view of the role and function of the commercial land uses on the site in the broader context of the Whittlesea retail hierarchy. Following an assessment, they concluded that:

Rather than competing with the Whittlesea Town Centre, it is considered the retail function at the subject site will provide a convenience offer primarily directed at passing trade and visitors to the township, with resident trade expected to be much less significant. In this regard, it is likely the proposed retail offering at the subject site will complement, rather than compete with, the Whittlesea town centre, which primarily serves local residents.

The development will provide an opportunity to capture some of the spend of passing trade which currently escapes the Town Centre, while also leveraging off the strong tourism and visitor-oriented use opposite.'

This finding indicates that the proposed non-residential uses are not likely to significantly harm the existing retail landscape in Whittlesea Town Centre. The development is expected to primarily attract individuals traveling along Plenty Road to reach Whittlesea Township and the rural areas to the south, as well as those visiting the nearby Funfields theme park.

Preliminary Engineering Services Report (WPA, 17 October 2024) **WPA.**

A high-level servicing strategy has been prepared by WPA to verify how utilities can be connected to the subject site. The key conclusions are as follows:

- All servicing infrastructure can be provided to the site with potential for external extensions/upgrades;
- **Sewer:** An existing Yarra Valley Water sewer manhole is located on the western side of Plenty Road approximately in line with the southern property boundary. A connection across Plenty Road will be needed to service the site;
- **Water supply:** An existing Yarra Valley Water main is located within the eastern reserve of Plenty Road adjacent the site and can provide a potable water connection to the property.
- **Gas:** A pipe connection is needed across Plenty Road to connect the property to an existing high-pressure gas main owned by APA Group and located within the western reserve of Plenty road.
- **Electricity:** An existing 3 strand overhead power line is located within the eastern reserve of Plenty Road adjacent the site. Ausnet services will need to confirm electrical supply requirements to the property at a later date.
- **Telecommunications:** An existing Telstra / NBN cable line and pit exists within the eastern reserve of Plenty Road adjacent the site and can provide telecommunication services to the property.

It is submitted that further detailed engineering investigations will occur off the back of future planning permit applications to develop the site.

Traffic Engineering Assessment (Traffix Group, 4 October 2024) **Traffix Group**

In order to determine an appropriate access arrangement into the site, a supporting Traffic Impact Assessment Report has been prepared by Traffix Group which takes into account a number of potential land uses that could reasonably occur within each precinct of the Development Plan, their forecasted traffic generation during the AM & PM peak hours (263 vehicle movements either side of midday) and appropriately models this in conjunction with counts undertaken of existing traffic flows along Plenty Road (24-hour weekday two-way traffic volume average of 15,358 vehicles daily).

Using this information, the report identifies how the key traffic infrastructure requirements outlined below can manage both current and anticipated traffic volumes without negatively impacting the capacity and functionality of Plenty Road.

key Traffic Infrastructure Requirements:

- A roundabout that serves the northern portion of the site (immediately south-west of Pad Site 1) is required to provide access to the internal road network of the development (refer to the Functional Layout Plan (FLP) in *Figure 13* below). Note that a more refined FLP will undergo further assessment by the Department of Transport & Planning during the future detailed engineering stage of the project.

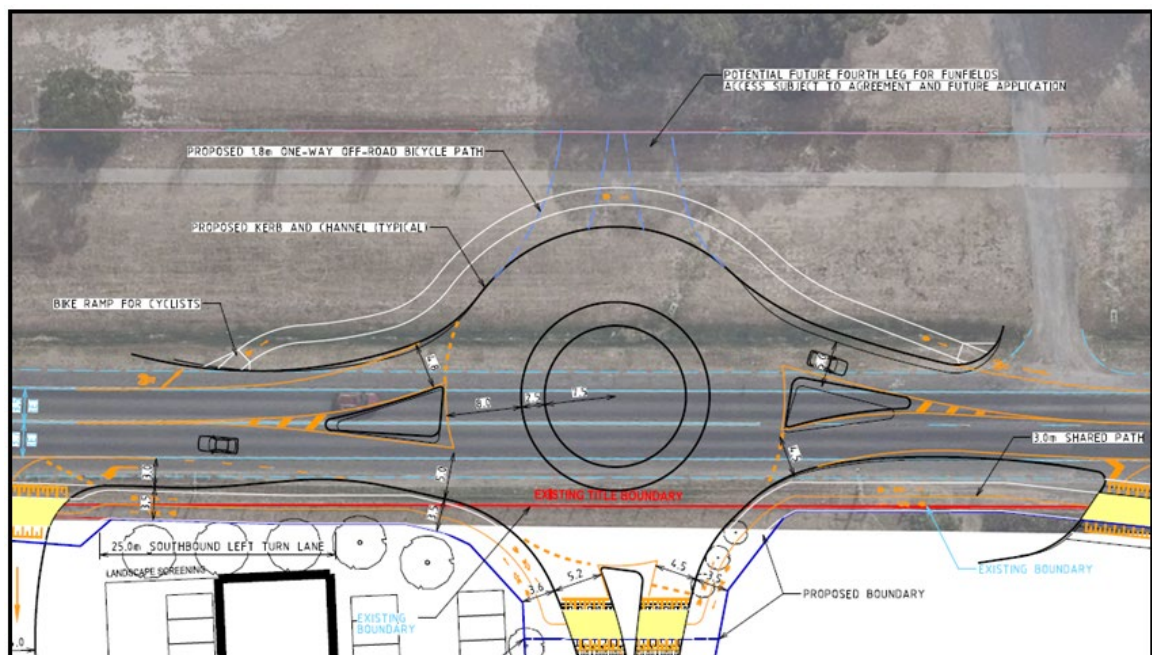


Figure 13 – Concept Functional Layout Plan (Source: Traffix Group)

- The provision of a new public access road that:
 - Provides individual lot access running in-between Plenty Road and the proposed internal roundabout.

- A single traffic lane in each direction.
- A footpath and verge on the northern side of the road.
- A 2.5 metre wide shared path on the southern side of the road (which would connect a future public trail to the east of the site) and additional verge and planting (refer to *figure 14* below).

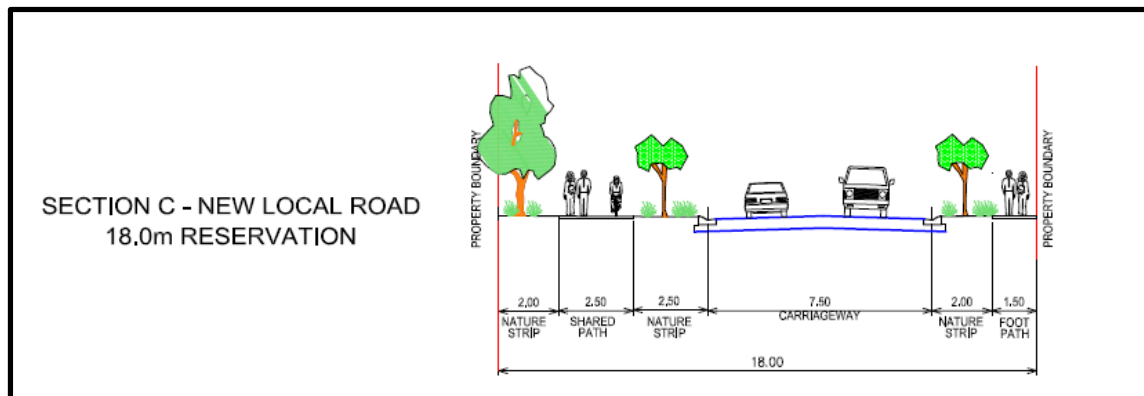


Figure 14 – Cross-section for 18m wide public access road (Source: Traffic Group)

- A smaller, internal roundabout on the site that facilitates vehicle turnaround and allows for a forward exit onto Plenty Road.
- All other roads within the Development Plan to be private roads.

It is acknowledged that the adoption of the above traffic arrangement is subject to obtaining support from the Department of Transport & Planning (DTP), as the relevant Statutory Referral Authority for the Principal Road Network. Notably DTP have reviewed the supporting traffic arrangement and provided their written support in principle on the 4th of February 2025. This support was contingent on the following edits to the Development Plan Layout and Indicative Concept Plans:

- The removal of any direct access from Plenty Road to the pad site in the northeastern corner.
- The removal of any other direct access points from Plenty Road, south of the 18m local road
- The removal of the indicative bus stop.

Each of these requested changes has been incorporated into the plans, and any additional access points that may be proposed for the site in the future will need to be assessed during the planning application stage.

Contamination Assessment (Connolly Environmental, 2 August 2023)

A Contamination Assessment was conducted to meet the requirements of the DPO2 for preliminary soil testing and to confirm that the site is free from contamination that could negatively affect future uses. This report draws on historical and current information from various databases, multiple site inspections, the latest of which took place on July 21, 2023, and consultations with the EPA. The report concluded that:

- There is no evidence that the site has previously been used for industry or mining.
- There is no evidence that the site has previously been used for the storage of chemicals, gas, waste or liquid fuel (other than minor above-ground storage that is ancillary to another use of the land).
- There is no evidence of past or present activities or events (occurring on or off the land) that may have caused contamination on the land.

- iv. The current and historical uses of the land and surrounds shows no history of contaminating activities and as there is no other evidence or suspicion for contamination, the site was found not to be potentially contaminated as defined by PPN30 and further investigation is not required.
- v. With respect to the requirements of Ministerial Direction No. 1, the environmental conditions of the land are suitable for the uses of land nominated on the Indicative Concept Plans.

It is considered that this Assessment has appropriately demonstrated that the site has a low risk of past contamination and is therefore suitable to permit the types of land uses reflected on the Indicative Concept Plans.

Biodiversity Assessment Report (Ecolink Consulting, August 2018)



A Biodiversity Assessment Report has been prepared by Ecolink to support the Development Plan and determine the ecological values of the study area, the presence, location and extent of native vegetation (if any) and to identify the applicable offsets required should the applicant develop the site.

To carry out this work, an onsite inspection of the study area was undertaken which revealed the property is heavily modified and primarily features exotic grasses and agricultural weeds, including Cape Weed (*Arctotheca calendula*), Onion Grass (*Romulea rosea*), Panic Veldt-grass (*Ehrharta erecta*), Paspalum (*Paspalum dilatatum*), Perennial Rye Grass (*Lolium perenne*), White Clover (*Trifolium repens* var. *repens*), and Annual Meadow Grass (*Poa annua*). Blackberry (*Rubus fruticosus* spp. agg.) and Sweet Briar (*Rosa rubiginosa*) were commonly found along the eastern fence line.

Only one native species was observed in the study area: Finger Rush (*Juncus subsecundus*), which was recorded sporadically within the paddock, as it is less palatable to grazing cattle than the surrounding pasture grasses. Furthermore, no threatened flora or fauna species were identified on the site.

In conclusion, the Biodiversity Report confirms that there is no native vegetation on the site that qualifies as a patch or scattered tree under the "Guidelines for the Removal, Destruction or Lopping of Native Vegetation," and therefore, no further consideration is needed for this Development Plan.

Storm Water Management Strategy (DPM Consulting Group, 8 October 2024)



In order to address the specific requirements of the DPO2 for a drainage plan detailing works to control stormwater drainage run-off from the subdivision and individual lots, a supporting Storm Water Management Strategy has been prepared by the DPM Consulting Group.

This report sets out the key requirements that need to be met in order to satisfactorily service the indicative concept plan layout. The most critical findings/items being:

- Council requires that the site outfall from its south eastern corner to the open table drain located external to the eastern boundary and within the Rail Trail. This will require further approval in time from the landowner, VicTrack, for the acceptance of increased (controlled) storm water volumes.
- Minor flows up to the 10% Annual Exceedance Probability (AEP) will be conveyed in an underground pipe network to their ultimate discharge point.
- Major flows up to the 1% AEP, meeting specific safety requirements, can flow in an overland flow path, along road reserves and constructed waterways and to their ultimate discharge point.

- An underground storage tank capable of detaining storm water volumes of up to 1,026m³ is required to attenuate peak flows to pre-developed conditions. This will be located in the bottom south east corner of the site and need to integrate with whichever land use is constructed to the south (see *figure 15* below).
- In order to ensure the development of the land will meet Best Practice Environmental Management Guidelines, all future proposals will need to optimise a combination of bioretention basins, rainwater tanks, passive street tree irrigation, buffer strips & permeable pavement (see *figure 15* below).
- Further investigations are expected to be undertaken during the future detailed design process to confirm the final outfall from the proposed development to the final point of discharge.



Figure 15 showing the proposed drainage system for the site (Source - DPM)

Landscape Concept Plan (WPA, 9 October 2024) **WPA.**

WPA has prepared a high-level Landscape Concept Plan to fulfill the specific DPO2 requirement of identifying the potential areas designated for revegetation, including specific tree species.

The concept plan, partially illustrated in *Figure 16* below, presents a suitable mix of plant species that will effectively break up and enhance the appearance of any future buildings on-site, particularly from the low-density properties to the south and Plenty Road to the west (see chosen screening trees in *Figure 17*).

The nominated planting outcomes throughout the plan serve to provide a clear demonstration of how strategically chosen and well placed plant species can serve to improve the overall sense of amenity within a development.

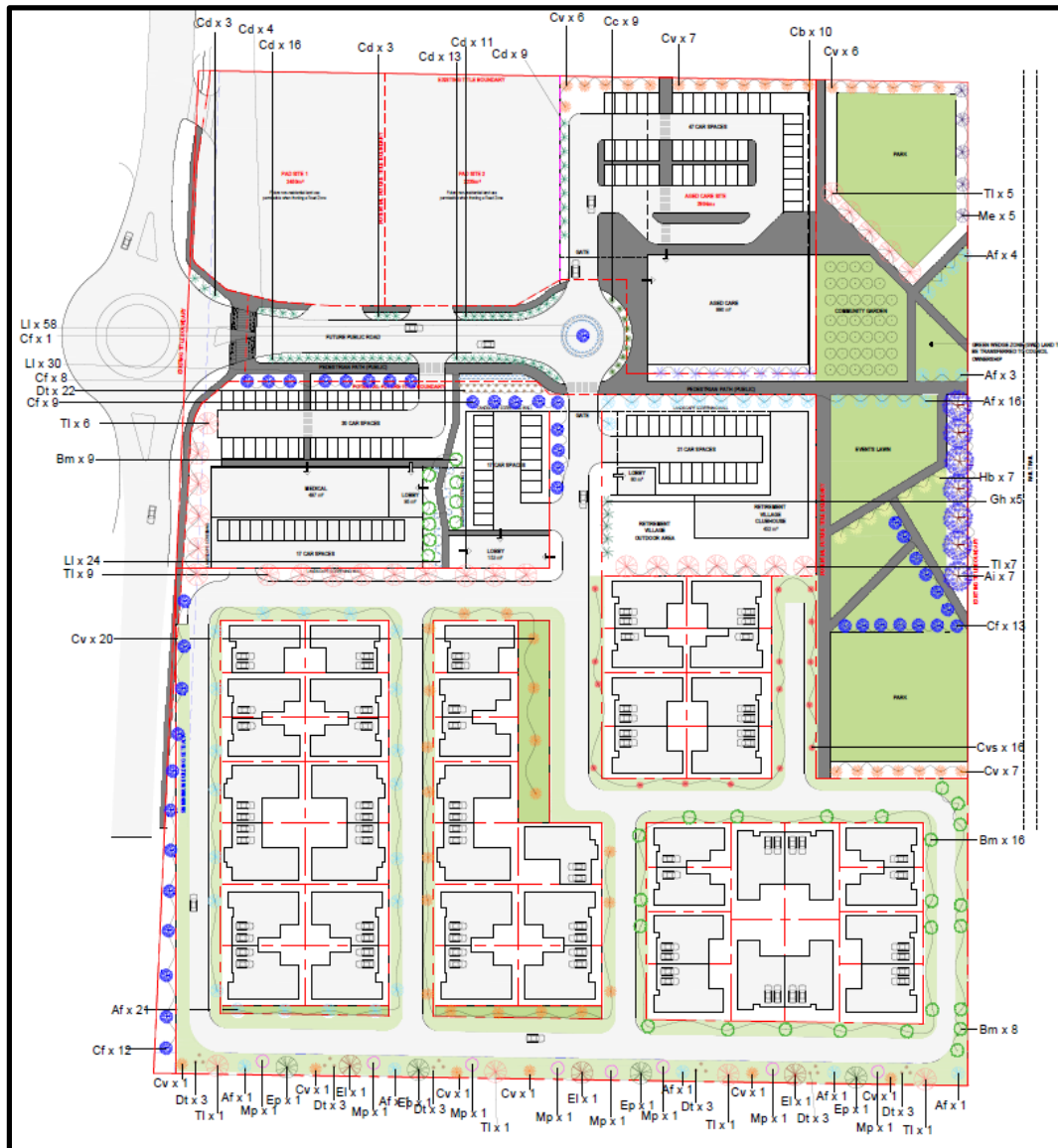


Figure 16 showing how conceptual landscaping can be included onsite (Source - WPA)



Figure 17 Nominated trees for the southern & western boundaries (Source – Google)

8 Conclusion

The proposed **2388 Plenty Road, Whittlesea Development Plan** provides strategic guidance supporting the future land use and development of the site, which will comprise a combination of medical, health, residential aged care, retirement and other non-residential land uses.

The Development Plan has been prepared in accordance with the specific requirements of the DPO2 and key objectives of the PPF contained within the Whittlesea Planning Scheme.

The proposed land use themes and overall layout are designed for the development of an infill parcel located between diverse and contrasting land uses, including rural-residential areas, a regional amusement park, industrial zones, a former railway line/green wedge land, and standard residential areas. As such, the Development Plan aims to create a seamless transition between these uses, addressing key interfaces while connecting to both pedestrian and vehicular networks. A significant benefit will be the provision of essential services for the local community that are not currently readily accessible.

It is considered that the Development Plan provides appropriate guidance for the preparation and consideration of future planning permit applications.

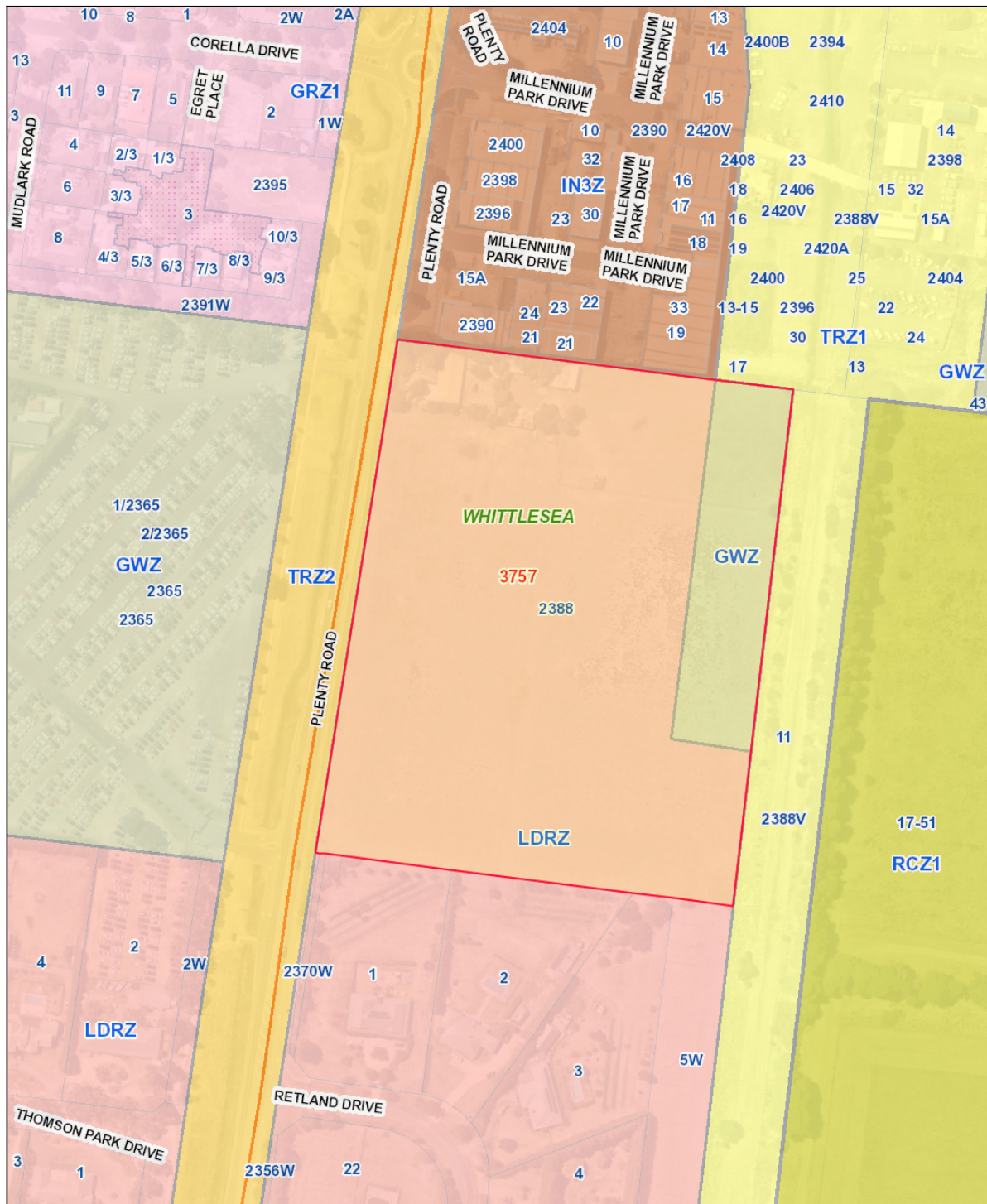
WPA.

WHITEMAN

PROPERTY &
ASSOCIATES



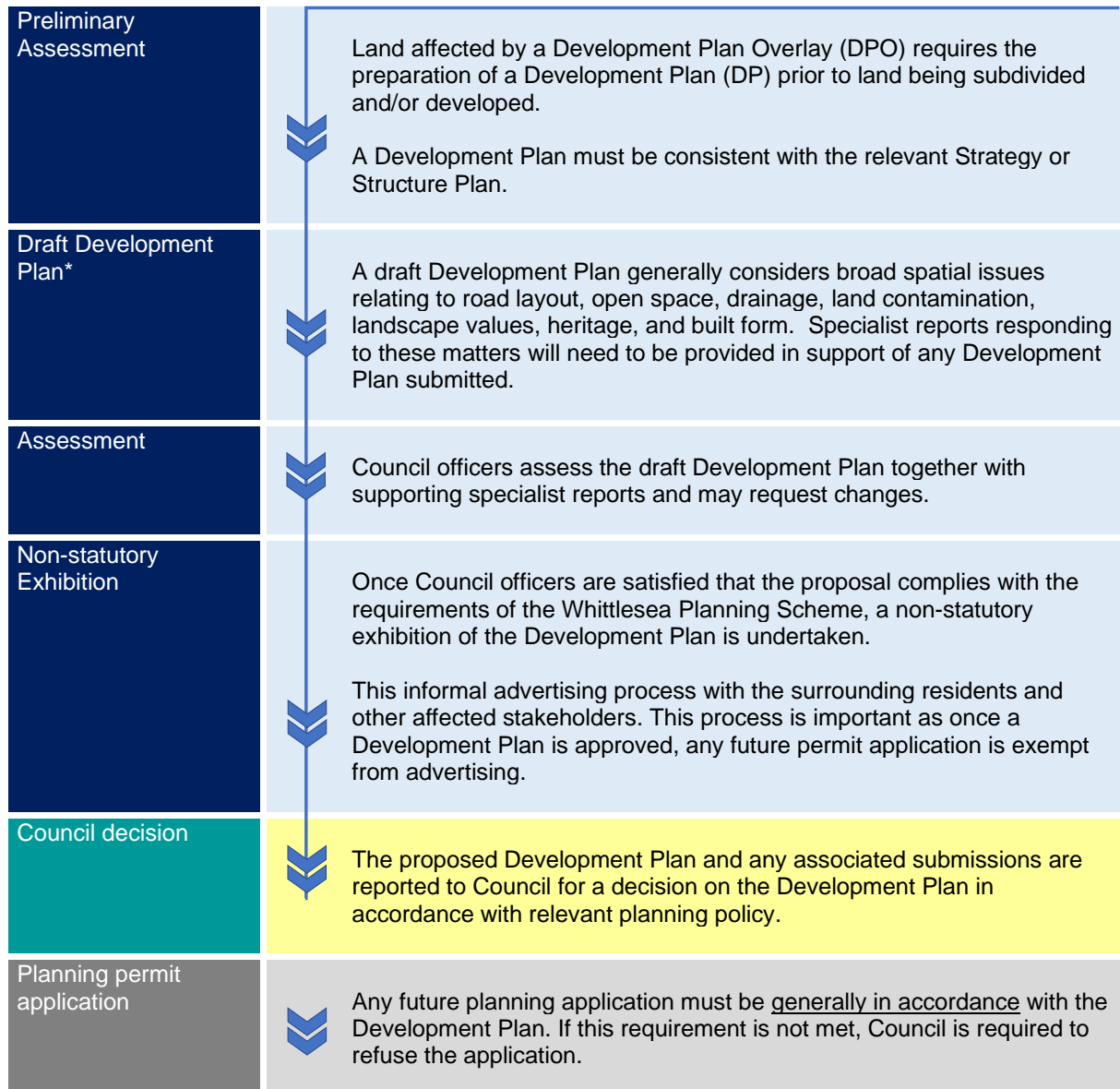
Zoning



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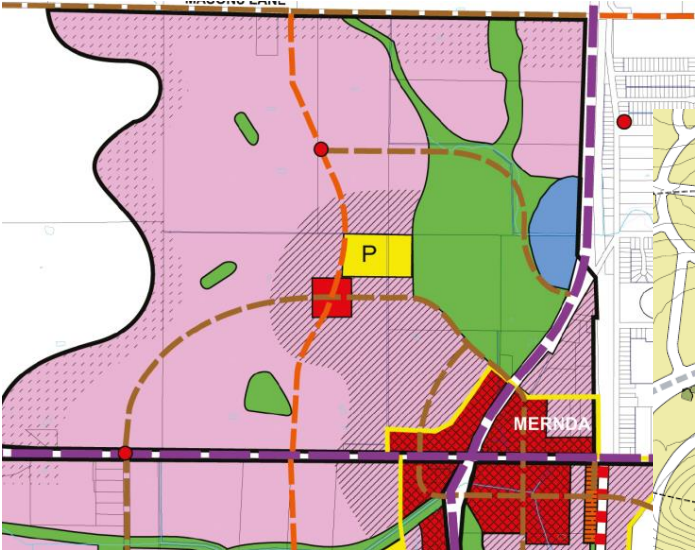
Development Plan Process



*Note: Applications may also be made to amend an approved Development Plan. The assessment of applications to amend a Development Plan follows the same process.

Planning Document Hierarchy

Strategy / Structure Plans



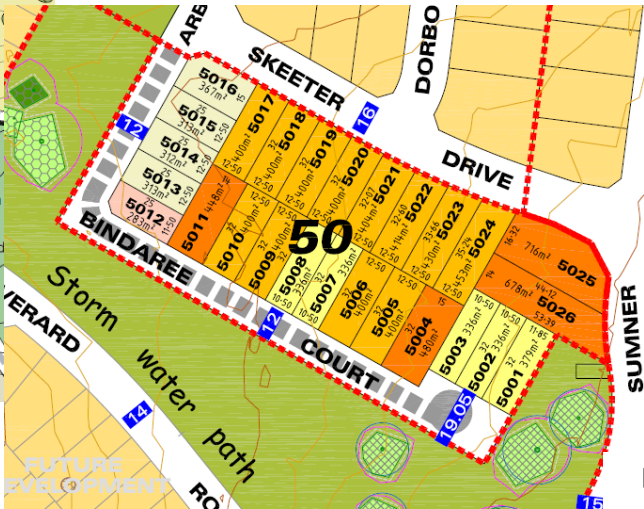
High level strategic plans to guide land use and development of a large precinct, suburb or township. Identifies the regional road network and location of parks, schools, town centres at a high level.

Development Plans



Strategic plans to guide land use and development for a smaller precinct. Identifies the local street network and location of parks, schools, shops and other facilities.

Planning Permit (Subdivision)



Statutory approval to subdivide land. The Subdivision Plan is the statutory plan which shows the proposed subdivision layout including road reserves, open space reserves, residential and commercial lots. The permit will also identify native vegetation which can be removed.

Building Permits



Statutory approval to construct a building such as a dwelling.

5.3 Planning for our Waterways – Submission

Director/Executive Manager: Director Planning & Development

Report Author: Coordinator Planning Policy & Implementation

In Attendance: Acting Manager Strategic Futures
Senior Strategic Planner

Executive Summary

The purpose of this report is to provide an overview of the State Government's 'Planning for our Waterways' project and present a Council officer submission to the proposed project for endorsement.

The 'Planning for our Waterways' project forms part of a broader program to improve protection of Metropolitan waterways in relevant planning schemes. These are being sequentially applied to waterways across the wider Melbourne area. Work to protect the Yarra River commenced with interim planning protection in 2017, followed by protections for the 'Waterways of the West' and 'Rivers of Barwon' being introduced in 2022.

It is proposed that new planning controls will be applied to 17 rivers and over 750 kms of waterways in the northern metropolitan area, including the Plenty River, Merri Creek, Darebin Creek, and Edgars Creek in the City of Whittlesea (refer to Attachment 1).

The Department of Transport and Planning (DTP) are drafting a Planning Scheme Amendment that will apply the Significant Landscape Overlay (SLO) to these waterways and their environs. The default overlay extent that will be applied to the rivers is 200m either side (noting that in areas where development has already occurred or is planned as part of activity centres etc. this will be reduced). Attachment 2 shows the extent of the default overlay and provides data on the size of the geographical area (hectares) proposed to be covered by the overlay for the City of Whittlesea.

The aim of these controls is to help protect the landscape across different areas, including private and public land. New planning protections will require landowners to obtain a permit before doing certain types of clearing or building work on their property, such as removing native plants, significant earthworks, erecting tall structures or buildings or putting up fences. They will also support the recognition of waterways as living, connected entities that reflect the cultural values of the Traditional Owners. Implementation of the new controls will be supported by an update to state planning provisions (Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs), and a new Planning Practice Note (PPN).

Council officers, along with other key stakeholders, have been engaged by DTP over the course of this project. As part of the public consultation process, Council officers were invited to provide feedback on the proposed project by 23 March 2025.

Noting the short timeframe for feedback, Council officers prepared a submission to the project (refer to Attachment 3) and is now seeking endorsement of that submission. The CoW submission notes that from the information provided, the proposed planning control is logical and appropriate in achieving the planning objectives expressed by DTP. However, Council officers are seeking in-principle support to apply subsequent and complementary planning controls to waterways included in this new SLO, to provide additional and more tailored protection of their environmental values, in addition to the landscape values to be protected by DTP's proposed Amendment.

DTP are currently reviewing the feedback received as part of the consultation exercise and will provide recommendations to the Minister for Planning in relation to finalisation of the Amendment. There is an expectation that the Amendment will proceed under Section 20(4) of the Planning and Environment Act 1987 (Act), which exempts the Minister from the usual notice requirements. It is expected that the Minister for Planning will make a decision on the amendment in mid-2025.

Noting that the DTP project team will be disbanded as of 30 June 2025, Council officers have also identified the need for further engagement by DTP with affected landholders upon gazettal of the amendment.

This report recommends that Council endorses the Council officers' submission to the State Government's 'Planning for our Waterways' project.

Officers' Recommendation

THAT Council:

- 1. Note that the Victorian Government is proposing to amend the Whittlesea Planning Scheme to apply controls to help protect the landscape surrounding the Plenty River, Merri Creek, Darebin Creek, and Edgars Creek by requiring landowners to get a planning permit before doing certain types of clearing or building work on their property.**
- 2. Note the Council officer submission to the State Government's 'Planning for our Waterways' project in March 2025.**
- 3. Endorse the Council submission to the State Government's 'Planning for our Waterways' project at Attachment 3 of this report.**
- 4. Request the Chief Executive Officer write to the Minister for Planning to confirm that the Department of Transport and Planning will:**

- a. Work with Council to apply appropriate, additional controls to the Plenty River, Merri Creek, Darebin Creek and Edgars Creek, including an Environmental Significance Overlay, to provide appropriate protection for the environmental values in these areas.**
- b. Provide landowners affected by the proposed Amendment with accurate maps, and a description of the planning controls pertaining to their land, prior to the Minister approving the Amendment.**
- c. Consider further targeted consultation of the affected landowners, prior to gazettal, to provide more effective and informed feedback to the proposals.**

Background / Key Information

The 'Planning for our Waterways' project

The Department of Transport and Planning (DTP) proposes to prepare a Planning Scheme Amendment to various planning schemes including the Whittlesea Planning Scheme to apply a Significant Landscape Overlay (SLO) to 17 waterways and adjoining land across northern metropolitan Melbourne. This includes four waterways located within the City of Whittlesea.

The SLO is a planning tool used to identify, protect, and enhance the visual and aesthetic qualities of specific areas, requiring planning permits for certain development activities like building, works, and vegetation removal.

The SLO will not prevent development but will guide it responsibly. It will help ensure that activities near waterways are appropriately managed to avoid harm. Landowners will be required to get a permit before doing certain types of clearing or works on their property to ensure these activities respond to the landscape and waterway setting.

Specifically, it is proposed that a planning permit will be required for:

- new developments or significant alterations to buildings on properties along waterways, in order to protect waterway landscapes;
- the siting of a development if less than 50m from the bank of a waterway;
- a development above 6 meters in height (in some specific areas, this will not apply);
- a development with a floor area greater than 50 square meters along waterways in order to protect waterway landscapes;
- changes of to the ground level of 600mm or more near a waterway;
- constructing a fence (other than a visually transparent fence, such as a post and wire fence) along waterways; and
- the removal of native vegetation.

The extent of the proposed controls was developed by DTP through a detailed technical landscape assessment of the waterways. In general, it will apply to areas of public and private land abutting the identified waterways that include significant landscapes (e.g. escarpments) or were identified by Traditional Owner groups. In the City of Whittlesea, this includes approximately 4,500 hectares of land, across about 7,600 properties (see Attachment 2).

Council Officer Submission

DTP provided the draft SLO ordinance, and mapping of potentially impacted properties to Council for review on 21 February 2025. This was provided to Council on a confidential basis and was not made available to potentially affected landowners.

The final extent of the SLO area, background documents, and SLO ordinances will be released to Councils following gazettal of the Amendment (anticipated mid-2025).

Council feedback was invited as part of a wider community engagement process that was housed on the Engage Victoria website [Planning for our Waterways | Engage Victoria](#). Noting the limited timeframe, a submission was prepared and submitted by Council officers (refer to Attachment 3). The submission acknowledged that the SLO controls proposed are logical and appropriate in delivering the planning objectives of the 'Planning for our Waterways' project, but raises issues related to the extent of the community consultation process, and the importance of robust governance processes.

The key recommendations raised in the submission are summarised below:

Choice of Planning Controls:

Previous waterway protection projects completed by DTP (e.g. Waterways of the West) applied other planning controls in addition to the SLO. These included the Environmental Significance Overlay (ESO) and the Design and Development Overlay (DDO) to provide more specific protections to those waterways.

The ESO protects areas of environmental value from impacts of development by requiring permits for certain building and works. For example, a permit may be required to construct a building or remove native vegetation to ensure that development is compatible with identified environmental values. This is in contrast to the SLO, which protects the visual amenity, e.g. landscape views, of an area. The DDO identifies land that is affected by specific requirements relating to the design and built form of new developments. For example, it may limit building heights to minimise overshadowing of streets or public parks. A comparison of these SLO, ESO and DDO controls, is included in the submission (refer to Attachment 3).

Earlier 'Planning for our Waterways' projects to waterways such as the Yarra River, Waterways of the West and Barwon River also included the opportunity to consider application of the ESO and DDO planning controls (by councils in conjunction with DTP) therefore providing a more complete range of protections than is being afforded the waterways in this current project. This is particularly relevant to the environmental values of these waterways. This more limited approach will achieve DTP's objective of creating consolidated waterway controls within the timeframes they are working to, however, it does reduce the scope of the waterways' protections.

Council officers are currently preparing background work to support the application of an ESO control to selected waterways in the municipality, to protect environmental values not captured in the scope of the proposed SLO. This work and proposed Amendment will be presented to Council for consideration in the future.

As part of the submission, Council officers seek in-principal support from the DTP for the application of the ESO to land included in the proposed SLO amendment so as not to prejudice a potential future Amendment.

Public Consultation and Engagement:

As part of the public consultation process, postcards were distributed to the approximately 7,600 potentially affected landowners in the municipality by DTP (Victorian Government). These postcards directed recipients to the State government's Engage page to provide feedback on proposed waterway protections (as per the provided distribution map files included in the submission). This Engage page provides high-level mapping of the targeted waterways, and notes that properties directly adjoining a waterway, or its parkland are likely to be affected by the SLO controls.

While the available information was helpful, the lack of clear mapping of the extent of the proposed overlay and unavailability of the proposed controls made it difficult for landowners to understand the impact of the proposed SLO on individual properties. Impacted residents were asked to provide feedback both on the possible extent of the SLO and the associated planning permit triggers without the information that would normally be made available to them through the exhibition of a planning scheme amendment.

Council officers understand that DTP will review feedback during March and April with a view to providing final recommendations to the Minister for Planning in May/June 2025 for a decision and gazettal of the Amendment soon afterwards. Council officers are conscious that the finalisation of SLO ordinance and mapping, and gazettal of the SLO controls will require a renewed need to engage with residents about the controls and their impacts on landowners. Council officers are hopeful that this renewed engagement effort will be formalised in more detail, and more consideration is given to communicating the finalised controls to affected landowners.

Integration with other State Led Planning Scheme Amendments:

The Planning for Waterways project is being completed at a time when there are numerous, related State government projects and amendments also being undertaken. In particular, Melbourne Water is currently working on updated flood mapping that will inform implementation of flooding controls across all metropolitan municipalities. This project is due to be finalised for the City of Whittlesea in 2026 and is currently out for early community engagement.

