



Agenda

Scheduled Council Meeting

Monday 31 January 2022 at 6:30pm

You are advised that a Meeting of Council has been called by the Chief Executive Officer on Monday 31 January 2022 at 6:30pm for the transaction of the following business.

In accordance with section 394 of the *Local Government Act 2020* this meeting will be held remotely online and will be [livestreamed via Council’s website](https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/).

**C Lloyd**

**Chief Executive Officer**



Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Chris Eddy Administrator

On 19 June 2020 the Acting Minister for Local Government appointed the Panel of Administrators for the City of Whittlesea and appointed Ms Lydia Wilson as Chair of the Panel. The Panel of Administrators comprises of Ms Lydia Wilson, Ms Peita Duncan and Mr Chris Eddy who will undertake the duties of the Council of the City of Whittlesea until the October 2024 Local Government Election.

Senior Officers

Craig Lloyd Chief Executive Officer

Frank Joyce Executive Manager Governance & Strategy

Toni Mason Acting Director Community Wellbeing

Mark Montague Acting Director Corporate Services

Janine Morgan Executive Manager Public Affairs

Justin O’Meara Director Planning & Development

Debbie Wood Director Infrastructure & Environment

Order of Business

The Chief Executive Officer submits the following business:

[1 Opening 6](#_Toc94191414)

[1.1 Meeting Opening and Introductions 6](#_Toc94191415)

[1.2 Acknowledgement of Traditional Owners Statement 6](#_Toc94191416)

[1.3 Attendance 6](#_Toc94191417)

[2 Declarations of Conflict of Interest 7](#_Toc94191418)

[3 Confirmation of Minutes of Previous Meeting/s 7](#_Toc94191419)

[4 Public Questions, Petitions and Joint Letters 8](#_Toc94191420)

[4.1 Public Question Time 8](#_Toc94191421)

[4.2 Petitions 8](#_Toc94191422)

[4.3 Joint Letters 8](#_Toc94191423)

[5 Officers' Reports 9](#_Toc94191424)

[5.1 Connected Communities 9](#_Toc94191425)

[5.1.1 Submission to State Government Parliamentary Inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework 9](#_Toc94191426)

[5.1.2 2021-106 Redleap Recreation Reserve Stage 2 - Playspace Redevelopment - Tender Evaluation 16](#_Toc94191427)

[5.2 Livable Neighbourhoods 21](#_Toc94191428)

[5.2.1 Planning Application 130 Bindts Road, Wollert 21](#_Toc94191429)

[5.2.2 Contract 2021-93 Epping Reserve Car Park Upgrade 79](#_Toc94191430)

[5.2.3 Patterson Drive Community Centre revised scope 84](#_Toc94191431)

[5.3 Strong Local Economy 92](#_Toc94191432)

[5.4 Sustainable Environment 93](#_Toc94191433)

[5.4.1 Joint Letter - Request for removal of Street Trees corner Strathoon Crescent & Vista Way, South Morang 93](#_Toc94191434)

[5.5 High Performing Organisation 98](#_Toc94191435)

[5.5.1 Unconfirmed Minutes of Audit & Risk Committee Meeting and Annual Committee Performance Assessment 98](#_Toc94191436)

[6 Notices of Motion 101](#_Toc94191437)

[7 Urgent Business 101](#_Toc94191438)

[8 Reports from Council Representatives and CEO Update 101](#_Toc94191439)

[9 Confidential Business 101](#_Toc94191440)

[9.1 Confidential Connected Communities 101](#_Toc94191441)

[9.2 Confidential Liveable Neighbourhoods 101](#_Toc94191442)

[9.3 Confidential Strong Local Economy 101](#_Toc94191443)

[9.4 Confidential Sustainable Environment 101](#_Toc94191444)

[9.5 Confidential High Performing Organisation 101](#_Toc94191445)

[9.6 Confidential Notices of Motion 101](#_Toc94191446)

[12 Closure 101](#_Toc94191447)

**Note:**

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

**Question Time:**

During the meeting, the Chief Executive Officer will answer questions from residents and ratepayers. Questions are required to be submitted in writing prior to the advertised commencement time of a Scheduled Council Meeting. It is preferred to receive any questions by 3.30pm unless this unreasonably prevents or hinders you from participating. A Question Time form can be downloaded from Council’s website and copies of the form are available at the meeting. Refer: <https://www.whittlesea.vic.gov.au/about-us/council/council-meetings/>

Council will hold public question time for up to 30 minutes at each Scheduled Council Meeting to allow members of the public to present the questions they have submitted to Council. When Council Meetings are held remotely by electronic means in accordance with Section 394 of the *Local Government Act 2020,* members of the public will be unable to present their questions, however the Chief Executive Officer will read out and answer questions from residents and ratepayers.

Council is committed to ensuring that all residents and ratepayers of the municipality may contribute to Council’s democratic process and therefore, if you have special requirements, please telephone the Governance Team prior to any Council Meeting on (03) 9217 2294.

**1 Opening**

**1.1 Meeting Opening and Introductions**

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

Administrator, Ms Peita Duncan;

Administrator, Mr Chris Eddy; and

Chief Executive Officer, Mr Craig Lloyd.

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

Executive Manager Governance and Strategy, Mr Frank Joyce;

Acting Director Community Wellbeing, Ms Toni Mason;

Acting Director Corporate Services, Mr Mark Montague;

Executive Manager Public Affairs, Ms Janine Morgan;

Director Planning and Development, Mr Justin O’Meara; and

Director Infrastructure and Environment, Ms Debbie Wood.

Following the Introductions, the Chief Executive Officer, Craig Lloyd will then read the following prayer:

Almighty God, we ask for your blessing upon this council to make informed and good decisions to benefit the people of the City of Whittlesea.

Our father who art in heaven, hallowed be thy name, Thy kingdom come, Thy will be done in earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive them that trespass against us; and lead us not into temptation but deliver us from evil, For thine is the kingdom, the power and the glory, for ever and ever.

Amen

**1.2 Acknowledgement of Traditional Owners Statement**

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

“On behalf of the City of Whittlesea I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan as the Traditional Owners of this place.