It is likely to affect the same community of property owners (with properties adjoining waterway corridors) also impacted by this project. Council officers are concerned that these multiple projects occurring at the same time will be confusing and necessitates a more nuanced approach to public consultation by the Victorian Government.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Sustainable Environment

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

Considerations of *Local Government Act (2020)* Principles

Financial Management

It is anticipated that the project outcomes will be progressed through a section 20(4) amendment, which does not incur costs to Council. However, due to the DTP project team being disbanded prior to the gazettal of the amendment, the notification of the application of the SLO to the impacted landowners may become Council's responsibility. The submission requests DTP take responsibility for notification of landowners regardless of the status of the project team.

Community Consultation and Engagement

Community consultation and engagement is discussed in previous sections of this report, and also in the submission to DTP at Attachment 3.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

- (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

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

Council Policy Considerations

Environmental Sustainability Considerations

The planning controls proposed by DTP will assist in the protection of the visual amenity, e.g. landscape views, of the four waterways included in the City of Whittlesea.

However, given the high biodiversity value of waterways and also their sensitivity to impacts such as erosion, Council officers suggest they would benefit from the additional planning controls as outlined in the Council submission.

Social, Cultural and Health

Waterways are recognised for their high level of amenity which can assist in better community health outcomes particularly mental health.

Waterway protections are particularly relevant to Traditional Owner groups from a cultural values perspective.

Economic

No implications.

Legal, Resource and Strategic Risk Implications

Assuming the Minister for Planning uses section 20(4) of the Act, this removes the opportunity for landowners to make a submission on the planning controls or request a planning panel. This could result in landowner's frustrations being expressed to Council, particularly given the disbandment of the DTP project team.

Should the responsibility for post-gazettal communication with landowners fall to Council, there could be a need for resources to be allocated to this task.

Implementation Strategy**Communication**

The submission will be included on Council's website.

As the project is being led by the State Government, communication of the final planning controls will be the responsibility of the State Government. However, if State Government do not adequately notify affected landowners or explain the changes then Council may need to help community members understand the changes. The submission has requested clarification on this point.

Critical Dates

The date for submission of feedback was the 23 March 2025.

The proposed Amendment is anticipated to be gazetted by mid-2025.

Declaration of Conflict of Interest

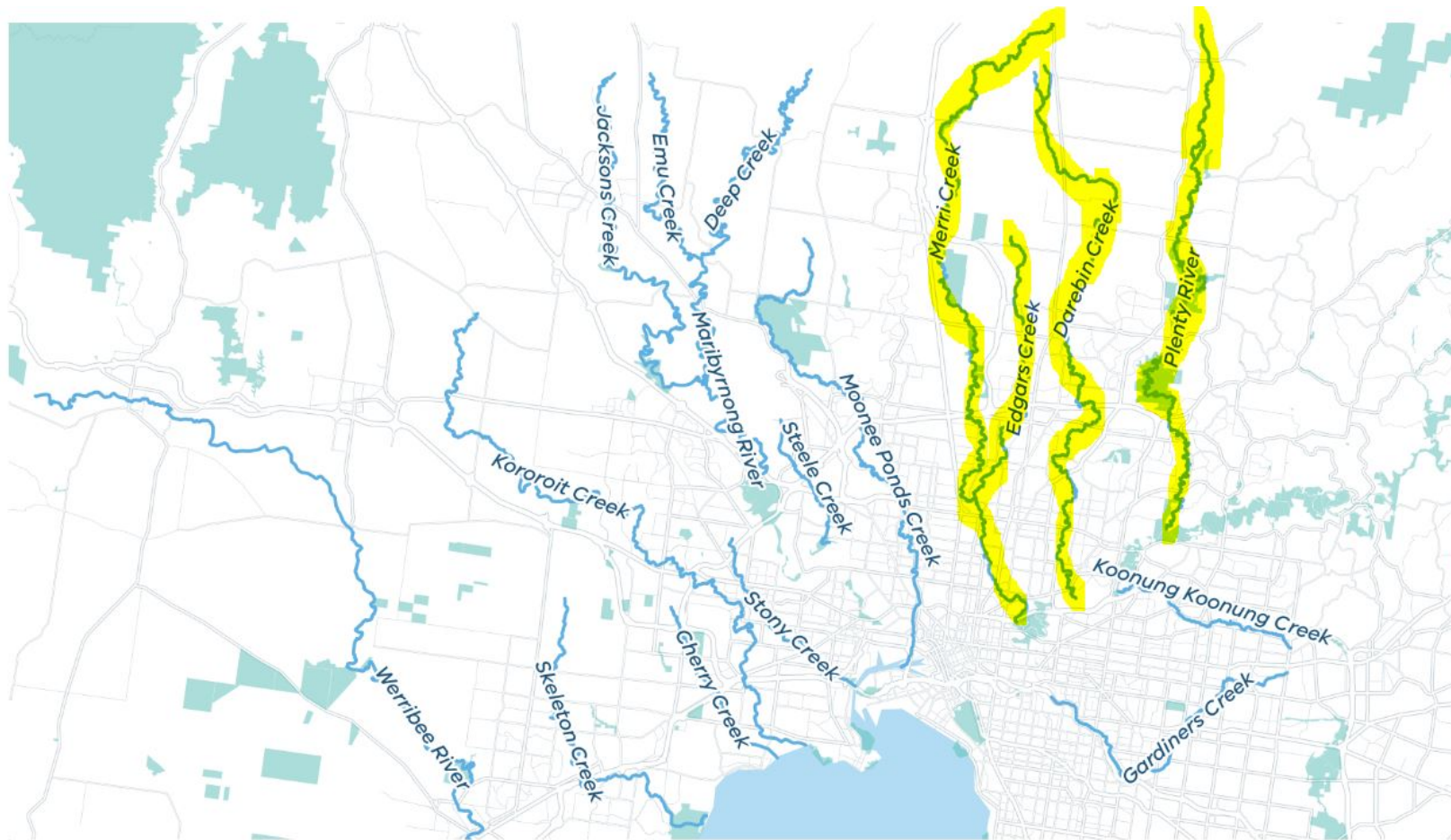
Under Section 130 of the *Local Government Act 2020* officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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.

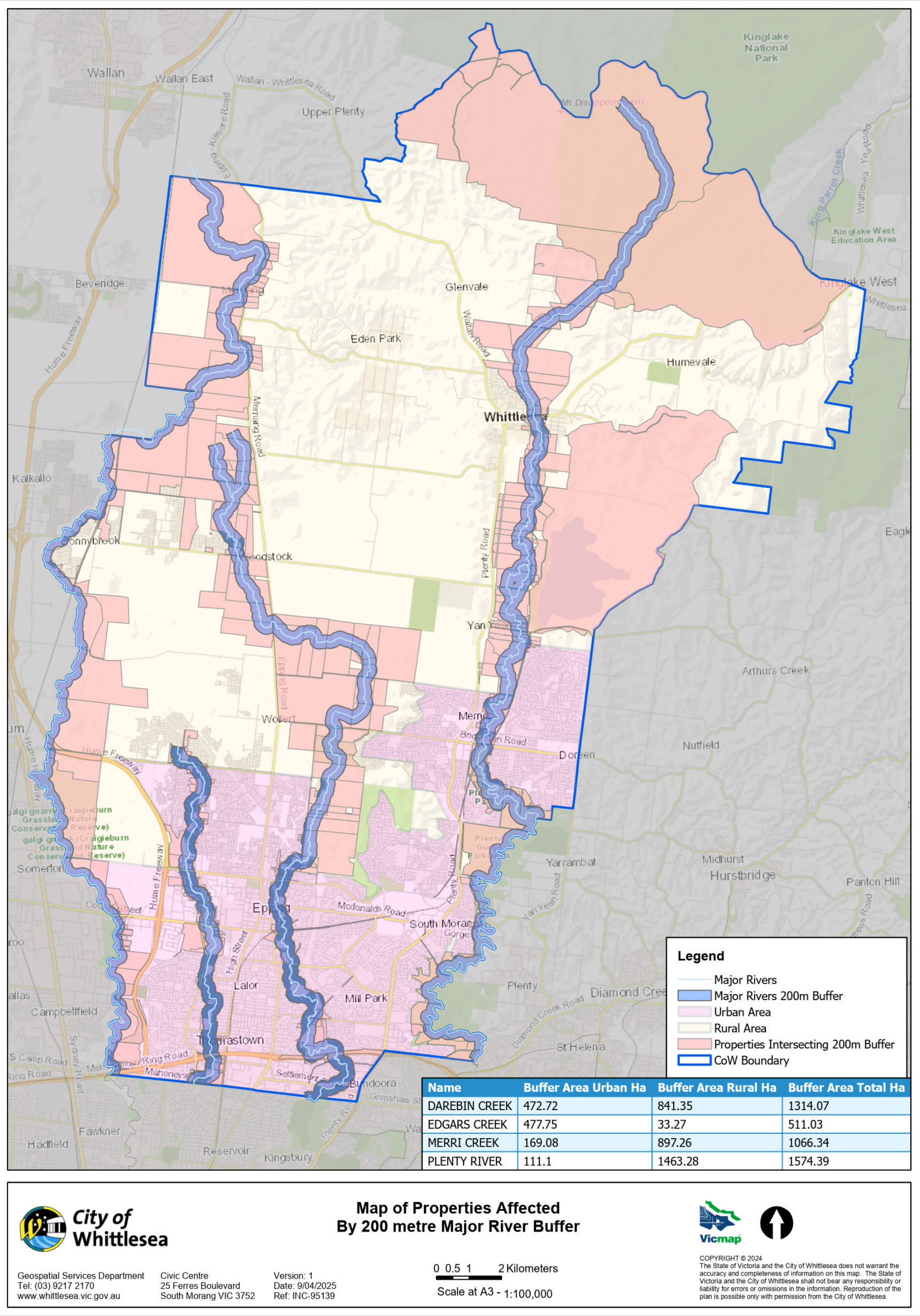
Attachments

1. Planning for our Waterways - Map showing Whittlesea Waterways, March 2025
[5.3.1 - 1 page]
2. Map of 200 metre Major River Buffer in the City of Whittlesea [5.3.2 - 1 page]
3. City of Whittlesea Submission to Planning for our Waterways Project, May 2025
[5.3.3 - 13 pages]

City of Whittlesea Waterways included in the Planning for our Waterways Project 2025



Source: Engage Victoria Planning for our Waterways Page accessed 02/04/2025



XX May 2025

Ms Claire Romaszko
Manager, Waterways
Strategic Land Use Planning
Department of Transport and Planning

By email: claire.romaszko@transport.vic.gov.au

Dear Claire,

Endorsed City of Whittlesea Submission to the Proposed Planning Scheme Amendment relating to the Planning for our Waterways project

The City of Whittlesea welcomes the opportunity to comment on the proposed planning scheme amendment relating to the Planning for our Waterways project, which will impact four waterways in our municipality, being the Plenty River, Merri, Edgars and Darebin Creeks.

Due to the tight frames for consultation the City of Whittlesea provided an officer's response to the project on 25 March 2025. Council has considered the matter at its meeting on 20 May 2025 and now provides an endorsed submission.

Council have noted the request, in the draft officer submission, for the appropriate mapping and detailed information to be provided to affected landowners prior to the gazettal of the amendment. Council also seeks consideration of further targeted consultation of the affected landowners, prior to gazettal, to provide more effective and informed feedback to the proposals.

Should you have any questions in relation to this submission please contact Emma Appleton, Director Planning and Development on 9217 2170 or via email on emma.appleton@whittlesea.vic.gov.au.

Yours sincerely

Craig Lloyd
Chief Executive Officer

Council Offices

25 Ferres Boulevard, South Morang VIC 3752
Mail to: Locked Bag 1, Bundoora MDC VIC 3083

Phone: 9217 2170

National Relay Service: 133 677 (ask for 9217 2170)

Email: info@whittlesea.vic.gov.au

Free telephone interpreter service
 **131 450**

City of Whittlesea Submission to the proposed Planning For our Waterways Planning Scheme Amendment

Council officers understand that this current project forms part of a program of waterway protections that are being sequentially applied to waterways across the wider Melbourne area.

It is understood that the planning control which the Department of Transport and Planning (DTP) has selected to achieve their waterway protection objectives is the Significant Landscape Overlay (SLO). Council officers also recognise that the proposed amendment, covers 17 rivers and over 750 kms of waterways, and comprises 30 separate SLO schedules, an update to state planning provisions (cl.12.03-1S), and a Planning Practice Note (PPN).

The waterways in the City of Whittlesea that are affected by the proposed amendment are the Plenty River, Merri, Edgars and Darebin Creeks. A map of the waterways included in the project is provided at Attachment 1.

Choice of Planning Controls:

The previous projects included in the program of waterway protections (i.e. 'Waterways of the West'), included a broader suite of overlays than is being proposed by this current amendment. Collaboration between the relevant councils and DTP facilitated the joint delivery of the SLO and council led overlays relating to local environmental values being the Environmental Significance Overlay (ESO) and the Design and Development Overlay (DDO) which protect amenity values.

Council officers understand that the intent of the new SLO controls is to provide an over-arching protection framework that consolidates state-wide controls into a consistent approach to waterway protection throughout the state.

As stated previously, earlier waterways protection projects also applied ESOs and DDOs to achieve broader environmental and built form planning objectives. In particular, ESOs were used to recognise the ecological processes and natural systems required to support waterways. This complemented the use of the SLO. Council is disappointed that this approach was not possible for this round of the waterway protections program, given it is Council's position that these overlays better reflect the planning protection requirements for the identified areas. Attachment 2 summarises the attributes of the ESO, SLO and DDO, highlighting the SLO's deficiency in protection of environmental values.

The Whittlesea Biodiversity Atlas 2021 identifies numerous waterways – including the four that are subject to this amendment – with sites of high biological significance. Given the deficiencies of the SLO for this purpose, as highlighted in Attachment 2, it is a high priority for Council to protect these habitat and biodiversity values through the application of ESO controls.

Subject to Council approval, Council officers are finalising background work with the intention of progressing a planning scheme amendment to apply the ESO to waterways in the municipality, to protect environmental values not captured in the scope of the proposed SLO. Council seeks assurances that requests for authorisation for environmental and amenity-based overlays, in the same locations as the SLO project, will not be prejudiced in the future. It is noted that the extensive flood mapping activities being undertaken by Melbourne Water, in

conjunction with councils, will also be applicable to much of the same geographical area as the SLO project. Council acknowledges that the application of ESO's and potentially DDO's may need to be delayed until such times as the SLO and the potential flood overlays have been applied and the community is able to contemplate further planning controls.

Council officers are also aware of the current review of the Planning and Environment Act, and proposed changes to the planning scheme amendment pathways. Council would welcome the potential for progressing future ESO and DDO amendments through one of the more streamlined amendment pathways proposed in the review. This option would increase certainty for Council and ensure that the roll out of localised protections is prioritised.

Recommendation:

Council officers recommend that the Minister for Planning provides in-principle support for the potential application of further overlay controls over the land affected by the proposed SLO controls. Furthermore, Council officers recommend that the PPN that accompanies this amendment provides the basis for implementing subsequent overlays across the same extent as the SLOs.

Proposed Permit Triggers:

It is noted that the SLO schedule is still in the process of being drafted by DTP and the full extent of the overlay area will not be confirmed until gazettal of the amendment.

Council officers were provided with a confidential draft of the SLO Schedule for review, acknowledging there are several outstanding decisions to be made in relation to the proposed permit triggers. Council officers provide in-principle support for the proposed permit triggers, and suggest they are appropriate, logical and support the planning objectives of the Planning for our Waterways project.

However, as previously discussed with DTP, Council will be seeking to apply further environmental controls to our waterways, and it is noted that the proposed fencing planning permit triggers does not address the need for a minimum height off the ground or a minimum mesh size which both facilitate the movement of wildlife. These are planning controls that Council would look to include in a future amendment.

Council officers note DTP's engagement with Traditional Owner groups in drafting the SLO controls, but are unsure how Traditional Owner values have been captured in the extent of the SLO controls and associated background documents.

Recommendation:

Council Officers provide in-principle support for the proposed permit triggers and seek clarification about how Traditional Owner values have been captured in the proposed controls.

Department of Transport and Planning Consultation process:

Council officers would like to acknowledge the consultation undertaken with Council officers and other key stakeholder groups to date, and welcome and encourage the engagement with both the Traditional Owners and culturally and linguistically diverse communities within the affected municipalities.

While Council officers were aware that DTP was planning a public consultation program for the project, officers were disappointed not to be notified prior to the launch of this program. Council officers hope that we are given more notice about consultation for future state government projects to give Council the capacity to engage in robust governance processes; allowing Councillors to understand and consider the impacts of Council officers' submission and feedback.

Council understands there has been distribution of a postcard directing recipients to an Engage page for the project issued to approximately 7,600 City of Whittlesea residents as per the provided distribution map files.

Council officers note that the Engage page created for the public consultation provides high-level mapping of the targeted waterways, and notes that properties directly adjoining a waterway, or its parkland are likely to be affected by the SLO controls. The proposed planning permit triggers (as discussed above) are flagged in a similar manner.

Council officers note that the SLO extent will cover a 200m default boundary around the waterway corridor, and this may be varied to align with the emerging structure of PSPs, overlays, and existing development. Council officers acknowledge and support the exemptions for activity centres, active PSP areas, and existing SLOs in the targeted waterway corridors.

Whilst the available information is helpful, the lack of clear mapping of the extent of the proposed overlay and unavailability of the proposed controls makes it difficult for landowners to understand the impact of the proposed SLO on individual properties. Impacted residents are being asked to provide feedback both on the possible extent of the SLO and the associated planning permit triggers without the information that would normally be made available to them through the exhibition of a planning scheme amendment.

Council seeks consideration of further targeted consultation of the affected landowners, prior to gazettal, to provide more effective and informed feedback to the proposals.

Given the Ministerial notice on the use of 20(4) (ministerial powers of intervention in planning and heritage matters) the expectation should be that affected residents are consulted on the draft planning scheme amendments. In this instance, Council officers do not consider that *"the matter will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known"* (Planning and Environment Act 1987).

Council officers understand that DTP will review feedback during March and April with a view to providing final recommendations to the Minister for Planning in May 2025 for a decision and gazettal soon afterwards.

Council is seeking clarification on the planned implementation of the amendment following gazettal. In particular, Council is seeking clarity on the notice arrangements (with regard to the finalised mapping and planning controls) that will be in place for affected landowners.

It is noted that while the background documents that informed the drafting of the SLO controls are not currently available, Council will have access to this following gazettal of the amendment, which will assist in application of the new controls.

Recommendation:

Council officers recommend that further consultation on the draft planning scheme controls be undertaken with Council and affected landowners prior to the approval of any Planning Scheme Amendment to implement the Planning for our Waterways Project. Furthermore, Council officers recommend that more consideration is given to communicating with the affected landowners after

the controls are gazetted.

Interaction with other planning related projects:

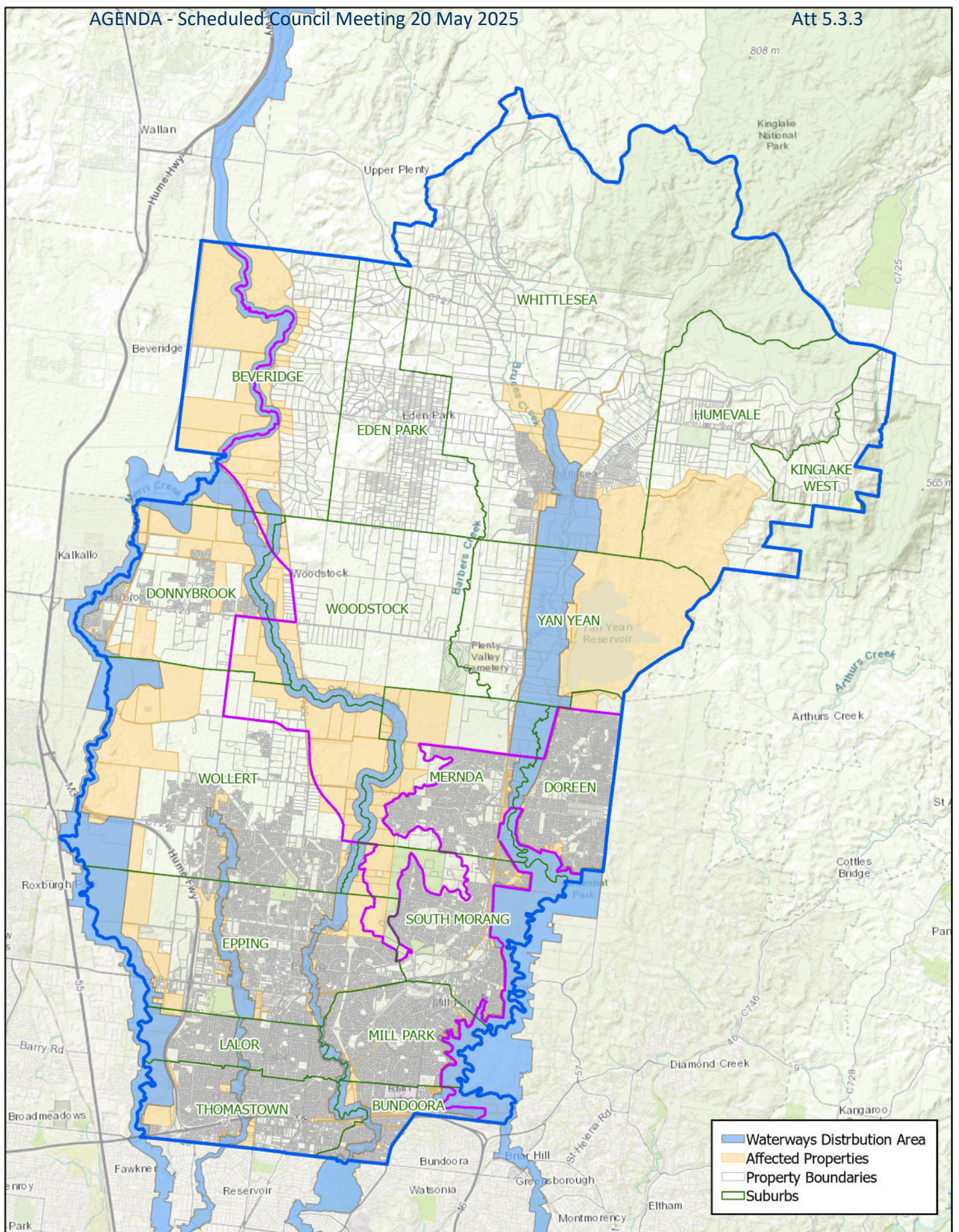
Council officers note that there are future state amendments that will also apply new controls to land surrounding waterways, i.e., the Melbourne Water flood mapping project. Council officers are conscious of the need to manage community engagement in a holistic way that acknowledges the possibility that multiple similar amendments may necessitate a more nuanced approach to engagement.

Recommendation:

Council officers recommend that any feedback gained through this consultation process is provided to the Melbourne Water flood mapping project, considering that the same community of landowners are likely to be impacted by the Planning for our Waterways project and the Melbourne Water flood mapping project.

Attachment 1: [DTP consultation material v1.pdf](#)

Attachment 2: [Comparison of SLO ESO DDO controls Edited copy for submission.docx](#)



Department of Transport and Planning Consultation Material

Geospatial Services Department
Tel: (03) 9217 2170
www.whittlesea.vic.gov.au

Civic Centre
25 Ferres Boulevard
South Morang VIC 3752

Version: 1.0
Ref: INC-93256
Date: 26/02/2025

0 2.5 5 km
Scale at A4 - 1:150,000



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Comparison of Significant Landscape, Environmental Significance, and Design & Development Overlays

Summary

SLO focuses on significant landscapes.

ESO focuses on environmental constraints or environmental values.

DDO controls built form/built environment. Schedule may include requirements for building setbacks, building height, plot ratio, landscaping.

Permit requirement:

| Permit Triggers | SLO | ESO | DDO |
|-----------------------------------|------------------------------------|---|---|
| Buildings and works | Yes | Yes | Yes - unless schedule specifies otherwise |
| Fence | Yes | Yes | Yes - if specified in a schedule |
| Remove, destroy or lop vegetation | Yes - if specified in the schedule | Yes - unless schedule specifies otherwise | No |
| Bicycle pathways and trails | No | Yes | No |
| Subdivision | No | Yes | Yes - unless schedule specifies otherwise |
| Signs | No | No | Yes - if specified in a schedule |

Schedules:

According to the *Practitioner's Guide to Victorian Planning Schemes*, a schedule is a means of including local content in a planning scheme. It can tailor a state-wide planning provision so that it aligns more effectively with local circumstances and local planning objectives:

Some schedules enable the local definition of statements of significance, objectives or decision guidelines for particular areas. These schedules provide the greatest opportunity to adapt the basic provisions of a zone or overlay to recognise the special characteristics of an area. Examples ... include the Environmental Significance Overlay, Vegetation Protection Overlay and Significant Landscape Overlay. (Practitioner's Guide to Victorian Planning Schemes, p97-8.)

Schedule provisions should have a strategic justification in the Municipal Planning Strategy or Planning Policy Framework and must not conflict with policy objectives

Table 2 compares SLO, ESO, and DDO schedules to demonstrate the overlap between the three. Objectives for the ESO schedule referenced in Table 2 covers a wider scope than the SLO, and includes hydrology and water quality, landscape and visual amenity, recreation, and habitat enhancement and creation. By contrast, the SLO objectives focus on landscape and visual amenity, including vegetation as a landscape feature. In both schedules, a permit is required for a building over 6m in height.

By contrast, the DDO is a highly adaptable control that focuses on guiding built form. Although it does not consider ecological values, the adaptability of the control makes it a useful supplementary overlay in areas that see high rates of development and change, including industrial, commercial, and general residential zones.

Table 1. Standard provisions for SLO, ESO and DDO

.... – indicates shared text

Bold text – key difference between overlays

| | Significant Landscape Overlay | Environmental Significance Overlay | Design & Development Overlay |
|--|--|--|---|
| Summary from <i>Practitioners' Guide to Vic Planning Schemes</i> | The function of this overlay is to identify, conserve and enhance the character of significant landscapes . Has broader applicability than the Vegetation Protection Overlay and is appropriate when vegetation is primarily of aesthetic or visual importance in the broader landscape and should be used where vegetation is identified as an important contributor to the character of an area. The schedule to the zone must explain the significance of the landscape , together with the intended outcomes of imposed requirements. One of four overlays that can be used to protect and manage vegetation in urban areas. Planning Practice Note 7 – Vegetation Protection in Urban Areas explains the function of this overlay and other relevant landscape provisions in more detail. | This overlay seeks to address areas where the development of land may be affected by environmental constraints such as effects from noise or industrial buffer areas, as well as issues related to the natural environment. The schedule to the zone must clearly set out the environmental significance of the area and the resultant objective of the overlay. One of four overlays that can be used to protect and manage vegetation in urban areas. | Principally intended to implement requirements based on a demonstrated need to control built form and the built environment , using performance-based rather than prescriptive controls. |
| Extracts from <i>Planning Practice Note 07. Vegetation protection in urban areas</i> | The SLO has broader applicability than the VPO. Its function is to identify and conserve the character of a significant landscape. The SLO is appropriate when vegetation is primarily of aesthetic or visual importance in the broader landscape and should be used where vegetation is identified as an important contributor to the character of an area. The SLO also includes permit requirements for building and works which can be applied where appropriate to assist in vegetation protection. | Where there are environmental constraints on development or other important ecological values are identified, such as in coastal or riparian habitat , the use of an ESO may be appropriate. This overlay is applied if vegetation protection is part of a wider objective to protect the environmental significance of the area. The ESO has broader applicability than the VPO. The ESO may contain requirements for the construction of buildings and the carrying out | The DDO is not a tool to protect vegetation. The schedule to this overlay may, however, contain specific landscaping requirements to ensure that a new development is respectful of the landscape character of the neighbourhood. |

| | | | |
|----------------------|--|--|---|
| | In the SLO, the schedule to the overlay must specify a permit requirement for the removal, destruction or lopping of vegetation. | of works as well as fence construction. It can also include requirements for subdivision and the removal, destruction or lopping of vegetation. A schedule to the ESO is used to specify the name of the environmental significance area and provides a statement of the environmental significance and environmental objectives to be achieved. For vegetation, the schedule can specifically state if a permit is not required for the removal, destruction or lopping of vegetation. If exemptions are not specified in the schedule, all vegetation within the overlay area is protected except the vegetation specified as exempt in Clause 42.01-2. | |
| Purpose | (Cl 42.03) To implement the Municipal Planning Strategy and the Planning Policy Framework. To identify significant landscapes. To conserve and enhance the character of significant landscapes. | (Cl.42.01) To implement the Municipal Planning Strategy and the Planning Policy Framework. To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values. | (Cl.43.02) To implement the Municipal Planning Strategy and the Planning Policy Framework. To identify areas which are affected by specific requirements relating to the design and built form of new development. |
| Contents of schedule | Landscape character & objectives A schedule to this overlay must contain: <ul style="list-style-type: none"> A statement of the nature and key elements of the landscape. The landscape character objectives to be achieved. | Environmental significance & objectives A schedule to this overlay must contain: <ul style="list-style-type: none"> A statement of environmental significance. The environmental objectives to be achieved. | Design objectives A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule. |
| Permit requirement | A permit is required to: | A permit is required to: | A permit is required to: |

| | | | |
|--|---|--|---|
| | <ul style="list-style-type: none"> • Construct a building or construct or carry out works. This does not apply: <ul style="list-style-type: none"> ○ If a schedule to this overlay specifically states that a permit is not required. ○ To the conduct of agricultural activities including ploughing and fencing (but not the construction of dams) unless a specific requirement for that activity is specified in a schedule to this overlay. • Construct a fence if specified in the schedule to this overlay. • Remove, destroy or lop any vegetation specified in a schedule to this overlay. This does not apply: <ul style="list-style-type: none"> ○ If the table to Clause 42.03-3 specifically states that a permit is not required. ○ To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16. | <ul style="list-style-type: none"> • Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. • Construct a fence if specified in a schedule to this overlay. • Construct bicycle pathways and trails. • Subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required. • Remove, destroy or lop any vegetation, including dead vegetation. This does not apply: <ul style="list-style-type: none"> ○ If a schedule to this overlay specifically states that a permit is not required. ○ If the table to Clause 42.01-3 specifically states that a permit is not required. ○ To the removal, destruction or lopping of native vegetation in accordance with a native vegetation precinct plan specified in the schedule to Clause 52.16. | <ul style="list-style-type: none"> • Construct a building or construct or carry out works. This does not apply: <ul style="list-style-type: none"> ○ If a schedule to this overlay specifically states that a permit is not required. ○ To the construction of an outdoor swimming pool ... ○ To the construction of a building or construction or carrying out of works for a small second dwelling if all the following requirements are met: <ul style="list-style-type: none"> ▪ The building height must not exceed 5m. ▪ The building must be finished using muted tones and colours. • Construct a fence if specified in a schedule to this overlay. <p>Buildings and works must be constructed in accordance with any requirements in a schedule to this overlay. A schedule may include requirements relating to:</p> <ul style="list-style-type: none"> • Building setbacks. • Building height. • Plot ratio. • Landscaping. • Any other requirements relating to the design or built form of new development. <p>A permit is required to subdivide land.</p> |
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| | | | <p>This does not apply if a schedule to this overlay specifically states that a permit is not required.</p> <p>Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.</p> |
| Exemptions to permit requirement | <p>Specified aspects of:</p> <p>Emergency works</p> <p>Extractive industry</p> <p>Fire protection</p> <p>Geothermal energy exploration & extraction</p> <p>Greenhouse gas sequestration and exploration</p> <p>Land management or directions notice</p> <p>Land use conditions</p> <p>Mineral exploration & extraction</p> <p>Noxious weeds</p> <p>Pest animal burrows</p> <p>Planted vegetation</p> <p>Railways</p> <p>Regrowth</p> <p>Road safety</p> <p>Stone exploration</p> <p>Surveying</p> <p>Traditional owners</p> <p>Tram stops</p> <p>Transport land</p> <p>(for details see Cl.42.03-3)</p> | <p>Specified aspects of:</p> <p>Emergency works</p> <p>Extractive industry</p> <p>Fire protection</p> <p>Geothermal energy exploration & extraction</p> <p>Greenhouse gas sequestration and exploration</p> <p>Land management or directions notice</p> <p>Land use conditions</p> <p>Mineral exploration & mining</p> <p>Noxious weeds</p> <p>Pest animal burrows</p> <p>Planted vegetation</p> <p>Railways</p> <p>Regrowth</p> <p>Road safety</p> <p>Stone exploration</p> <p>Surveying</p> <p>Traditional owners</p> <p>Tram stops</p> <p>Transport land</p> <p>(for details see Cl. 42.01-3)</p> | No exemptions specified. |
| Decision guidelines | <p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> The Municipal Planning Strategy and the Planning Policy Framework. | <p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> The Municipal Planning Strategy and Planning Policy Framework. | <p>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <ul style="list-style-type: none"> The Municipal Planning Strategy and the Planning Policy Framework. |

| | | | |
|--|---|---|--|
| | <ul style="list-style-type: none"> • The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay. • The conservation and enhancement of the landscape values of the area. • The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property. • The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation. • The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area. • The impact of buildings and works on significant views. • Any other matters specified in a schedule to this overlay. | <ul style="list-style-type: none"> • The statement of environmental significance and the environmental objective contained in a schedule to this overlay. • The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property. • Any other matters specified in a schedule to this overlay. | <ul style="list-style-type: none"> • The design objectives of the relevant schedule to this overlay. • The provisions of any relevant policies and urban design guidelines. • Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area. • Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site. • Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area. • The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking • Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area. • Any other matters specified in a schedule to this overlay. |
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| Signs | | | Sign requirements are at Clause 52.05 unless otherwise specified in a schedule to this overlay. |
| Exemption from notice and review | | | A schedule to this overlay may specify that an application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act. |

5.4 Emergency Services Volunteers Fund

Director/Executive Manager: Director Customer & Corporate Services

Report Author: Unit Manager Strategic Research & Analytics

In Attendance: Chief Customer Officer
Unit Manager Financial Development & Accountability
Unit Manager Strategic Research & Analytics

Executive Summary

This report is to investigate and assess the impact of the new Emergency Services and Volunteers Fund (ESVF) on the rate payers of the City of Whittlesea.

The ESVF is likely to commence in the 2025-26 financial year and replace the current Fires Services Property Levy (FSPL).

The new fund will result in increases on all rate notices in the 2025-26 financial year. The table below shows the comparison between this year's FSPL and next year's ESVF.

| Sector | Current rates (2024-25) | | | Proposed rates (2025-26) | | |
|---------------------|---|-------------------------|--------------------------|---|-------------------------|--------------------------|
| | Variable rate (cents per \$1,000 CIV) | Fixed charge (\$) | Median liability (\$) | Variable rate (cents per \$1,000 CIV) | Fixed charge (\$) | Median liability (\$) |
| Residential PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Residential non-PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Commercial | 66.4 | 267 | 748 | 133 | 276 | 1,240 |
| Industrial | 81.1 | 267 | 859 | 133 | 276 | 1,247 |
| Primary Production | 28.7 | 267 | 621 | 83 | 276 | 1,299 |
| Public Benefit | 5.7 | 267 | 320 | 5.7 | 276 | 329 |
| Vacant | 29.0 | 267 | 503 | N/A | N/A | N/A |

Analysis of all rate assessments was undertaken to determine how much extra each owner will be required to pay in the 2025-26 financial year.

The ESVF is made up of a fixed payment, plus a variable payment based on the Capital Improved Value. The variable component increases will impact all ratepayers, especially commercial, industrial and primary producers.

The new fund charges are likely to cause community concern, which in turn may drive extra calls to customer service and result in confusion and further payment plan requests delaying cashflow.

Officers' Recommendation

THAT Council:

- 1. Note the proposed Emergency Services and Volunteers Fund (ESVF) is a State Government initiative, not Council.**
- 2. Request the Chief Executive Officer provide further information of the impact on rural residents that will be paying more than the city residents, should the proposed Fire Services Property Amendment (Emergency Services and Volunteers Fund) Bill 2025 be passed by the Victorian Parliament. In particular, the approximately 200 residents facing a \$5,000 increase on their Council rates notice.**
- 3. Advocate, in partnership with local Councils, Municipal Association of Victoria and other advocating bodies, that the proposed ESVF levy and its collection be removed from Local Government and ensure that cost recovery arrangements remain with the State Government.**

Background / Key Information

From 1 July 2025, it is anticipated that the Fire Services Property Levy (FSPL) will be replaced by the Emergency Services and Volunteers Fund (ESVF).

The ESVF consists of the following components:

- Fixed rates will continue to be set in alignment with CPI;
- The Treasurer will set ESVF rates each year through a process similar to the old FSPL; and
- The variable levy is based on Capital Improvement Value and will increase over 100%.

Like the FSPL, the ESVF will be calculated based on a fixed charge that varies by property type and a variable charge based on property value.

Pensioners, veterans and single farm enterprises will continue to receive concessions with fixed rates continuing to be set in alignment with CPI (Consumer Price Index). The Treasurer will set ESVF rates each year through a process similar to the FSPL, with the ESVF still being collected through local councils.

Table 1 below highlights the comparison of the 2024-25 FSPL and the 2025-26 ESVF variable rates.

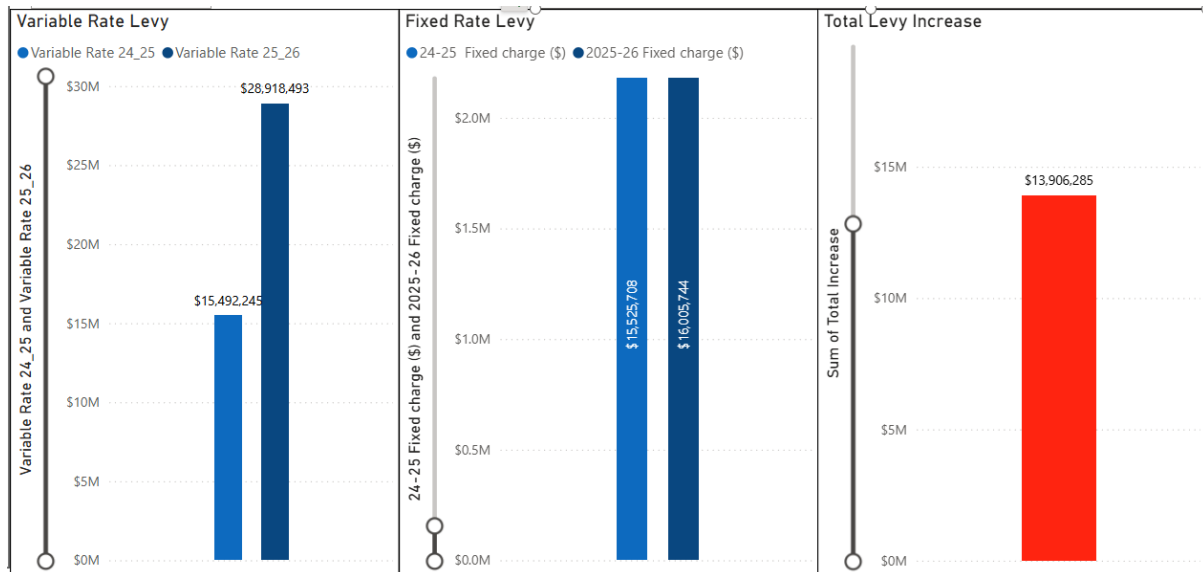
Table 1: Comparison of 2024-25 FSPL and 2025-26 ESVF variable rates (cents per \$1,000 CIV).

| Sector | Current rates (2024-25) | | | Proposed rates (2025-26) | | |
|---------------------|---|-------------------------|--------------------------|---|-------------------------|--------------------------|
| | Variable rate (cents per \$1,000 CIV) | Fixed charge (\$) | Median liability (\$) | Variable rate (cents per \$1,000 CIV) | Fixed charge (\$) | Median liability (\$) |
| Residential PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Residential non-PPR | 8.7 | 132 | 191 | 17.3 | 136 | 254 |
| Commercial | 66.4 | 267 | 748 | 133 | 276 | 1,240 |
| Industrial | 81.1 | 267 | 859 | 133 | 276 | 1,247 |
| Primary Production | 28.7 | 267 | 621 | 83 | 276 | 1,299 |
| Public Benefit | 5.7 | 267 | 320 | 5.7 | 276 | 329 |
| Vacant | 29.0 | 267 | 503 | N/A | N/A | N/A |

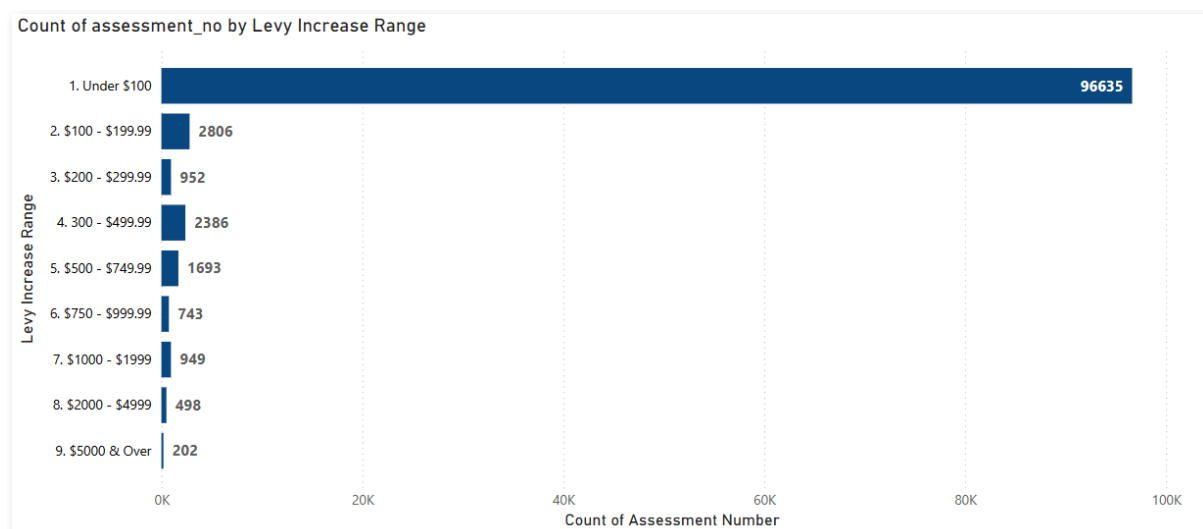
The below graphs outline the potential fee increase for City of Whittlesea Ratepayers.

Based on the 2024-25 financial year rate notices, the total extra amount payable from City of Whittlesea ratepayers is just under \$14m.

While most ratepayers are likely to experience a smaller increase of less than \$100 to their annual rate notices, there are several properties expected to incur a substantial increase of more than \$5,000.



There are 8,774 properties that will have a variable fee in excess of \$250 next financial year.



On 3 April 2025, it was reported that the State government had delayed the legislation after it did not pass through the Legislative Council.

The legislation is expected to raise an extra \$2bn. State parliament resumes on 30 April 2025, and the legislation will be subject to further discussion.

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.

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.

Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost of rates payment plans and associated delays and defaults is not included in the current budget.

This will need to be modelled with Council's Finance team to estimate the size of the financial impact for 2025-2026 financial year.

Community Consultation and Engagement

In preparation, Officers would engage State Government to ensure the relevant information, FAQ and contact number is obtained. This information would be made available to residents on Council's website.

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

Public Transparency Principles

- (c) Council information must be understandable and accessible to members of the municipal community.
- (d) Public awareness of the availability of Council information must be facilitated.

Council Policy Considerations

Environmental Sustainability Considerations

There is a potential impact on environmental sustainability in the Rural North. Properties designated as a Primary Producer in the Rural North will receive the biggest increases in the ESVF.

Additionally, new Environmental Overlays are currently being mapped and will likely impact the activities and value of the properties in the Rural North.

The combined effect will have a large financial impact on these property owners. The environmental impact will be assessed when the new Environmental Overlays are confirmed.

Social, Cultural and Health

Increases in household stress are expected, which may impact on mental health, increase in associated stigma and stability of families.

Investors are likely to either:

- Pass increased costs on to tenants. This will impact those in the community who can least afford it.
- Sell investment properties leading to displacement of renter families and potentially impact homelessness.

Economic

The cost of rates payment plans, and associated delays and defaults is not included in the current budget. This will need to be modelled with the finance team to estimate the size of the financial impact for 2025-26 financial year.

Legal, Resource and Strategic Risk Implications

No implications.

Implementation Strategy

Communication

In preparation, the following implementation approach proposed would include:

- Update the rates notice to highlight the state government charges;
- Update Council's website to outline the changes and link to any relevant State Government website;
- Share any messaging that the State Government release on this topic; and
- Develop key messaging for customer service and revenue staff to be able to respond to ratepayer enquiries.

Critical Dates

- March to 3 May 2025 - Federal Election Advocacy.
- 30 April 2025 - State parliament resumes.
- May to June 2025 - Expected passage of legislation through parliament.
- May to June 2025 - Redesign the Rates Notice and associated ESVF FAQ inserts (subject to final legislation).
- June 2025 - Commence communications campaign (subject to final legislation).
- 1 July 2025 - ESVF commences.
- August 2025 - Rate Notices delivered.

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

Nil

5.5 Financial Hardship Policy

Director/Executive Manager: Director Customer & Corporate Services

Report Author: Financial Hardship Officer

In Attendance: Chief Financial Officer
Unit Manager Financial Development & Accountability

Executive Summary

The City of Whittlesea is committed to supporting community members experiencing genuine financial hardship and facing difficulties in meeting their financial obligations to Council. The Financial Hardship Policy (Attachment 1) ensures that all individuals, regardless of their circumstances, are treated with dignity, respect, and understanding. This policy aims to mitigate additional financial burdens, such as penalties and fees, for those least able to afford them.

Council recognises the importance of ongoing improvement in financial hardship assistance and is dedicated to working with community partners and experts in financial vulnerability to enhance the support available.

This policy provides clear guidance on eligibility, available support options and implementation measures, ensuring a structured and equitable approach. It also aligns with the City of Whittlesea's Connected Community Strategy principles of equity, access and inclusion, reinforcing Council's commitment to achieving positive community outcomes.

Officers' Recommendation

THAT Council endorse the revised Financial Hardship Policy at Attachment 1 to this report.

Background / Key Information

Council is responsible for collecting revenue necessary to maintain essential services and deliver infrastructure projects that benefit the community. Timely collection of revenue is crucial however, Council acknowledges that some individuals may experience financial hardship preventing them from meeting their obligations.

To adapt the policy to the current financial climate, the following additions and alterations have been included in the attached draft policy document:

- Alter the policy specification from ‘to any person, business or group who have a financial obligation to Council’ to the following statements:
 - Ratepayer’s principal place of residence within the City of Whittlesea.
 - Other property type that owners may apply for under this policy in limited circumstances at the discretion of Council.
 - This policy applies to revenue included on the rate notice (rates, waste charges, fire services property levy, legal costs, interest, and other relevant charges) and/or Council owned fees.
- Define the various avenues of support for those experiencing financial hardship including; payment plan, deferral, waivers of interest and collection costs (1.1, 1.2, 1.3).
- Expand on ‘waivers of interest and collection costs’ to include clear criteria and define exceptional circumstances (1.3 (a)(b)(c)).
- Add statement ‘Council can only extend the full support of this policy when the required documentation has been submitted.’ (2.2).
- Add statement ‘investment properties and/or applicants with significant assets are not eligible under this policy.’ (2.3).
- Removing COVID-19 from the policy and revising compassionate grounds to family violence, family breakdown, medical treatment, mortgage stress and exceptional circumstances.
- The addition of the capability to provide financial assistance in the form of waiver of general rates of up to \$500, as was reflected in the 2019 Financial Hardship policy (1.4).

The above-listed adjustments to the policy will best support the Financial Hardship Officer to provide clear and concise assistance to vulnerable ratepayers.

The Financial Hardship Policy aims to balance Council’s need to collect revenue with its responsibility to support vulnerable members of the community. The policy includes multiple avenues of assistance, including:

- Payment Plans: Structured payment schedules for individuals struggling with one-off financial difficulties.

- Deferrals: Temporary postponement of rate and charge payments under specified conditions.
- Waivers of Interest and Debt Collection Costs: Consideration of waivers under exceptional circumstances or Council errors.
- Partial Waiver of Rates: A one-time waiver of up to \$500 for eligible applicants experiencing severe financial hardship.
- Referrals to Support Services: Assistance in connecting individuals to financial counselling, welfare, and legal services.

The policy applies primarily to ratepayers whose principal place of residence is within the City of Whittlesea. Other property owners may apply under limited circumstances at Council's discretion. The eligibility assessment process considers various factors, including income levels, government support, and unforeseen personal hardships such as family violence, medical emergencies, or family breakdowns.

To ensure transparency and accessibility, Council will communicate the policy through multiple channels, including social media, the Council website, printed materials, and rate notices. The effectiveness of the policy will be periodically reviewed, with reports detailing application volumes and levels of financial assistance provided, ensuring confidentiality and adherence to the Victorian Charter of Human Rights and Responsibilities.

The Financial Hardship Policy aligns with a range of codes, charters, legislation and Council's broader strategic frameworks, including:

- *Local Government Act 2020.*
- Council's Revenue and Rating Plan 2025-26 to 2028-29.
- Whittlesea 2040: A Place for All.
- Council's Community Plan 2025-26 to 2028-29.

Council Officers have begun to undertake a gender impact assessment on the current policy ensuring the document continues to support all communities. Recent data and modelling were considered to further define the main issues (family violence, cost of living, mortgage stress, physical and mental disability) experienced by residents with the sole purpose of enhancing access, promotion and support.

Through this policy, Council reaffirms its commitment to a compassionate and fair approach to financial hardship within the community.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2025-2029

Connected Communities

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

Financial hardship is a key focus area in the drafting of the Community Plan 2025-26 to 2028-29 as limited income and access to economic resources are one of the fundamental causes of negative health and wellbeing outcomes. These factors determine access to material goods and services, ability to pay for health-related expenses, housing, education and capacity to choose healthy lifestyle behaviours and participate in the community.

Considerations of *Local Government Act (2020)* Principles

Financial Management

The cost is included in the current budget.

Community Consultation and Engagement

Council upholds all recommendations identified by key local community health and welfare agencies (Whittlesea Community Futures Partnership, Whittlesea Community Connections and Uniting Kildonan) in the Financial Hardship Policy.

A further review of the current policy was also undertaken by Thriving Communities Australia (TCA) based on best practice guidelines. The recommended principles have also been included.

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.
- (g) The ongoing financial viability of the Council is to be ensured.

Public Transparency Principles

- (c) Council information must be understandable and accessible to members of the municipal community.
- (d) Public awareness of the availability of Council information must be facilitated.

Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

Providing access to economic support affects community health and wellbeing.

Economic

Financial relief to community members.

Legal, Resource and Strategic Risk Implications

No implications.

Implementation Strategy

Communication

Council will communicate this policy to our customers through a variety of channels including, but not limited to, social media pages, council website, print media and on Council's rate notices.

Critical Dates

20 May 2025 – Effective policy date

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. Financial Hardship Policy [5.5.1 - 6 pages]



FINANCIAL HARDSHIP POLICY

Policy statement

The City of Whittlesea is committed to providing support to those in our community that are experiencing genuine financial hardship and are having difficulty meeting their financial obligations to Council. This policy ensures that regardless of their circumstances our community will face no judgement, and will be treated with understanding, dignity, and respect. Financial Hardship support will help reduce additional penalties and costs that are being incurred by those in the community that can least afford them. Council is committed to continual improvement through our learning, working with our partners and experts in the field of financial vulnerability.

For this policy to be successful it requires the co-operation of both parties to communicate with each other openly and honestly.

Purpose

The Financial Hardship Policy aims to:

- Provide a mechanism that enables our community to feel comfortable and supported when approaching Council to discuss their financial circumstances.
- Encourage a proactive approach in identifying and assisting those experiencing financial hardship.
- Encourage and support access to legal, welfare and financial counselling support services.
- Reduce the number of instances referred to Council's debt collection agency and Court actions taken to recover debts owed to Council.
- Enable more appropriate ways for Council to seek payment other than through the legal system.

Context

- Council strives to implement best practice for the collection of revenue by offering multiple payment options, including flexible payment plans, for people that may be experiencing financial hardship.
- Council recognises that managing instances of financial hardship is a shared responsibility and we are committed to working with our customers to support those experiencing financial hardship in a supportive and respectful manner.
- Council is reliant on the timely collection of revenue to ensure adequate provision of services and capital works projects.

Scope

- This policy applies to all ratepayers' principal place of residence in the City of Whittlesea. Other property type owners may apply for the provisions under this policy in limited

| Date of Adoption | Next Review Date | Directorate Responsible |
|------------------|------------------|-------------------------------|
| 20 May 2025 | May 2029 | Customer & Corporate Services |



circumstances at the discretion of Council. In particular, the policy applies to those ratepayers who have been identified, either by themselves, Council Officers or by an independent accredited financial counsellor, as having the intention to pay their rates, but who do not have the financial capacity to make the required payments.

- This policy applies to revenue included on the rate notice (rates, waste charges, fire services property levy, legal costs, interest, and other relevant charges) and/or property charges on a debtor invoice.

Alignment to Whittlesea 2040

The Financial Hardship Policy primarily guides Council's work toward the following Goal as outlined in Whittlesea 2040: A place for all: *Connected Community: 'We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported'.*

This policy enables the achievement of a Connected Community by providing access to economic services, relief and resources which is one of the fundamental causes of negative health and wellbeing outcomes.

Overarching Governance Principles

The development of this Policy considered the *Local Government Act 2020's* Overarching Governance Principles and the following were applied:

| | | | |
|----------------------|-------------------------------------|------------------------|-------------------------------------|
| Community engagement | <input checked="" type="checkbox"/> | Best community outcome | <input checked="" type="checkbox"/> |
|----------------------|-------------------------------------|------------------------|-------------------------------------|

Community engagement: This Policy has been developed following consultation with key local community health and welfare agencies, and engagement with special interest groups.

Best community outcome: This policy has been focused on achieving positive and equitable community outcomes by reducing harm of disadvantage and hardship.

Gender Equality, Climate Change, Human Rights and Child Safe Compliance All City of Whittlesea policies comply with the *Victorian Charter of Human Rights and Responsibilities, Gender Equality Act, Climate Change Act* and the *Child Safe Standards*.

1. Policy

Whilst Council is unable to waive the entire rates portion, we can offer various other avenues of support for those experiencing financial hardship. It is solely at Council's discretion to approve any of the following avenues of support based on the customer's application.

1.1 Payment Plans

When a property owner has outstanding payments, they may apply to make payments over time that falls outside the due dates. While the payment plan is maintained by the property owner, all interest and/or legal action will be put on hold.

| | | |
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| Date of Adoption | Next Review Date | Directorate Responsible |
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Council frequently approves payment plans with property owners; this form of assistance is not categorised as financial hardship under this policy. In these circumstances, Council's Strategic Revenue Team will monitor progress towards clearing the debt within a specified time. If the debt is not cleared, further assistance may be considered.

1.2 Deferral

A deferment of rates and/or charges is a postponement of payment in whole or in part and can be for a specified period and is subject to any conditions determined by Council's Strategic Revenue Team. All applications for deferrals, should be urged to continue to make payments as they are able.

1.3 Waivers of interest and debt collection costs

- a) If an applicant does not qualify for financial hardship, they may still apply for an interest waiver, however their circumstances must satisfy one of the following reasons:
 - i) Interest charges were caused by Council error
 - ii) Exceptional circumstances.
- b) Non-receipt of a rate notice, travelling overseas, forgetfulness, failure to contact Council's Strategic Revenue Team prior to the due date advising of financial difficulty, a failure to advise of a change of residential or mailing address in writing, or previous payment plans not being maintained are not deemed to be exceptional circumstances.
- c) Applications that do not meet the criteria listed in 1.3 (a) will be rejected.

1.4 Partial waiver of rates

- a) A ratepayer may apply to Council once during the current policy period, for a waiver of their debt to a maximum of \$500, subject to the following conditions:
 - i) the property is the owner's principal place of residence;
 - ii) the owner provides evidence of severe financial hardship as certified by an assessment carried out by an independent financial counsellor; and
 - iii) an application is submitted to Council by the person or their representative providing evidence of such circumstances.
- b) Financial hardship support under this policy is given on a "once off" basis and is not meant to be provided as a continuous source by Council.

1.5 Referral

Referral to other financial assistance programs that might be available, or referral to appropriate external support services (family violence and financial hardship).

1.6 Delegation

The Chief Executive Officer (CEO) has the delegated power to provide waivers of interest and debt collection costs or empower appropriate members of staff to make decisions on behalf of the CEO.

| Date of Adoption | Next Review Date | Directorate Responsible |
|------------------|------------------|-------------------------------|
| 20 May 2025 | May 2029 | Customer & Corporate Services |



2. Eligibility assessment and application

- 2.1 All applicants are assessed on a case-by-case basis to determine a mutually agreeable solution tailored to the customer's circumstances. Council's Financial Hardship Officer will support our community through the application process. The information requested to support an application will be commensurate with the level of support being sought and subject to the full discretion of Council.
- 2.2 Council can only extend the full support of this policy when the required documentation has been submitted to Council.
- 2.3 To extend a meaningful level of support to genuine hardship applicants, investment properties and/or applicants with significant assets are not eligible under this policy. If a case has been identified by Council as having exceptional circumstances, this may be considered in limited application under this policy.

3. Definition of Financial Hardship

3.1 Financial hardship refers to difficulty meeting everyday living expenses. It may lead to debt accumulation and financial exclusion, where an individual lacks access to appropriate and affordable financial services and products, such as transaction accounts, insurance, and credit. A person is in serious financial hardship when they are unable to provide the following for themselves, their family or other dependents:

- food
- accommodation
- clothing
- health care
- transport costs
- education
- other basic necessities

3.2 Council acknowledges the following group(s) as the some of the most vulnerable within our community:

- people impacted by family violence
- people impacted by addiction
- low income and sole parent families
- those with refugee status
- people receiving income support pensions from Centrelink

3.3 Some of the indicators that may highlight a community members' need for additional assistance are listed below:

- a history of frequent requests for payment plans that have not been met.
- unable to afford the costs of current financial obligations, even if smoothed over a 12-

| Date of Adoption | Next Review Date | Directorate Responsible |
|------------------|------------------|-------------------------------|
| 20 May 2025 | May 2029 | Customer & Corporate Services |



month period.

- a payment history that indicates a difficulty in meeting their financial obligations to Council
- in receipt of Government funded concessions (Health Care Card, Centrelink Pension)
- sudden change of circumstances that adversely affects their financial capacity to pay.
- referral from a financial counselling agency or community organisation
- asylum seekers or refugees who have limited access to financial stability.
- people experiencing prolonged physical and mental health issues.
- having a low level of income, that is unlikely to change.

3.4 The following will also be considered when assessing granting assistance under this policy:

- the applicant has displayed a history of attempting to pay the debt to Council.
 - the applicant has initiated contact with Council to discuss the debt.
 - the applicant is experiencing any of the identified compassionate grounds as follows;
- **Family violence*** – when a person identifies themselves as a victim of family violence.
 - **Family breakdown** – when a person is currently separating from their spouse or partner.
 - **Medical treatment** - when a person needs to pay for medical treatment for themselves or dependents.
 - **Mortgage stress** – when a person needs to prevent their home from being sold by a lender.
 - **Exceptional circumstances** – when a person attends to spending caused by events or circumstances outside of their control. This could be wide and varied and will be considered on a case-by-case basis.

****Family violence** - Any instance where a person is identified as being affected by family violence, the person will be referred to Councils' Financial Hardship Officer to be case managed, no legal action or additional debt recovery cost will be incurred during this process. The Financial Hardship Officer undertakes ongoing training specifically on family violence. This is due to the complexity and sensitive nature of the person's circumstances and the possible increased risk to their safety. Council has an internal process to ensure their details are managed with the highest degree of privacy and sensitivity.*

| Date of Adoption | Next Review Date | Directorate Responsible |
|------------------|------------------|-------------------------------|
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Definitions

| Term | Definition |
|-------------------------------------|---|
| Applicant | Entity requesting support under this policy |
| Council | Whittlesea City Council, constituted as a municipal Council under the Local Government Act 2020 |
| Council Officer | Chief Executive Officer and staff of Council appointed by the Chief Executive Officer, holding an appropriate delegation |
| Debt | An amount owed to Council |
| Debtor | Any person, corporation, business or other entity owing money to Council |
| Low income | Low income as defined by the current federal guidelines |
| Payment Plan | A formalised arrangement with a property owner or authorised contact that stipulates the amount and frequency of payments with a stated expiry or review date |
| Principal place of residence | The residential property that the ratepayer lives in |
| Ratepayer | The entity responsible for paying rates |
| Strategic Revenue Team | Council Department responsible for collecting rates |

Date of Adoption

20 May 2025

Next Review Date

May 2029

Directorate Responsible

Customer & Corporate Services

5.6 Quarterly Corporate Performance Report - Q3 ended 31/3/2025

Director/Executive Manager: Director Customer & Corporate Services

Report Author: Senior Financial Services Accountant

In Attendance: Chief Financial Officer
Manager ePMO & Change
Unit Manager Corporate Planning
Coordinator Capital Programming & Reporting
Unit Manager Financial Strategy & Performance

Executive Summary

This report provides the Quarterly Corporate Performance (Q3) outcomes and comprehensive summary for the period ended 31 March 2025 provided at Attachment 1 relating to:

- Council's financial performance;
- Community Plan Action Plan 2024-25;
- Good Governance Actions; and
- 2024-25 Capital Works program.

Officers' Recommendation

THAT Council:

1. **Note the Quarterly Corporate Performance Report for the period ended 31 March 2025 in Attachment 1.**
2. **Note the financial performance for the period ended 31 March 2025 contained within Attachment 1.**
3. **Note that the action "Support the development of the Australian Food Innovation Centre (AFIC)" will no longer be proceeding in the format that Council originally supported. This is due to the Australian Food Innovation Centre ceasing operations and for that reason we are recommending removing it from the Community Plan Action Plan 2024-25.**

Background / Key Information

Introduction

The Quarterly Performance Report for the period 31 March 2025 has been prepared in accordance with the *Local Government Act 2020*. This report is designed to identify major variances against the March year to date budget.

The attached report (Attachment 1) includes a comprehensive summary of:

- Community Plan Action Plan 2024-25 to 31 March 2025;
- Good Governance actions to 31 March 2025;
- 2024-25 Capital Works program to 31 March 2025; and
- Council's financial performance to 31 March 2025.

The report includes the following comparisons for the nine months ended 31 March 2025:

- Actual and budgeted operating revenues and expenses;
- Actual and budgeted capital revenues and expenses;
- Actual movements in the balance sheet; and
- Actual movements in the cash flow statement.

Community Plan Action Plan

The Community Plan 2021-25 includes 61 key initiatives. 59 related key actions are included in the Community Plan Action Plan for delivery in the 2024-25 financial year.

Of 59 key actions included in the Community Plan Action Plan 2024-25:

- Eight are reported as "Complete";
- 48 are reported "On Track";
- One action is reported "Monitor";
- One action is reported "Off Track"; and
- One action is recommended for removal from the Community Plan Action Plan 2024-25.

These are the key actions currently reported in the Community Plan 2024-25:



Below are the key actions reported as “Monitor”, “Off Track”, and “Recommended for removal”:

| Goal 2: Liveable neighbourhoods | | |
|---|--|--|
| Finalise construction of a signalised intersection at Plenty Rd and Everton Drive, Mernda | | MONITOR |
| <u>Comment:</u> The construction of the Plenty Road and Everton Drive signalised intersection recommenced in January 2025. Significant delays have been experienced as a result of requests made by the Department of Transport and Planning. The works are still scheduled to be completed by mid-2025. | | |
| Commence construction of the streetscape around the Boulevard shops in Thomastown | | OFF TRACK |
| <u>Comment:</u> The design phase was delayed while we awaited the outcome of grant submissions from the Federal government. Design is nearing completion and the tender for construction is anticipated to be publicly tendered in June 2025. Construction works are now planned for the 2025-26 and 2026-27 financial years. | | |
| Goal 3: Strong local economy | | |
| Support the development of the Australian Food Innovation Centre (AFIC) | | Recommended for removal from the Community Plan Action Plan 2024-25 |
| <u>Comment:</u> La Trobe University have confirmed that the Australian Food Innovation Centre will be ceasing operations. For that reason, it is recommended to be removed from the Community Plan Action Plan 2024-25. | | |

Good Governance

During the reporting period, several actions were undertaken to ensure continuous improvements are made. Council continued to deliver good governance and make informed decisions.

During the reporting period, 10 Councillors completed their mandatory induction requirements and signed the required written declaration. The remaining Councillor completed their mandatory induction training two weeks after the required due date. During this time, the Councillor allowance was withheld until training was completed.

Through many workshops and briefings, Councillors have been progressing diligently with the CEO and Council staff in preparing the following key strategic documents:

- Draft Council Budget 2025-26, including the draft Fees and Charges;
- Draft Financial Plan 2025-26 to 2024-35;
- Draft Revenue and Rating Plan 2025-26 to 2028-29;
- Draft Asset Plan;

- Council (Community) Plan; and
- Review of the Community Vision: Whittlesea 2024 A place for all.

Other key achievements for Q3 relating to continuous and improved good governance include:

- Ensuring open and transparent decision-making, scheduled Council meetings continued monthly, except for the January meeting due to the holiday period. During this reporting period, five Council resolutions remain open.
- To support open, transparent and informed decision-making, five Council Briefings were held during the reporting period, providing Councillors with key information ahead of upcoming Council meeting decisions.
- Two Unscheduled Council meetings were held in February:
 - The 4 February 2025 meeting was confidential with the focus to discuss potential breaches of the Model Councillor Code of Conduct by the Mayor, Cr McLindon.
 - The 25 February 2025 meeting focused on the adoption of the Election Period Policy, Councillor Social Media Policy and Councillor Communications Policy.
- In addition to the two Unscheduled meetings, there were two Scheduled Council meetings held during the reporting period.
 - The 18 February 2025 meeting covered three Planning Scheme Amendments, the Rainbow Advisory Committee Terms of Reference and the Quarterly Corporate Performance Report for the period ending 31 December 2024.
 - The 18 March 2025 meeting covered the Quarter 1 and 2 Community Grant Updates, the tender award for stage two works of the Regional Sports Precinct and the Waste Taskforce to prevent illegal dumping.
- During the reporting period, the Youth Council convened twice on 3 February 2025 and 3 March 2025. No meeting was held in January due to the holiday period. During these meetings, Council officers sought input and feedback on the health priorities detailed in the Municipal Public Health and Wellbeing Plan and Disability Action Plan, participated in the 2025 Community Festival and Career Networking Expo and elected the 2025-26 Youth Mayor and Deputy Youth Mayor.
- During the reporting period, the Audit and Risk Committee met once on 25 February 2025. During this meeting, they continued to consider several matters including Council's financial and performance reporting, risk management, internal assurance, internal and external audit outcomes, systems of internal control, governance and compliance.

Transparency

In accordance with the *Local Government Act 2020*, biannual personal interest returns were circulated to nominated officers on 1 March for completion by 31 March 2025. Due to annual leave, there was a delay in receiving returns from four nominated officers, however, all four have since been submitted and no non-compliances were required to be reported.

In relation to Freedom of Information, during this quarter there were:

| | |
|-------------------------------|----|
| New FOI Applications Received | 15 |
| Completed/Closed FOI Requests | 15 |
| Current FOI's In Progress | 11 |

Current FOI applications received in this reporting period include:

- Three building and planning matters;
- Two relating to public liability incidents / claims;
- One related to a call recording;
- One related to sex work;
- Two related to diary / calendar information;
- Three animal management investigation;
- One relating to the communications during a Streetscape upgrade;
- One relating to a Workcover file; and
- One relating to staff conduct complaints.

In addition to the new applications, one Office of the Victorian Information Commissioner (OVIC) decision was received for a complaint lodged in the previous financial year. OVIC's decision was to release additional documents relating to the FOI request, no appeals were received, and documents were released as directed.

During this period, the following three minor privacy matters were received:

- One related to an email sent externally to the wrong address;
- One related to an email sent internally to a group address opposed to an individual; and
- One complaint of sensitive health data shared between departments (no evidence found, no breach).

In addition to the above, one matter was lodged with an external integrity agency for investigation and is still pending.

Capital Works Program

Council adopted the 2024-25 Capital Works Program on 21 May 2024 with a budget of \$107.5 million. The Capital Works Annual Budget also includes 2023-24 carry forwards of \$16.92 million, providing a total budget of \$124.42 million.

A summary of the Capital Works program is detailed below:

| | Capital Works Budget \$'000 |
|--|-----------------------------------|
| Adopted Budget 2024-25 | 107,500 |
| Additional carry forwards from 2023-24 | 16,917 |
| Annual Budget | 124,417 |
| Approved Budget adjustments Q1 | 797 |
| Projected savings | (5,556) |
| Anticipated carry forwards 2024-25 | 10,721 |
| End of year forecast | 108,937 |

The financial expenditure performance of the Capital Works program to 31 March 2025 is detailed below:

| | YTD Actual \$'000 | YTD Budget \$'000 | YTD Variance \$'000 | Adopted Budget \$'000 | Annual Budget \$'000 | Quarter 3 Forecast \$'000 |
|----------------------------|-------------------------|-------------------------|---------------------------|-----------------------------|----------------------------|---------------------------------|
| Property | 12,814 | 10,534 | (2,280) | 16,168 | 20,390 | 21,795 |
| Plant and equipment | 3,000 | 2,711 | (289) | 3,986 | 4,075 | 5,090 |
| Infrastructure | 50,093 | 54,026 | 3,934 | 87,346 | 99,952 | 82,052 |
| | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |
| Represented by: | | | | | | |
| New assets | 43,718 | 46,886 | 3,167 | 70,033 | 85,475 | 74,738 |
| Asset renewal | 13,998 | 14,091 | 93 | 24,827 | 25,370 | 20,902 |
| Asset expansion | - | - | - | - | - | - |
| Asset upgrade | 8,190 | 6,294 | (1,896) | 12,640 | 13,573 | 13,297 |
| Total Capital works | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |

As at 31 March 2025, capital expenditure stands at \$65.91 million, compared to the year-to-date Annual Budget of \$67.27 million, reflecting a variance of \$1.37 million behind budget.

The forecast for the year ending 30 June 2025 anticipates total capital expenditure of \$108.94 million, which is \$15.48 million below the Annual Budget of \$124.42 million.

Program impacts and carry forwards

The delivery of projects within the 2024-25 capital works program have been impacted throughout the year due to the following themes:

- service authority approvals; and
- timeline adjustments due to delays experienced in the previous year.

This has resulted in an estimated forecast of \$10.72 million to be carried over into the 2025-26 financial year which is 8.6% of the total capital works budget, performing better than the previous financial years carry forward of 17%. Project progress will continue to be reported to the Enterprise Portfolio Board to assist in early identification and mitigation of risks to delivering this year's capital works program.

Infrastructure Grants

A total of \$46.16 million in applications have been successful to date this financial year with notable successful grants being:

- \$31.5m funding for the Mernda Regional Sports Precinct.
 - \$10m from the Victorian Governments Growth Areas Infrastructure Contribution Fund towards transport infrastructure surrounding the precinct.
 - \$10m from the Victorian Governments Community Sport and Recreation Grants for the Indoor Stadium.
 - \$10m from the Australian Governments Thriving Suburbs Program for the Indoor Stadium.
 - \$1.5m from the Australian Governments Play Our Way program for the construction of the outdoor netball courts.
- \$2.8m funding from the Australian Governments Thriving Suburbs Program for the Revitalisation of The Boulevard Shops in Thomastown.

A summary of all recent infrastructure grant outcomes is included in the Grants Status Report (Attachment 2). Applications to the value of \$54.88 million are awaiting outcomes and \$29.23 million have been unsuccessful.

Financial Performance

The Financial Performance Report for the period ended 31 March 2025 includes the following financial statements included in the Corporate Performance Report (Attachment 1):

- Comprehensive Income Statement;
- Balance Sheet;
- Statement of Cash Flows;
- Statement of Capital Works; and
- Summary of Reserves.

The financial performance of the operating program for the period ended 31 March 2025 is detailed below:

| | YTD Actual \$'000 | YTD Budget \$'000 | YTD Variance \$'000 | Adopted Budget \$'000 | Quarter 3 Forecast \$'000 | Budget vs Forecast Variance \$'000 |
|--|-------------------------|-------------------------|---------------------------|-----------------------------|---------------------------------|---|
| Operating | | | | | | |
| Income | 451,311 | 400,969 | 50,342 | 459,552 | 517,146 | 57,594 |
| Expenditure | 221,351 | 228,747 | 7,396 | 315,191 | 311,718 | 3,473 |
| Operating surplus / (deficit) | 229,959 | 172,221 | 57,738 | 144,361 | 205,428 | 61,067 |
| Less | | | | | | |
| Capital non-recurrent grants | (5,997) | (7,542) | 1,545 | (3,980) | (17,837) | (13,857) |
| *Development contributions | (148,655) | (112,271) | (36,385) | (152,956) | (177,134) | (24,178) |
| Adjusted underlying surplus / (deficit) | 75,307 | 52,408 | 22,899 | (12,575) | 10,457 | 23,032 |

*Includes gifted assets which do not convert into cash

*Includes development contributions which are restricted by legislation and must be used for future infrastructure

For the nine months ended 31 March 2025, Council recorded an operating surplus of \$229.96 million, which is \$57.74 million favourable to the year-to-date budget. Council's operating surplus is impacted early in the year by the timing of rate revenue being reported. The forecast for the year ending 30 June 2025 is expected to have an operating surplus of \$205.43 million, which is \$61.07 million favourable to the Adopted Budget. Detailed information regarding forecast variances can be found in Attachment 1.

Operating Surplus

Whilst the operating surplus may look like a significant surplus, it is important to note that it is not a cash surplus or immediately available funds for Council. A significant portion of this surplus is tied to non-cash items or restricted by legislation as per the following:

- Gifted assets: These are non-cash contributions received from developers such as roads, parks or infrastructure from developers.
- Development contributions: These are contributions received from developers and are restricted by legislation on how and when they can be used.
- Capital grants: The grant received for a specific infrastructure project and usage is restricted by the funding agreement.
- Capital Works program: A significant portion of the available surplus is invested towards maintaining, upgrading or delivering new critical infrastructure for our growing community.

Once items (a) to (c) are excluded, the adjusted underlying surplus is forecasted to be \$23.03 million favourable to budget for the financial year ending 30 June 2025.

It is important to note that this \$23.03 million is also fully committed through existing project obligations, future infrastructure needs and the replenishment of important infrastructure reserves.

These reserves are critical to ensuring Council can fund future capital works projects and respond to emerging community priorities. Therefore, if item (d) is excluded the adjusted underlying surplus is forecasted to be \$2.78 million favourable to budget.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

All matters raised in this report, which have financial implications, have been reflected in the Corporate Performance Report for the nine months ended 31 March 2025 (Attachment 1).

Community Consultation and Engagement

The Community were extensively engaged and consulted in developing the 2024-25 budget.

Other Principles for Consideration

Overarching Governance Principles and Supporting Principles

(g) The ongoing financial viability of the Council 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

No implications.

Economic

No implications.

Legal, Resource and Strategic Risk Implications

No implications.

Implementation Strategy

Communication

Reported information has been sourced and discussed with line management and project managers across the organisation. Consultation has also been undertaken with the Executive Leadership Team.