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

**1.3 Attendance**

**2 Declarations of Conflict of Interest**

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

**Recommendation**

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

**Scheduled Meeting of Council held 6 December 2021.**

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

**4.1 Public Question Time**

**4.2 Petitions**

Nil Petitions

**4.3 Joint Letters**

Nil Joint Letters

**5 Officers' Reports**

**5.1 Connected Communities**

5.1.1 Submission to State Government Parliamentary Inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework

**5.1.1 Submission to State Government Parliamentary Inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework**

**Responsible Officer** Director Planning & Development

**Author** Senior Strategic Planner

**In Attendance:** Leila Esseesse, Senior Strategic Planner

**Attachments**

1. City of Whittlesea Draft Submission to the Parliamentary Inquiry [**5.1.1.1** - 19 pages]

**Purpose**

This report seeks endorsement of a submission prepared in response to the State Government Parliamentary Inquiry into the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework, as contained in Attachment 1.

**Brief Overview**

The Legislative Council’s Environment and Planning Committee is seeking submissions to its Parliamentary Inquiry into the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework.

The Terms of Reference cover a broad range of themes including, but not limited to, social and affordable housing, environmental protection, certainty and fairness in decisions, protecting heritage, delivery of housing and residential zones and any other relevant matters. Council officers have prepared a submission to this enquiry and are seeking Council endorsement.

The submission advocates for stronger mechanisms to facilitate the provision of social and affordable housing, and better quality and diversity of housing supply to meet community needs. It also seeks greater clarity to guide protection of the Green Wedge, and advocates for better integration of environmental sustainability, vegetation protection and heritage protection outcomes with the Victorian planning framework.

The submission is consistent with previously adopted strategies and policies being implemented by Council. It also reinforces Council’s position as outlined in previously endorsed submissions to strengthen integration of the *Planning and Environment Act 1987* and the Victorian planning framework.

**Recommendation**

**That Council resolve to:**

1. **Endorse and forward the submission at Attachment 1 as Council’s formal submission to the State Government Parliamentary Inquiry that will consider and report on the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework.**
2. **Provide a copy of the submission to the local State Members of Parliament and make a copy publicly available on Council’s website.**
3. **Provide a copy of the submission to the Municipal Association of Victoria and the Victorian Local Government Association.**

**Key Information**

**Background**

The Terms of Reference for the Parliamentary Inquiry are seeking to investigate:

1. The high cost of housing, including but not limited to -
   1. Provision of social housing;
   2. Access for first home buyers;
   3. The cost of rental accommodation;
   4. Population policy, state and local;
   5. Factors encouraging housing as an investment vehicle;
   6. Mandatory affordable housing in new housing developments;
2. Environmental sustainability and vegetation protection;
3. Delivering certainty and fairness in planning decisions for communities, including but not limited to -
   1. Mandatory height limits and minimum apartment sizes;
   2. Protecting Green Wedges and the urban growth boundary;
   3. Community concerns about VCAT appeal processes;
   4. Protecting third party appeal rights;
   5. The role of Ministerial call-ins;
4. Protecting heritage in Victoria, including but not limited to -
   1. The adequacy of current criteria and processes for heritage protection;
   2. Possible federal involvement in heritage protection;
   3. Separating heritage protection from the planning administration;
   4. Establishing a heritage tribunal to hear heritage appeals;
   5. The appointment of independent local and state heritage advisers;
   6. The role of Councils in heritage protection;
   7. Penalties for illegal demolitions and tree removals;
5. Ensuring residential zones are delivering the type of housing that communities want; and
6. Any other matter the Committee considers relevant.

The submission has been prepared in consultation with internal stakeholders from a range of departments, and draws on matters raised in previously endorsed Council submissions including:

* 10 Year Social and Affordable Housing Submission to the Victorian Government
* Homelessness in Australia to the House of Representatives Standing Committee on Social Policy and Legal Affairs
* Plan Melbourne Refresh: Discussion Paper Submission to the Victorian Government
* Draft Precinct Structure Plan (PSP) Guidelines Feedback to the Victorian Planning Authority
* Managing Victoria’s Planning System for Land Use and Development response to the Victorian Auditor-General's office
* 30-Year Infrastructure Strategy for Victoria Submission to Infrastructure Victoria
* Inquiry into Environmental Infrastructure for Growing Communities to Parliament
* Planning for Melbourne’s Green Wedge and Agricultural Land Review to the Department of Environment Land Water and Planning (DELWP)
* Protection of the Grassy Eucalypt Woodland letter to Hon Lily D’Ambrosio MP
* Kangaroo Management Plans in the Melbourne Strategy Assessment to DELWP

**Community Consultation and Engagement**

Submissions to the Inquiry are open to the community. Council officers have not consulted the community separately in preparing this submission.

The submission has been prepared in consultation with internal stakeholders from the following departments: Strategic Futures, Planning and Building, Sustainable Environment, Infrastructure and Environment, Economic Development, Parks and Urban Design.

An internal workshop was held to discuss the themes and identify priorities. The submission is drawn largely from matters raised in previously endorsed Council submissions.

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

The submission is aligned to the objectives set out in Whittlesea 2040 and the Community Plan 2021-2025. The submission seeks to ensure that social and affordable housing is provided, recognises the importance of preserving local heritage and ensuring that our neighbourhoods and centres are well planned. This submission also acknowledges the importance of prioritising our environment preserving local biodiversity and waterways and ensuring climate change is address.

**Considerations**

**Draft Submission**

Council officers have prepared a submission for Council consideration and endorsement (Attachment 1). The submission primarily addresses the five topic areas identified in the Terms of Reference, although there is an opportunity for additional comments or themes to be included as relevant.

The below section summarises the key issues detailed in the submission based on the Terms of Reference:

1. High cost of housing

Despite a significant need, and Council commitment, to facilitating social and affordable housing, opportunities are limited. Councils are unable to effectively facilitate the delivery of affordable housing in growth areas due to the limitations of the Victoria Planning Provisions (VPP). The *Planning and Environment Act 1987* and the Victorian planning framework do not provide strong enough mechanisms to enable the planning system to effectively assist or mandate delivery.

Mandatory affordable housing provisions and inclusionary zoning are strongly supported to provide greater certainty and clarity to the development industry, and to meet community needs. In addition, the State Government needs to take a greater leadership role in building broader community awareness and acceptance, by advocating the benefits and need for the provision and distribution of social and affordable housing in all municipalities across the state.