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. Corporate Performance Report March 25 [5.6.1 - 31 pages]
2. Capital Grant Status update March 2025 [5.6.2 - 3 pages]



Quarterly Corporate Performance Report

for the period ended 31 March 2025



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Introduction and Key Highlights

Introduction

The Quarterly Performance Report for the period 31 March 2025 has been prepared in accordance with the *Local Government Act 2020*. This report is designed to identify major variances against the March year to date budget.

This report includes a comprehensive summary of:

- Community Plan Action Plan 2024-25 to 31 March 2025
- Good Governance actions to 31 March 2025
- 2024-25 Capital Works program to 31 March 2025
- Council's financial performance to 31 March 2025

This report includes the following comparisons for the nine months ended 31 March 2025:

- Actual and budgeted operating revenues and expenses
- Actual and budgeted capital revenues and expenses
- Actual movements in the balance sheet
- Actual movements in the cash flow statement

Community Plan Action Plan

The Community Plan 2021-25 includes 61 key initiatives. 59 related key actions are included in the Community Plan Action Plan for delivery in the 2024-25 financial year. Of 59 key actions included in the Community Plan Action Plan 2024-25, eight are reported as complete, 48 are reported as on track, one is reported as monitor, one is reported as off track and one is recommended for removal from the Community Plan Action Plan 2024-25.

Good Governance

During the reporting period, several actions were undertaken to ensure continuous improvements are made. Highlights include:

- Council's commitment to good governance with the completion of their mandatory induction program
- Council maintained transparency with ongoing scheduled meetings and resolutions
- The Youth Council attended two community events to advocate for the young people of the municipality including the Community Festival and Career Networking Expo, while also continuing to provide feedback on important Council documents including the Municipal Public Health and Wellbeing plan and Disability Action Plan
- Freedom of Information requests were noted, with 15 new applications received; all matters were addressed promptly, including the resolution of three minor privacy-related issues and improvements to information handling processes

Capital Works Performance

Council adopted the 2024-25 Capital Works Program on 21 May 2024 with a budget of \$107.5 million. Capital Works Annual Budget also includes 2023-24 carry forwards of \$16.92 million, providing a total budget of \$124.42 million.

A summary of the Capital Works program is detailed below:

| | Capital Works Budget \$'000 |
|--|-----------------------------------|
| Adopted Budget 2024-25 | 107,500 |
| Additional carry forwards from 2023-24 | 16,917 |
| Annual Budget | 124,417 |
| Approved Budget adjustments Q1 | 797 |
| Projected savings | (5,556) |
| Anticipated carry forwards 2024-25 | 10,721 |
| End of year forecast | 108,937 |

The financial expenditure performance of the Capital Works program to 31 March 2025 is detailed below:

| | YTD Actual \$'000 | YTD Budget \$'000 | YTD Variance \$'000 | Adopted Budget \$'000 | Annual Budget \$'000 | Quarter 3 Forecast \$'000 |
|----------------------------|-------------------------|-------------------------|---------------------------|-----------------------------|----------------------------|---------------------------------|
| Property | 12,814 | 10,534 | (2,280) | 16,168 | 20,390 | 21,795 |
| Plant and equipment | 3,000 | 2,711 | (289) | 3,986 | 4,075 | 5,090 |
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| | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |
| Represented by: | | | | | | |
| New assets | 43,718 | 46,886 | 3,167 | 70,033 | 85,475 | 74,738 |
| Asset renewal | 13,998 | 14,091 | 93 | 24,827 | 25,370 | 20,902 |
| Asset expansion | - | - | - | - | - | - |
| Asset upgrade | 8,190 | 6,294 | (1,896) | 12,640 | 13,573 | 13,297 |
| Total Capital works | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |

As at 31 March 2025, capital expenditure stands at \$65.91 million, compared to the year-to-date Annual Budget of \$67.27 million, reflecting a variance of \$1.37 million behind budget.

The forecast for the year ending 30 June 2025 anticipates total capital expenditure of \$108.94 million, which is \$15.48 million below the Annual Budget of \$124.42 million, with an estimated \$10.72 million to be carried forward to 2025-26.

Financial Performance

The financial performance for the period ended 31 March 2025 is detailed below:

| | YTD Actual \$'000 | YTD Budget \$'000 | YTD Variance \$'000 | Adopted Budget \$'000 | Quarter 3 Forecast \$'000 | Budget vs Forecast Variance \$'000 |
|--|-------------------------|-------------------------|---------------------------|-----------------------------|---------------------------------|---|
| Operating | | | | | | |
| Income | 451,311 | 400,969 | 50,342 | 459,552 | 517,146 | 57,594 |
| Expenditure | 221,351 | 228,747 | 7,396 | 315,191 | 311,718 | 3,473 |
| Operating surplus / (deficit) | 229,959 | 172,221 | 57,738 | 144,361 | 205,428 | 61,067 |
| Less | | | | | | |
| Capital non-recurrent grants | (5,997) | (7,542) | 1,545 | (3,980) | (17,837) | (13,857) |
| *Development contributions | (148,655) | (112,271) | (36,385) | (152,956) | (177,134) | (24,178) |
| Adjusted underlying surplus / (deficit) | 75,307 | 52,408 | 22,899 | (12,575) | 10,457 | 23,032 |

*Includes gifted assets which do not convert into cash

*Includes development contributions which are restricted by legislation and must be used for future infrastructure

For the nine months ended 31 March 2025, Council recorded an operating surplus of \$229.96 million, which is \$57.74 million favourable to the year-to-date budget. Council's operating surplus is impacted early in the year by the timing of rate revenue being reported. The forecast for the year ending 30 June 2025 is expected to have an operating surplus of \$205.43 million, which is \$61.07 million favourable to the Adopted Budget. Detailed information regarding forecast variances can be found under 'Comprehensive Income Statement'.

Operating Surplus

Whilst the operating surplus may look like a significant surplus, it is important to note that it is not a cash surplus or immediately available funds for Council. A significant portion of this surplus is tied to non-cash items or restricted by legislation.

If these items were removed, the year to date adjusted underlying surplus is \$75.31 million and the forecast for the year ending 30 June 2025 is expected to have an adjusted underlying surplus of \$23.03 million favourable to budget. Further information provided in the detailed section of the financial performance.

It is important to note that this \$23.03 million is also fully committed through existing project obligations, future infrastructure needs, and the replenishment of important infrastructure reserves. These reserves are critical to ensuring Council can fund future capital works projects and respond to emerging community priorities. Therefore, due to this, the adjusted underlying surplus is forecasted to be \$2.78 million favourable to budget.

Community Plan Action Plan



Community Plan Action Plan

The Community Plan 2021-25 includes 61 key initiatives. 59 related key actions are included in the Community Plan Action Plan for delivery in the 2024-25 financial year.

Of 59 key actions included in the Community Plan Action Plan 2024-25:

- Eight are reported as “Complete”;
- 48 are reported “On Track”;
- One is reported “Monitor”;
- One is reported “Off Track”; and
- One is recommended for removal from the Community Plan Action Plan 2024-25.

These are the key actions currently reported in the Community Plan 2024-25:



The table below lists the key actions reported as “Monitor”, “Off Track”, and “Recommended for removal”:

| Goal 2: Liveable neighbourhoods | |
|--|-----------|
| Finalise construction of a signalised intersection at Plenty Rd and Everton Drive, Mernda | MONITOR |
| <u>Comment:</u> The construction of the Plenty Road and Everton Drive signalised intersection recommenced in January 2025. Significant delays have been experienced as a result of requests made by the Department of Transport and Planning. The works are still scheduled to be completed by mid-2025. | |
| Commence construction of the streetscape around the Boulevard shops in Thomastown | OFF TRACK |

| | | |
|--|--|---|
| <p><u>Comment:</u> The design phase was delayed while we awaited the outcome of grant submissions from the Federal government. Design is nearing completion and the tender for construction is anticipated to be publicly tendered in June 2025. Construction works are now planned for the 2025-26 and 2026-27 financial years.</p> | | |
| Goal 3: Strong local economy | | |
| Support the development of the Australian Food Innovation Centre (AFIC) | | Recommended for removal from the Community Plan Action Plan 2024-25 |
| <p><u>Comment:</u> La Trobe University have confirmed that the Australian Food Innovation Centre will be ceasing operations. For that reason, it is recommended to be removed from the Community Plan Action Plan 2024-25.</p> | | |

Good Governance

A photograph of the exterior of the Council Offices Great Hall. The building has a modern design with large glass windows and concrete pillars. An Australian flag is flying on a tall pole in front of the building. The text "COUNCIL OFFICES" and "GREAT HALL" is visible on the building's facade.

**COUNCIL OFFICES
GREAT HALL**

Good Governance

During the reporting period, several actions were undertaken to ensure continuous improvements are made. Council continued to deliver good governance and returned to an elected Council.

During the reporting period, several actions were undertaken to ensure continuous improvements are made. Council continued to deliver good governance and make informed decisions.

During the reporting period, 10 Councillors completed their mandatory induction requirements and signed the required written declaration. The remaining Councillor completed their mandatory induction training two week after the required due date. During this time, the Councillor allowance was withheld until the training was completed.

Through many workshops and briefings Councillors have been progressing diligently with the CEO and Council staff in preparing the following key strategic documents:

- Draft Council Budget 2025-26, including the draft Fees and Charges
- Draft Financial Plan 2025-26 to 2024-35
- Draft Revenue and Rating Plan 2025-26 to 2028-29
- Draft Asset Plan
- Council (Community) Plan
- Review of the Community Vision: Whittlesea 2024 A place for all

Other key achievements this quarter relating to continuous and improved good governance included:

- Ensuring open and transparent decision-making, scheduled Council meetings continued monthly, with exception of the January meeting due to the holiday period. During this reporting period, five Council resolutions remain open.
- To support open, transparent and informed decision-making, five Council Briefings were held during the reporting period, providing Councillors with key information ahead of upcoming Council meeting decisions.
- Two Unscheduled Council meetings were held in February:
 - The 4 February 2025 meeting was confidential with the focus to discuss potential breaches of the Model Councillor Code of Conduct by the Mayor, Cr McLindon.
 - The 25 February 2025 meeting focus was for the adoption of the Election Period, Councillor Social Media and Councillor Communications Policies.

- In addition to the two Unscheduled meetings, there were two Scheduled Council meetings held during the reporting period.
 - The 18 February 2025 meeting covered three Planning Scheme amendments, the Rainbow Advisory Committee Terms of Reference and the Quarterly Corporate Performance Report for the period ending 31 December 2024.
 - The 18 March 2025 meeting covered the quarter 1 and 2 community grant updates, the tender award for stage two works of the Regional Sports Precinct and the waste taskforce to prevent illegal dumping.
- During the reporting period the Youth Council convened two times on 3 February 2025 and 3 March 2025. No meeting was held in January due to the holiday period. During these meetings, Council officers sought input and feedback on the health priorities detailed in the Municipal Public Health and Wellbeing plan and Disability Action Plan, participated in the 2025 Community Festival and Career Networking Expo and elected the 2025-2026 Youth Mayor and Deputy Youth Mayor.
- During the reporting period, the Audit and Risk Committee met once on 25 February 2025. During this meeting, the committee continued to consider several matters including Council's financial and performance reporting, risk management, internal assurance, internal and external audit outcomes, systems of internal control, governance, and compliance.

Transparency

In accordance with the *Local Government Act 2020*, biannual personal interest returns were circulated to nominated officers on 1 March for completion by 31 March 2025. Due to annual leave, there was a delay in receiving returns from four nominated officers, however, all four have since been submitted and no non-compliances were required to be reported.

In relation to Freedom of Information, during this quarter there were:

| | |
|-------------------------------|----|
| New FOI Applications Received | 15 |
| Completed/Closed FOI Requests | 15 |
| Current FOI's In Progress | 11 |

Current FOI applications received in this reporting period include:

- Three building and planning matters
- Two relating to public liability incidents / claims
- One related to a call recording
- One related to sex work
- Two related to diary / calendar information
- Three animal management investigation
- One relating to the communications during a Streetscape upgrade
- One relating to a Workcover file and
- One relating to staff conduct complaints

In addition to the new applications, one Office of the Victorian Information Commissioner (OVIC) decision was received for a complaint lodged in the previous financial year. OVIC decision was to release additional documents relating to the FOI request, no appeals were received, and documents were released as directed.

During this period, the following three minor privacy matters were received:

- One related to an email sent externally to the wrong address
- One related to an email sent internally to a group address opposed to an individual
- One complaint of sensitive health data shared between departments (no evidence found, no breach)

In addition to the above, one matter was lodged with an external integrity agency for investigation and is still pending.

Capital Performance



Capital Works Performance

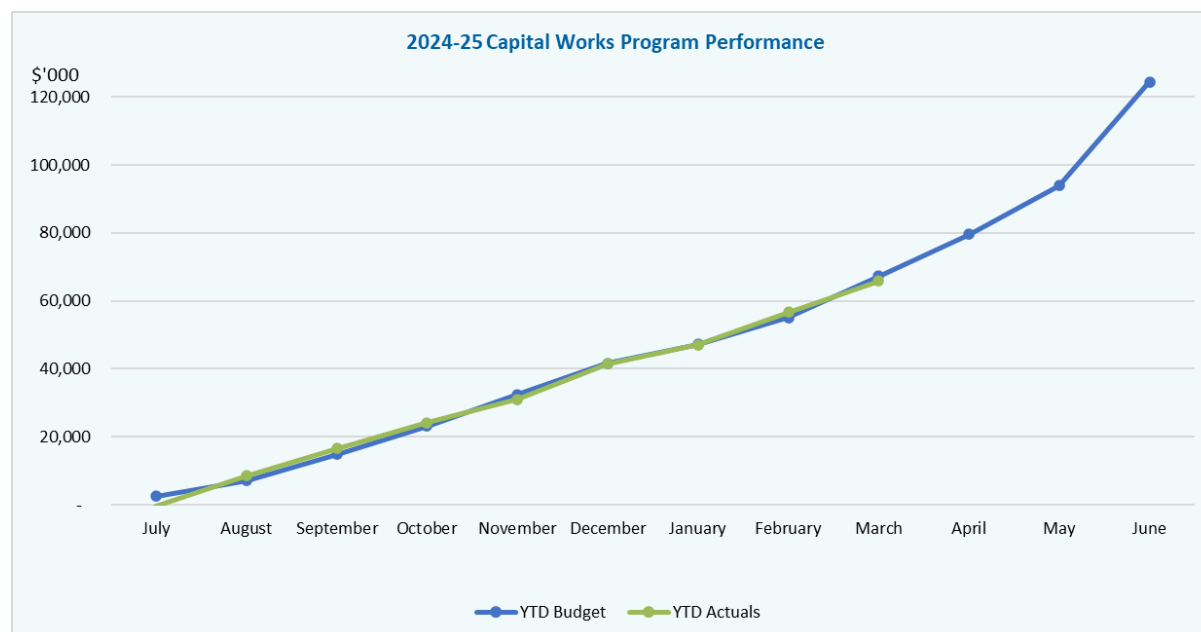
Council adopted the 2024-25 Capital Works Program on 21 May 2024 with a budget of \$107.5 million. Capital Works Annual Budget also includes 2023-24 carry forwards of \$16.92 million, providing a total budget of \$124.42 million.

The financial expenditure performance of the Capital Works Program to 31 March 2025 is detailed below:

| | YTD Actual \$'000 | YTD Budget \$'000 | YTD Variance \$'000 | Adopted Budget \$'000 | Annual Budget \$'000 | Quarter 3 Forecast \$'000 |
|----------------------------|-------------------------|-------------------------|---------------------------|-----------------------------|----------------------------|---------------------------------|
| Property | 12,814 | 10,534 | (2,280) | 16,168 | 20,390 | 21,795 |
| Plant and equipment | 3,000 | 2,711 | (289) | 3,986 | 4,075 | 5,090 |
| Infrastructure | 50,093 | 54,026 | 3,934 | 87,346 | 99,952 | 82,052 |
| | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |
| Represented by: | | | | | | |
| New assets | 43,718 | 46,886 | 3,167 | 70,033 | 85,475 | 74,738 |
| Asset renewal | 13,998 | 14,091 | 93 | 24,827 | 25,370 | 20,902 |
| Asset expansion | - | - | - | - | - | - |
| Asset upgrade | 8,190 | 6,294 | (1,896) | 12,640 | 13,573 | 13,297 |
| Total Capital works | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |

As at 31 March 2025, capital expenditure stands at \$65.91 million, compared to the year-to-date Annual Budget of \$67.27 million, reflecting a variance of \$1.37 million behind budget.

The forecast for the year ending 30 June 2025 anticipates total capital expenditure of \$108.94 million, which is \$15.48 million below the Annual Budget of \$124.42 million.



Program impacts and carry forwards

The delivery of projects within the 2024-25 capital works program have been impacted throughout the year due to the following themes;

- service authority approvals
- timeline adjustments due to delays experienced in the previous year

This has resulted in an estimated forecast of \$10.72 million to be carried over into the 2025-26 financial year which is 8.6% of the total capital works budget, performing better than the previous financial years carry forward of 17%. Project progress will continue to be reported to the Enterprise Program Board to assist in early identification and mitigation of risks to delivering this year's capital works program.

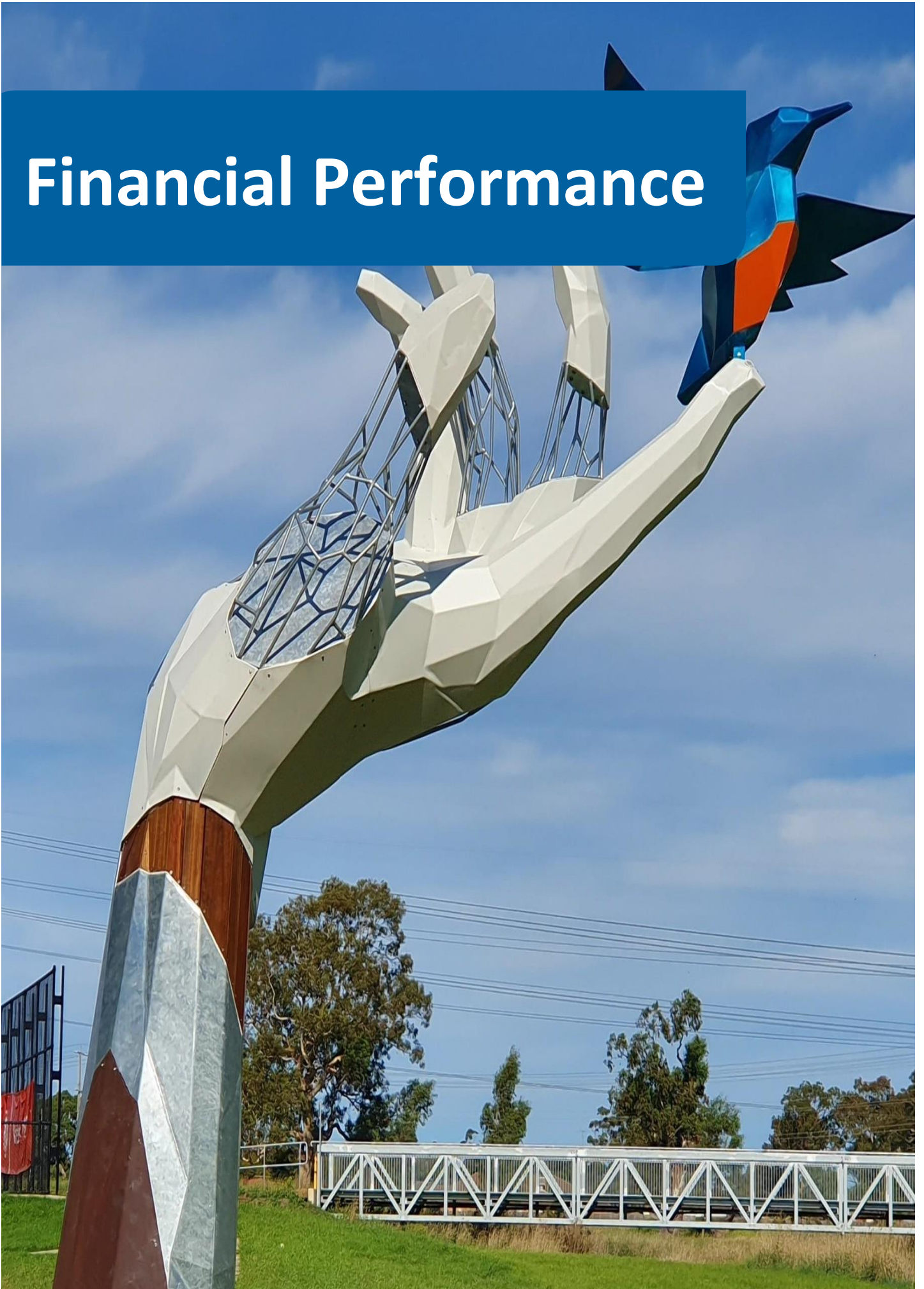
Infrastructure Grants Update

A total of \$46.16 million in applications have been successful to date this financial year with notable successful grants being:

- \$31.5m funding for the Mernda Regional Sports Precinct
 - \$10m from the Victorian Governments Growth Areas Infrastructure Contribution Fund towards transport infrastructure surrounding the precinct
 - \$10m from the Victorian Governments Community Sport and Recreation Grants for the Indoor Stadium
 - \$10m from the Australian Governments Thriving Suburbs Program for the Indoor Stadium
 - \$1.5m from the Australian Governments Play Our Way program for the construction of the outdoor netball courts
- \$2.8m funding from the Australian Governments Thriving Suburbs Program for the Revitalisation of The Boulevard Shops in Thomastown

A summary of all recent infrastructure grant outcomes is included in the Grants Status Report (Attachment 2). Applications to the value of \$54.88 million are awaiting outcomes and \$29.23 million have been unsuccessful.

Financial Performance



Financial Performance

Operating Performance

The Corporate Performance Report for the period ended 31 March 2025 includes the following financial statements:

- Comprehensive Income Statement
- Balance Sheet
- Statement of Cash Flows
- Statement of Capital Works and
- Summary of Reserves

The financial performance of the operating program for the period ended 31 March 2025 is detailed below:

1.1 Operating performance

| | YTD Actual \$'000 | YTD Budget \$'000 | YTD Variance \$'000 | Adopted Budget \$'000 | Quarter 3 Forecast \$'000 | Budget vs Forecast Variance \$'000 |
|--|-------------------------|-------------------------|---------------------------|-----------------------------|---------------------------------|---|
| Operating | | | | | | |
| Income | 451,311 | 400,969 | 50,342 | 459,552 | 517,146 | 57,594 |
| Expenditure | 221,351 | 228,747 | 7,396 | 315,191 | 311,718 | 3,473 |
| Operating surplus / (deficit) | 229,959 | 172,221 | 57,738 | 144,361 | 205,428 | 61,067 |
| Less | | | | | | |
| Capital non-recurrent grants | (5,997) | (7,542) | 1,545 | (3,980) | (17,837) | (13,857) |
| *Development contributions | (148,655) | (112,271) | (36,385) | (152,956) | (177,134) | (24,178) |
| Adjusted underlying surplus / (deficit) | 75,307 | 52,408 | 22,899 | (12,575) | 10,457 | 23,032 |

*Includes gifted assets which do not convert into cash

*Includes development contributions which are restricted by legislation and must be used for future infrastructure

For the nine months ended 31 March 2025, Council recorded an operating surplus of \$229.96 million, which is \$57.74 million favourable to the year-to-date budget. Council's operating surplus is impacted early in the year by the timing of rate revenue being reported. The forecast for the year ending 30 June 2025 is expected to have an operating surplus of \$205.43 million, which is \$61.07 million favourable to the Adopted Budget.

Operating Surplus

Whilst the operating surplus may look like a significant surplus, it is important to note that it is not a cash surplus or immediately available funds for Council. A significant portion of this surplus is tied to non-cash items or restricted by legislation as per the following:

- Gifted assets: These are non-cash contributions received from developers such as roads, parks or infrastructure from developers

- b) Development contributions: These are contributions received from developers and are restricted by legislation on how and when they can be used
- c) Non-recurrent capital grants: The grant received for a specific infrastructure project and usage is restricted by the funding agreement and
- d) Capital Works program: A significant portion of the available surplus is invested towards maintaining, upgrading or delivering new critical infrastructure for our growing community

Once items (a) to (c) are excluded, the adjusted underlying surplus is forecasted to be \$23.03 million favourable to budget for the financial year ending 30 June 2025.

It is important to note that this \$23.03 million is also fully committed through existing project obligations, future infrastructure needs, and the replenishment of important infrastructure reserves. These reserves are critical to ensuring Council can fund future capital works projects and respond to emerging community priorities. Therefore, if item (d) is excluded the adjusted underlying surplus is forecasted to be \$2.78 million favourable to budget.

Cash position

The cash position as at 31 March 2025 shows a cash and investment balance of \$388.88 million compared with \$341.6 million as at 30 June 2024.

| | YTD Actual \$'000 | 2023-24 Actual \$'000 |
|---|-------------------------|-----------------------------|
| Cash and cash equivalents | 388,877 | 341,597 |
| Restricted funds | 238,286 | 232,148 |
| Unrestricted cash and cash equivalents | 150,591 | 109,449 |
| Intended allocations | 114,008 | 112,022 |
| Net available cash | 36,583 | (2,573) |

The cash and investment balance was sufficient to meet the restricted cash of \$238.29 million at the end of March 2025. Restricted cash is the amount of cash holdings Council requires to meet external restrictions such as trust funds and statutory reserves. Cash for intended allocations includes cash held to fund future capital works and project works.

Financial Statements

Comprehensive Income Statement

for the period ended 31 March 2025

| | | YTD | YTD | YTD | YTD | Adopted | Quarter 3 | Budget vs | Budget vs |
|---|-----|----------------|----------------|---------------|------------|-----------------|----------------|---------------|-------------|
| | | Actual | Budget | Variance | Variance | Budget | Forecast | Forecast | Forecast |
| | Ref | \$'000 | \$'000 | \$'000 | % | \$'000 | \$'000 | \$'000 | % |
| Income | | | | | | | | | |
| Rates and charges | 1 | 221,909 | 219,487 | 2,422 | 1% | 219,999 | 222,138 | 2,139 | 1% |
| Statutory fees and fines | 2 | 17,107 | 13,417 | 3,690 | 27% | 18,291 | 21,840 | 3,549 | 16% |
| User fees | | 8,414 | 8,359 | 55 | 1% | 11,672 | 11,848 | 176 | 1% |
| Grants - operating | 3 | 30,461 | 29,311 | 1,150 | 4% | 33,348 | 36,486 | 3,138 | 9% |
| Grants - capital | 4 | 8,195 | 7,542 | 653 | 9% | 5,294 | 20,333 | 15,039 | 74% |
| Contributions - monetary | 5 | 30,613 | 31,868 | (1,255) | (4%) | 45,752 | 49,134 | 3,382 | 7% |
| Contributions - non-monetary assets | 6 | 118,042 | 80,403 | 37,639 | 47% | 107,204 | 128,000 | 20,796 | 16% |
| Net gain on disposal of property, infrastructure, plant and equipment | 7 | (1,477) | 300 | (1,777) | (592%) | 763 | 763 | - | 0% |
| Share of Net Profits of Associate | | - | - | - | - | 200 | 200 | - | 0% |
| Other income | 8 | 18,046 | 10,281 | 7,765 | 76% | 17,029 | 26,404 | 9,375 | 36% |
| Total income | | 451,311 | 400,969 | 50,342 | 13% | 459,552 | 517,146 | 57,594 | 11% |
| Expenditure | | | | | | | | | |
| Employee benefits | | 90,952 | 91,364 | 412 | 0% | 123,517 | 123,017 | 500 | 0% |
| Materials and services | 9 | 68,920 | 79,259 | 10,339 | 13% | 111,981 | 103,845 | 8,136 | 8% |
| Depreciation | 10 | 45,142 | 42,087 | (3,056) | (7%) | 56,118 | 59,562 | (3,444) | (6%) |
| Amortisation - intangible assets | | - | - | - | - | 71 | 71 | - | 0% |
| Amortisation - right of use assets | | - | - | - | - | 972 | 939 | 33 | 4% |
| Allowance for impairment losses | 11 | 2,450 | 2,230 | (221) | (10%) | 2,973 | 3,004 | (31) | (1%) |
| Borrowing costs | 12 | 57 | 89 | 32 | 36% | 1,269 | 85 | 1,184 | 1397% |
| Finance costs - leases | 13 | - | - | - | - | 99 | 123 | (24) | (19%) |
| Other expenses | 14 | 13,829 | 13,718 | (111) | (1%) | 18,191 | 21,073 | (2,882) | (14%) |
| Total expenditure | | 221,351 | 228,747 | 7,396 | 3% | 315,191 | 311,718 | 3,473 | 1% |
| Total comprehensive result | | 229,959 | 172,221 | 57,738 | 34% | 144,361 | 205,428 | 61,067 | 30% |
| Less | | | | | | | | | |
| Capital grants - non recurrent | | (5,997) | (7,542) | 1,545 | (20%) | (3,980) | (17,837) | (13,857) | 78% |
| *Development contributions | | (148,655) | (112,271) | (36,385) | 32% | (152,956) | (177,134) | (24,178) | 14% |
| Adjusted underlying surplus / (deficit) | | 75,307 | 52,408 | 22,899 | 44% | (12,575) | 10,457 | 23,032 | 220% |

*Includes gifted assets which do not convert into cash

*Includes development contributions which are restricted by legislation and must be used for future infrastructure investment

Explanation of material variations

Council has adopted a materiality threshold for explanations provided if the variance is greater than 10% or \$1 million. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

| Variance Ref | Item | Explanation |
|--------------|--------------------------|---|
| 1 | Rates and charges | <p>Year to date performance is \$2.42 million favourable to budget mainly due to an increase in the number of new rateable properties within the municipality, which exceeded expectations. Additional contributing factors include interest charged on prior year outstanding rates and higher than anticipated waste services income, driven by increased uptake of commercial and industrial waste services.</p> <p>The full year forecast is expected to finish \$2.14 million favourable to budget primarily due to the reasons mentioned above.</p> |
| 2 | Statutory fees and fines | <p>Year to date performance is \$3.69 million favourable to budget attributable to increased supervision fees for roads and drainage works due to heightened development activity. Additionally, higher than anticipated fine enforcement for asset protection and increased fine enforcement and registration fees, driven by a greater number of unpaid fines lodged with Fines Victoria.</p> <p>The full year forecast is expected to finish \$3.55 million favourable to budget primarily due to the reasons mentioned above.</p> |
| 3 | Grants – operating | <p>Year to date performance is \$1.15 million favourable to budget as a result of unbudgeted Ageing Well Case Management grant, which will be offset by the increased employee expenses associated with the program. Additionally, the Victorian Grant Commission grant received was higher than initial projections.</p> <p>The full year forecast is expected to finish \$3.14 million favourable to budget mainly due to the reasons mentioned above.</p> |
| 4 | Grants – capital | <p>The full year forecast is expected to finish \$15.04 million favourable to budget due to various unbudgeted grant funding received after the budget was adopted. This includes funding for the Mernda Sports Hub, Granite Hills Regional Park, Peter Hopper Lake renewal, and the Donnybrook Community Centre construction projects.</p> |

| Variance Ref | Item | Explanation |
|--------------|---|--|
| 5 | Contributions – monetary | <p>Year to date performance is (\$1.26 million) unfavourable to budget, which relates to the deferral of Peppercorn Hill Stages 301 and 302.</p> <p>The full year forecast is expected to finish \$3.38 million favourable to budget due to higher than anticipated development activity, with an increase in Statement of Compliance (SOC) approvals driving greater contributions revenue.</p> |
| 6 | Contributions – non-monetary assets | <p>Year to date performance is \$37.64 million favourable to budget primarily due to higher than anticipated developments reaching practical completion throughout the municipality.</p> <p>The full year forecast is expected to finish \$20.8 million favourable to budget mainly due to the reasons mentioned above.</p> |
| 7 | Net gain on disposal of property, infrastructure, plant and equipment | <p>Year to date performance is (\$1.78 million) unfavourable to budget primarily due to a processing error related to the disposal of playground assets, which is expected to be rectified during the upcoming revaluation process.</p> |
| 8 | Other income | <p>Year to date performance is \$7.77 million favourable to budget primarily due to higher interest rates received on investments and unbudgeted utility cost reimbursements from leisure facilities, which offsets utility costs incurred by Council.</p> <p>The full year forecast is expected to finish \$9.38 million favourable to budget mainly due to the reasons mentioned above.</p> |
| 9 | Materials and services | <p>Year to date performance is \$10.34 million favourable to budget primarily due to the postponement of land acquisition for a development contribution project, which is now expected to occur in future years. These savings are partially offset by increased expenditure on the garden bed maintenance panel contract and the implementation of the Customer and Digital Experience program (CX/DX), which is funded through the Technology Improvement Reserve.</p> <p>The full year forecast is expected to finish \$8.14 million favourable to budget mainly due to the reasons mentioned above.</p> |

| Variance Ref | Item | Explanation |
|--------------|----------------------------------|---|
| 10 | Depreciation | <p>Year to date performance is (\$3.06 million) unfavourable to budget as a result of an increase in the valuation of Council assets and the receipt of significant gifted assets after the budget was adopted, which were not accounted for in the budget for depreciation.</p> <p>The full year forecast is expected to finish (\$3.44 million) unfavourable to budget due to reason mentioned above.</p> |
| 11 | Allowances for impairment losses | <p>Year to date performance is (\$0.22 million) unfavourable to budget as a result of higher than anticipated increase in infringement provision driven by a greater number of unpaid fines with Fines Victoria.</p> |
| 12 | Borrowing costs | <p>The full year forecast is expected to finish \$1.18 million favourable to budget primarily driven by lower than anticipated borrowing costs. This is a result of the planned borrowings for the Regional Sports Precinct not being required, following a reduction in the project scope. Additional contributing factors include higher-than-expected interest income and unbudgeted grant income anticipated for various Capital Works programs after the budget was adopted.</p> |
| 13 | Finance costs – leases | <p>The full year forecast is expected to finish (\$0.02 million) unfavourable to budget as a result of a new lease agreement signed by Council after the budget was adopted.</p> |
| 14 | Other expenses | <p>The full year forecast is expected to finish (\$2.88 million) unfavourable to budget driven by unbudgeted utility costs incurred by Council for leisure centres. These costs, however, are offset by reimbursements from the service provider as per the agreement. In addition to this, contribution payment to Casa D'Abruzzo Club relating to prior year, which was delayed due to the soccer field upgrade project running behind schedule, is expected to be paid in the current year.</p> |

Balance Sheet

as at 31 March 2025

| | YTD Actual \$'000 | 2023-24 Actual \$'000 | Net Movement \$'000 |
|---|-------------------------|-----------------------------|---------------------------|
| Current assets | | | |
| Cash and cash equivalents | 38,876 | 26,596 | 12,280 |
| Trade and other receivables | 110,996 | 55,518 | 55,478 |
| Other financial assets | 300,000 | 265,000 | 35,000 |
| Inventories | 81 | 79 | 2 |
| Other assets | 7,079 | 7,580 | (501) |
| Total current assets | 457,032 | 354,773 | 102,259 |
| Non-current assets | | | |
| Investment in associate | 2,926 | 2,926 | 0 |
| Other financial assets | 50,022 | 50,022 | 0 |
| Property, infrastructure, plant and equipment | 4,912,990 | 4,783,011 | 129,979 |
| Intangible assets | 208 | 208 | (0) |
| Right of use assets | 3,239 | 3,239 | (0) |
| Total non-current assets | 4,969,385 | 4,839,406 | 129,979 |
| Total assets | 5,426,417 | 5,194,179 | 232,238 |
| Current liabilities | | | |
| Trade and other payables | 58,364 | 35,933 | 22,431 |
| Trust funds and deposits | 30,827 | 50,600 | (19,773) |
| Provisions | 21,803 | 22,178 | (375) |
| Lease liabilities | 881 | 881 | (0) |
| Interest-bearing liabilities | 394 | 1,567 | (1,173) |
| Unearned Income | 28,826 | 20,900 | 7,926 |
| Total current liabilities | 141,095 | 132,059 | 9,036 |
| Non-current liabilities | | | |
| Provisions | 2,738 | 2,455 | 283 |
| Lease liabilities | 2,464 | 2,464 | 0 |
| Interest-bearing liabilities | 7,624 | 7,624 | 0 |
| Total non-current liabilities | 12,827 | 12,543 | 283 |
| Total liabilities | 153,922 | 144,602 | 9,319 |
| Net assets | 5,272,495 | 5,049,577 | 222,918 |
| Equity | | | |
| Accumulated surplus | 3,246,140 | 3,047,817 | 198,323 |
| Reserves | 2,026,355 | 2,001,760 | 24,595 |
| Total equity | 5,272,495 | 5,049,577 | 222,918 |

Cash Position

for the period ended 31 March 2025

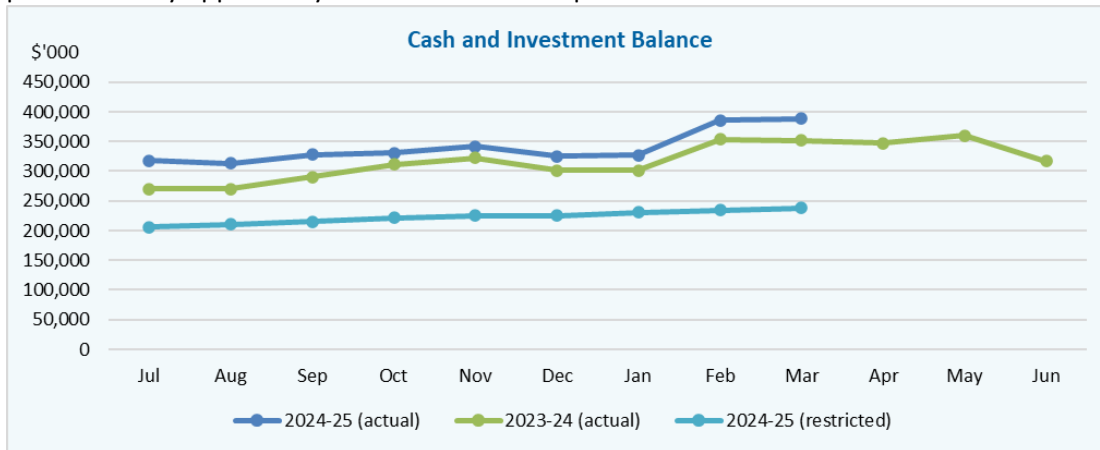
| | YTD Actual \$'000 | 2023-24 Actual \$'000 |
|--|-------------------------|-----------------------------|
| Cash and cash equivalents | | |
| Cash on hand | 4 | 4 |
| Cash at bank | 1,151 | 872 |
| Term deposit | 37,722 | 25,721 |
| Total cash and cash equivalents | 38,877 | 26,597 |
| Other financial assets | | |
| Term deposits | 350,000 | 315,000 |
| Total other financial assets | 350,000 | 315,000 |
| Total cash and cash equivalents | 388,877 | 341,597 |
| Restricted and unrestricted cash and cash equivalents | | |
| Trust funds and deposits | 30,827 | 50,600 |
| Asset development reserves | 207,459 | 181,548 |
| Total restricted cash and cash equivalents | 238,286 | 232,148 |
| Total unrestricted cash and cash equivalents | 150,591 | 109,449 |
| Unrestricted cash intended allocations | | |
| Cash held to fund carried forward capital works | 10,721 | 16,917 |
| Unexpended grants and subsidies | 28,810 | 19,312 |
| Asset replacement reserves | 74,477 | 75,793 |
| Total Unrestricted cash intended allocations | 114,008 | 112,022 |
| Net available cash | 36,583 | (2,573) |

The cash position as at 31 March 2025 shows a cash and investment balance of \$388.88 million compared with \$341.6 million as at 30 June 2024.