A clearer and more consistent framework is required to assist in the navigation and implementation of affordable housing, including the means-test allocation and securing affordable homeownership options with mechanisms to ensure longevity of the affordable housing stock being delivered.

In addition, the existing social and affordable housing system lacks integration with the disability housing sector, which has resulted in a significant unmet need for accessible affordable housing within the municipality.

1. Environmental sustainability and vegetation protection

Greater integration of the *Planning and Environment Act 1987* with the *Flora and Fauna Guarantee Act 1988* is required to enable the application and protection on private land.

Kangaroo Management Plans also need to be better integrated with the Victorian planning framework and ensure a strategic landscape-scale kangaroo management approach, to avoid issues like land-locking.

There is a need to address significant gaps identified in the application and assessment of cumulative impacts and no net loss of native vegetation within the Victorian planning framework. Recommendations are provided for improving the ‘exemptions’ within the VPP.

There is a need to encourage the integration and incorporation of Traditional Owners knowledge and perspectives into the *Planning and Environment Act* and the Victorian planning framework.

Environmental sustainability and climate change policies need to be proactively integrated with the planning framework. The importance of considering climate change in decision-making needs to be made more explicit within the planning provisions, and ensure the requirements and guidelines are aligned with the most up to date available data.

The future 1200-hectare Grassy Eucalypt Woodland (GEW) investigation area in the Whittlesea Green Wedge as described in the Melbourne Strategic Assessment, remains a significant outstanding matter yet to be progressed by the State Government. As a matter of priority, the State Government should make good on their commitment to secure/purchase this land not only for the City of Whittlesea, but also the adjoining Councils and their communities.

1. Certainty and fairness in planning

Mandatory height limits and minimum apartment sizes - Accessibility and universal design criteria need to be embedded into the provisions to align with the building construction code to ensure accessibility and liveability throughout the life cycle of residents.

Protecting the Green Wedge and Urban Growth Boundary - Greater guidance and strengthening of the Victoria Planning Provisions is required to protect the Green Wedge, the ‘right to farm’ and to ensure the Urban Growth Boundary is retained, in line with Council’s recent submission to the State Government *Planning for Melbourne’s Green Wedges and Agricultural Land Review*.

1. Protecting heritage in Victoria

There is a need to strengthen the way in which the Victorian planning framework protects heritage in Victoria by advocating for improved tools, guidelines and mechanisms to ensure proactive conservation, preservation and protection of all heritage in the municipality.

There is a need to ensure the protection of places of local heritage significance remains with local government, as the most appropriate level of government, albeit with better tools and funding support.

There is a need for greater recognition and integration of archaeological resources in the *Planning and Environment Act 1987*.

1. Ensuring residential zones are delivering the type of housing that communities want

There is a need to align the minimum standards for multi units and townhouses in the residential zones and ResCode, to the higher minimum standards for apartments. This will ensure a higher quality and greater diversity of housing stock is being delivered to support better outcomes for the community.

1. Any other relevant matters

The submission highlights the impact of the current cap on developer funded contributions for community infrastructure in growth area plans. This results in significant funding gaps that growth area Councils are not able to cover and in turn Councils are not able to deliver essential community and recreation infrastructure for new communities.

There is a need for changes to the Infrastructure Contribution Plan (ICP) system in the *Planning and Environment Act 1987* and the Victorian planning framework to provide the ability to apply a Supplementary Levy in circumstances where an additional contributions are warranted for a precinct in the same way as it can be currently applied to fully fund transport projects, avoiding a funding shortfall for community and recreation infrastructure.

**Financial Implications**

The preparation and lodgement of the submission has no financial implications.

**Link to Strategic Risk**

*Not linked to the risks within the Strategic Risk Register*

**Implementation Strategy**

**Communication**

A copy of the submission will be made publicly available on Council’s website. A copy will also be forward to the local State Members of Parliament, the Municipal Association of Victoria and the Victorian Local Government Association.

**Critical Dates**

Submissions to the Parliamentary Inquiry are due by 28 January 2022. Council officers sought an extension of time. An extension has been granted until 7 February 2022.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, 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.

**Conclusion**

Submissions are being called to a State Government Parliamentary Inquiry into the adequacy of the *Planning and Environment Act 1987* and the Victorian planning framework.

The submission at Attachment 1 advocates for stronger mechanisms to facilitate the provision of social and affordable housing, and better quality and diversity of housing supply to meet community needs. It also seeks greater clarity to guide protection of the Green Wedge, and advocates for better integration of environmental sustainability, vegetation protection and heritage protection outcomes with the Victorian planning framework.

The submission is consistent with Councils adopted strategies and reinforces Council’s position outlined in previously endorsed submissions. It is recommended that Council endorse the submission at Attachment 1 as Council’s formal submission to the State Government Parliamentary enquiry.

5.1.2 2021-106 Redleap Recreation Reserve Stage 2 - Playspace Redevelopment - Tender Evaluation

**5.1.2 2021-106 Redleap Recreation Reserve Stage 2 - Playspace Redevelopment - Tender Evaluation**

**Responsible Officer**  Director Infrastructure & Environment

**Author** Senior Parks Project Manager

**In Attendance** Adrian Napoleone, Team Leader Public Realm Development

**Attachments**

1. CONFIDENTIAL REDACTED - 2021-106 Redleap Recreation Reserve Stage 2 - Playspace Redevelopment Evaluation Summary [**5.1.2.1** - 4 pages]
2. Concept Plan [**5.1.2.2** - 1 page]

The attachment has been designated as confidential by the Director Infrastructure & Environment, under delegation from the Chief Executive Officer, in accordance with Rule 53 of the Governance Rules 2021 and sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that it contains private commercial information, being information provided by a business, commercial or financial undertaking that—  
(i) relates to trade secrets; or  
(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding claim amounts submitted by a contractor which give direct insight into the contractor’s detailed pricing information that is commercially confidential. The release of this information could reasonably be expected to prejudice the commercial position of the persons who supplied the information or to confer a commercial advantage on a third party.