The cash and investment balance was sufficient to meet the restricted cash of \$238.29 million at the end of March 2025. Restricted cash is the amount of cash holdings Council requires to meet external restrictions such as trust funds and statutory reserves including development contributions and subdivision levy. Unrestricted cash intended allocations include cash held to fund future Capital Works and project works.

The chart below shows Council's cash balance year to date for 2024-25 against the cash balance from 2023-24 and restricted cash.

The cash and investments balance is currently \$79.33 million favourable to the budgeted year end position. Every opportunity is taken to invest surplus cash to maximise investment returns.

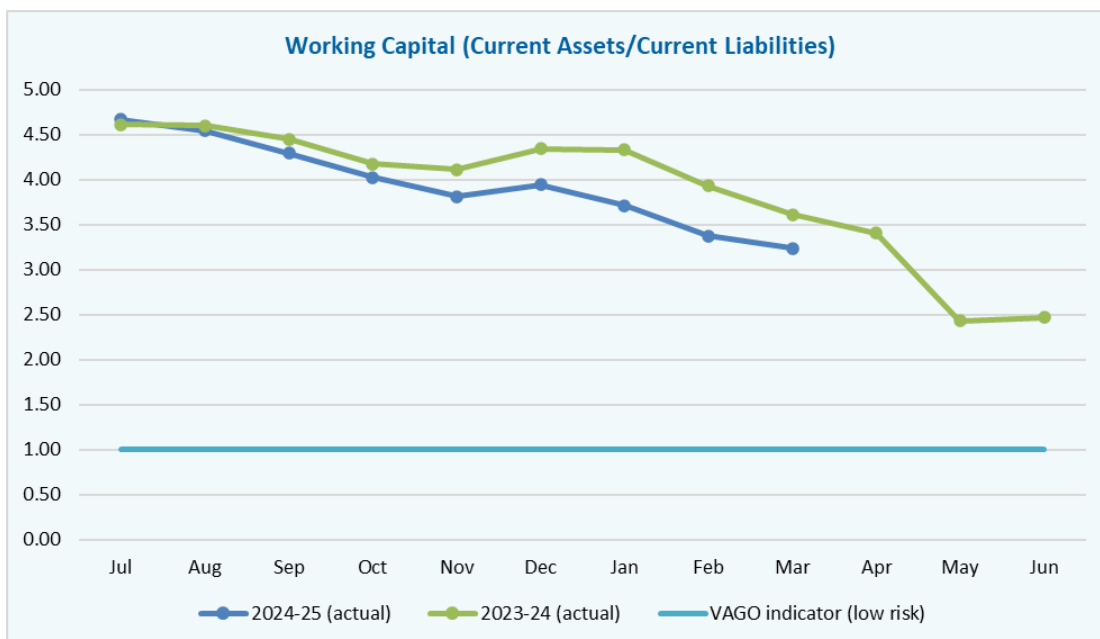


Note: Cash and investments include term deposits with a maturity date exceeding 90 days which are classified as other financial assets in the Balance Sheet.

Working capital

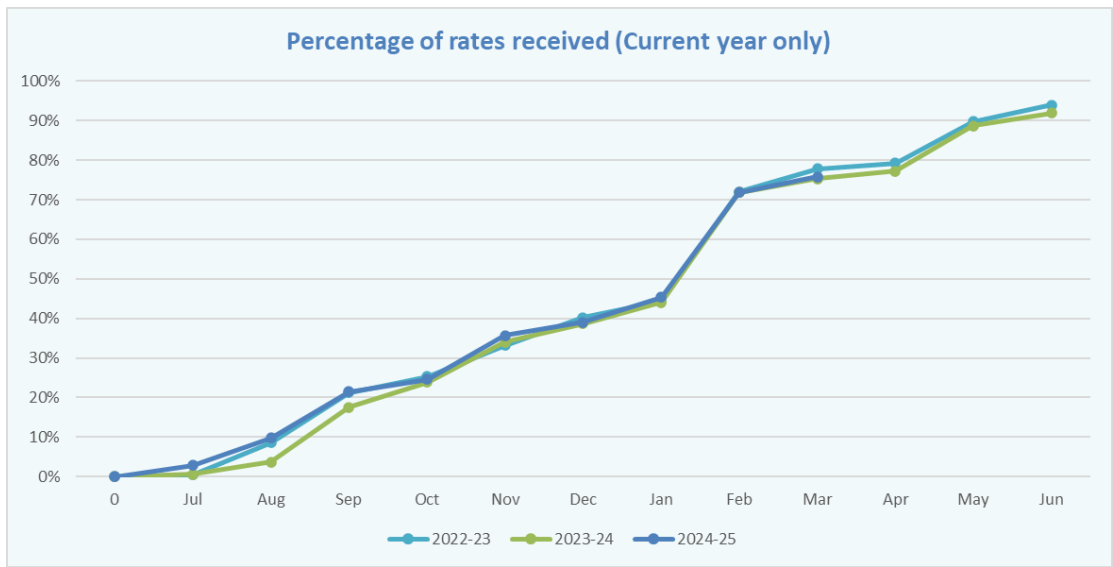
The chart compares current assets to current liabilities, which provides a measure of the ability to pay existing liabilities in the next 12 months.

Council's working capital is forecast to remain in the low-risk range and well above the Victorian Auditor-General's Office (VAGO) liquidity indicator as shown below.

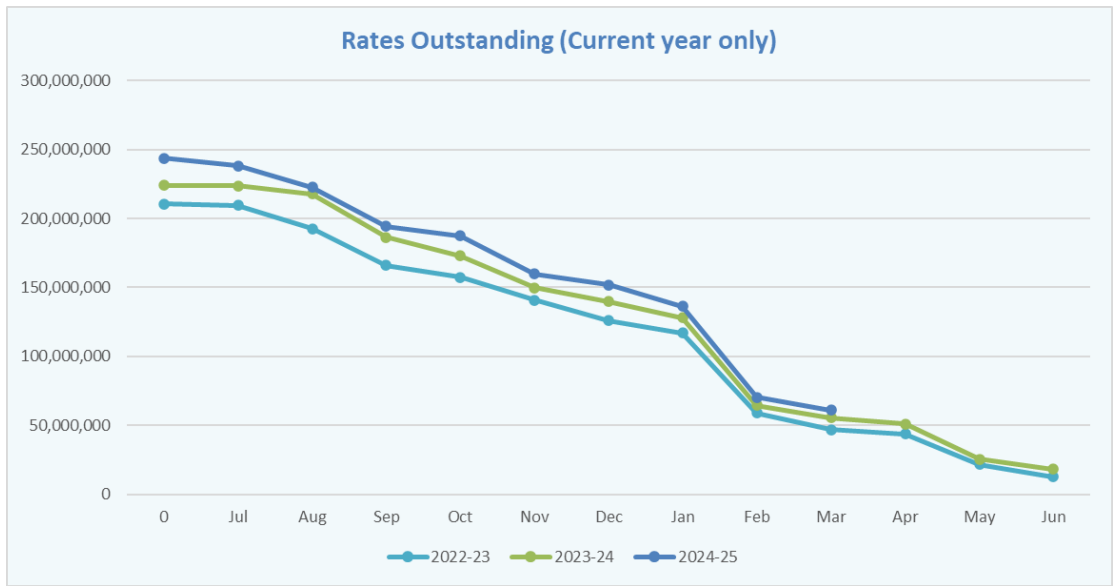


Rates debtors

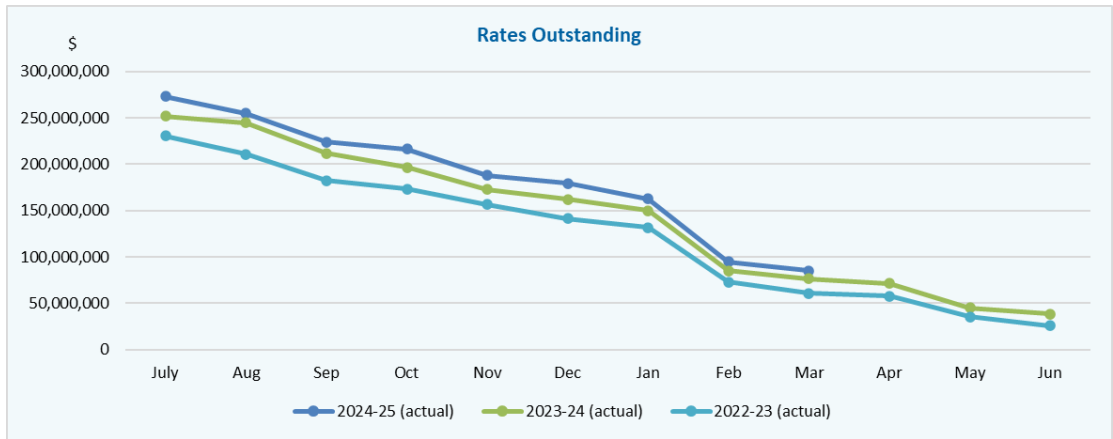
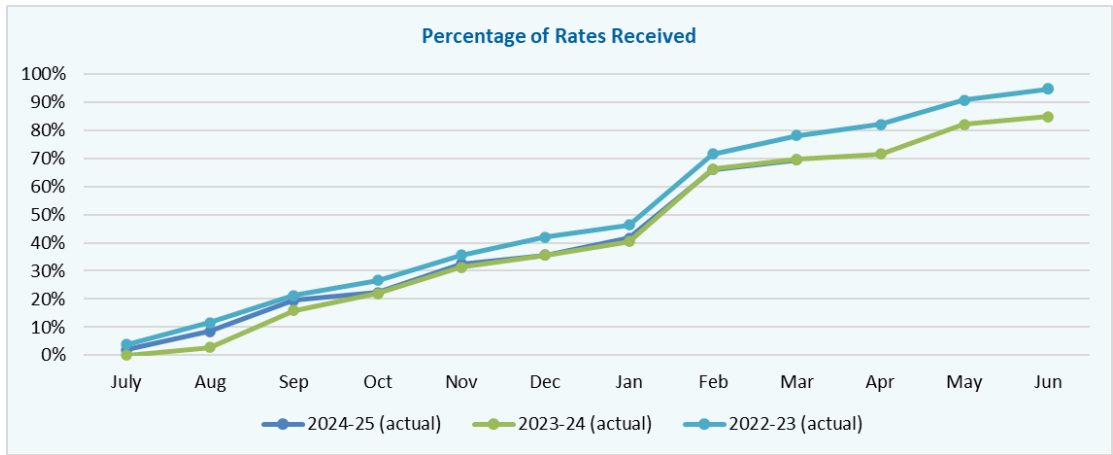
As at 1 July 2024, \$243.61 million was raised in rates and charges to Council’s property base. As at 31 March 2025, 75.7% of the rates raised have been collected compared to the same period of the 2023-24 financial year of 75.3%.



The below graph displays the balance of the current year’s rates and charges to date.

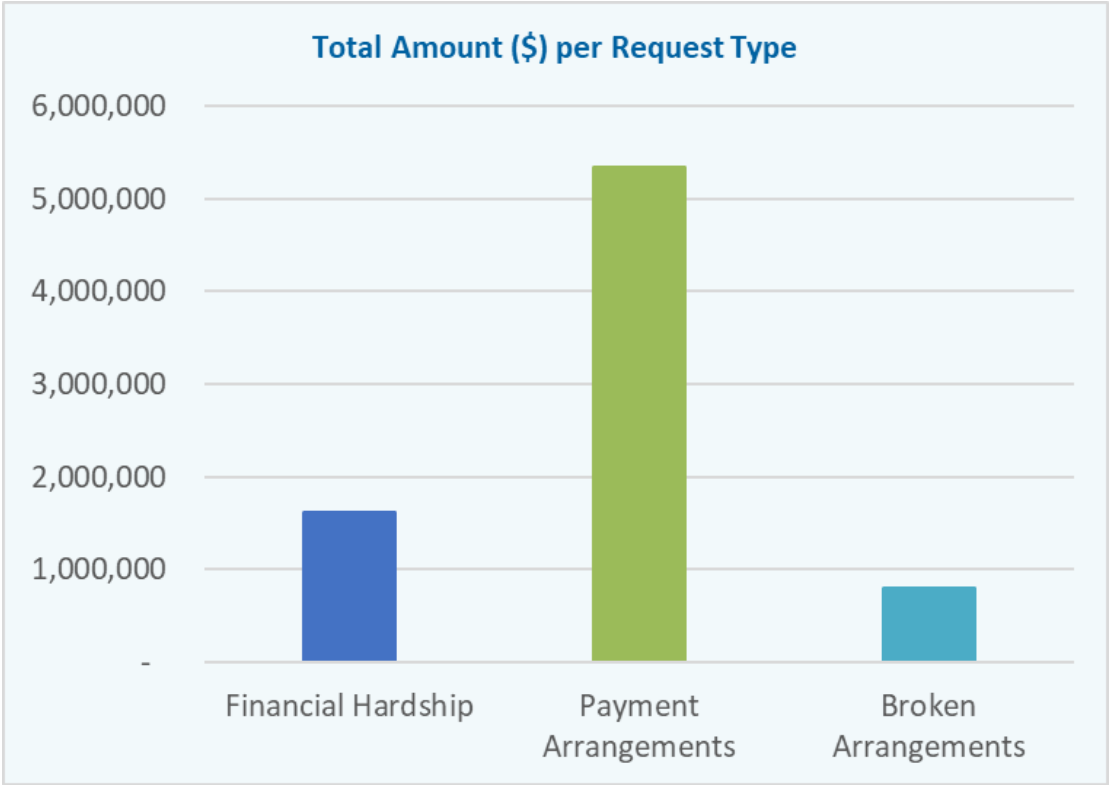


The below graphs demonstrate the percentage of rates collected including arrears from previous years. As at 31 March 2025, 69% of the rates debt has been collected compared to the same period of the 2023-24 financial year of 70%.



Financial Arrangements

To help reduce debt to Council, the following initiatives are being implemented.



| Request Type | Total Amount (\$) per Request Type | Total per Request Type |
|----------------------|------------------------------------|------------------------|
| Financial Hardship | 1,619,461 | 21% |
| Payment Arrangements | 5,335,059 | 69% |
| Broken Arrangements | 799,803 | 10% |
| Total | 7,754,324 | 100% |

Financial hardship – ratepayers that qualify for assistance as per the Financial Hardship policy.
Payment arrangements – payment plan for ratepayers in arrears by 1 - 12 months.
Broken arrangements – ratepayers that have defaulted on their arranged payment plan more than once.

Statement of Cash Flows

for the period ended 31 March 2025

| | 2024-25 Inflows / (Outflows) YTD Actual \$'000 | 2023-24 Inflows / (Outflows) Actual \$'000 |
|---|--|--|
| Cash flows from operating activities | | |
| Rates and charges | 165,194 | 195,004 |
| Statutory fees and fines | 16,187 | 18,366 |
| User fees | 5,961 | 14,252 |
| Grants - operating | 30,461 | 18,613 |
| Grants - capital | 8,195 | 7,364 |
| Contributions - Monetary | 30,613 | 53,944 |
| Trust funds and deposits taken | 19,661 | 25,578 |
| Other receipts | 5,794 | 7,678 |
| Interest received | 12,752 | 13,316 |
| Net GST refund | 2,161 | (1,085) |
| Payments to employees | (91,044) | (119,376) |
| Payments to suppliers | (85,448) | (90,808) |
| Short-term, low value and variable lease payments | (478) | (624) |
| Trust funds and deposits repaid | - | (7,418) |
| Other payments | (5,903) | (16,644) |
| Net cash provided by (used in) operating activities | 114,106 | 118,160 |
| Cash flows from investing activities | | |
| Payments for infrastructure, property, plant and equipment | (65,597) | (75,170) |
| Proceeds from sale of property, infrastructure, plant and equipment | - | 1,063 |
| Payments for investments | (35,000) | (65,000) |
| Net cash provided by (used in) investing activities | (100,597) | (139,107) |
| Cash flows from financing activities | | |
| Finance costs | (57) | (118) |
| Repayment of borrowings | (1,172) | (2,449) |
| Interest paid - lease liability | - | (150) |
| Repayment of lease liabilities | (0) | (913) |
| Net cash provided by (used in) financing activities | (1,229) | (3,630) |
| Net increase (decrease) in cash and cash equivalents | 12,280 | (24,577) |
| Cash and cash equivalents at the beginning of the year | 26,596 | 51,173 |
| Cash and cash equivalents at the end of the period | 38,876 | 26,596 |

Statement of Capital Works

for the period ended 31 March 2025

| | YTD Actual \$'000 | YTD Budget \$'000 | YTD Variance \$'000 | Adopted Budget | Annual Budget \$'000 | Quarter 3 Forecast \$'000 |
|--|-------------------------|-------------------------|---------------------------|-------------------|----------------------------|---------------------------------|
| Property | | | | | | |
| Land | - | - | - | - | - | 300 |
| Building | 7,330 | 5,706 | (1,624) | 8,318 | 11,263 | 12,074 |
| Building improvements | 5,484 | 4,828 | (657) | 7,850 | 9,127 | 9,421 |
| Total Property | 12,814 | 10,534 | (2,280) | 16,168 | 20,390 | 21,795 |
| Plant and equipment | | | | | | |
| Plant, machinery & equipment | 2,539 | 2,028 | (511) | 2,806 | 2,995 | 4,040 |
| Fixtures, fittings & furniture | 13 | 60 | 47 | 300 | 300 | 300 |
| Computers & telecommunications | 448 | 623 | 175 | 880 | 780 | 750 |
| Total plant and equipment | 3,000 | 2,711 | (289) | 3,986 | 4,075 | 5,090 |
| Infrastructure | | | | | | |
| Roads | 19,039 | 15,158 | (3,881) | 27,205 | 30,304 | 26,301 |
| Bridges | - | 25 | 25 | 100 | 100 | 95 |
| Footpaths & cycleways | 2,546 | 3,073 | 527 | 4,516 | 6,443 | 4,196 |
| Drainage | 197 | 215 | 18 | 1,550 | 1,550 | 808 |
| Recreation, leisure & community facilities | 11,586 | 14,602 | 3,016 | 25,665 | 25,615 | 20,207 |
| Parks, open space & streetscapes | 11,801 | 15,919 | 4,118 | 14,875 | 22,228 | 18,465 |
| Carparks | 32 | 190 | 158 | 2,000 | 2,000 | 525 |
| Waste management | - | 25 | 25 | 661 | 661 | 591 |
| Other infrastructure | 4,892 | 4,819 | (73) | 10,774 | 11,052 | 10,864 |
| Total infrastructure | 50,093 | 54,026 | 3,934 | 87,346 | 99,952 | 82,052 |
| Total capital works | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |
| Represented by: | | | | | | |
| New assets | 43,718 | 46,886 | 3,167 | 70,033 | 85,475 | 74,738 |
| Asset renewal | 13,998 | 14,091 | 93 | 24,827 | 25,370 | 20,902 |
| Asset expansion | - | - | - | - | - | - |
| Asset upgrade | 8,190 | 6,294 | (1,896) | 12,640 | 13,573 | 13,297 |
| Total capital works | 65,906 | 67,271 | 1,365 | 107,500 | 124,417 | 108,937 |

Summary of Reserves

as at 31 March 2025

| | 2023-24 Actual \$'000 | Net transfers \$'000 | 2024-25 YTD Actual \$'000 |
|---|--------------------------|----------------------------|---------------------------------|
| Discretionary reserves | | | |
| LASF defined benefit plan liability | 3,739 | - | 3,739 |
| Native vegetation offset site maintenance | 1,318 | - | 1,318 |
| Strategic investment reserve | 26,756 | - | 26,756 |
| Strategic properties reserve | 4,819 | - | 4,819 |
| Synthetic turf replacement reserve | 1,880 | - | 1,880 |
| Technology improvement fund reserve | 946 | - | 946 |
| Transport infrastructure reserve | 28 | - | 28 |
| Waste reserve | 3,955 | - | 3,955 |
| Aboriginal Gathering Place | 6,000 | - | 6,000 |
| Strategic operational projects | 4,516 | - | 4,516 |
| Regional sports precinct | 14,283 | - | 14,283 |
| Resilience and emergency management | 449 | - | 449 |
| Plant replacement reserve | 1,221 | - | 1,221 |
| Community grants reserve | 660 | - | 660 |
| Total Discretionary reserves | 70,570 | - | 70,570 |
| Non-discretionary reserves | | | |
| Community infrastructure levy | 13,163 | 1,919 | 15,082 |
| Development contributions | 133,733 | 17,339 | 151,071 |
| Donnybrook Woodstock ICP | 16,047 | 2,237 | 18,284 |
| Shenstone Park ICP | - | 1,297 | 1,297 |
| Epping plaza DC | 1,080 | 42 | 1,122 |
| Net gain compensation | 1,562 | 61 | 1,623 |
| Non standard street lighting contribution | 3,901 | - | 3,901 |
| Parklands contributions (open space) | 12,832 | 1,639 | 14,470 |
| Planning permits drainage | 2,361 | 58 | 2,419 |
| Plenty Road duplication | 84 | 3 | 87 |
| Purchase of Lutheran Church and Cemetery | 380 | - | 380 |
| Street tree contributions reserve | 686 | - | 686 |
| Traffic lights construction | 943 | - | 943 |
| Total non-discretionary reserves | 186,771 | 24,594 | 211,366 |
| Asset revaluation reserve | | | |
| Asset revaluation reserve | 1,744,419 | - | 1,744,419 |
| Total asset revaluation reserves | 1,744,419 | - | 1,744,419 |
| Total Reserves | 2,001,760 | 24,594 | 2,026,355 |

Capital Grants Status Update - March 2025

Submitted

| Financial Year | Grant Number | Title | Organisation Name | Project ID | Project Name | Funding Type | Funding Request | Council Contribution | Other Contribution | Total Project Cost |
|----------------|--------------|---|--|------------|---|--------------|-----------------|----------------------|--------------------|--------------------|
| 24/25 | GCW-10269 | AFL Breaking New Ground Program, Edgars Creek AFL Football Oval Design | | CW-10071 | Edgars Creek Reserve Masterplan Implementation | Federal | 15,000 | 0 | 0 | 15,000 |
| 24/25 | GCW-10274 | Housing Support Program, Stream 2 - Findon Road and Williamsons Road Intersection Upgrade, South Morang | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10970 | Findon Road and Williamsons Road intersection upgrade | Federal | 3,000,000 | 1,500,000 | 0 | 4,500,000 |
| 24/25 | GCW-10275 | Housing Support Program, Stream 2 - Huskisson Recreation Reserve – Multi Purpose Facility | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10235 | Huskisson Reserve - Multi Purpose Facility | Federal | 13,380,000 | 5,000,000 | 70,000 | 18,450,000 |
| 24/25 | GCW-10276 | Housing Support Program, Stream 2 - Johnsons Road Residential Developement, Mernda | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-11006 | 17 - 19 Johnsons Road, Mernda | Federal | 7,133,000 | 1,000,000 | 0 | 8,133,000 |
| 24/25 | GCW-10277 | Housing Support Program, Stream 2 - Construction of West Wollert Community Centre | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10648 | Construct community centre - West Wollert | Federal | 6,000,000 | 1,592,820 | 8,250,000 | 15,842,820 |
| 24/25 | GCW-10278 | Housing Support Program, Stream 2 - Downs Road Residential Development and Major Community Park, Lalor | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10422 | Downs Road residential development, Lalor | Federal | 6,800,000 | 2,000,000 | 0 | 8,800,000 |
| 24/25 | GCW-10288 | Building Blocks Partnership Project - Dalton Road Kindergarten | Victorian School Building Authority | CW-10289 | Redevelopment of Dalton Road Kindergarten and MCH | State | 4,500,000 | 4,750,000 | 0 | 9,250,000 |
| 24/25 | GCW-10289 | Building Blocks Partnership Project - Derby Meadows Preschool | Victorian School Building Authority | CW-11041 | Derby Meadows Preschool and Boori Childrens Centre | State | 4,500,000 | 7,300,000 | 0 | 11,800,000 |
| 24/25 | GCW-10292 | DEECA-New and Upgraded Dog Parks Program - Round 2 - VR Michael Reserve Dog Off Leash Park | Department of Energy, Environment and Climate Action | CW-10983 | VR Michael Reserve - Master Plan | State | 300,000 | 575,000 | 0 | 875,000 |
| 24/25 | GCW-10298 | Safer Local Roads and Infrastructure Program (SLRIP) Tranche 2 - Findon Road and The Great Eastern Way | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-11106 | Signalised intersection - Findon Road & The Great Eastern Way, South Morang | Federal | 1,500,000 | 1,500,000 | 0 | 3,000,000 |
| 24/25 | GCW-10299 | Safer Local Roads and Infrastructure Program (SLRIP) Tranche 2 - Urbanisation of Cookes Rd | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-11027 | Cookes Road - Bassetts Road to Heywood Street, Doreen | Federal | 1,500,000 | 1,500,000 | 0 | 3,000,000 |
| 24/25 | GCW-10300 | Liveable Communities Liveable Waterways LCLW-4979 - Feasibility Study for two Priority Stormwater Harvesting Sites (AF Walker Reserve, Whittlesea & Olivine Recreation Reserve, Donnybrook) | Melbourne Water | CW-11218 | AF Walker Reserve Stormwater Harvesting | State | 28,907 | 17,093 | 0 | 46,000 |
| 24/25 | GCW-10300 | Liveable Communities Liveable Waterways LCLW-4979 - Feasibility Study for two Priority Stormwater Harvesting Sites (AF Walker Reserve, Whittlesea & Olivine Recreation Reserve, Donnybrook) | Melbourne Water | CW-11222 | Olivine Recreation Reserve Stormwater Harvesting | State | 29,121 | 16,879 | 0 | 46,000 |
| 24/25 | GCW-10301 | 2024-25 Local Sports Infrastructure Fund - Community Sports Light Stream - Mill Park Lakes Recreation Reserve Sports Lighting Upgrade | Sport and Recreation Victoria | CW-10892 | Sports Ground Lighting Upgrade Program - Future Year Budgets | State | 250,000 | 174,170 | 10,000 | 434,170 |
| 24/25 | GCW-10302 | 2024-25 Local Sports Infrastructure Fund - Community Facilities - Huskisson Recreation Reserve - Tennis Courts and Sports Lighting Upgrade | Sport and Recreation Victoria | CW-10235 | Huskisson Reserve - Multi Purpose Facility | State | 300,000 | 2,883,279 | 0 | 3,183,279 |
| 24/25 | GCW-10303 | Growing Suburbs Fund 2024-2025 - Olivine Recreation Reserve Skate Park Development | Department of Transport and Planning | | Olivine Recreation Reserve Skate Park Development | State | 300,000 | 0 | 500,000 | 800,000 |
| 24/25 | GCW-10304 | Growing Suburbs Fund 2024-2025 - Derby Meadows Preschool and Boori Childrens Centre Redevelopment | Department of Transport and Planning | CW-11041 | Derby Meadows Preschool and Boori Childrens Centre | State | 1,000,000 | 6,370,800 | 4,500,000 | 11,870,800 |
| 24/25 | GCW-10305 | Growing Suburbs Fund 2024-2025 - Construction of Koukoura Park | Department of Transport and Planning | CW-11142 | Koukoura (Cerridwen) Park Temporary Park | State | 200,000 | 200,000 | 0 | 400,000 |
| 24/25 | GCW-10306 | Growth Areas Infrastructure Program 2025 - High Street Shared Path, Keon Park Station to Thomastown Station | Department of Transport and Planning | CW-10237 | Construct shared path - High Street - Keon Park Station to Epping Station | State | 3,000,000 | 3,000,000 | 0 | 6,000,000 |

Capital Grants Status Update - March 2025

| Financial Year | Grant Number | Title | Organisation Name | Project ID | Project Name | Funding Type | Funding Request | Council Contribution | Other Contribution | Total Project Cost |
|-------------------------------------|--------------|---|--|------------|---|--------------|-------------------|----------------------|--------------------|--------------------|
| 24/25 | GCW-10308 | Living Libraries Infrastructure Program 2024 - Thomastown Library Community Amenities and Lighting Upgrade | Department of Jobs, Skills, Industry and Regions | CW-11071 | Thomastown Library & Neighbourhood House Amenity Upgrade | State | 327,000 | 218,000 | 0 | 545,000 |
| 24/25 | GCW-10310 | 2025-26 Federal Blackspot Program, Ash Street / Cyprus Street, Thomastown, Installation of Roundabout | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-11200 | Construct Roundabout at intersection of Ash Street and Cyprus Street, Lalor - Road Safety | Federal | 421,000 | 0 | 0 | 421,000 |
| 24/25 | GCW-10311 | 2025-26 Federal Blackspot Program, Northside Drive / The Parade, Installation of raised safety platforms | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-11201 | Construct Speed Cushions at intersection of Northside Drive and The Parade - Road Safety | Federal | 59,600 | 0 | 0 | 59,600 |
| 24/25 | GCW-10312 | 2025-26 Federal Blackspot Program, Scholar Drive / Enterprise Drive Bundoora, Installation of raised crossings and kerb | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-11202 | Construct Wombat Crossings on Scholar Drive, Bundoora - Road Safety | Federal | 339,200 | 0 | 0 | 339,200 |
| Submitted Applications Total | | | | | | | 54,882,828 | | | |
| Successful | | | | | | | | | | |
| Financial Year | Grant Number | Title | Organisation Name | Project ID | Project Name | Funding Type | Funding Request | Council Contribution | Other Contribution | Total Project Cost |
| 24/25 | GCW-10240 | 22-23 Urban Rivers and Catchments Program - Round 1 Election Commitment, Peter Hopper Lake Restoration | Department of Climate Change, Energy, the Environment and Water | CW-10707 | Peter Hopper Lake renewal and upgrade | Federal | 2,000,000 | 2,716,000 | 0 | 4,716,000 |
| 24/25 | GCW-10248 | 2023 Building Blocks Minor Infrastructure, Childrens Bathroom Facilities Upgrade, Oakbrook Kindergarten | Department of Education and Training | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 44,238 | 0 | 0 | 44,238 |
| 24/25 | GCW-10249 | 2023 Building Blocks Minor Infrastructure, Childrens Bathroom Facilities Upgrade, Epping North Preschool | Department of Education and Training | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 39,523 | 0 | 0 | 39,523 |
| 24/25 | GCW-10250 | 2023 Building Blocks Minor Infrastructure, Childrens Bathroom Facilities Upgrade, Greenbrook Kindergarten | Department of Education and Training | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 42,389 | 0 | 0 | 42,389 |
| 24/25 | GCW-10251 | 2023 Building Blocks Minor Infrastructure, Childrens Bathroom Facilities Upgrade, Thomastown West Kindergarten | Department of Education and Training | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 37,018 | 0 | 0 | 37,018 |
| 24/25 | GCW-10259 | 2023-24 Growth Areas Infrastructure Contribution, Mernda Aquatic Precinct Transport Infrastructure project | Department of Environment, Land, Water and Planning | CW-10097 | Signalise intersection - Plenty Rd and Everton Drive, Mernda | State | 6,000,000 | 0 | 0 | 6,000,000 |
| 24/25 | GCW-10259 | 2023-24 Growth Areas Infrastructure Contribution, Mernda Aquatic Precinct Transport Infrastructure project | Department of Environment, Land, Water and Planning | CW-11117 | Roundabout and Shared Path - Everton Drive and Sissinghurst Parade | State | 1,000,000 | 0 | 0 | 1,000,000 |
| 24/25 | GCW-10259 | 2023-24 Growth Areas Infrastructure Contribution, Mernda Aquatic Precinct Transport Infrastructure project | Department of Environment, Land, Water and Planning | CW-11179 | RSP - Plenty Road Left in Left Out Intersection (near Station Road) | State | 3,000,000 | 0 | 0 | 3,000,000 |
| 24/25 | GCW-10266 | 2023/2024 Victorian Government Safe System Pedestrian Infrastructure Program, Moorhead Drive | Department of Transport and Planning | CW-10975 | Alexander Avenue Shops, Thomastown | State | 77,530 | 0 | 0 | 77,530 |
| 24/25 | GCW-10267 | 2024 Play Our Way Program, Courts for All: Building Regional Netball Opportunities | Department of Health and Aged Care | CW-11096 | RSP - Regional Sports Precinct - Design & Construct | Federal | 1,500,000 | 3,300,000 | 0 | 4,800,000 |
| 24/25 | GCW-10271 | Community Sport and Recreation Grant Election Commitment, RSP Indoor Stadium | Department of Jobs, Skills, Industry and Regions | CW-11096 | RSP - Regional Sports Precinct - Design & Construct | State | 10,000,000 | 13,060,000 | 10,000,000 | 33,060,000 |
| 24/25 | GCW-10272 | 2023-24 Growth Areas Infrastructure Contribution, Darebin Creek Trail Shared Path, Greenbrook Dve to Epping Station | Department of Transport and Planning | CW-11183 | Darebin Creek Trail SUP (Greenbrook Drive to Epping Station) | State | 800,000 | 0 | 0 | 800,000 |
| 24/25 | GCW-10273 | 2023-24 Growth Areas Infrastructure Contribution, Ferres Boulevard Shared Path Findon Rd to South Morang Station | Department of Transport and Planning | CW-11182 | Ferres Boulevard Active Travel Infrastructure Upgrades | State | 800,000 | 0 | 0 | 800,000 |

Capital Grants Status Update - March 2025

| Financial Year | Grant Number | Title | Organisation Name | Project ID | Project Name | Funding Type | Funding Request | Council Contribution | Other Contribution | Total Project Cost |
|---------------------------------|--------------|--|--|------------|--|--------------|-------------------|----------------------|--------------------|--------------------|
| 24/25 | GCW-10279 | Thriving Suburbs Program - Mernda Regional Sports Precinct Indoor Stadium | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-11096 | RSP - Regional Sports Precinct - Design & Construct | Federal | 10,000,000 | 13,060,000 | 10,000,000 | 33,060,000 |
| 24/25 | GCW-10280 | Thriving Suburbs Program - The Boulevard Town Centre Revitalisation Project | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10981 | The Boulevard Shops, Thomastown | Federal | 2,900,000 | 1,300,000 | 0 | 4,200,000 |
| 24/25 | GCW-10282 | Building Blocks Inclusion Program - Lalor East Preschool Bathroom Upgrades | Victorian School Building Authority | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 23,352 | 0 | 0 | 23,352 |
| 24/25 | GCW-10285 | Building Blocks Partnership Project - The Stables Kindergarten | Department of Education and Training | CW-10283 | Redevelopment and expansion of the Stables Kindergarten | State | 4,000,000 | 1,575,000 | 0 | 5,575,000 |
| 24/25 | GCW-10290 | 2024/25 Federal Blackspot Program, Waterview Drive and Parise Circuit to Poets Court, Mernda | Department of Transport and Planning | CW-11122 | Waterview Drive, Mernda Road Safety Accident Blackspot (ABS) Project | Federal | 292,970 | 0 | 0 | 292,970 |
| 24/25 | GCW-10291 | 2023/25 Road Safety Program, Alexander Avenue Master Plan and Streetscape Improvements | Department of Transport and Planning | CW-10975 | Alexander Avenue Shops, Thomastown | Federal | 256,670 | 0 | 0 | 256,670 |
| 24/25 | GCW-10293 | 2023-24 BushBank Program, Quarry Hills Releaf Project | Department of Energy, Environment and Climate Action | CW-10770 | Conservation Reserves Tree Planting Program | State | 585,225 | 436,760 | 0 | 1,021,985 |
| 24/25 | GCW-10294 | Roads to Recovery 2024-2029 | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10790 | 24-25 Local Road Reconstruction / Rehabilitation | Federal | 2,494,647 | 0 | 0 | 2,494,647 |
| 24/25 | GCW-10297 | TAC Road Safety Grant, The Boulevard Thomastown | Transport Accident Commission | CW-10981 | The Boulevard Shops, Thomastown | State | 99,550 | 99,550 | 0 | 199,100 |
| 24/25 | GCW-10307 | Liveable Communities Liveable Waterways LCLW-5089 - Wollert CAC IWM measures | Melbourne Water | CW-10648 | Construct community centre - West Wollert | | 168,663 | 131,337 | 37,326 | 337,326 |
| Successful Applications Total | | | | | | | <u>46,161,775</u> | | | |
| Unsuccessful | | | | | | | | | | |
| Financial Year | Grant Number | Title | Organisation Name | Project ID | Project Name | Funding Type | Funding Request | Council Contribution | Other Contribution | Total Project Cost |
| 24/25 | GCW-10265 | 2023 Urban Rivers and Catchments Program Round 2, Whittlesea Public Gardens Wetlands Revival Project | Department of Climate Change, Energy, the Environment and Water | CW-10962 | Whittlesea Public Gardens STAGE 3 Implementation (Wetland Landscape) | Federal | 880,000 | 0 | 0 | 880,000 |
| 24/25 | GCW-10268 | On TRAC to decarbonise: Electrifying TRAC, Community Energy Upgrades Fund Round 1 | Department of Climate Change, Energy, the Environment and Water | CW-10204 | Thomastown Recreation & Aquatic Centre (TRAC) conversion of gas to electric | Federal | 2,500,000 | 2,500,000 | 0 | 5,000,000 |
| 24/25 | GCW-10281 | Building Blocks Inclusion Program - Jacaranda Preschool - Nebel Street Bathroom Upgrades | Victorian School Building Authority | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 27,347 | 0 | 0 | 27,347 |
| 24/25 | GCW-10283 | Building Blocks Inclusion Program - Mill Park Preschool Bathroom Upgrades | Victorian School Building Authority | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 29,358 | 0 | 0 | 29,358 |
| 24/25 | GCW-10284 | Building Blocks Inclusion Program - Vasey Park Preschool Bathroom Upgrades | Victorian School Building Authority | CW-11051 | Kindergarten nappy change facilities and privacy stall doors for regulatory compliance | State | 27,542 | 0 | 0 | 27,542 |
| 24/25 | GCW-10286 | Safer Local Roads and Infrastructure Program (SLRIP) Tranche 1 - Findon Road and The Great Eastern Way | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10971 | Great Eastern Way and Findon Road intersection upgrade | Federal | 1,500,000 | 1,500,000 | 0 | 3,000,000 |
| 24/25 | GCW-10287 | Urban Precincts and Partnerships Program - Stream 2 Delivery - Whittlesea Precinct Open Space Revitalisation | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10702 | Whittlesea Park Master Plan, Whittlesea Township | Federal | 19,361,030 | 0 | 0 | 19,361,030 |
| 24/25 | GCW-10295 | Active Transport Fund, Yan Yean Pipe Track Bush Blvd to Childs Rd | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10454 | Construct Shared Path - Yan Yean Pipe Track - Childs Road to Bush Boulevard, Mill Park | Federal | 2,500,000 | 2,540,000 | 0 | 5,040,000 |
| 24/25 | GCW-10296 | Active Transport Fund, Yan Yean Pipe Track Bridge Inn Rd to Yan Yean Reservoir | Department of Infrastructure, Transport, Regional Development, Communications and the Arts | CW-10239 | Construct shared path - Yan Yean Pipe Track - Bridge Inn Rd to Hazel Glen Dr | Federal | 2,400,000 | 2,400,000 | 0 | 4,800,000 |
| Unsuccessful Applications Total | | | | | | | <u>29,225,277</u> | | | |

5.7 Governance Report

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Unit Manager Council Governance

Executive Summary

In accordance with best practice, good governance principles, transparent and accountable reporting, officers deem it appropriate to consolidate governance and administrative reports into one standing report to provide a single reporting mechanism for a range of statutory compliance, transparency and governance matters. This also ensures compliance with the requirements of the *Local Government Act 2020*, Council's Governance Rules and related regulations.