**Purpose**

It is proposed that the Redleap Recreation Reserve Stage 1 – Play Space Redevelopment (contract number 2021-106) is awarded to Terraform Civil Pty Ltd.

**Brief Overview**

The tender evaluation panel advises that:

* Seven tenders were received.
* The recommended tender was the highest ranked.
* Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea, and also relates to a State Government grant funded project.

**Recommendation**

**That Council:**

1. **Accept the tender submitted by** **Terraform Civil Pty Ltd for the following contract:**

**Number: 2021-106**

**Title: Redleap Recreation Reserve Stage 1 – Play Space Redevelopment**

**Cost: A lump sum of $969,070.61 (excluding GST)**

**Subject to the following conditions:**

**a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.**

**b) Price variations to be in accordance with the provisions as set out in the tender documents.**

**c) Tenderer to provide contract security as required in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**

**Key Information**

The purpose of this contract is to undertake Stage 2 of the Redleap Recreation Reserve Master Plan comprising redevelopment of the existing playspace. Refer to attached Concept Plan.

Tenders for the contract closed on 19 October 2021. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

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

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

|  |  |  |
| --- | --- | --- |
|  | Price | 50% |
|  | Capability | 20% |
|  | Capacity | 20% |
|  | Sustainability | 10% |

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

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

The evaluation outcome was as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| Tenderer A **Terraform Civil Pty Ltd** | Yes | Yes | 87.0 | 1 |
| Tenderer B | Yes | Yes | 85.1 | 2 |
| Tenderer C | Yes | Yes | 72.6 | 5 |
| Tenderer D | Yes | Yes | 74.4 | 3 |
| Tenderer E | Yes | Yes | 73.9 | 4 |
| Tenderer F | Yes | Yes | 65.2 | 7 |
| Tenderer G | Yes | Yes | 71.6 | 6 |

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

**Community Consultation and Engagement**

In accordance with the *Local Government Act 2020*, consideration was given as to whether there were any opportunities to collaborate with other councils and public bodies or to use any existing collaborative procurement arrangements. The outcome was as follows:

* Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea, and also relates to a State Government grant funded project.

Community consultation and engagement was not required in relation to the subject matter of this report as it relates to commercial arrangements and contractual obligations that are confidential. It is also noted that the Master Plan which incorporates the play space redevelopment underwent extensive community consultation prior to being 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.

Redevelopment of the existing play space at Redleap Reserve will ensure a high level of play value with suitable amenity standards provided to the community.

**Considerations**

**Environmental**

Redevelopment of the existing play space will ensure improved and ongoing protection for the significant red gum trees within the works area by improving and managing permeable surfaces, drainage and interaction around the play space. The redevelopment is also consistent with and supports the current environmental investigations to improve water quality and treatment in the adjacent Peter Hopper Lake at the reserve, as well as broader environmental considerations in the approved Master Plan.

**Social, Cultural and Health**

Redevelopment of the existing play space will provide a wide range of play equipment and nature play experiences suitable for a range of age groups and abilities. Providing high quality outdoor play spaces supports beneficial health outcomes in the municipality and promotes use of Redleap Recreation Reserve for other passive and active recreation uses. The basketball half court with netball ring further encourages active recreation in the community; and the second picnic shelter will provide additional opportunities to hold small scale, free outdoor events.

**Economic**

Redevelopment of the existing play space will encourage higher visitation to Redleap Recreation Reserve which, given its proximity to The Stables shopping centre, will help support local businesses. The redevelopment will also incorporate free and accessible spaces to hold small scale events managed by Council or community groups that can be linked to a wide range of economic activities and programs for local businesses.

**Financial Implications**

Sufficient funding for this contract is available in the budget for CW-10246 Redleap Reserve Master Plan Delivery.

The project delivery is being supported by the State Government’s Growing Suburbs Fund, with a funding contribution of $525,000.

**Link to Strategic Risk**

**Strategic Risk** *Life Cycle Asset Management - Failure to effectively plan for the construction, on-going maintenance and renewal of Council’s assets*

The existing play equipment has reached its useful life expectancy and requires replacement. Redevelopment of the existing play space will ensure all current safe play requirements and standards are met.

This project is included in Council’s playspace renewal program.

**Implementation Strategy**

**Communication**

A decision to award this contract will be communicated via the standard process for Council Meeting outcomes. In addition, given this is a project of high interest in public open space, there will be communication prior and during the construction works via Council’s social media platforms.

**Declaration of Conflict of Interest**

Under Section 130 of the Local Government Act 2020 and Rule 47 of the Governance Rules 2021, 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.

**Conclusion**

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

**5.2 Livable Neighbourhoods**

5.2.1 Planning Application 130 Bindts Road, Wollert

**5.2.1 Planning Application 130 Bindts Road, Wollert**

**Responsible Officer** Director Planning & Development

**Author** Growth Area Development Assessment Planner

**In Attendance** Owen Ryan, Growth Area Development Assessment Planner

**Attachments**

1. PSP Assessment Table [**5.2.1.1** - 36 pages]
2. Map [**5.2.1.2** - 1 page]
3. Photographs of site and features [**5.2.1.3** - 13 pages]
4. Subdivsion layout plan [**5.2.1.4** - 1 page]