The purpose of this report is to provide information and endorsement for the following governance related matters:

- Summary of Informal Meetings of Council.
- Reviewed Instruments of Delegation.
- Attendance at the Australian Local Government Association (**ALGA**) National General Assembly 2025.
- Attendance at the National Growth Areas Alliance National Congress 2025.
- Appointment of Councillor Representative to Committees/Board.

Further information on the above listed matters is located within the body of this report.

Officers' Recommendation

THAT Council:

1. **Note the Governance Report for May 2025.**
2. **Note the summary of Informal Meetings of Council for the period 12 March to 13 May 2025 at Attachment 1.**
3. **Adopt the following Instruments of Delegation:**
 - a. **S5 Instrument – Council to Chief Executive Officer;**
 - b. **S6 Instrument – Council to Staff; and**
 - c. **S18 Instrument – Sub-delegation from Council to Staff under the *Environment Protection Act 2017*.**
4. **Authorise the Mayor, Cr Taylor, Deputy Mayor, Cr Zinni, Cr Cox and Cr Gunn to attend the ALGA National General Assembly conference to be held in Canberra between the period 24 to 27 June 2025, at an approximate cost per Councillor to attend being \$3080.**

5. Authorise the Mayor, Cr Taylor and Cr Cox to attend the National Growth Areas Alliance National Congress, in Perth between the period 30 to 31 July 2025, at an approximate cost per Councillor to attend being \$3225.
6. Resolve to appoint the below representatives to Committees and Board until 18 November 2025, and appoint a representative to the Epping Cemetery Trust for the remainder of this Council term:
 - a. Councillor _____ to the CEO Employment Matters & Advisory Committee (CEMAC);
 - b. Councillor _____ to the Yarra Plenty Regional Library Board (YPRL);
 - c. Councillor _____ to the Hearing of Submissions Committee; and
 - d. Councillor _____ to the Epping Cemetery Trust.

Background / Key Information

Informal Meetings of Council

Chapter 5 of the Council Governance Rules requires a summary of the matters discussed at a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors.
- is attended by at least one member of Council staff; and
- is not a Council meeting or Delegated Committee meeting.

The summary of matters discussed at the meeting must be:

- tabled quarterly at Council meetings; and
- recorded in the minutes of that Council meeting.

The record of Informal Meetings of Council at Attachment 2 is reported to Council in accordance with this requirement.

Instruments of Delegation

Section 11 of the *Local Government Act 2020* (Act) provides Council the power by instruments of delegation to delegate to the Chief Executive Officer (CEO), and members of a delegated committee, which Council currently has none.

In accordance with section 11 (7) of the Act, delegations made and still in force under section 11 must be reviewed within 12 months of a general election.

The instrument of delegation to the CEO is the **S5 Instrument - Council to CEO** which delegates the CEO or a person acting in the role of CEO, the powers, duties and functions set out in the Schedule of the Instrument. There are no suggested amendments to the CEO delegation.

In addition, other Instruments of Delegations are reviewed biannually to incorporate legislative updates and organisational changes. Those specific delegations relevant to Council are:

- **S6 Instrument - Council to Staff:** Includes updates to reflect new legislative provisions and changes in position titles.
- **S18 Instrument - Sub-Delegation under the Environment Protection Act 2017:** Reflects changes in position titles following organisational modifications.

The Instruments of Delegation to members of Council staff ensures that staff exercise the appropriate powers, duties, and functions on behalf of Council.

Delegations are assigned to specific positions rather than individuals, ensuring continuity and effectiveness. This approach prevents delegations from becoming obsolete in cases where a position is vacant or when a delegate is on leave, as delegated powers automatically transfer to staff acting in those positions.

Delegation Review Process

The S6 and S18 Instruments of Delegation are reviewed biannually to incorporate legislative updates and reflect changes to the organisational structure. Council subscribes to a legislative update service provided by Maddocks Lawyers, which delivers biannual notifications of changes to the various legislation applicable to Council and supports the timely and accurate updating of relevant delegation information.

S5 Instrument of Delegation - Council to Chief Executive Officer

The S5 delegation includes specific limitations and conditions that outline the scope of power granted to the Chief Executive Officer (CEO), ensuring decisions made are in line with the policy objectives of the Council and legislative requirements. The instrument covers areas such as personnel management, budget approvals, and routine administrative decisions, while major decisions still require Council approval.

Section 11 (2) of the Act specifies the powers, duties or functions the Council is unable to delegate to the CEO. Some examples under s 11 (2) include:

- power for the CEO to sub-delegate any of the powers, duties or functions delegated by Council;
- power to elect a Mayor or Deputy Mayor;
- power to approve or amend the Council Plan;
- power to adopt or amend any policy that the Council is required to adopt under the Act;
- power to adopt or amend the Governance Rules; and
- power to make, amend or revoke a local law.

It is important that the instrument aligns with the statutory framework and reflects the Council's governance structure, ensuring transparency, accountability, and compliance with the Act.

S6 Instrument of Delegation - Council to Members of Council Staff

The Instrument of Delegation to Members of Council Staff was most recently reviewed and adopted by Council on 17 December 2024.

The latest review and updates to the Instrument of Delegation to Members of Council Staff included:

- 1 new legislative provision has been added as follows:
Section 12(2)(b) of the *Road Management Act 2004* – This section delegates the function of providing consent to the Head of Transport for Victoria for the discontinuance of a road or part of a road.
 - This function is proposed to be delegated to the CEO, Director Infrastructure and Environment, Manager Urban Design and Transport, and Unit Manager Traffic and Transport.
- The following provision has been removed from the delegations due to adjustments in the relevant Act:
Section 125(1) of the *Planning and Environment Act 1987* – Power to apply to any court of competent jurisdiction or to the tribunal for an injunction restraining any person from contravening an enforcement order or an interim enforcement order.
- The delegates of the following provision have been adjusted:
Section 173(1A) of the *Planning and Environment Act 1987*: This section delegates the power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing.
 - The Manager Strategic Property and Development is proposed to be included into the current delegates.
- Administrative adjustments to position titles have been made as follows:
 - Strategic Planning Officer is now titled Strategic Planner; and
 - Unit Manager Animal Management is now titled Head of Operations wat djerring and Unit Manager wat djerring Animal Facility.

S18 Instrument of Sub Delegation under the *Environment Protection Act 2017*

There have been no legislative amendments made the S18 however, administrative amendments were made to staff position titles as follows:

- Unit Manager Regulatory Services is now titled Unit Manager Regulatory Services and Prosecutions.
- Local Laws Enforcement Officer is now titled City Compliance Officer.

Interstate Conferences

In accordance with the Councillor Support and Expense Policy, Council approval is required for Councillors proposing to attend interstate conferences.

The Australian Local Government Association (**ALGA**) National General Assembly is being held in Canberra and the National Growth Areas Alliance National Congress in Perth.

The total cost per Councillor to attend each conference includes conference fees, flights and accommodation.

Australian Local Government Association (ALGA) National General Assembly 2025

The ALGA National General Assembly will be held in Canberra between 24 to 27 June 2025 and the below Councillors are seeking approval to attend either for the full or part of the conference:

- Cr Taylor, Mayor;
- Cr Zinni, Deputy Mayor;
- Cr Cox; and
- Cr Gunn.

National Growth Areas Alliance National Congress

The National Growth Areas Alliance National Congress will be held from 30 to 31 July in Perth. Cr Taylor, Mayor and Cr Cox are seeking approval to attend.

Appointment of Councillor Representatives to Committees

Following a recent VCAT decision to void the Lalor Ward election result, Council need to appoint representatives to the following Committees up until 18 November 2025:

- **CEO Employment Matters & Advisory Committee (CEMAC)**
 - The Advisory Committee is to make recommendations to Council on CEO contractual employment matters, performance matters and any other functions or responsibilities prescribed by the *Local Government Act*.
- **Yarra Plenty Regional Library Board (YPRL)**
 - The Board has responsibility for the provision and management of the library service and comprises two representatives from each of the three member Councils - Whittlesea, Banyule and Nillumbik.
Meetings of the Board are governed by its constitution which provides for two persons from each of the three member Councils to be on the Board. One person must be a Councillor while the second appointee can be any other person
- **Epping Cemetery Trust (this appointment is for the full Council term)**
 - Epping cemetery is a closed Class B cemetery with historical and regional aesthetic significance. It is situated on Crown Land Reserve but an asset of Council.
- **Hearing of Submissions Committee**
 - Council's Governance Rules allow for sub-committees to be established to hear submissions from community members ie. submissions relating to the budget or discontinuance of roads.

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

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

There is no community consultation or engagement required for this report.

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.
- (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.
- (b) Council information must be publicly available unless—
 - (i) the information is confidential by virtue of the *Local Government Act* or any other Act; or
 - (ii) public availability of the information would be contrary to the public interest.
- (c) Council information must be understandable and accessible to members of the municipal community.

Council Policy Considerations

Environmental Sustainability Considerations

No implications.

Social, Cultural and Health

No implications.

Economic

There are no economic implications with Council's approval of the proposed delegations and sub-delegations.

Legal, Resource and Strategic Risk Implications

To minimise any legal or risk implications, it is imperative Council staff are acting under current delegated or sub-delegated powers.

Implementation Strategy**Communication**

Once approved, the signed Instruments of Delegations will be communicated to relevant Council staff and published on Council's website.

Critical Dates

There are no other critical dates associated with the report.

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. Informal Meetings of Council [5.7.1 - 6 pages]
2. S5 Instrument of Delegation Council to CEO [5.7.2 - 4 pages]
3. S6 Instrument of Delegation from Council to Members of Council [5.7.3 - 91 pages]
4. S18 Instrument of Sub Delegation under the EPA 2017 [5.7.4 - 5 pages]

Informal Meetings of Council



| | |
|--|------------------|
| Date of Meeting | 1 April 2025 |
| Type of Meeting | Council Briefing |
| Matters considered <ol style="list-style-type: none"> 1. Emergency Services Volunteers Fund 2. Planning Scheme Amendment C251 – Rezoning 307 Bridge Inn Road and 390 Masons Road Mernda – Planning Panel Outcome & Adoption 3. CT2025-12 Pruning and Maintenance of Trees for the City of Whittlesea. | |
| Councillors Present Mayor Cr McLindon Deputy Mayor Cr Zinni Cr Brooks (<i>arrived at 5:46pm</i>) Cr Colwell Cr Cox Cr Kozmevski Cr Gunn Cr Lappin Cr Lenberg Cr Stow Cr Taylor | |
| Staff in attendance Chief Executive Officer Director Planning & Development Director Community Wellbeing Director Customer & Corporate Services Executive Manager Public Affairs Executive Manager Office of Council & CEO Acting Chief Customer Officer Manager Maintenance & Operations Acting Manager Strategic Futures Unit Manager Financial Development & Accountability Unit Manager Parks & City Forest Management Unit Manager Research & Analytics Coordinator Trees Management Strategic Planner | |
| Others present Monitors | |
| Conflict of Interest | Nil |

Informal Meetings of Council



| | |
|---|------------------|
| Date of Meeting | 10 April 2025 |
| Type of Meeting | Council Briefing |
| Matters considered <ol style="list-style-type: none"> 1. Proposed Budget 2025-26, Proposed Financial Plan 2025-26 to 2034-35 and Proposed Revenue and Rating Plan 2025-26 to 2028-29. 2. Asset Plan 2025 – 2036 3. Council Plan Workshop | |
| Councillors Present Mayor Cr McLindon Deputy Mayor Cr Zinni Cr Brooks Cr Colwell Cr Gunn Cr Lappin Cr Lenberg Cr Taylor | |
| Staff in attendance Chief Executive Officer Director Community Wellbeing Director Customer & Corporate Services Director Infrastructure & Environment Executive Manager Public Affairs Executive Manager Office of Council & CEO Acting Chief Financial Officer Manager Assets & Facilities Unit Manager Asset Management Unit Manager Corporate Planning Unit Manager Financial Strategy & Performance Coordinator Capital Programming & Reporting Corporate Planner | |
| Others present Monitors | |
| Conflict of Interest | Nil |

Informal Meetings of Council



| | |
|---|------------------|
| Date of Meeting | 16 April 2025 |
| Type of Meeting | Council Briefing |
| Matters considered | |
| 1. Next Steps Discussion | |
| Councillors Present | |
| Deputy Mayor Cr Zinni | |
| Cr Taylor | |
| Cr Cox | |
| Cr Lenberg | |
| Cr Gunn | |
| Cr Colwell | |
| Cr Stow (<i>arrived 5:50pm</i>) | |
| Staff in attendance | |
| Chief Executive Officer | |
| Executive Manager Public Affairs | |
| Executive Manager Office of Council & CEO | |
| Manager Communications & Engagement | |
| Others present | |
| Monitors | |
| Conflict of Interest | Nil |

| | |
|--|------------------|
| Date of Meeting | 22 April 2025 |
| Type of Meeting | Council Briefing |
| Matters considered | |
| 1. Audit and Risk Committee Bi-Annual Report | |
| 2. Review of Instruments of Delegations | |
| 3. Australian Local Government Association (ALGA) Attendance | |
| 4. Financial Hardship Policy | |
| 5. Draft Public Open Space Plan 2026-36 'Open Space for All' | |
| 6. Whittlesea's Urban Forest | |
| 7. Fire Prevention Notices and the Urban – Rural Interface | |
| 8. Truck Parking (Local Laws) | |
| 9. Confidential: Cost Shifting – Councillor Presentation | |
| Councillors Present | |
| Deputy Mayor Cr Zinni | |
| Cr Brooks | |

Informal Meetings of Council



Cr Colwell

Cr Cox

Cr Gunn

Cr Kozmevski

Cr Lappin

Cr Lenberg

Cr Stow

Cr Taylor

Staff in attendance

Chief Executive Officer

Director Planning & Development

Director Customer & Corporate Services

Acting Director Infrastructure & Environment

Executive Manager Public Affairs

Executive Manager Office of Council & CEO

Acting Chief Customer Officer

Acting Chief Financial Officer

Manager Compliance & Environmental Health

Manager Maintenance & Operations

Acting Manager Economic Development

Acting Manager Regulatory Services & Prosecutions

Unit Manager Advocacy & Stakeholder Engagement

Unit Manager Landscape & Open Space Planning

Unit Manager Parks & City Forest

Coordinator Open Space Planning

Municipal Fire Prevention Officer

Senior Arborist Planning & Risk

Greening Whittlesea Planner

Financial Hardship Officer

Others present

Monitors

Chair of Audit & Risk Committee

Audit & Risk Committee Member

Conflict of Interest

Nil

Informal Meetings of Council



| | |
|---|------------------|
| Date of Meeting | 6 May 2025 |
| Type of Meeting | Council Briefing |
| Matters considered <ol style="list-style-type: none"> 1. Edgars Creek Corridor Landscape 2. Customer Experience at Council 3. Quarterly Corporate Performance Report – Q3 ended 31/3/2025 4. Planning Permit Application 719904 to Allow for a Multi Lot Residential Subdivision and Creation of Easement at 158 Barry Road and Downs Road, Lalor 5. Botanica Park – Response to Petition 6. 2388 Plenty Road Whittlesea Development Plan 7. Planning for our Waterways – Submission 8. MAV State Motions | |
| Councillors Present <p>Mayor Cr Taylor Deputy Mayor Cr Zinni Cr Brooks Cr Colwell Cr Cox Cr Gunn Cr Kozmevski Cr Lappin Cr Lenberg Cr Stow</p> | |
| Staff in attendance <p>Chief Executive Officer Director Planning & Development Director Community Wellbeing Director Customer & Corporate Services Acting Director Infrastructure & Environment Executive Manager Public Affairs Executive Manager Office of Council & CEO Coordinator Open Space Planning Acting Chief Customer Officer Acting Chief Financial Officer Manager ePMO & Change Manager Building & Planning Acting Manager Strategic Futures Unit Manager Corporate Planning Unit Manager Financial Strategy & Performance</p> | |

Informal Meetings of Council



| | |
|---|-----|
| Unit Manager Planning Enforcement Coordinator Capital Programming & Reporting Coordinator Planning Policy & Implementation Planning Officer Strategic Planner | |
| Others present Monitors | |
| Conflict of Interest | Nil |



S5 Instrument of Delegation to Chief Executive Officer

Whittlesea City Council

Instrument of Delegation

to

The Chief Executive Officer

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (**the Act**) and all other powers enabling it, the Whittlesea City Council (**Council**) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on **##date**;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

##Council seal

OR

Signed by the Chief Executive Officer of Council)
in the presence of:)

.....
Witness

Date:

Signed by the Mayor in the presence of:)
)

.....
Witness

Date:

SCHEDULE

The power to determine any issue, take any action or do any act or thing arising out of connected with any duty imposed or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1 awarding or extending a contract involving approval of an amount exceeding \$2M (GST inclusive) except if it is a contract for the supply of Utilities or Insurance;
 - 1.2 Varying a contract either in one instance or in aggregate, that was awarded by:
 - 1.2.1 The delegate – if the resulting contract sum will exceed \$2.4M (GST inclusive), or
 - 1.2.2 The Council – if the value of the variation exceeds 20% of the contract sum approved by the Council;
 - 1.3 appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.4 electing a Mayor or Deputy Mayor;
 - 1.5 granting a reasonable request for leave under s 35 of the Act;
 - 1.6 making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.7 approving or amending the Council Plan;
 - 1.8 adopting or amending any policy that Council is required to adopt under the Act;
 - 1.9 adopting or amending the Governance Rules;
 - 1.10 appointing the chair or the members to a delegated committee;
 - 1.11 making, amending or revoking a local law;
 - 1.12 approving the Budget or Revised Budget;
 - 1.13 approving the borrowing of money;
 - 1.14 subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
 - 1.15 approval of overseas travel by Council officers on Council business; or
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1 policy; or
 - 4.2 strategy
adopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



S6 Instrument of Delegation— Members of Staff

Whittlesea City Council

Instrument of Delegation

to

Members of Council Staff

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

| Title | Position |
|--------------|--|
| CDCI | Coordinator Development Contributions & Infrastructure |
| CEH | Coordinator Environmental Health |
| CEO | Chief Executive Officer |
| CFO | Chief Financial Officer |
| CPPI | Coordinator Planning Policy & Implementation |
| CSLUP | Coordinator Strategic Land Use Planning |
| DCCS | Director Customer & Corporate Services |
| DCW | Director Community Wellbeing |
| DIE | Director Infrastructure & Environment |
| DPD | Director Planning & Development |
| EHO | Environmental Health Officer |
| EMPA | Executive Manager Public Affairs |
| HOWD | Head of Operations (wat djerring) |
| LPGAP | Lead Principal Growth Area Planner |
| LPP | Lead Principal Planner |
| MAF | Manager Assets & Facilities |
| MBP | Manager Building & Planning |
| MBS | Municipal Building Surveyor |
| MCD | Manager Capital Delivery |
| MCEH | Manager Compliance & Environmental Health |
| MMO | Manager Maintenance & Operations |
| MSE | Manager Sustainable Environment |
| MSF | Manager Strategic Futures |
| MSPPD | Manager Strategic Property & Portfolio Development |
| MUDT | Manager Urban Design & Transport |
| PEO | Planning Enforcement Officer |
| PO | Planning Officer |
| PP | Principal Planner |
| SO | Subdivision Officer |
| SP | Senior Planner |
| SSO | Senior Subdivision Officer |
| SSP | Senior Strategic Planner |
| STP | Strategic Planner |
| UMCM | Unit Manager Conservation Management |
| UMAEH | Unit Manager Administration & Environmental Health |
| UMGAP | Unit Manager Growth Areas Planning |
| UMPCF | Unit Manager Parks & City Forest |
| UMPE | Unit Manager Planning Enforcement |
| UMS | Unit Manager Subdivisions |
| UMSTPL | Unit Manager Strategic Planning |
| UMSTP | Unit Manager Statutory Planning |
| UMTT | Unit Manager Traffic & Transport |

S6 Instrument of Delegation – Members of Staff

April 2025 Update
page ii

| Title | Position |
|--------|---|
| UMWDAF | Unit Manager wat djerring Animal Facility |

Group Title

| Title | Position |
|-------|---|
| SPEG | DPD, MBP, PLA, PEO |
| SPG | CDCI, CPPI, CSLUP, LPP, MBP, MSF, PO, PP, LPGAP, SP, SSP, UMGAP, UMSTP, UMSTPL, STP |
| SSG | DPD, MBP, SO, SSO, UMGAP, UMS, UMSTP |
| STLG | CDCI, CPPI, CSLUP, UMGAP, UMPE, UMS, UMSTP, UMSTPL |

3. declares that:
- 3.1 this Instrument of Delegation is authorised by a resolution of Council passed on <<date>> and
- 3.2 the delegation:
- 3.2.1 comes into force immediately when the common seal of Council is affixed to this Instrument of Delegation or where the Chief Executive Officer of Council is authorised under resolution, the Chief Executive Officer executes the Instrument of Delegation;
- 3.2.2 remains in force until varied or revoked;
- 3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and
- 3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
- 3.3 the delegate must not determine the issue, take the action or do the act or thing:
- 3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
- 3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
- (a) policy; or
- (b) strategy
- adopted by Council;
- 3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
- 3.3.4 if the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

DATED

THE COMMON SEAL of)

WHITTLESEA CITY COUNCIL)

was affixed in the presence of)

..... Mayor

..... Chief Executive Officer

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| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|--|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 8(1)(a)(ii) | Power to manage one or more public cemeteries | Council in its capacity as the Trustee | |
| s 12(1) | Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act | DPD | Where Council is a Class B cemetery trust |
| s 12(2) | Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its functions | DPD | Where Council is a Class B cemetery trust |
| s 12A(1) | Function to do the activities set out in paragraphs (a) – (n) | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 12A(2) | Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 13 | Duty to do anything necessary or convenient to enable it to carry out its functions | DPD | |
| s 14 | Power to manage multiple public cemeteries as if they are one cemetery | Council in its capacity as the Trustee | |
| s 15(4) | Duty to keep records of delegations | DPD | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|--|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 17(1) | Power to employ any persons necessary | Council in its capacity as the Trustee | |
| s 17(2) | Power to engage any professional, technical or other assistance considered necessary | Council in its capacity as the Trustee | |
| s 17(3) | Power to determine the terms and conditions of employment or engagement | Council in its capacity as the Trustee | Subject to any guidelines or directions of the Secretary |
| s 18(3) | Duty to comply with a direction from the Secretary | DPD | |
| s 18B(1) & (2) | Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18C | Power to determine the membership of the governance committee | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18D | Power to determine procedure of governance committee | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18D(1)(a) | Duty to appoint community advisory committee for the purpose of liaising with communities | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|----------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 18D(1)(b) | Power to appoint any additional community advisory committees | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18D(2) | Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust. | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18D(3) | Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i> | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18F(2) | Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18H(1) | Duty to hold an annual meeting before 30 December in each calendar year | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18I | Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18J | Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2)) | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|----------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 18L(1) | Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18N(1) | Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d) | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18N(3) | Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18N(5) | Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18N(7) | Duty to ensure that an approved annual plan is available to members of the public on request | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18O(1) | Duty to prepare a strategic plan and submit the plan to the Secretary for approval | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18O(4) | Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|--|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 18O(5) | Duty to ensure that an approved strategic plan is available to members of the public on request | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 18Q(1) | Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year | | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| s 19 | Power to carry out or permit the carrying out of works | DPD, DIE, MMO, UMPCF | |
| s 20(1) | Duty to set aside areas for the interment of human remains | DPD | |
| s 20(2) | Power to set aside areas for the purposes of managing a public cemetery | DPD | |
| s 20(3) | Power to set aside areas for those things in paragraphs (a) – (e) | DPD | |
| s 24(2) | Power to apply to the Secretary for approval to alter the existing distribution of land | Council in its capacity as the Trustee | |
| s 36 | Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36 | MBS | Subject to the approval of the Minister |
| s 37 | Power to grant leases over land in a public cemetery in accordance with s 37 | DPD | Subject to the Minister approving the purpose |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|--|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 40 | Duty to notify Secretary of fees and charges fixed under s 39 | DPD | |
| s 47 | Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery | Council in its capacity as the Trustee | Provided the street was constructed pursuant to the <i>Local Government Act 2020</i> |
| s 52 | Duty to submit a report to the Secretary in relation to any public cemetery for which the cemetery trust is responsible for each financial year in respect of which it manages that cemetery | DPD | |
| s 57(1) | Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act | DPD | Report must contain the particulars listed in s 57(2) |
| s 59 | Duty to keep records for each public cemetery | DPD | |
| s 60(1) | Duty to make information in records available to the public for historical or research purposes | DPD | |
| s 60(2) | Power to charge fees for providing information | DPD | |
| s 64(4) | Duty to comply with a direction from the Secretary under s 64(3) | DPD | |
| s 64B(d) | Power to permit interments at a reopened cemetery | DPD | |
| s 66(1) | Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park | DPD | The application must include the requirements listed in s 66(2)(a)–(d) |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|----------|--------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 69 | Duty to take reasonable steps to notify of conversion to historic cemetery park | DPD | |
| s 70(1) | Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed | DPD | |
| s 70(2) | Duty to make plans of existing place of interment available to the public | DPD | |
| s 71(1) | Power to remove any memorials or other structures in an area to which an approval to convert applies | DPD | |
| s 71(2) | Power to dispose of any memorial or other structure removed | DPD | |
| s 72(2) | Duty to comply with request received under s 72 | DPD | |
| s 73(1) | Power to grant a right of interment | DPD | |
| s 73(2) | Power to impose conditions on the right of interment | DPD | |
| s 74(3) | Duty to offer a perpetual right of interment | DPD | |
| s 75 | Power to grant the rights of interment set out in s 75(a) and (b) | DPD | |
| s 76(3) | Duty to allocate a piece of interment if an unallocated right is granted | DPD | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|----------|--------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 77(4) | Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application | DPD | |
| s 80(1) | Function of receiving notification and payment of transfer of right of interment | DPD | |
| s 80(2) | Function of recording transfer of right of interment | DPD | |
| s 82(2) | Duty to pay refund on the surrender of an unexercised right of interment | DPD | |
| s 83(2) | Duty to pay refund on the surrender of an exercised right of interment | DPD | |
| s 83(3) | Power to remove any memorial and grant another right of interment for a surrendered right of interment | DPD | |
| s 84(1) | Function of receiving notice of surrendering an entitlement to a right of interment | DPD | |
| s 84F(2)(d) | Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5) | DPD | |
| s 84H(4) | Power to exercise the rights of a holder of a right of interment | DPD | |
| s 84I(4) | Power to exercise the rights of a holder of a right of interment | DPD | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|----------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 84l(5) | Duty to pay refund to the previous holder or holders of the right of interment | DPD | |
| s 84l(6)(a) | Power to remove any memorial on the place of interment | DPD | |
| s 84l(6)(b) | Power to grant right of interment under s 73 | DPD | |
| s 85(1) | Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry | DPD | The notice must be in writing and contain the requirements listed in s 85(2) |
| s 85(2)(b) | Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry | DPD | Does not apply where right of internment relates to remains of a deceased veteran. |
| s 85(2)(c) | Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; Remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location | DPD | May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment |
| s 86 | Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified | DPD | The Delegate must only proceed where there is no reasonable opportunity for the matter to be reported to Council for resolution |
| s 86(2) | Power to leave interred cremated human remains undisturbed or convert the right of internment to a perpetual right of interment | DPD | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|----------|--------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 86(3)(a) | Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment | DPD | |
| s 86(3)(b) | Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b) | DPD | |
| s 86(4) | Power to take action under s 86(4) relating to removing and re-interring cremated human remains | DPD | |
| s 86(5) | Duty to provide notification before taking action under s 86(4) | DPD | |
| s 86A | Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3) | DPD | |
| s 87(3) | Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment | DPD | |
| s 88 | Function to receive applications to carry out a lift and re-position procedure at a place of interment | DPD | |
| s 91(1) | Power to cancel a right of interment in accordance with s 91 | DPD | |
| s 91(3) | Duty to publish notice of intention to cancel right of interment | DPD | |
| s 92 | Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment | DPD | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|---|----------|--------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 98(1) | Function of receiving application to establish or alter a memorial or a place of interment | DPD | |
| s 99 | Power to approve or refuse an application made under s 98, or to cancel an approval | DPD | |
| s 99(4) | Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested | DPD | |
| s 100(1) | Power to require a person to remove memorials or places of interment | DPD | |
| s 100(2) | Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1) | DPD | |
| s 100(3) | Power to recover costs of taking action under s 100(2) | DPD | |
| s 101 | Function of receiving applications to establish or alter a building for ceremonies in the cemetery | MBS | |
| s 102(1) | Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c) | MBS | |
| s 102(2) & (3) | Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1) | MBS | |
| s 103(1) | Power to require a person to remove a building for ceremonies | MBS | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|----------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 103(2) | Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1) | MBS | |
| s 103(3) | Power to recover costs of taking action under s 103(2) | DPD | |
| s 106(1) | Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs | DPD | |
| s 106(2) | Power to require the holder of the right of interment to provide for an examination | DPD | |
| s 106(3) | Power to open and examine the place of interment if s 106(2) not complied with | DPD | |
| s 106(4) | Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with | DPD | |
| s 107(1) | Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs | MBS | |
| s 107(2) | Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with | MBS | |
| s 108 | Power to recover costs and expenses | DPD | |
| s 109(1)(a) | Power to open, examine and repair a place of interment | DPD | Where the holder of right of interment or responsible person cannot be found |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
|--|--|--|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 109(1)(b) | Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial | DPD | Where the holder of right of interment or responsible person cannot be found |
| s 109(2) | Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies | DPD | Where the holder of right of interment or responsible person cannot be found |
| s 110(1) | Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary | Council in its capacity as the Trustee | |
| s 110(1A) | Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary | Council in its capacity as the Trustee | |
| s 110(2) | Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary | Council in its capacity as the Trustee | |
| s 110A | Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran | DPD | |
| s 111 | Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment | DPD | |
| s 112 | Power to sell and supply memorials | DPD | |
| s 116(4) | Duty to notify the Secretary of an interment authorisation granted | DPD | |

| CEMETERIES AND CREMATORIA ACT 2003 The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 116(5) | Power to require an applicant to produce evidence of the right of interment holder's consent to application | DPD | |
| s 118 | Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met | DPD | |
| s 119 | Power to set terms and conditions for interment authorisations | DPD | |
| s 131 | Function of receiving an application for cremation authorisation | DPD | |
| s 133(1) | Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with | DPD | Subject to s 133(2) |
| s 145 | Duty to comply with an order made by the Magistrates' Court or a coroner | DPD | |
| s 146 | Power to dispose of bodily remains by a method other than interment or cremation | DPD | Subject to the approval of the Secretary |
| s 147 | Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation | DPD | |
| s 149 | Duty to cease using method of disposal if approval revoked by the Secretary | Council in its capacity as the Trustee | |
| s 150 & 152(1) | Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met | DPD | |

| CEMETERIES AND CREMATORIA ACT 2003 | | | |
|---|--|-----------------|--|
| The provisions of this Act apply to Council appointed as a cemetery trust under s 5 of this Act, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 151 | Function of receiving applications to inter or cremate body parts | DPD | |
| s 152(2) | Power to impose terms and conditions on authorisation granted under s 150 | DPD | |
| sch 1 cl 8(3) | Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | DPD | |
| sch 1 cl 8(8) | Power to regulate own proceedings | DPD | Subject to cl 8 |
| sch 1A cl 8(3) | Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication | DPD | Where Council is a Class A cemetery trust City of Whittlesea is currently a Class B cemetery trust |
| sch 1A cl 8(8) | Power to regulate own proceedings | DPD | Where Council is a Class A cemetery trust Subject to cl 8 City of Whittlesea is currently a Class B cemetery trust |

| DOMESTIC ANIMALS ACT 1994 | | | |
|----------------------------------|------------------------|-----------------|-----------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |

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|----------|---|------------------------------|---|
| s 41A(1) | Power to declare a dog to be a menacing dog | CEO, DPD, MCEH, HOWD, UMWDAF | Council may delegate this power to a Council authorised officer |
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| FOOD ACT 1984 | | | |
|---------------|--|---------------------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19(2)(a) | Power to direct by written order that the food premises be put into a clean and sanitary condition | DPD, MCEH, UMEH, CEH, EHO | If s 19(1) applies |
| s 19(2)(b) | Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable | DPD, MCEH, UMEH, CEH, EHO | If s 19(1) applies |
| s 19(3) | Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process | DPD, MCEH, UMEH, CEH, EHO | If s 19(1) applies Only in relation to temporary food premises or mobile food premises |
| s 19(4)(a) | Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, (ia) displayed at any point of sale, (ib) be published on the food business's Internet site and (ii) inform the public by notice in a published newspaper, on the Internet site or otherwise | DPD, MCEH, UMEH, CEH, EHO | If s 19(1) applies |
| s 19(6)(a) | Duty to revoke any order under s 19 if satisfied that an order has been complied with | DPD, MCEH, UMEH, CEH, EHO | If s 19(1) applies |
| s 19(6)(b) | Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with | DPD, MCEH, UMEH, CEH, EHO | If s 19(1) applies |

| FOOD ACT 1984 | | | |
|----------------------|--|--------------------------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19AA(2) | Power to direct, by written order, that a person must take any of the actions described in (a)-(c). | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19AA(4)(c) | Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises | DPD, MCEH, UMEH, CEH, EHO | Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution Only in relation to temporary food premises or mobile food premises |
| s 19AA(7) | Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with | CEO, DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19CB(4)(b) | Power to request copy of records | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19E(1)(d) | Power to request a copy of the food safety program | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19EA(3) | Function of receiving copy of revised food safety program | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19FA(1) | Power to direct a proprietor of a food premises to revise the food safety program for the premises or comply with any requirements specified in the food safety program | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Subject to s 19FA(2), which requires a time limit for compliance to be specified |

| FOOD ACT 1984 | | | |
|----------------------|---|---------------------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19FA(3)(a) | Power to refuse to approve an application for registration or renewal of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1) | DPD, MCEH, UMEH, CEH | Where Council is the registration authority Only in relation to temporary food premises or mobile food premises Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) |
| s 19FA(3)(b) | Power to revoke a registration granted in respect of premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1) | DPD, MCEH | Where Council is the registration authority Only in relation to temporary food premises or mobile food premises |
| s 19FA(3)(c) | Power to suspend the registration of the premises, where a proprietor of a food premises fails to comply with a direction given under s 19FA(1) | DPD, MCEH, UMEH, CEH | Where Council is the registration authority Only in relation to temporary food premises or mobile food premises |
| s 19GB | Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s19IA(1) | Power to form opinion that the food safety requirements or program are non-compliant. | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19IA(2) | Duty to give written notice to the proprietor of the premises | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3)) |
| s 19M(4)(a) & (5) | Power to conduct a food safety audit and take actions where deficiencies are identified | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19N(2) | Function of receiving notice from the auditor | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19NA(1) | Power to request food safety audit reports | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19U(3) | Power to waive and vary the costs of a food safety audit if there are special circumstances | DPD, MCEH, UMEH | |
| s 19UA | Power to charge fees for conducting a food safety assessment or inspection | DPD, MCEH, UMEH | Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39 |
| s 19W | Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19W(3)(a) | Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 19W(3)(b) | Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| --- | Power to register or renew the registration of a food premises | DPD, MCEH, UMEH | Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) |

| FOOD ACT 1984 | | | |
|----------------------|--|---------------------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 36A | Power to accept an application for registration or notification using online portal | DPD, MCEH, UMEH | Where Council is the registration authority |
| s 36B | Duty to pay the charge for use of online portal | DPD, MCEH, UMEH | Where Council is the registration authority |
| s 38AA(5) | Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38AB(4) | Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1) | DPD, MCEH, UMEH | Where Council is the registration authority |
| s 38A(4) | Power to request a copy of a completed food safety program template | DPD, MCEH, UMEH, CEH | Where Council is the registration authority |
| s 38B(1)(a) | Duty to assess the application and determine which class of food premises under s 19C the food premises belongs | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38B(1)(b) | Duty to ensure proprietor has complied with requirements of s 38A | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38B(2) | Duty to be satisfied of the matters in s 38B(2)(a)-(b) | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38D(1) | Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39 | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|--|---------------------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 38D(2) | Duty to be satisfied of the matters in s 38D(2)(a)-(d) | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38D(3) | Power to request copies of any audit reports | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38E(2) | Power to register the food premises on a conditional basis | DPD, MCEH, UMEH | Where Council is the registration authority; not exceeding the prescribed time limit defined under s 38E(5) |
| s 38E(4) | Duty to register the food premises when conditions are satisfied | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38F(3)(b) | Power to require proprietor to comply with requirements of this Act | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38G(1) | Power to require notification of change of the food safety program type used for the food premises | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38G(2) | Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 38G(4) | Power to require the proprietor of the food premises to comply with any requirement of the Act | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 39(2) | Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 39A | Power to register, or renew the registration of a food premises despite minor defects | DPD, MCEH, UMEH | Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c) |
| s 39A (6) | Duty to comply with a direction of the Secretary | DPD, MCEH, UMEH, CEH, EHO | |
| s 40(1) | Duty to give the person in whose name the premises is to be registered a certificate of registration | DPD, MCEH, UMEH, CEH, EHO | Where Council is the registration authority |
| s 40(2) | Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i> | DPD, MCEH, UMEH, CEH, EHO | |
| s 40C(2) | Power to grant or renew the registration of food premises for a period of less than 1 year | DPD, MCEH, UMEH | Where Council is the registration authority |
| s 40D(1) | Power to suspend or revoke the registration of food premises | CEO, DPD, MCEH | Where Council is the registration authority |
| s 40E | Duty to comply with direction of the Secretary | CEO, DPD, MCEH | |
| s 40F | Power to cancel registration of food premises | CEO, DPD, MCEH | Where Council is the registration authority |

| FOOD ACT 1984 | | | |
|----------------------|---|-----------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 43 | Duty to maintain records of registration | CEO, DPD, MCEH | Where Council is the registration authority |
| s 43F(6) | Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business | DPD, MCEH, UMEH | Where Council is the registration authority |
| s 43F(7) | Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements | DPD, MCEH, UMEH | Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2)) |
| s 45AC | Power to bring proceedings | DPD, MCEH, UMEH | |
| s 46(5) | Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged | DPD, MCEH, UMEH | Where Council is the registration authority |

| HERITAGE ACT 2017 | | | |
|--------------------------|--|-----------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 116 | Power to sub-delegate Executive Director's functions, duties or powers | CEO, DPD | Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation |

| LOCAL GOVERNMENT ACT 1989 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 185L(4) | Power to declare and levy a cladding rectification charge | CEO ¹ | |

¹ The only member of staff who can be a delegate in Column 3 is the CEO.

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 4B | Power to prepare an amendment to the Victoria Planning Provisions | CEO, DPD, MBP, MSF, UMSTPL | If authorised by the Minister |
| s 4G | Function of receiving prescribed documents and a copy of the Victoria Planning Provisions from the Minister | CEO, DPD | |
| s 4H | Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements | CEO, DPD | |
| s 4I(2) | Duty to make a copy of the Victoria Planning Provisions and other documents available in accordance with public availability requirements | CEO, SPG | |
| s 8A(2) | Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A | CEO, DPD, MBP, UMGAP, MSF, UMSTPL, CPPI, CSLUP | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 8A(3) | Power to apply to Minister to prepare an amendment to the planning scheme | CEO, DPD | <p>The Delegate only authorised to apply to the Minister to prepare amendments to planning schemes which:</p> <p>a) relate to the correction of anomalous provisions and planning scheme errors or provides for minor changes to update the planning scheme to accord with the Victoria Planning Provisions;</p> <p>b) are of genuine economic significance to the municipality and where the amendment will give effect to an outcome where the issues have been reasonably considered and the views of affected parties are known; and</p> <p>c) relate to the interim protection of individual heritage places having local or State significance which are proposed for demolition.</p> <p>The Delegate must only proceed under b) and c) above where there is no reasonable opportunity for the matter to be reported to Council for resolution. Where delegations under b) and c) are exercised reports must be provided to the next available Council meeting.</p> |
| s 8A(5) | Function of receiving notice of the Minister's decision | CEO, DPD | |
| s 8A(7) | Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days | CEO, DPD, MBP, UMGAP, MSF, UMSTPL, CPPI, CSLUP | |
| s 8B(2) | Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district | CEO, DPD | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 12(3) | Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons | CEO, STLG, DPD, MBP, MSF, UMSTPL | |
| s 12B(1) | Duty to review planning scheme | CEO, STLG, DPD, MBP, MSF, UMSTPL | Revised planning scheme must be referred to Council for adoption. |
| s 12B(2) | Duty to review planning scheme at direction of Minister | CEO, DPD, MBP, MSF, UMSTPL | |
| s 12B(5) | Duty to report findings of review of planning scheme to Minister without delay | CEO, DPD | |
| s 14 | Duties of a Responsible Authority as set out in s 14(a) to (d) | CEO, STLG, DPD, MBP, MSF, UMSTPL | |
| s 17(1) | Duty of giving copy amendment to the planning scheme | CEO, SPG | |
| s 17(2) | Duty of giving copy s 173 agreement | CEO, SPG | |
| s 17(3) | Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days | CEO, SOG | |
| s 18 | Duty to make amendment etc. available in accordance with public availability requirements | CEO, SPG | Until the proposed amendment is approved or lapsed |
| s 19 | Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme | CEO, STLG, DPD, MBP, MSF, UMSTPL | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19 | Function of receiving notice of preparation of an amendment to a planning scheme | CEO, STLG, DPD, MBP, MSF, UMSTPL | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority |
| s 20(1) | Power to apply to Minister for exemption from the requirements of s 19 | CEO, DPD, MBP, MSF | Where Council is a planning authority |
| s 21(2) | Duty to make submissions available in accordance with public availability requirements | CEO, SPG | Until the end of 2 months after the amendment comes into operation or lapses |
| s 21A(4) | Duty to publish notice | CEO, SPG | |
| s 22(1) | Duty to consider all submissions received before the date specified in the notice | CEO, SPG | Except submissions which request a change to the items in s 22(5)(a) and (b) |
| s 22(2) | Power to consider a late submission Duty to consider a late submission, if directed by the Minister | CEO, SPG, STLG, DPD, MSF | |
| s 23(1)(b) | Duty to refer submissions which request a change to the amendment to a panel | CEO, DPD, MSF | |
| s 23(2) | Power to refer to a panel submissions which do not require a change to the amendment | CEO, DPD | |
| s 24 | Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D) | CEO, SPG, STLG, | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 26(1) | Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act | CEO, SPG | |
| s 26(2) | Duty to keep report of panel available in accordance with public availability requirements | CEO, SPG | During the inspection period |
| s 27(2) | Power to apply for exemption if panel's report not received | CEO, DPD | |
| s 28(1) | Duty to notify the Minister if abandoning an amendment | CEO, DPD | Note: the power to make a decision to abandon an amendment cannot be delegated |
| s 28(2) | Duty to publish notice of the decision on Internet site | CEO, DPD | |
| s 28(4) | Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months | CEO, DPD | |
| s 30(4)(a) | Duty to say if amendment has lapsed | CEO, SPG | |
| s 30(4)(b) | Duty to provide information in writing upon request | CEO, SPG | |
| s 32(2) | Duty to give more notice if required | CEO, SPG | |
| s 33(1) | Duty to give more notice of changes to an amendment | CEO, SPG | |
| s 36(2) | Duty to give notice of approval of amendment | CEO, SPG | |
| s 38(5) | Duty to give notice of revocation of an amendment | CEO, SPG | |
| s 39 | Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT | CEO, SPG | |
| s 40(1) | Function of lodging copy of approved amendment | CEO, SPG | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 41(1) | Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period | CEO, SPG | |
| s 41(2) | Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends | CEO, SPG | |
| s 42(2) | Duty to make copy of planning scheme available in accordance with the public availability requirements | CEO, SPG | |
| s 46AAA | Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity | CEO, SPG | Where Council is a responsible public entity and is a planning authority |
| s 46AW | Function of being consulted by the Minister | CEO, DPD, MSF | Where Council is a responsible public entity |
| s 46AX | Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy | CEO | Where Council is a responsible public entity |
| s 46AZC(2) | Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity | CEO | Where Council is a responsible public entity |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46AZK | Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area | CEO, SPG, SSG, DPD | Where Council is a responsible public entity |
| s 46GI(2)(b)(i) | Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction | Council | Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency. |
| s 46GJ(1) | Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans | CEO, DPD, MSF | |
| s 46GK | Duty to comply with a Minister's direction that applies to Council as the planning authority | CEO, DPD, MSF, UMSTPL, CDCI | |
| s 46GN(1) | Duty to arrange for estimates of values of inner public purpose land | CEO, DPD, MSF, UMSTPL, CDCI | |
| s 46GO(1) | Duty to give notice to owners of certain inner public purpose land | CEO, DPD, MSF, UMSTPL, CDCI | |
| s 46GP | Function of receiving a notice under s 46GO | CEO, DPD, MSF | Where Council is the collecting agency |
| s 46GQ | Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land | CEO, DPD, MSF | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GR(1) | Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO | CEO, DPD, MSF, UMSTPL, CDCI | |
| s 46GR(2) | Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister | CEO, DPD, MSF | |
| s 46GS(1) | Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ | CEO, DCCS, CFO, DPD, MSF | |
| s 46GS(2) | Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general | CEO, DCCS, CFO, DPD, MSF, UMSTPL, CDCI | |
| s 46GT(2) | Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference | CEO, DCCS, CFO, DPD, MSF | |
| s 46GT(4) | Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land | CEO, DCCS, CFO, DPD, MSF | |
| s 46GT(6) | Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5) | CEO, DCCS, CFO, DPD, MSF | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GU | Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met | CEO, DPD, MSF | |
| s 46GV(3) | Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made | CEO, DCCS, CFO, DIE, MAF, DPD, MSF, UMSTPL, CDCI | Where Council is the collecting agency |
| s 46GV(3)(b) | Power to enter into an agreement with the applicant | CEO, DPD, MSF | Where Council is the collecting agency |
| s 46GV(4)(a) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | CEO, SSG, DCCS, CFO, DIE, MAF, DPD, MSF | Where Council is the development agency |
| s 46GV(4)(b) | Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6) | CEO, SSG, DCCS, CFO, DIE, MAF, DPD, MSF | Where Council is the collecting agency |
| s 46GV(7) | Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area | CEO, SPG, SSG, DPD | |
| s 46GV(9) | Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction | CEO, SPG, SSG, DPD | Where Council is the collecting agency |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GX(1) | Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable | CEO, DPD, MSF | Where Council is the collecting agency |
| s 46GX(2) | Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan | CEO, DPD, MSF, MBP, STLG | Where Council is the collecting agency |
| s 46GY(1) | Duty to keep proper and separate accounts and records | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is the collecting agency |
| s 46GY(2) | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is the collecting agency |
| s 46GZ(2)(a) | Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs | CEO, DCCS, DPD, CFO | Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority |
| s 46GZ(2)(a) | Function of receiving the monetary component | CEO, DCCS, DPD | Where the Council is the planning authority This duty does not apply where Council is also the collecting agency |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZ(2)(b) | Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities | CEO, DCCS, DPD, CFO | Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency |
| s 46GZ(2)(b) | Function of receiving the monetary component | CEO, DCCS, DPD | Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency |
| s 46GZ(4) | Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5) | CEO, DCCS, DPD, CFO | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZ(5) | Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency |
| s 46GZ(5) | Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZ(7) | Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZ(9) | Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | <p>If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4)</p> <p>Where Council is the collecting agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the development agency</p> |
| s 46GZ(9) | Function of receiving the fee simple in the land | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | <p>Where Council is the development agency under an approved infrastructure contributions plan</p> <p>This duty does not apply where Council is also the collecting agency</p> |
| s 46GZA(1) | Duty to keep proper and separate accounts and records | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZA(2) | Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i> | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is a development agency under an approved infrastructure contributions plan |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZB(3) | Duty to follow the steps set out in s 46GZB(3)(a) – (c) | CEO, DCW, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZB(4) | Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan |
| s 46GZD(2) | Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b) | CEO | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZD(3) | Duty to follow the steps set out in s 46GZD(3)(a) and (b) | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZD(5) | Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b) | CEO, DPD, MSF, DCCS, CFO, DIE, MAF | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZE(2) | Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires | CEO, DCCS, DPD, CFO | Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZE(2) | Function of receiving the unexpended land equalisation amount | CEO, DCCS, DPD | Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency |
| s 46GZE(3) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b) | CEO | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(2) | Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land | CEO | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZF(3) | Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b) | CEO, DPD, DCCS | Where Council is the development agency under an approved infrastructure contributions plan |
| s 46GZF(3) | Function of receiving proceeds of sale | CEO, DPD, DCCS | Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency |
| s 46GZF(4) | Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5) | CEO, DPD, DCCS | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZF(6) | Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b) | CEO, DPD, DCCS | Where Council is the collecting agency under an approved infrastructure contributions plan |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46GZH | Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction | CEO, DPD | Where Council is the collecting agency under an approved infrastructure contributions plan |
| s 46GZI | Duty to prepare and give a report to the Minister at the times required by the Minister | CEO, DPD, DCCS, CFO, MSF | Where Council is a collecting agency or development agency |
| s 46GZK | Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council | CEO, DPD, DCCS | Where Council is a collecting agency or development agency |
| s 46LB(3) | Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2) | CEO, DPD, MSF, UMSTPL, CDCI | |
| s 46N(1) | Duty to include condition in permit regarding payment of development infrastructure levy | CEO, SPG, SSG | |
| s 46N(2)(c) | Function of determining time and manner for receipt of development contributions levy | CEO, SPS, SSG | |
| s 46N(2)(d) | Power to enter into an agreement with the applicant regarding payment of development infrastructure levy | CEO, DPD, MBP, MSF | Power to reduce or waive infrastructure levy is limited to DPD. Note separate requirements under s.46P(2) for agreements relating to provision of land, works, services or facilities. |
| s 46O(1)(a) & (2)(a) | Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit | CEO, DPD, MBS, MBP, MSF | |
| s 46O(1)(d) & (2)(d) | Power to enter into agreement with the applicant regarding payment of community infrastructure levy | CEO, DPD, MBP, MSF | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46P(1) | Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured | CEO, SPG, SSG | |
| s 46P(2) | Power to accept provision of land, works, services or facilities in part or full payment of levy payable | CEO, DPD, MBP, MSF | To be signed by two delegates |
| s 46Q(1) | Duty to keep proper accounts of levies paid | CEO, DCCS, CFO, DPD, MSF | |
| s 46Q(1A) | Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency | CEO, DCCS, DPD, CFO | |
| s 46Q(2) | Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc | CEO, DPD, MSF, DCCS, CFO | |
| s 46Q(3) | Power to refund any amount of levy paid if it is satisfied the development is not to proceed | CEO, DPD, MBP, MSF, DCSS, CFO | Only applies when levy is paid to Council as a 'development agency' |
| s 46Q(4)(c) | Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a) | CEO, DCCS, CFO, DPD, MBP, MSF | Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister |
| s 46Q(4)(d) | Duty to submit to the Minister an amendment to the approved development contributions plan | CEO, DPD, MSF | Must be done in accordance with Part 3 |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 46Q(4)(e) | Duty to expend that amount on other works etc. | CEO, DCCS, DPD, MSF, CFO | With the consent of, and in the manner approved by, the Minister |
| s 46QC | Power to recover any amount of levy payable under Part 3B | CEO, DCCS, DPD, MSF, CFO | |
| s 46QD | Duty to prepare report and give a report to the Minister | CEO, DCCS, CFO, DPD, MSF, DIE, MAF, UMSTPL, CDCI | Where Council is a collecting agency or development agency |
| s 46V(3) | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with the public availability requirements, during the inspection period | CEO, SPG | |
| s 46V(4) | Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available in accordance with s 197B of the Act and on payment of the prescribe fee, after the inspection period | CEO, SPG | |
| s 46V(5) | Duty to keep a copy of the approved strategy plan incorporating all amendments to it | CEO, SPG | |
| s 46V(6) | Duty to make a copy of the approved strategy plan incorporating all amendments to it available in accordance with the public available requirements | CEO, SPG | |
| s 46Y | Duty to carry out works in conformity with the approved strategy plan | CEO, SPG | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 47 | Power to decide that an application for a planning permit does not comply with that Act | CEO, SPG, SSG | |
| s 49(1) | Duty to keep a register of all applications for permits and determinations relating to permits | CEO, SPG | |
| s 49(2) | Duty to make register available for inspection in accordance with the public availability requirements | CEO, SPG | |
| s 50(4) | Duty to amend application | CEO, SPG, SSG | |
| s 50(5) | Power to refuse to amend application | CEO, SPG, SSG | |
| s 50(6) | Duty to make note of amendment to application in register | DPD, MBP | |
| s 50A(1) | Power to make amendment to application | CEO, SPG, SSG | |
| s 50A(3) | Power to require applicant to notify owner and make a declaration that notice has been given | CEO, SPG | |
| s 50A(4) | Duty to note amendment to application in register | CEO, SPG, SSG | |
| s 51 | Duty to make copy of application available for inspection in accordance with the public availability requirements | CEO, SPG, SSG | |
| s 52(1)(a) | Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person | CEO, SPG, SSG | |
| s 52(1)(b) | Duty to give notice of the application to other municipal council where appropriate | CEO, SPG | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 52(1)(c) | Duty to give notice of the application to all persons required by the planning scheme | CEO, SPG, SSG | |
| s 52(1)(ca) | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant | CEO, SPG, SSG | |
| s 52(1)(cb) | Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant | CEO, SPG, SSG | |
| s 52(1)(d) | Duty to give notice of the application to other persons who may be detrimentally effected | CEO, SPG, SSG | |
| s 52(1AA) | Duty to give notice of an application to remove or vary a registered restrictive covenant | CEO, SPG, SSG | |
| s 52(3) | Power to give any further notice of an application where appropriate | CEO, SPG, SSG | |
| s 53(1) | Power to require the applicant to give notice under s 52(1) to persons specified by it | CEO, SPG, SSG | |
| s 53(1A) | Power to require the applicant to give the notice under s 52(1AA) | CEO, SPG, SSG | |
| s 54(1) | Power to require the applicant to provide more information | CEO, SPG, SSG | |
| s 54(1A) | Duty to give notice in writing of information required under s 54(1) | CEO, SPG, SSG | |
| s 54(1B) | Duty to specify the lapse date for an application | CEO, SPG, SSG | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 54A(3) | Power to decide to extend time or refuse to extend time to give required information | CEO, SPG, SSG, DPD | |
| s 54A(4) | Duty to give written notice of decision to extend or refuse to extend time under s 54A(3) | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 55(1) | Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 57(2A) | Power to reject objections considered made primarily for commercial advantage for the objector | CEO, DPD, MBP | |
| s 57(3) | Function of receiving name and address of persons to whom notice of decision is to go | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 57(5) | Duty to make a copy of all objections available in accordance with the public availability requirements | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 57A(4) | Duty to amend application in accordance with applicant's request, subject to s 57A(5) | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 57A(5) | Power to refuse to amend application | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 57A(6) | Duty to note amendments to application in register | CEO, DPD, MBP, UMGAP, UMSTP, MSF, UMSTPL, CSLUP, CPPI | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 57B(1) | Duty to determine whether and to whom notice should be given | CEO, SPG, SSG | |
| s 57B(2) | Duty to consider certain matters in determining whether notice should be given | CEO, SPG, SSG | |
| s 57C(1) | Duty to give copy of amended application to referral authority | CEO, SPG, SSG | |
| s 58 | Duty to consider every application for a permit | CEO, SPG, SSG | |
| s 58A | Power to request advice from the Planning Application Committee | CEO, DPD | |
| s 60 | Duty to consider certain matters | CEO, SPG, SSG | |
| s 60(1A) | Duty to consider certain matters | CEO, SPG, SSG | |
| s 60(1B) | Duty to consider number of objectors in considering whether use or development may have significant social effect | CEO, SPG, SSG, DPD, MBP, MSF | <p>The application must be reported to Council if 10 or more objections are received; if a petition or group objection with 10 signatories is received; for one of the following</p> <ul style="list-style-type: none"> • More than 3 storeys in height, or • Major non-residential use in a residential area; or • Large land subdivision with more than 100 lots where there is no approved Development Plan. |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 61(1) | Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application | CEO, STLG, DPD, MSF, MBP, UMSTP, SP, PP | <p>The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i></p> <p>Power to grant permit or provide notice of decision to grant a permit only if less than 5 objections are received. IF the application must be reported to Council if 5 or more objections are received, for any application within established urban residential areas that significantly changes the nature and character of the area; and for any application that has given rise to substantial public interest or where appears likely to do so; or at least 2 Councillors Administrators(call in) make a request in writing to the CEO, DPD, MDAMB in writing for the application must be reported to Council.</p> <p>The delegate has the power to refuse the permit unless at least 2 Councillors Administrators (call in) make a request in writing to the CEO, DPD, or MDA in writing that the application must be reported to Council (excluding procedural matters).</p> <p>Applications involving the complete or partial demolition of buildings within a Heritage Overlay that are not subject to the VicSmart pathway or involving the removal of two or more river red gum trees that have a trunk diameter of 50 centimetres or more at 1.3 metres above ground level must be reported to Council for a decision, unless Council has already made a decision on those trees through a strategic planning process. The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006.</p> |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 61(2) | Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit | CEO, SPG, SSG | |
| s 61(2A) | Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit | CEO, SPG, SSG | |
| s 61(3)(a) | Duty not to decide to grant a permit to use coastal Crown land without Minister's consent | CEO, SPG, SSG | |
| s 61(3)(b) | Duty to refuse to grant the permit without the Minister's consent | CEO, SPG, SSG | |
| s 61(4) | Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant | CEO, SPG, SSG | |
| s 62(1) | Duty to include certain conditions in deciding to grant a permit | CEO, SPG, SSG | |
| s 62(2) | Power to include other conditions | CEO, SPG, SSG | |
| s 62(4) | Duty to ensure conditions are consistent with paragraphs (a),(b) and (c) | CEO, SPG, SSG | |
| s 62(5)(a) | Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan | CEO, SPG, SSG | |
| s 62(5)(b) | Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement | CEO, SPG, SSG | |
| s 62(5)(c) | Power to include a permit condition that specified works be provided or paid for by the applicant | CEO, SPG, SSG | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 62(6)(a) | Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5) | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 62(6)(b) | Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a) | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 63 | Duty to issue the permit where made a decision in favour of the application (if no one has objected) | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 64(1) | Duty to give notice of decision to grant a permit to applicant and objectors | CEO, SPG, DPD, MBP, UMS, SSO | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64(3) | Duty not to issue a permit until after the specified period | CEO, SPG, DPD, MBP, UMS, SSO | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64(5) | Duty to give each objector a copy of an exempt decision | CEO, SPG, DPD, MBP, UMS, SSO | This provision applies also to a decision to grant an amendment to a permit – see s 75 |
| s 64A | Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit | CEO, SPG, DPD, MBP, UMS, SSO | This provision applies also to a decision to grant an amendment to a permit – see s 75A |
| s 65(1) | Duty to give notice of refusal to grant permit to applicant and person who objected under s 57 | CEO, SPG, DPD, MBP, UMS, SSO | |
| s 66(1) | Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities | CEO, SPG, SSG | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 66(2) | Duty to give a recommending referral authority notice of its decision to grant a permit | CEO, SPG, SSG | If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority |
| s 66(4) | Duty to give a recommending referral authority notice of its decision to refuse a permit | CEO, SPG, SSG | If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit |
| s 66(6) | Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65 | CEO, SPG, SSG | If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit |
| s 69(1) | Function of receiving application for extension of time of permit | CEO, SPG, SSG | |
| s 69(1A) | Function of receiving application for extension of time to complete development | CEO, SPG, SSG | |
| s 69(2) | Power to extend time | CEO, STLG, DPD, MSF, UMSTPL, MBP, UMSTP, PP, LPP | The delegate has the power to approve the extension of time request. The delegate can refuse an extension of time request unless at least 2 Councillors Administrators (call in) make a request to the CEO, DPD, or MDA in writing that the application must be reported to Council. |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 70 | Duty to make copy permit available in accordance with public availability requirements | CEO, SPG, SSG, DPD, MBP, UMSTP, PO | |
| s 71(1) | Power to correct certain mistakes | CEO, STLG, DPD, MSF, UMSTPL, MBP, UMSTP, PP, LPP | |
| s 71(2) | Duty to note corrections in register | CEO, SPG, SSG, DPD, MBP, UMS, SSO, UMSTP, PP | |
| s 73 | Power to decide to grant amendment subject to conditions | CEO, STLG, DPD, MBP, MSF, UMSTPL | |
| s 74 | Duty to issue amended permit to applicant if no objectors | CEO, CPG, SSG | |
| s 76 | Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit | CEO, SPG | |
| s 76A(1) | Duty to give relevant determining referral authorities copy of amended permit and copy of notice | CEO, SPG, SSG | |
| s 76A(2) | Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit | CEO, SPG, SSG, DPD, MBP, UMSTP, PO | If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 76A(4) | Duty to give a recommending referral authority notice of its decision to refuse a permit | CEO, SPG, SSG, DPD, MBP, UMSTP, PO | If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit |
| s 76A(6) | Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76 | CEO, SPG, SSG, DPD, MBP, UMSTP, PO | If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit |
| s 76D | Duty to comply with direction of Minister to issue amended permit | CEO SPG | |
| s 83 | Function of being respondent to an appeal | CEO, SPG | |
| s 83B | Duty to give or publish notice of application for review | CEO, SPG | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 84(1) | Power to decide on an application at any time after an appeal is lodged against failure to grant a permit | CEO | <p>Power to decide position only if less than 5 objections are received or there is a petition or group objection with less than 5 signatories, the matter is of a procedural nature or has already been before Council for a decision as part of a strategic planning process.</p> <p>If 5 or more objections are received, a petition or group objection with 5 or more signatories is received or the application sought the removal of two or more river red gums that have a trunk diameter of 50 centimetres or more at 1.3 metres above ground, for any application that has given rise to substantial public interest or appears likely to do so; or where at least 2 Councillors Administrators (call in) make a request to the CEO, DPD, or MDA in writing, the application must be reported to Council.</p> <p>If timelines do not permit for any of the above triggers, the delegate must decide the application and report the matter to the next Council meeting for information.</p> |
| s 84(2) | Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit | CEO, SPG | |
| s 84(3) | Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit | CEO, SPG | |
| s 84(6) | Duty to issue permit on receipt of advice within 3 business days | CEO, SPG | |
| s 84AB | Power to agree to confining a review by the Tribunal | CEO, SPG, SSG | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 86 | Duty to issue a permit at order of Tribunal within 3 business days | CEO, SPG | |
| s 87(3) | Power to apply to VCAT for the cancellation or amendment of a permit | CEO, DPD, MBP | Applications for a cancellation of a permit must be referred to the CEO. Applications for an amendment of a permit must be referred to DPD and/or MBP. |
| s 90(1) | Function of being heard at hearing of request for cancellation or amendment of a permit | CEO, SPG, SSG | |
| s 91(2) | Duty to comply with the directions of VCAT | CEO, SPG, SSG | |
| s 91(2A) | Duty to issue amended permit to owner if Tribunal so directs | CEO, SPG, SSG | |
| s 92 | Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90 | CEO, SPG, SSG | |
| s 93(2) | Duty to give notice of VCAT order to stop development | CEO, SPG, SSG | |
| s 95(3) | Function of referring certain applications to the Minister | CEO, SPG, SSG | |
| s 95(4) | Duty to comply with an order or direction | CEO, SPG, SSG | |
| s 96(1) | Duty to obtain a permit from the Minister to use and develop its land | CEO, SPG, SSG | |
| s 96(2) | Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land | CEO, DPD, MBP, MSF | Must be reported to Council for decision |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 96A(2) | Power to agree to consider an application for permit concurrently with preparation of proposed amendment | CEO, DPD, MBP, MSF | |
| s 96C | Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C | CEO, SPG | |
| s 96F | Duty to consider the panel's report under s 96E | CEO, SPG | |
| s 96G(1) | Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>) | CEO, DPD, MBP, MSF | Must be reported to Council for decision |
| s 96H(3) | Power to give notice in compliance with Minister's direction | CEO, SPG | |
| s 96J | Duty to issue permit as directed by the Minister | CEO, SPG | |
| s 96K | Duty to comply with direction of the Minister to give notice of refusal | CEO, SPG | |
| s 96Z | Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate | CEO, SPG | |
| s 97C | Power to request Minister to decide the application | CEO, DPD, MBP, MSF | |
| s 97D(1) | Duty to comply with directions of Minister to supply any document or assistance relating to application | DPD, SPG, SSG | |
| s 97G(3) | Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister | CEO, SPG, SSG, | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 97G(6) | Duty to make a copy of permits issued under s 97F available in accordance with public availability requirements | CEO, SPG, SSG, | |
| s 97L | Duty to include Ministerial decisions in a register kept under s 49 | CEO, SPG, SSG | |
| s 97MH | Duty to provide information or assistance to the Planning Application Committee | CEO, DPD, MBP, MSF | |
| s 97MI | Duty to contribute to the costs of the Planning Application Committee or subcommittee | CEO, DPD | |
| s 97O | Duty to consider application and issue or refuse to issue certificate of compliance | CEO, SPG, SSG | |
| s 97P(3) | Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate | CEO, SPG, SSG | |
| s 97Q(2) | Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate | CEO, SPG, SSG | |
| s 97Q(4) | Duty to comply with directions of VCAT | CEO, SPG, SSG | |
| s 97R | Duty to keep register of all applications for certificate of compliance and related decisions | CEO, SPEG, SPG, SSG, DPD, MBP, UMSTP, SSO, PO | |
| s 98(1)&(2) | Function of receiving claim for compensation in certain circumstances | CEO, SPG | |
| s 98(4) | Duty to inform any person of the name of the person from whom compensation can be claimed | CEO, DPD, MBP | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 101 | Function of receiving claim for expenses in conjunction with claim | CEO, SPG | |
| s 103 | Power to reject a claim for compensation in certain circumstances | CEO, DPD, MBP, MSF | |
| s 107(1) | Function of receiving claim for compensation | CEO, SPG | |
| s 107(3) | Power to agree to extend time for making claim | CEO, SPG | |
| s 113(2) | Power to request a declaration for land to be proposed to be reserved for public purposes | CEO, DPD | |
| s 114(1) | Power to apply to the VCAT for an enforcement order | CEO, DPD | |
| s 117(1)(a) | Function of making a submission to the VCAT where objections are received | CEO, SPG | |
| s 120(1) | Power to apply for an interim enforcement order where s 114 application has been made | CEO, DPD | |
| s 123(1) | Power to carry out work required by enforcement order and recover costs | CEO, DPD | |
| s 123(2) | Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1) | CEO, DPD | Except Crown Land |
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| s 129 | Function of recovering penalties | CEO, SPEG, DPD, MBP | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 130(5) | Power to allow person served with an infringement notice further time | CEO, DPD, MBP, MSF | |
| s 149A(1) | Power to refer a matter to the VCAT for determination | CEO, DPD, MBP, MSF | |
| s 149A(1A) | Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement | CEO, DPD, MBP, MSF | |
| s 149B | Power to apply to the Tribunal for a declaration. | CEO, DPD | |
| s 156 | Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4) | CEO, DPD, MBP, MSF, UMSTPL | Where Council is the relevant planning authority |
| s 171(2)(f) | Power to carry out studies and commission reports | CEO, STLG, DPD, MBP, MSF, UMSTPL | |
| s 171(2)(g) | Power to grant and reserve easements | DPD, MBP | |
| s 172C | Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan | CEO | Where Council is a development agency specified in an approved infrastructure contributions plan |
| s 172D(1) | Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4) | CEO | Where Council is a collecting agency specified in an approved infrastructure contributions plan |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 172D(2) | Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4) | CEO | Where Council is the development agency specified in an approved infrastructure contributions plan |
| s 173(1) | Power to enter into agreement covering matters set out in s 174 | CEO, DPD, MBP, MSF | Note limitations for agreements relating to works in kind for development or infrastructure levies under s. 46GX(1) and 46P(2) |
| s 173(1A) | Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing | CEO, DPD, MBP, MSF, MSPPD | Where Council is the relevant responsible authority |
| --- | Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority | CEO, STLG, DPD, MSF, MBP, PP, LPP | |
| --- | Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done without the consent of Council or Responsible Authority | CEO, STLG, DPD, MSF, MBP, PP, LPP | |
| s 177(2) | Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | CEO, DPD | |
| s 178 | Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9 | CEO, STLG, DPD, MBP, MSF | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178A(1) | Function of receiving application to amend or end an agreement | CEO, SPG, SSG | |
| s 178A(3) | Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1) | CEO, SPG, SSG | |
| s 178A(4) | Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal | CEO, SPG, SSG | |
| s 178A(5) | Power to propose to amend or end an agreement | CEO, STLG, DPD, MSF, MBP, PP, LLP | |
| s 178B(1) | Duty to consider certain matters when considering proposal to amend an agreement | CEO, STLG, DPD, MSF, MBP, PP, LLP | |
| s 178B(2) | Duty to consider certain matters when considering proposal to end an agreement | CEO, STLG, DPD, MSF, MBP, PP, LLP | |
| s 178C(2) | Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end | CEO, SPG, SSG | |
| s 178C(4) | Function of determining how to give notice under s 178C(2) | CEO, SPG, SSG | |
| s 178E(1) | Duty not to make decision until after 14 days after notice has been given | CEO, SPG, SSG | |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178E(2)(a) | Power to amend or end the agreement in accordance with the proposal | CEO, SPG, SSG, DPD, MBP, UMGAP, MSF, UMSTPL | If no objections are made under s 178D Must consider matters in s 178B |
| s 178E(2)(b) | Power to amend or end the agreement in a manner that is not substantively different from the proposal | CEO, STLG, DPD, MSF, MBP, PP, LLP | If no objections are made under s 178D Must consider matters in s 178B |
| s 178E(2)(c) | Power to refuse to amend or end the agreement | CEO, STLG, DPD, MSF, MBP, PP, LLP | If no objections are made under s 178D Must consider matters in s 178B |
| s 178E(3)(a) | Power to amend or end the agreement in accordance with the proposal | CEO, STLG, DPD, MSF, MBP, PP, LLP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(b) | Power to amend or end the agreement in a manner that is not substantively different from the proposal | CEO, STLG, DPD, MSF, MBP, PP, LLP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(c) | Power to amend or end the agreement in a manner that is substantively different from the proposal | CEO, STLG, DPD, MSF, MBP, PP, LLP | After considering objections, submissions and matters in s 178B |
| s 178E(3)(d) | Power to refuse to amend or end the agreement | CEO, STLG, DPD, MSF, MBP, PP, LLP | After considering objections, submissions and matters in s 178B |