**Applicant** **Dahua Epping Development Pty. Ltd.**

**Council Policy**

**11.02-1S Supply of Urban Land**

**11.02-2S Structure Planning**

**11.02-3S Sequencing of development**

**11.03-2S Growth Areas**

**11.03-5S Distinctive areas and landscapes**

**11.03-6S Regional and local places**

**12.01-1L River Red Gum Protection Policy**

**12.03-1S River corridor, waterway, lakes and wetlands**

**12.05-1S Environmentally sensitive areas**

**13.02-1S Bushfire Planning**

**13.04-1S Contaminated and potentially contaminated land**

**15 Built Environment and Heritage**

**15.01-1S Urban Desing**

**15.01-3S Subdivision design**

**15.01-5S Neighbourhood character**

**15.02-1S Energy and resource efficiency**

**15.03-1S Heritage Conservation**

**15.03-1L Dry Stone Walls**

**15.03-1L Heritage conservation in Heritage Overlay Areas**

**15.03-1L Heritage conservation in Whittlesea**

**15.03-2S Aboriginal cultural heritage**

**18.02-1S Sustainable personal transport**

**19.03 Development Infrastructure**

**Zoning**

**Urban Growth Zone**

***Applied General Residential Zone***

***Applied Commerical 1 Zone***

**Rural Conservation Zone**

**Overlay**

**Development Contributions Plan Overlay**

**Environmental Significance Overlay**

**Heritage Overlay**

**Incorporated Plan Overlay**

**Public Acquisition Overlay**

**Floodway Overlay**

**Significant Landscape Overlay**

**Referral**   
**AusNet Electricity Services**

**Yarra Valley Water**

**APT O&M Services Pty. Ltd.**

**Melbourne Water**

**Head, Transport for Victoria (Department of Transport)**

**Secretary, Department of Environment, Land, Water and Planning**

**Acquiring Authority (Department of Transport)**

**Country Fire Authority**

**Darebin Creek Management Committee**

**Objections** **Not Applicable.**

**Proposal**

Council has received an application for a proposed development at 130 Bindts Road, Wollert which includes:

* Subdivision of the land to create 71 residential lots (of which 50 are rear-loaded Small Lot Housing Code (SLHC) type lots, 13 are front loaded SLHC type lots, 7 are regular lots greater than 300sqm, and one is a regular residential lot containing a heritage dwelling proposed for retention).
* A superlot for a future townhouse development adjoining the future E6 Outer Metropolitain Ring Transport Corridor measuring 969sqm in area.
* A superlot measuring 7357sqm in area which is proposed for a future local town centre including heritage structures.
* Local Park of 1.90ha in area.
* Retention of trees as identified in the Quarry Hills Precinct Structure Plan (PSP) and some trees in the lot associated with the heritage dwelling.
* A proposed overall density of 16.4 dwellings per hectare with Stage A comprising 21.55 dwellings per hectare while Stage B is 11.6 dwellings per hectare.
* Conservation area along the Darebin Creek.
* The creation of Boulevard Connector road beside the Darebin Creek on a very steep slope of land which links the north and south boundaries.
* Various notation about use/treatment of the heritage features including Timm’s house, a red brick structure, bridge over creek, etc.
* Removal of several trees both native River Red Gums and introduced trees which form part of the heritage place.
* Demolition of several features listed in the Heritage Overlay.
* Reconstruction of a section of Dry Stone Wall removed from the development land to the north.
* Retention of an interwar/post-war weatherboard farmhouse on a residential lot.
* Retention of stone farmhouse and some other features within a superlot for future development.
* Removal of sections of dry stone wall to facilitate road and path access.

The proposal cannot be determined under delegation due to the proposed demolition of heritage features.

**Brief Overview**

The application is for a multi-lot residential subdivision and works on land within the Quarry Hills Precinct Structure Plan area. The proposal is the fifth planning application for residential development of this site, with previous applications having lapsed, or being withdrawn except the most recent one from the same applicant which was heard at the Victorian Civil and Administrative Tribunal during 2020.

The current application has drawn on the information and shortcomings of the past application and the findings of the Tribunal to sufficiently address earlier concerns.

The site has a complex mix of competing planning considerations such as the demand for urban development as broadly indicated by the Quarry Hills Precinct Structure Plan, as well as an extensive Heritage Overlay which includes various buildings and structures of significance across the property.

**Site and Surrounding Area**

The site is referred to as 130 Bindts Road, however this parcel was recently consolidated with other land to the north and south (former 100 and 150 Bindts Road properties) to form a 124.4 hectare lot. The lot is generally rectangular in shape (excluding a section subdivided out under Permit 717388) running 0.8km along Bindts Road south from Lehmanns Road, and approximately 1.5km east from Bindts Road.

Only the 130 Bindts Road land is discussed here as the former 100 and 150 Bindts Road land are not within the extent of subdivision proposed by this application.

130 Bindts Road, was known as “Barhill”, and incorporates both a minor tributary of Findons Creek near Bindts Road, and the upper reaches of Darebin Creek further east inside the property. The property includes steep slopes up towards the ridge of the Quarry Hills, 115m above the Darebin Creek low-point. This property includes a number of structures on the portion west of the Darebin Creek.

East of the creek, the land is generally cleared except towards the top of the hills, where smaller shrubs and a few trees are present.

Land west of the Darebin Creek is generally cleared with a scattering of trees. On the high ground between the Darebin Creek and Findons Creek tributary is a timber house in a rough garden setting, dating from 1920 with associated outbuildings and tanks. This house is separated from the original farm complex towards the creek, which comprises structures including an above-ground tank, roofed below-ground tank, smaller work sheds and a large timber framed shed associated with cattle and dairy type activities and the original bluestone farmhouse, which remains although un-used and with a partially collapsed roof structure. There are a number of introduced trees in this area and some further spread across the site.

North of the original farm complex is a large area of land previously occupied by large stockpiles of scrap timber, metal, brick and stone, and machinery. This material was removed by the land owner during 2018-19 to help remediate the site of contamination. Some dry stone walls are located north and south of the original house and separate paddocks from creek flats. A bridge crosses the Darebin Creek to the east. The land and buildings on it are protected by a Heritage Overlay (HO162) between the creek and future freeway corridor.

Broadly surrounding the site:

* The western part of the property fronting Bindts Road is earmarked for the proposed Outer Metropolitan Ring Road / E6 Transport Corridor, while beyond Bindts Road is another new residential subdivision which crept across from Epping Road in the west, between 2011 and 2016, straddling Findons Creek West Branch.
* North-east is the historic Pine Grove property, earmarked for industrial and retail land uses in the Wollert Precinct Structure Plan, with a future quarry and landfill beyond.
* North of the site immediately is the first stages of the Riverhills development mostly at 150 Bindts Road, which was previously an extension of the farmland under the same ownership as 130 Bindts Road. Further north is the Cheshire Park property, which is envisaged as forming part of the Quarry Hills Regional Park and is outside the Urban Growth Boundary (UGB), while land to the north-east is likewise outside the UGB and envisaged as part of the Regional Park.
* Land east and south-east of the site is already Council reserve in anticipation of the Quarry Hills Regional Park being created.
* Land south of the site remains as farmland, but intended for development in future. Those parts west of the 190m AHD contour proposed for residential development, and those parts east proposed to become part of the Quarry Hills Regional Park excepting an area already used as a water supply reservoir.
* The potion of the property fronting Bindts Road is distinguished by a line of pine trees and a dry stone wall.

The area of 130 Bindts Road has recently been slightly reduced to 713,403m² with a part of the site subdivided along the eastern section of the northern boundary under an amendment to another permit. The remainder of 130 Bindts Road has also very recently been consolidated with parts of 150, and 100 Bindts Road, Wollert.

**Restrictions and Easements**

The following apply to the land:

* Agreement AG906633K dated 4/12/2009 applies to the land and relates to Section 173 of the *Planning and Environment Act 1987*. It concerns the obligations of the owner to transfer Open Space Land to Council for the Quarry Hills Regional Park. There are no restrictions in the agreement that preclude Council from determining the application.
* Agreement AH172150K dated 20/4/2010 applies to the land and relates to Section 173 of the *Planning and Environment Act 1987*. It concerns the obligations of the owner to transfer Open Space Land to Council for the Quarry Hills Regional Park and does not apply to the subject portion of the land. There are no restrictions in the agreement that preclude Council from determining the application.
* Notice AN246945F dated 7/11/2016 applies to the land and relates to Section 201UB of the *Planning and Environment Act 1987*. It concerns the GAIC payment. There are no restrictions in the notice that preclude Council from determining the application.
* Notice AT390538K dated 1/7/2020 applies to the land and relates to Section 45 of the *Melbourne Strategic Assessment*. There are no restrictions in the notice that preclude Council from determining the application.
* Notice AT390531A dated 1/7/2020 applies to the land and relates to Section 45 of the *Melbourne Strategic Assessment*. There are no restrictions in the notice that preclude Council from determining the application.
* Notice AT390564J dated 1/7/2020 applies to the land and relates to Section 45 of the *Melbourne Strategic Assessment*. There are no restrictions in the notice that preclude Council from determining the application.
* Statement AT550694F dated 27/8/2020 applies to the land and relates to Section 110 of the *Planning and Environment Act 1987*. There are no restrictions in the notice that preclude Council from determining the application.

**Public Notification**

Pursuant to Clause 37.07-13 an application under any provision of this scheme which is generally in accordance with the Precinct Structure Plan 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.

On assessment of the application, the proposal is considered to be generally in accordance with the Quarry Hills Precinct Structure Plan subject to conditions.

**Community Consultation and Engagement**

As identified in the Public Notification section, this application is considered to generally accord with the Quarry Hills Precinct Structure Plan.

It is noted that the Quarry Hills Precinct Structure Plan underwent public and internal consultation before it was incorporated into the Whittlesea Planning Scheme.

Notification included the Metropolitain Planning Authority (now known as the Victorian Planning Authority) and Council undertaking non-statutory exhibition from 28 August 2014 until 29 September 2014, which included writing to landowners and affected parties as well as a notice in the Government Gazette and Whittlesea Leader newspaper.

In April 2015 a ‘notice of the preparation of the amendment under Section 19 of the *Planning and Environment Act 1987’* was sent to the same parties seeking their view on the Precinct Structure Plan and related documents during April and May 2015.

An informal community information session was also held in September 2014.

Full details of the consultation and exhibition of proposed documents are found in Section 1.3 of the Planning Pannel Report for the relevant Whittlesea Planning Scheme amendment (C188).

**Referrals**

This application has been refereed within Council to the following Departments, Units, Teams or officers, who provided input and suggestions towards the final design and proposed conditions:

* Development Engineering
* Parks and Open Space
* Strategic Infrastructure Planning
* Urban Design
* ESD Officer
* Strategic Planning
* Sustainability Planning
* Heritage Co-ordinator

Prior advice from previous applications for the site was also included in relation to matters raised by Council’s Municipal Fire Prevention Officer.

The application was referred to the following external authorities who gave consent subject to conditions:

* AusNet Electricity Services
* Yarra Valley Water
* Melbourne Water
* Secretary, Department of Environment, Land, Water and Planning

The following authorities did not object and did not require conditions:

* Country Fire Authority
* Acquiring Authority (Department of Transport)
* Head, Transport for Victoria (Department of Transport)
* APT O&M Services Pty. Ltd.

The Darebin Creek Management Committee was also contacted (not a mandatory referral), but has not responded and is outside the timeframes for a response.

**Zones**

**Urban Growth Zone, Schedule 3 (UGZ3)**

Applies to much of the land intended for the multi-lot subdivision.

Clause 37.07-10 specifies a permit is required to subdivide land.

*The proposal is considered to be generally in accordance with the Quarry Hills Precinct Structure Plan, subject to conditions. A full assessment against the requirements, guidelines and objectives of the Quarry Hills Precinct Structure Plan is provided as an attachment.*

Clause 2.2 of Schedule 3 of the Urban Growth Zone specifies Applied Zone provisions. It states that the provisions of the following zones in the planning scheme apply to the subdivision of the land set out below in Table 1:

*Table 1: Applied Zone provisions.*

|  |  |
| --- | --- |
| **Land as shown on Map 1 of this Schedule** | **Applied Zone provisions** |
| Local Convenience centre | Clause 34.01 – Commercial 1 Zone |
| All other land | Clause 32.08 – General Residential Zone |

*These standard conditions can be applied to the permit*

***Applied General Residential Zone***

The General Residential Zone (GRZ) applies to land generally intended for residential subdivision with this application.

Clause 32.08-3 specifies a planning permit is required to subdivide land.

An application to subdivide land for 60 or more lots must meet all the objectives and should meet all of the standards of Clause 56 except Clause 56.03-5.

*An analysis of the requirements of Clause 56 is provided below in a later section of this report.*

***Applied Commercial 1 Zone***

The Commercial 1 (C1Z) applies to the portion of land generally identified as a superlot titled “Superlot 1” on the Subdivision Layout Plan.

*No set use has been nominated as part of this application and it is likely that will follow in a separate application, noting a permit is required for some uses and for most buildings and works.*

Clause 34.01-3 specifies that a permit is required for subdivision of the land.

**Rural Conservation Zone – Schedule 1**

The rural Conservation Zone Schedule 1 (RCZ1) applies to part of the broader lot being subdivided in the future Quarry Hills Regional Park area at the east of the site.