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| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 178F(1) | Duty to give notice of its decision under s 178E(3)(a) or (b) | CEO, SPG, SSG | |
| s 178F(2) | Duty to give notice of its decision under s 178E(2)(c) or (3)(d) | CEO, SPG, SSG | |
| s 178F(4) | Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn | CEO, STLG, DPD, MSF, MBP, UMSTP, PP, LLP | |
| s 178G | Duty to sign amended agreement and give copy to each other party to the agreement | CEO, DPD, MBP, MSF | |
| s 178H | Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement | CEO, DPD, MBP, MSF | |
| s 178I(3) | Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land | CEO, SPG, SSG, MBP, MSF | |
| s 179(2) | Duty to make a copy of each agreement available in accordance with the public availability requirements | CEO, SPG, SSG, DPD, MBP, UMSTP, PO | |
| s 181 | Duty to apply to the Registrar of Titles to record the agreement | CEO, SPG, SSG | |
| s 181(1A)(a) | Power to apply to the Registrar of Titles to record the agreement | CEO, DPD, MBP, MSF, UMSTPL | |
| s 181(1A)(b) | Duty to apply to the Registrar of Titles, without delay, to record the agreement | CEO, SPG, SSG, DPD, MBP, UMGAP, MSF, UMSTPL | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|---|--------------------------|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 182 | Power to enforce an agreement | CEO, SPG, SSG | |
| s 183 | Duty to tell Registrar of Titles of ending/amendment of agreement | CEO, SPG, SSG | |
| s 184F(1) | Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision | CEO, STLG, DPD, MBP, MSF | |
| s 184F(2) | Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement | CEO, SPG, SSG | |
| s 184F(3) | Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement | CEO, SPG, SSG | |
| s 184F(5) | Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision | CEO, SPG, SSG | |
| s 184G(2) | Duty to comply with a direction of the Tribunal | CEO, SPG, SSG | |
| s 184G(3) | Duty to give notice as directed by the Tribunal | CEO, SPG, SSG | |
| s 185B(1) | Duty to comply with a request from the Minister to provide the name, address, email address or telephone number of any person to whom the Minister is required to give notice | CEO, SPG, SSG | |
| s 198(1) | Function to receive application for planning certificate | CEO, SPG, SSG | |

| PLANNING AND ENVIRONMENT ACT 1987 | | | |
|--|--|--|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 199(1) | Duty to give planning certificate to applicant | CEO, SPG, SSG | |
| s 201(1) | Function of receiving application for declaration of underlying zoning | CEO, STLG, DPD, MBP, MSF | |
| s 201(3) | Duty to make declaration | CEO, DPD, MBP, MSF | |
| - | Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council | CEO, STLG, DPD, MBP, MSF | |
| | Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council | CEO, STLG, DPD, MBP, MSF | |
| | Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit | CEO, STLG, DPD, MBP, MSF | |
| - | Power to give written authorisation in accordance with a provision of a planning scheme | CEO, STLG, DPD, MSF, MBP, UMSTP, PP, LLP | |
| s 201UAB(1) | Function of providing the Victoria Planning Authority with information relating to any land within municipal district | CEO, DPD, MBP, MSF | |
| s 201UAB(2) | Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible | CEO, DPD, MBP, MSF | |

| RESIDENTIAL TENANCIES ACT 1997 | | | |
|---------------------------------------|---|-------------------------------------|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 518F | Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements | CEO, DCW, DPD, MCEH, UMEH, CEH, EHO | |
| s 522(1) | Power to give a compliance notice to a person | CEO, DCW, DPD, MCEH, UMEH, CEH, EHO | |
| s 525(2) | Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case) | CEO, DCW, DPD, MCEH, UMEH, CEH, EHO | |
| s 525(4) | Duty to issue identity card to authorised officers | CEO, DCW, DPD | |
| s 526(5) | Duty to keep record of entry by authorised officer under s 526 | DPD, MCEH, UMEH, CEH, EHO | |
| s 526A(3) | Function of receiving report of inspection | DPD, MCEH, UMEH, CEH, EHO | |
| s 527 | Power to authorise a person to institute proceedings (either generally or in a particular case) | CEO, DCW, DPD, MCEH, UMEH, CEH, EHO | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|---------------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 11(1) | Power to declare a road by publishing a notice in the Government Gazette | CEO, DIE, MUDT | Obtain consent in circumstances specified in s 11(2) |
| s 11(8) | Power to name a road or change the name of a road by publishing notice in Government Gazette | CEO, DCCS, EMPA | |
| s 11(9)(b) | Duty to advise Registrar | CEO, DIE, MUDT | |
| s 11(10) | Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc. | CEO, DIE, MUDT | Subject to s 11(10A) |
| s 11(10A) | Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 12(2)(b) | Function of providing consent to the Head, Transport for Victoria for the discontinuance of a road or part of a road | CEO, DIE, MUDT, UTT | |
| s 12(10) | Duty to notify of decision made | CEO, DIE, MUDT | Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister |
| s 13(1) | Power to fix a boundary of a road by publishing notice in Government Gazette | CEO, DIE, MUDT | Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate |
| s 14(4) | Function of receiving notice from the Head, Transport for Victoria | CEO, DIE, MUDT | |
| s 14(7) | Power to appeal against decision of the Head, Transport for Victoria | CEO, DIE, MUDT | |

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|--|----------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 15(1) | Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport | CEO, DIE, MUDT | |
| s 15(1A) | Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority | CEO, DIE, MUDT | |
| s 15(2) | Duty to include details of arrangement in public roads register | CEO, DIE, MUDT | |
| s 16(7) | Power to enter into an arrangement under s 15 | CEO, DIE, MUDT | |
| s 16(8) | Duty to enter details of determination in public roads register | CEO, DIE, MUDT | |
| s 17(2) | Duty to register public road in public roads register | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 17(3) | Power to decide that a road is reasonably required for general public use | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 17(3) | Duty to register a road reasonably required for general public use in public roads register | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 17(4) | Power to decide that a road is no longer reasonably required for general public use | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 17(4) | Duty to remove road no longer reasonably required for general public use from public roads register | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 18(1) | Power to designate ancillary area | CEO, DIE, MUDT | Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2) |
| s 18(3) | Duty to record designation in public roads register | CEO, DIE, MUDT | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|--------------------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 19(1) | Duty to keep register of public roads in respect of which it is the coordinating road authority | CEO, DIE, MUDT | |
| s 19(4) | Duty to specify details of discontinuance in public roads register | CEO, DIE, MUDT | |
| s 19(5) | Duty to ensure public roads register is available for public inspection | CEO, DIE, MUDT | |
| s 21 | Function of replying to request for information or advice | CEO, DIE, MUDT | Obtain consent in circumstances specified in s 11(2) |
| s 22(2) | Function of commenting on proposed direction | CEO, DIE, MUDT | |
| s 22(4) | Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report | CEO, DIE, MUDT | |
| s 22(5) | Duty to give effect to a direction under s 22 | CEO, DIE, MUDT | |
| s 40(1) | Duty to inspect, maintain and repair a public road | CEO, DIE, MUDT, MMO, MCD | |
| s 40(5) | Power to inspect, maintain and repair a road which is not a public road | CEO, DIE, MUDT, MMO, MCD | |
| s 41(1) | Power to determine the standard of construction, inspection, maintenance and repair | CEO, DIE, MUDT, MCD | |
| s 42(1) | Power to declare a public road as a controlled access road | CEO, DIE, MUDT | Power of coordinating road authority and sch 2 also applies |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 42(2) | Power to amend or revoke declaration by notice published in Government Gazette | CEO, DIE, MUDT | Power of coordinating road authority and sch 2 also applies |
| s 42A(3) | Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified | CEO, DIE, MUDT | Where Council is the coordinating road authority If road is a municipal road or part thereof |
| s 42A(4) | Power to approve Minister's decision to specify a road as a specified freight road | CEO, DIE, MUDT | Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road |
| s 48EA | Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport) | CEO, DIE, MUDT | Where Council is the responsible road authority, infrastructure manager or works manager |
| s 48M(3) | Function of consulting with the relevant authority for purposes of developing guidelines under s 48M | CEO, DIE, MUDT | |
| s 49 | Power to develop and publish a road management plan | CEO, DIE, MUDT | |
| s 51 | Power to determine standards by incorporating the standards in a road management plan | CEO, DIE, MUDT | |
| s 53(2) | Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan | CEO, DIE, MUDT | |
| s 54(2) | Duty to give notice of proposal to make a road management plan | CEO, DIE, MUDT | |
| s 54(5) | Duty to conduct a review of road management plan at prescribed intervals | CEO, DIE, MUDT | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|---------------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 54(6) | Power to amend road management plan | CEO, DIE, MUDT | |
| s 54(7) | Duty to incorporate the amendments into the road management plan | CEO, DIE, MUDT | |
| s 55(1) | Duty to cause notice of road management plan to be published in Government Gazette and newspaper | CEO, DIE, MUDT | |
| s 63(1) | Power to consent to conduct of works on road | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 63(2)(e) | Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency | CEO, DIE, MUDT, MMO | Where Council is the infrastructure manager |
| s 64(1) | Duty to comply with cl 13 of sch 7 | CEO, DIE, MUDT, MMO | Where Council is the infrastructure manager or works manager |
| s 66(1) | Power to consent to structure etc | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 67(2) | Function of receiving the name & address of the person responsible for distributing the sign or bill | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 67(3) | Power to request information relating to distributor | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 68(2) | Power to request information relating to depositor | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| s 71(3) | Power to appoint an authorised officer | CEO, DIE, MUDT, MMO | |
| s 72 | Duty to issue an identity card to each authorised officer | CEO, DIE, MUDT, MMO | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|---------------------|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 85 | Function of receiving report from authorised officer | CEO, DIE, MUDT, MMO | |
| s 86 | Duty to keep register re s 85 matters | CEO, DIE, MUDT | |
| s 87(1) | Function of receiving complaints | CEO, DIE, MUDT | |
| s 87(2) | Duty to investigate complaint and provide report | CEO, DIE, MUDT | |
| s 96 | Power to authorise a person for the purpose of instituting legal proceedings | CEO, DIE, MUDT | |
| s 112(2) | Power to recover damages in court | CEO, DIE, MUDT | |
| s 116 | Power to cause or carry out inspection | CEO, DIE, MUDT | |
| s 119(2) | Function of consulting with the Head, Transport for Victoria | CEO, DIE, MUDT | |
| s 120(1) | Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria) | CEO, DIE, MUDT | |
| s 120(2) | Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1) | CEO, DIE, MUDT | |
| s 121(1) | Power to enter into an agreement in respect of works | CEO, DIE, MUDT | |
| s 122(1) | Power to charge and recover fees | CEO, DIE, MUDT | |
| s 123(1) | Power to charge for any service | CEO, DIE, MUDT | |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 2 cl 2(1) | Power to make a decision in respect of controlled access roads | CEO, DIE, MUDT | |
| sch 2 cl 3(1) | Duty to make policy about controlled access roads | CEO, DIE, MUDT | |
| sch 2 cl 3(2) | Power to amend, revoke or substitute policy about controlled access roads | CEO, DIE, MUDT | |
| sch 2 cl 4 | Function of receiving details of proposal from the Head, Transport for Victoria | CEO, DIE, MUDT | |
| sch 2 cl 5 | Duty to publish notice of declaration | CEO, DIE, MUDT | |
| sch 7 cl 7(1) | Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve | CEO, DIE, MMO | Where Council is the infrastructure manager or works manager |
| sch 7 cl 8(1) | Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road | CEO, DIE, MMO | Where Council is the infrastructure manager or works manager |
| sch 7 cl 9(1) | Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works | CEO, DIE, MMO | Where Council is the infrastructure manager or works manager responsible for non-road infrastructure |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|---|---------------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7 cl 9(2) | Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance | CEO, DIE, MMO | Where Council is the infrastructure manager or works manager |
| sch 7 cl 10(2) | Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected | CEO, DIE, MMO | Where Council is the infrastructure manager or works manager |
| sch 7 cl 12(2) | Power to direct infrastructure manager or works manager to conduct reinstatement works | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| sch 7 cl 12(3) | Power to take measures to ensure reinstatement works are completed | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| sch 7 cl 12(4) | Duty to ensure that works are conducted by an appropriately qualified person | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| sch 7 cl 12(5) | Power to recover costs | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| sch 7 cl 13(1) | Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2) | CEO, DIE, MUDT, MMO | Where Council is the works manager |
| sch 7 cl 13(2) | Power to vary notice period | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| sch 7 cl 13(3) | Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1) | CEO, DIE, MUDT, MMO | Where Council is the infrastructure manager |
| sch 7 cl 16(1) | Power to consent to proposed works | CEO, DIE, MUDT | Where Council is the coordinating road authority |

| ROAD MANAGEMENT ACT 2004 | | | |
|---------------------------------|--|-----------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7 cl 16(4) | Duty to consult | CEO, DIE, MUDT | Where Council is the coordinating road authority, responsible authority or infrastructure manager |
| sch 7 cl 16(5) | Power to consent to proposed works | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7 cl 16(6) | Power to set reasonable conditions on consent | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7 cl 16(8) | Power to include consents and conditions | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7 cl 17(2) | Power to refuse to give consent and duty to give reasons for refusal | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7 cl 18(1) | Power to enter into an agreement | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7 cl 19(1) | Power to give notice requiring rectification of works | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7 cl 19(2) & (3) | Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7 cl 20(1) | Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure | CEO, DIE, MUDT | Where Council is the coordinating road authority |
| sch 7A cl 2 | Power to cause street lights to be installed on roads | CEO, DIE, MUDT | Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road |

| ROAD MANAGEMENT ACT 2004 | | | |
|--------------------------|---|----------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 7A cl 3(1)(d) | Duty to pay installation and operation costs of street lighting - where road is not an arterial road | CEO, DIE, MUDT | Where Council is the responsible road authority |
| sch 7A cl 3(1)(e) | Duty to pay installation and operation costs of street lighting – where road is a service road on an arterial road and adjacent areas | CEO, DIE, MUDT | Where Council is the responsible road authority |
| sch 7A cl 3(1)(f) | Duty to pay installation and percentage of operation costs of street lighting – for arterial roads in accordance with cls 3(2) and 4 | CEO, DIE, MUDT | Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs) |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|---|--------------------------|-------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 24 | Duty to ensure that cemetery complies with depth of burial requirements | DPD, CFO | |
| r 25 | Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves | DPD, CFO | |
| r 27 | Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b) | DPD, CFO | |
| r 28(1) | Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator | DPD, CFO, DIE, MSE, UMCM | |
| r 28(2) | Duty to ensure any fittings removed of are disposed in an appropriate manner | DPD, CFO, DIE, MSE, UMCM | |
| r 29 | Power to dispose of any metal substance or non-human substance recovered from a cremator | DPD, CFO | |
| r 30(2) | Power to release cremated human remains to certain persons | DPD, CFO | |
| r 31(1) | Duty to make cremated human remains available for collection within 2 working days after the cremation | DPD, CFO | |
| r 31(2) | Duty to hold cremated human remains for at least 12 months from the date of cremation | DPD, CFO | |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|--|---------------------|-------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 31(3) | Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation | DPD, CFO | |
| r 31(4) | Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period | CFO | |
| r 32 | Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d) | DPD, CFO | |
| r 33(1) | Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c) | DPD | |
| r 33(2) | Duty to ensure that remains are interred in accordance with paragraphs (a)-(b) | DPD | |
| r 34 | Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b) | DPD | |
| r 36 | Duty to provide statement that alternative vendors or supplier of monuments exist | DPD | |
| r 40 | Power to approve a person to play sport within a public cemetery | DPD, DIE, MSE, UMCM | |
| r 41(1) | Power to approve fishing and bathing within a public cemetery | DPD, DIE, MSE, UMCM | |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|--|---------------------------------|--------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 42(1) | Power to approve hunting within a public cemetery | DPD, DIE, MSE, UMCM | |
| r 43 | Power to approve camping within a public cemetery | DPD, DIE, MSE, UMCM | |
| r 45(1) | Power to approve the removal of plants within a public cemetery | DPD, DIE, MSE, UMCM, MMO, UMPCF | |
| r 46 | Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c) | DPD, DIE, MSE, UMCM | |
| r 47(3) | Power to approve the use of fire in a public cemetery | DPD, DIE, MSE, UMCM | |
| r 48(2) | Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area | DPD, DIE, MSE, UMCM, MMO, UMPCF | |
| Note: sch 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules | | | |
| sch 2 cl 4 | Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2 | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 5(1) | Duty to display the hours during which pedestrian access is available to the cemetery | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 5(2) | Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours | DPD, DIE, MSE, UMCM | See note above regarding model rules |

| CEMETERIES AND CREMATORIA REGULATIONS 2015 | | | |
|--|--|---------------------------------|--------------------------------------|
| These provisions apply to Council appointed as a cemetery trust under s 5 of the <i>Cemeteries and Crematoria Act</i> 2003, and also apply to Council appointed to manage a public cemetery under s 8(1)(a)(ii) as though it were a cemetery trust (see s 53). | | | |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| sch 2 cl 6(1) | Power to give directions regarding the manner in which a funeral is to be conducted | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 7(1) | Power to give directions regarding the dressing of places of interment and memorials | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 8 | Power to approve certain mementos on a memorial | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 11(1) | Power to remove objects from a memorial or place of interment | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 11(2) | Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 12 | Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies | MBS, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 14 | Power to approve an animal to enter into or remain in a cemetery | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 16(1) | Power to approve construction and building within a cemetery | MBS, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 17(1) | Power to approve action to disturb or demolish property of the cemetery trust | DPD, DIE, MSE, UMCM | See note above regarding model rules |
| sch 2 cl 18(1) | Power to approve digging or planting within a cemetery | DPD, DIE, MSE, UMCM, MMO, UMPCF | See note above regarding model rules |

| PLANNING AND ENVIRONMENT REGULATIONS 2015 | | | |
|---|---|---------------|--|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| r 6 | Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme | CEO, SPG, SSG | Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |
| r 21 | Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act | CEO, SPG, SSG | |
| r 25(a) | Duty to make copy of matter considered under s 60(1A)(g) in accordance with the public availability requirements | CEO, SPG, SSG | Where Council is the responsible authority |
| r 25(b) | Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available in accordance with the public availability requirements | CEO, SPG, SSG | Where Council is not the responsible authority but the relevant land is within Council's municipal district |
| r 42 | Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application | CEO, SPG, SSG | Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority. |

| PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016 | | | |
|--|---|--------------------------|----------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS AND LIMITATIONS |
| r 19 | Power to waive or rebate a fee relating to an amendment of a planning scheme | CEO, STLG, DPD, MBP, MSF | |
| r 20 | Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme | CEO, STLG, DPD, MBP, MSF | |
| r 21 | Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20 | CEO, SPG, SSG | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024 | | | |
|--|---|--------------------------------|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 7 | Power to enter into a written agreement with a caravan park owner | CEO, DPD, MCEH, UMEH | |
| r 10 | Function of receiving application for registration | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 11 | Function of receiving application for renewal of registration | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 12(1) | Duty to grant the registration if satisfied that the caravan park complies with these regulations | CEO, DPD, MCEH, UMEH | |
| r 12(1) | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | CEO, DPD, MCEH, UMEH | |
| r 12(2) | Duty to renew the registration if satisfied that the caravan park complies with these regulations | CEO, DPD, MCEH, UMEH | |
| r 12(2) | Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations | CEO, DPD, MCEH, UMEH | |
| r 12(3) | Duty to have regard to matters in determining an application for registration or an application for renewal of registration | CEO, DPD, MCEH, UMEH | |
| r 12(4) & (5) | Duty to issue certificate of registration | CEO, DPD, MCEH, UMEH | |
| r 14(1) | Function of receiving notice of transfer of ownership | CEO, DPD, MCEH, UMEH | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024 | | | |
|--|--|--------------------------------------|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 14(3) | Power to determine where notice of transfer is displayed | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 15(1) | Duty to transfer registration to new caravan park owner | CEO, DPD, MCEH, UMEH | |
| r 15(2) | Duty to issue a certificate of transfer of registration | CEO, DPD, MCEH, UMEH | |
| r 15(3) | Power to determine where certificate of transfer of registration is displayed | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 16(1) | Power to determine the fee to accompany applications for registration or applications for renewal of registration | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 17 | Duty to keep register of caravan parks | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 21(1) | Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 21(2) | Duty to consult with relevant emergency services agencies | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 22 | Power to determine places in which caravan park owner must display a copy of emergency procedures | CEO, DPD, MCEH, UMEH, CEH, EHO | |

| RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2024 | | | |
|--|---|--------------------------------|-------------------------------------|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 23 | Power to determine places in which caravan park owner must display copy of public emergency warnings | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 24(2) | Power to consult with relevant floodplain management authority | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 26(b)(i) | Power to approve system for the discharge of sewage and waste water from a movable dwelling | CEO, DPD, MCEH, UMEH, CEH, EHO | |
| r 38 | Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe | CEO, DPD, MCEH, UMEH | |
| r 38(b) | Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe | CEO, DPD, MCEH, UMEH | |
| r 39(3) | Function of receiving installation certificate | CEO, DPD, MCEH, UMEH | |
| r 45(3) | Power to determine places in which caravan park owner must display name and telephone number of an emergency contact person | DPD, MCEH, UMEH, CEH | |
| r 45(5) | Power to determine places in which caravan park owner must display the certificate of registration or certificate of renewal of registration, the plan of the caravan park and a copy of the caravan park rules | DPD, MCEH, UMEH, CEH | |

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 | | | |
|---|--|---------------------|--|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 8(1) | Duty to conduct reviews of road management plan | CEO, DIE, MUDT, MMO | |
| r 9(2) | Duty to produce written report of review of road management plan and make report available | CEO, DIE, MUDT, MMO | |
| r 9(3) | Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required) | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| r 10 | Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act | CEO, DIE, MUDT, MMO | |
| r 13(1) | Duty to publish notice of amendments to road management plan | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| r 13(3) | Duty to record on road management plan the substance and date of effect of amendment | CEO, DIE, MUDT, MMO | |
| r 16(3) | Power to issue permit | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| r 18(1) | Power to give written consent re damage to road | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| r 23(2) | Power to make submission to Tribunal | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |
| r 23(4) | Power to charge a fee for application under s 66(1) Road Management Act | CEO, DIE, MUDT, MMO | Where Council is the coordinating road authority |

| ROAD MANAGEMENT (GENERAL) REGULATIONS 2016 | | | |
|--|--|---------------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 25(1) | Power to remove objects, refuse, rubbish or other material deposited or left on road | CEO, DIE, MUDT, MMO | Where Council is the responsible road authority |
| r 25(2) | Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3)) | CEO, DIE, MUDT, MMO | Where Council is the responsible road authority |
| r 25(5) | Power to recover in the Magistrates' Court, expenses from person responsible | CEO, DIE, MUDT, MMO | |

| ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015 | | | |
|---|---|----------------|---|
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| r 15 | Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works | CEO, DIE, MUDT | Where Council is the coordinating road authority and where consent given under s 63(1) of the Act |
| r 22(2) | Power to waive whole or part of fee in certain circumstances | CEO, DIE, MUDT | Where Council is the coordinating road authority |



***S18 Instrument of Sub-Delegation
under the Environment Protection Act 2017***

Whittlesea City Council

Instrument of Sub-Delegation

to

Members of Council staff

Instrument of Sub-Delegation

By this Instrument of Sub-Delegation, in exercise of the power conferred by s 437(2) of the *Environment Protection Act 2017* ('Act') and the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021, the Council:

- delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described in column 3 of the Schedule;
- record that references in the Schedule are as follows

| Abbreviation | Position | Limitation |
|--------------|--|---------------|
| ASPO | Asset Protection Officer | 5.1.2 |
| UMASP | Unit Manager Asset Protection | 5.1.2 |
| CAP | Coordinator Asset Protection | 5.1.2 |
| BI | Building Inspector | 5.1.2 |
| BS | Building Surveyor | 5.1.2 |
| CCO | City Compliance Officer | |
| CEH | Coordinator Environmental Health | 5.1.1 & 5.1.2 |
| DIE | Director Infrastructure and Environment | 5.1.1 & 5.1.2 |
| DPD | Director Planning and Development | 5.1.1 & 5.1.2 |
| EHO | Environmental Health Officer | 5.1.1 & 5.1.2 |
| IPO | Infrastructure Protection Officer | 5.1.1 & 5.1.2 |
| MAF | Manager Asset and Facilities | 5.1.2 |
| MAF | Manager Assets and Facilities | 5.1.2 |
| MBP | Manager Building and Planning | 5.1.1 & 5.1.2 |
| MCEH | Manager Compliance and Environmental Health | 5.1.1 & 5.1.2 |
| MEMRP | Manager Emergency Management & Regulatory Programs | 5.1.1 & 5.1.2 |
| CA | Coordinator Appeals | 5.1.1 & 5.1.2 |
| CP | Coordinator Prosecutions | 5.1.1 & 5.1.2 |
| PRSO | Prosecutions Support Officer | 5.1.1 & 5.1.2 |
| UMRSP | Unit Manager Regulatory Services and Prosecutions | 5.1.1 & 5.1.2 |
| MBS | Municipal Building Surveyor | 5.1.2 |
| UMPE | Unit Manager Planning Enforcement | 5.1.2 |
| SPEO | Senior Planning Enforcement Officer | 5.1.2 |
| PEO | Planning Enforcement Officer | 5.1.2 |
| SBI | Senior Building Inspector | 5.1.2 |
| SBS | Senior Building Surveyor | 5.1.2 |
| UWIPO | Utility Works & Infrastructure Protection Officer | 5.1.2 |

- this Instrument of Sub-Delegation is authorised by **a resolution of Council** passed on **#date** pursuant to a power of sub-delegation conferred by the Instrument of Delegation of the Environment Protection Authority under the Act dated 4 June 2021;

4. the delegation:
 - 4.1 comes into force immediately the common seal of Council is affixed to this Instrument of Sub-Delegation;
 - 4.2 remains in force until varied or revoked;
 - 4.3 is subject to any conditions and limitations set out in sub-paragraph 5, and the Schedule; and
 - 4.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
5. this Instrument of Sub-Delegation is subject to the following limitations:
 - 5.1 the powers, duties and functions described in column and summarised in column 2 of the Schedule are only delegated for the purpose of regulating:
 - 5.1.1 onsite wastewater management systems with a design or actual flow rate of sewage not exceeding 5000 litres on any day; and
 - 5.1.2 noise from the construction, demolition or removal of residential premises;
6. the delegate must not determine the issue, take the action or do the act or thing:
 - 6.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
 - 6.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - (a) policy; or
 - (b) strategy
 adopted by Council;
 - 6.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or
 - 6.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

DATED

THE COMMON SEAL of)

WHITTLESEA CITY COUNCIL)

was affixed in the presence of)

..... Mayor

..... Chief Executive Officer

SCHEDULE

| ENVIRONMENT PROTECTION ACT 2017 | | | |
|--|---|---|---|
| Column 1 | Column 2 | Column 3 | Column 4 |
| PROVISION | THING DELEGATED | DELEGATE | CONDITIONS & LIMITATIONS |
| s 271 | Power to issue improvement notice | DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRSP, UMPE, SPEO | Refer to the limitations recorded in the reference table at Clause 2 of this Instrument |
| s 272 | Power to issue prohibition notice | DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CCO, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRSP, UMPE, SPEO | Refer to the limitations recorded in the reference table at Clause 2 of this Instrument |
| s 279 | Power to amend a notice | DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRSP, UMPE, SPEO | Refer to the limitations recorded in the reference table at Clause 2 of this Instrument |
| s 358 | Functions of the Environment Protection Authority | DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRSP, UMPE, SPEO | Refer to the limitations recorded in the reference table at Clause 2 of this Instrument |
| s 359(1)(b) | Power to do all things that are necessary or convenient to be done for or in connection with the performance of the Environment Protection Authority's functions and duties and to enable the Authority to achieve its objective. | DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRSP, UMPE, SPEO | Refer to the limitations recorded in the reference table at Clause 2 of this Instrument |
| s 359(2) | Power to give advice to persons with duties or obligations | DIE, MAF, ASPO, UWIPO, IPO, DPD, MCEH, CEH, EHO, MBP, PEO, MBS, SBS, BS, SBI, BI, UMASP, CAP, UMEH, MEMRP, CA, CP, PRSO, UMRSP, UMPE, SPEO | Refer to the limitations recorded in the reference table at Clause 2 of this Instrument |

6 Notices of Motion

6.1 CEO Employment Matters Advisory Committee Membership

Councillor: Cr Martin Taylor

NoM No: 2025/03

At the 15 April 2025 Scheduled Council Meeting, Cr Taylor gave notice that it was their intention to move the following Motion. Council resolved at the April Council meeting to lay the Notice of Motion on the table until the 20 May 2025 Scheduled Council Meeting.

Motion

THAT Council:

1. **Resolve Cr Aidan McLindon (Cr McLindon) be immediately removed as a councillor representative on the CEO Employment Matters Advisory Committee (CEMAC).**
2. **Amend the City of Whittlesea CEO Employment and Remuneration Policy to reflect that membership will comprise of three councillors, noting Councillors Colwell and Kozmevski have already been appointed to the CEMAC.**
3. **Appoint Cr Martin Taylor as the third councillor representative on the CEMAC.**
4. **Notes the reappointment of the Mayor of the day to CEMAC will form part of next annual consideration of membership to all internal and external Committees and Boards.**

Notice Received: 31 March 2025

Notice Given to Councillors: 1 April 2025

Date of Meeting: 15 April 2025

PREAMBLE

The purpose of this motion is for Council to formally express the importance of ensuring that councillor representation on the CEMAC remains impartial, fair, and reflective of the best interests of the Council and the City of Whittlesea municipality. Council refers to publicly available digital recordings from a gathering on Tuesday, 18 March 2025, during which a statement was made by Cr McLindon, calling for the immediate stepping aside of the Chief Executive Officer. This is cited as an example of potential bias and a basis for reconsideration of councillor representation on the CEMAC.

7 Urgent Business

8 Reports from Councillors and CEO Update

9 Tabled Reports

9.1 Audit & Risk Committee Biannual Report

Director/Executive Manager: Executive Manager Office of Council & CEO

Report Author: Compliance & Governance Officer

Executive Summary

In accordance with s54 (5) of the *Local Government Act 2020*, the Audit and Risk Committee (Committee) is required to prepare a biannual report on its activities. The Committee's biannual report is tabled for Council information and public transparency.

Attachments

1. Audit and Risk Committee Bi Annual Report [9.1.1 - 8 pages]

Audit and Risk Committee

Bi-Annual Report: For period September 2024 – February 2025

Final Report Issued Date: 25 February 2025

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1. Role of the Audit and Risk Committee

The Audit and Risk Committee (the Committee) is an independent committee of Council. Its purpose is to support and advise Council in fulfilling its responsibilities related to:

- financial reporting
- risk management
- maintenance of sound systems of internal control
- assurance activities including internal and external audit, and
- Council's performance regarding legislative and regulatory compliance.

It acts in this capacity by monitoring, reviewing, and advising on issues within its scope of responsibility.

The Committee reports to Council on the outcomes of its work programme and provides advice and recommendations on matters relevant to its Charter. The Committee may also endorse key reports for consideration by Council.

2. Independence

An independent Audit and Risk Committee is a fundamental component of a strong corporate governance culture. Council's Committee is independent of management and is not involved in any operational decisions. Committee members do not have any executive powers, management functions or delegated financial responsibilities.

3. Period of this Report

This report covers the Committee activities from September 2024 to February 2025.

In that period the Committee has met 3 times - 10 September 2024, 3 December 2024, and 25 February 2025.

4. Purpose of this Report

This report is prepared in accordance with Council's reporting requirements under section 54 (5) of the *Local Government Act 2020* (LGA), which requires the Committee to report to Council twice annually on its activities, findings, and recommendations.

Importantly, this report provides Council with a summary of matters that the Committee has addressed in the period to discharge its responsibilities under its Charter. This report has been reviewed by all Committee members.

5. Committee Charter

The Committee's Charter is set by Council and was last reviewed and approved by Council at its 17 December 2024 meeting.

6. Committee Membership and Meeting Attendance

6.1 Committee Membership

The Committee has four independent members and two Councillors members.

The independent members collectively have skill sets and experience as mandated in s 53 of the LGA, including skills in financial management and reporting, risk management, audit and assurance programs, compliance management and internal control frameworks.

The Chair of the Committee is an independent member. The mix of independent and Councillor members enables open discussion based on best practice and gives Councillors' insights into Council's governance practices.

The composition of the Committee remained stable during the year, with the continuity of four independent members and two Councillor members.

Independent member, Jen Johanson resigned from her role effective immediately following the Committee meeting held on 10 September 2024. To fill the resulting vacancy, and following a competitive Expression of Interest process, Council resolved at its 17 December 2024 meeting;

- Appoint Lisa Tripodi as an independent member of the Audit and Risk Committee for a three-year term, concluding 16 December 2027
- Not to extend the appointment of Marco Bini beyond 30 June 2025
- Appoint Suzie Thoraval as the replacement independent member of the Audit and Risk Committee for a three-year term, commencing 1 July 2025 and concluding 30 June 2028.

6.2 Committee Support

The Committee enjoys a strong professional working relationship with Council Officers, which helps the Committee deliver insights, advice, and support to Council. The Committee and Council Officers are always alert to opportunities for improvements.

6.3 Meeting Attendance

| | Meetings | | |
|----------------------------------|-------------------|-----------------|------------------|
| | 10 September 2024 | 3 December 2024 | 25 February 2025 |
| Independent Members | | | |
| Geoff Harry (Chair) | Attended | Attended | Attended |
| Jen Johanson | Attended | Not Required | Not Required |
| Bruce Potgieter | Attended | Attended | Attended |
| Marco Bini | Attended | Attended | Attended |
| Lisa Tripodi | Not Required | Not Required | Attended |
| Administrator Members | | | |
| Lydia Wilson | Attended | Not Required | Not Required |
| Christian Zahra | Attended | Not Required | Not Required |
| Councillor Members | | | |
| Councillor Aiden McLindon, Mayor | Not Required | Attended | Apology |
| Councillor Martin Taylor | Not Required | Attended | Attended |

6.3.1 Senior Management Team

The Committee has been strongly supported by Council's senior management team who have attended all meetings during the year.

6.3.2 External Service Providers

Both the internal audit team (Aster Advisory) and the agent of the Victorian Auditor General's Office (VAGO) have attended as required.

7. Committee Annual Work Plan

The agendas for the meetings are driven by the Annual Work Plan (AWP).

The AWP and agendas contain the activities undertaken by the Committee to ensure it meets its Charter responsibilities.

The AWP is reviewed at every meeting to ensure that the Committee continues to discharge its responsibilities to Council on a timely basis.

The work of the Committee is summarised below in each of the key areas.

7.1 Financial and Performance Reporting

The Committee monitored the quality, content, and commentary of the financial and performance reports provided to Council, which were tracked against the approved budget and Council Plan.

The Committee also received quarterly updates on the Local Government Performance Reporting Framework.

The Committee was satisfied with the quality of the financial performance reporting.

7.2 Risk Management

The Committee monitored risk management activity at both meetings, which included consideration of the following matters:

- Outcomes of assessments of strategic and operational risks
- Management of significant insurance activities
- Outcomes of disaster recovery test plans
- Emergency management and business continuity activities
- Effectiveness of fraud and corruption systems
- Outcomes of the review of the Risk Management Framework
- Briefings from Council Officers on emerging risks for Council including:
 - Body Worn Camera's
 - Debt Management
 - Digital and cyber security.

The Committee is satisfied with the maturity of the risk management framework, program and controls, and the Business Continuity Plan.

7.3 Strategic Internal Audit Plan

The Committee monitored the Strategic Internal Audit Plan (**SIAP**) which was developed by our internal auditors in consultation with the Committee, the Executive Leadership Team, and the Compliance and Governance team.

The Committee approved the 2024-25 Strategic Internal Audit Plan at its 14 May 2024 meeting.

7.4 Internal Audit

The internal audit function is contracted to Aster Advisory under an agreement that commenced in July 2023 for 3 years.

The Committee monitored the progress of delivering the SIAP for 2023-24 and 2024-25 and was satisfied that delivery is on track.

| 2023 -2024 Internal Audit Reviews | Date Presented |
|---|-------------------|
| Parks Maintenance Contract | 13 February 2024 |
| Payroll | 14 May 2024 |
| wat djerring Animal Facility Operations | 25 February 2025 |
| Climate Change Adaption | 10 September 2024 |
| Family Day Care Operations | 10 September 2024 |

| 2024 -2025 Internal Audit Reviews | Date Presented |
|-----------------------------------|------------------------------|
| Records Management | 3 December 2024 |
| Events and Festivals | Scheduled for May 2025 |
| Core Financial Controls | 25 February 2025 |
| Development Contributions | Scheduled for May 2025 |
| Asset Management - Roads | Scheduled for May 2025 |
| Cybersecurity | Scheduled for September 2025 |

The Committee also regularly monitors management performance in closing out recommendations for improvement and is particularly alert to high rated actions that are not closed by the target dates.

The Committee is satisfied that there is appropriate management focus on the actions, bearing in mind that some recommendations require system changes or enhancements with long lead times.

7.5 Compliance and Integrity

The Committee monitored Council's compliance and provided advice on:

- Systems and processes for monitoring legislative compliance
- Gifts, Benefits and Hospitality Register to assess fraud risk and conflict of interest compliance
- Key Personal Expenses (including Administrators, CEO, and the CEO's Executive Assistant) to assess fraud and integrity
- Internal Assurance Program
- Procurement performance
- Regulatory Integrity Report Review program, which screens for investigations and reports by State Integrity Agencies with officers providing briefings, recommendations, and best practice insights to be implemented where a gap exists.

7.6 Systems of Internal Control

The Committee considered several reports on the review of policies, systems, and controls during the reporting period. The key matters monitored and subject to review included the following:

- Alignment of policies and procedures with Overarching Governance Principles
- The review of key internal policies
- Targeted areas:
 - CX/DX Program
 - Developer Contributions
 - Significant Contracts and Projects

7.7 External Audit

The Victorian Auditor General's Office (VAGO) appointed HLB Mann Judd as its agent to undertake the external audit of Council's annual financial report and annual performance statement for the year ending 30 June 2025.

The Committee was briefed on the draft external audit strategy for the 2024-2025 Annual Performance Statement at the meeting on 25 February 2025, which focused on key external audit risks likely to be considered in delivery of the audit.

8. Reporting to Council

To advance the transparency of Committee decision making, advice and deliberations:

- All Committee meetings' unconfirmed minutes are reported to the next ordinary Council meeting for in-principal approval.
- Audit and Risk Committee's Annual Report was presented at Council's 3 September 2024 meeting.
- The Annual Financial Report and the Annual Performance Statement, which were audited by the appointed external auditors, was tabled at Council's 3 September 2024 meeting.

9. Committee Performance Assessment

The Committee endorsed the questionnaire for use in the upcoming performance self-assessment survey at their 13 February 2024 meeting and confirmed the method for undertaking and reporting on the survey results.

The results of the survey were incorporated into the Committee's Annual Report to Council at Council's 3 September 2024 meeting.

10. Conclusion

The Committee is satisfied that it has fully discharged its responsibilities for the reporting period as set out in its Charter. The Committee has seen indicators of improving risk management performance and of a strengthening internal control environment.

I wish to acknowledge the support of Council's senior officers in the preparation of agendas, minutes, reports, and presentations, all of which ensure that the Committee remains well-briefed and effective.

Geoff Harry

Chair, on behalf of the Audit and Risk Committee

Date: 25 February 2025

10 Confidential Business

Under section 66(2) of the *Local Government Act 2020* a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the *Local Government Act 2020*.

Recommendation

THAT the meeting be closed to the public for the purpose of considering details relating to confidential matters in accordance with Section 66(2)(a) of the *Local Government Act 2020* as detailed.

11 Closure