**Rural Conservation Zone**

The Rural Conservation Zone applies to the land along the Darebin Creek corridor.

Clause 35.06-3 specifies that a permit is required to subdivide land, and the minimum area of land in each lot must be 40 hectares. There is no schedule to indicate alternative areas.

*The applicant has previously confirmed their intention (as part of application 717388) to consolidate multiple lots in their ownership, such that the minimum lot size is maintained. The provision of the conservation reserve along the Darebin Creek can be achieved by first consolidating the land to create a residual lot larger than 40ha plus the reserve, then to subdivide the reserve (not a lot) from it. No permit is required to consolidate land.*

Clause 35.06-5 specifies that a permit is required to construct or carry out any earthworks specified in the schedule to the Zone if on land specified in a schedule. The Schedule specifies all land, and that a permit is required for any earthworks which change the rate of flow or the discharge point of water across a property boundary.

*The subdivision of the RCZ1 land may occur at a future time, generally as per the RCZ land – that is, by creating a lot in excess of 40ha and/or then subdividing all the relevant RCZ land out of it as a “Reserve” on the Plan of Subdivision. No permit is required to consolidate land.*

*The development proposal will, by way of changes to site levels and drainage systems change the flow of water, but none of these changes will be on RCZ1 land, as the RCZ1 land is higher and to be retained unaltered in the future Regional Park.*

**Overlays**

**Development Contributions Plan Overlay – Schedule 13:** applies to all land west of the future Regional Park, including the Darebin Creek corridor.

Clause 45.06-1 requires that a permit cannot be granted until a development contributions plan has been incorporated into the scheme.

*A development contribution plan has been incorporated into the Scheme as part of Amendment C188 with the PSP. The proposal accords with the DCP subject to a condition applying the provisions of it.*

**Environmental Significance Overlay – Schedule 6:** applies to the portion of the land along the Darebin Creek corridor as per the RCZ land.

Clause 42.01-2 requires a permit to carry out works, to subdivide land and remove, destroy or lop any vegetation including dead vegetation - all unless not required by a schedule.

* + Clause 3.0 of Schedule 6 to the ESO specifies no permit is required to remove, destroy or lop any vegetation, including dead vegetation where the vegetation has been planted or grown for aesthetic or amenity purposes…shelter belts, woodlots, street trees, gardens or the like.
  + Clause 5.0 of Schedule 6 to the ESO specifies that applications must be referred under Section 55 of the *Planning and Environment Act 1987* as specified in the Schedule to Clause 66.04, to DELWP.

*The proposal includes the removal of a range of vegetation. Based on the above clause, vegetation which is European in origin or has been formally planted could be removed, while only native vegetation in a natural location will require a permit for removal.*

*The application has been referred to DELWP and they do not oppose the application.*

**Clause 43.01 Heritage Overlay (Schedule HO162):** applies to an area of around 10.5 hectares within 130 Bindts Road, generally west of the Darebin Creek, between the creek, a point about 175m set back from Bindts Road, and to the north and south boundaries. Known as “Timm’s House”, specific features identified are *Bluestone house, weatherboard house, dry stone wall, outbuildings including cellar well*”. Outbuildings and fences are not exempt.

Clause 43.01-1 specifies a permit is required to subdivide land, to demolish or remove a building and to carry out works including fencing, roadworks and some street furniture – all where they impact on the appearance of the heritage place.

*The proposal indicates removal of some dry stone wall, cellar well, and outbuildings. However the detailed descriptions on the Heritage Plan (for example) make the exact outcome unclear (eg buildings have “potential to be retained/reinterpreted” and “to be demolished and reused” while some dry stone walls are to be reconstructed, but it is not specified how or where from).*

*The addition of a heritage document by Frontier Heritage provides some added guidance and comfort regarding the applicant’s intent which did not previously exist. It is therefore appropriate to condition removal of heritage features by specifying those which may be removed and requiring plans to be amended to show this.*

*The proposed incorporation of heritage buildings into the new development as active structures has potential good outcomes. The incorporation of many into a superlot leaves further discussions to be had around their use or interpretation.*

*An early feature identified by Council’s heritage experts was the need to link properties in this precinct. The weatherboard and stone houses are to be linked via a dry stone wall reconstructed with appropriate interpretation to be conditioned. Views from the weatherboard dwelling to the other heritage buildings at the south is secured via the open space.*

*However views between stone dwellings are less direct. This is not ideal, but practically limited by site constraints and can be managed by a mix of building envelopes, colours and built form restrictions, to enable actual viewlines where possible, and through interpretive methods on the paths linking sites, especially beside the retained north-south dry stone wall.*

**Incorporated Plan Overlay (Schedule 3 – Quarry Hills PSP):** applies to land within the Darebin Creek corridor subject to the Rural Conservation Zone. A permit must be generally in accordance with the Quarry Hills PSP, as well as implementing any conditions specified in the overlay schedule.

Schedule 3 of the IPO specifies that the incorporated plan “Quarry Hills Precinct Structure Plan, June 2016 is incorporated in the scheme under amendment C188.

Section 3.0 of Schedule 3 of the IPO requires a number of conditions to be included in any permit for subdivision

*The proposed subdivision is assessed against the requirements of the Quarry Hills PSP in the attachment. The specified conditions can be included.*

**Public Acquisition Overlay (Schedule 6 – MORR/E6 transport corridor):** applies to the portion of the site immediately east of Bindts Road for a width of between 160m (at the southern boundary) and around 200m (at the northern boundary) – becoming wider to the north and with an extension along the northern boundary to the east for part of a planned road.

Clause 45.01-1 requires a permit to subdivide land.

Clause 45.01-3 specifies referral of an application to subdivide land to the acquiring authority.

*The application has been referred to VicRoads (as they were previously known) acting as the Roads Corporation in accordance with Section 55 of the Planning and Environment Act 1987. Advice was received confirming they have no objection to the proposal.*

**Floodway Overlay:** applies to land subject to high flood risk along Darebin Creek.

Clause 44.03-1 requires a permit to carry out works including fences, roadworks if the water flow path is redirected or obstructed, bicycle paths and trails.

Clause 44.03-2 requires a permit to subdivide land. Subdivision is only allowed if no lots entirely in the overlay are created.

Clause 44.03-5 specifies referral of an application to the floodplain manager in accordance with Section 55 of the *Planning and Environment Act 1987*.

*The application proposes roadworks and paths which will alter the flow of water, but no lot proposed is to be entirely within the RFO as the land nearer the Creek is to be retained as large conservation reserves*.

*The application has been referred to Melbourne Water as the relevant floodplain manager. No objection has been received subject to conditions.*

*The permit can allow works which alter the flow of water, paths and trails.*

**Significant Landscape Overlay – Schedule 2:** applies to the land on the eastern part of the site including some Urban Growth Zone land, but also the area proposed for a Regional Park.

Clause 42.03-2 specifies that a permit is only required for various works and vegetation removal.

*No works or vegetation removal east of the Darebin Creek are proposed, thus no works within the SLO2 area are proposed with the current application.*

**Assessment Against Clause 56 of the Whittlesea Planning Scheme**

The following table provides details on whether the proposal complies with the requirements of Clause 56 of the Whittlesea Planning Scheme. Under these provisions a subdivision:

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

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

|  | ü - **Compliance** **× - Non compliance** | **Objectives** | **Standards** | **Comments** |
| --- | --- | --- | --- | --- |
| C1 | Policy Implementation | ü | ü | A response to policy is included within the applicant’s assessment of this proposal. |
| C2 | Compact and Walkable Neighbourhoods | ü | ü | This clause is applicable given the subdivision proposes 60 or more lots. |
| C3 | Activity Centre objective | - | - |  |
| C4 | Planning for Community Facilities | - | - | The location and provision of Community Facilities is not relevant to this application. The planning for Community Facilities has been accounted for in the preparation of the PSP. |
| C5 | Built Environment | ü | Condition | The Vision at 2.1 of the Quarry Hills PSP is generally met as the applicant has reasonably demonstrated an intent to adhere to the PSP, while showing various options and outcomes which are or are not acceptable through prior revisions of this proposal.  The application does not clearly respond to several items including R20, R22, while others are only met through various previous documents not strictly part of this application. These outstanding items do not have spatial implications and can be conditioned as necessary. |
| C6 | Neighbourhood Character | ü | Condition | Refer above and to heritage assessment. |
| C7 | Lot Diversity and Distribution | ü | ü | Complies with PSP requirements. |
| C8 | Lot Area and Building Envelopes | ü | ü | A range of conditions regarding envelopes are to be applied for heritage and other purposes. Lot area satisfactory given design of streets/rear access etc. |
| C9 | Solar Orientation | ü | ü | Appropriate orientation given landscape. |
| C10 | Street Orientation | ü | ü | Generally complies given site constraints. |
| C11 | Common Area | - | - | No common area is proposed with the subdivision. |
| C12 | Integrated Urban Landscape | ü | Condition | Detailed landscape plans will be required to be provided as conditions on any permit issued. |
| C13 | Public Open Space Provision | ü | ü | Generally accords with the PSP. |
| C14 | Integrated Mobility | ü | ü | Routes are dealt with by the Quarry Hills PSP. Necessary routes and paths are shown but applicant has not demonstrated that paths are accessible to those with special needs. The Subject Land is constrained by slope Extra details with this application and intervening discussion confirm street network generally responds to landscape and seeks to maximise accessibility.  This may be confirmed via conditions given details show it may be some routes only which are not accessible due to natural slopes. |
| C15 | Walking and Cycling Network | ü | Condition | Routes are dealt with by the Quarry Hills PSP. Necessary routes and paths are shown, but applicant has not demonstrated that paths are accessible to those with special needs.  This may be conditioned given details show it may be some routes only which are not accessible due to natural slopes. |
| C16 | Public Transport Network | ü | ü | Dealt with by the Quarry Hills PSP. Bus capable route is required. |
| C17 | Neighbourhood Street Network | ü | ü | Extra details with this application and intervening discussion confirm street network generally responds to landscape and seeks to maximise accessibility. |
| C18 | Walking and Cycling Network Detail | ü | Condition | Routes are dealt with by the Quarry Hills PSP. Necessary routes and paths are shown, but applicant has not demonstrated that paths are accessible to those with special needs.  This may be conditioned given details show it may be some routes only which are not accessible due to natural slopes. |
| C19 | Public Transport Network Detail | ü | ü | Dealt with by the Quarry Hills PSP. Bus capable route is required. |
| C20 | Neighbourhood Street Network Detail | ü | ü | A number of public roads will be created as part of the proposal. Conditions of any permit issued will require that they are designed and built to Council’s standards. |
| C21 | Lot Access | ü | ü | Lots in Stage 4A especially are very narrow (4.5m frontages in some cases) – but do have rear access. |
| C22 | Drinking Water Supply | ü | ü | The supply of drinking water will be provided to the lots in accordance with the requirements of the relevant water authority. |
| C23 | Reused and Recycled Water | ü | ü | The supply of reused and recycled water will be provided to the lots in accordance with the requirements of the relevant water authority should it be available in the locality. |
| C24 | Waste Water Management | ü | ü | The supply of waste water services will be provided to the lots in accordance with the requirements of the relevant water authority. |
| C25 | Urban Run- off Management | ü | ü | The proposed development deals with stormwater management in accordance with the requirements of Melbourne Water and the Responsible Authority. |
| C26 | Site Management | ü | ü | The requirement for a site management plan will be included as a condition on any permit issued. |
| C27 | Shared Trench | ü | ü | Can be encouraged via a condition on permit. |
| C28 | Electricity, Telecommunications and Gas | ü | ü | The supply of these services will be provided to the lots in accordance with the requirements of the relevant authority. |
| C29 | Fire Hydrants | ü | ü | The applicant has stated the requirements will be met. FLPs can therefore be required to identify hydrant locations. |
| C30 | Public Lighting | ü | ü | The supply of public lighting to the proposed street network will be done in accordance with the requirements of Council. A note on any permit issued will inform that Council’s requirements must be met. |

**Public Open Space Contributions**

Clause 53.01 of the Whittlesea Planning Scheme specifies that a person who subdivides land must contribute to Council for public open space.

The table in the Schedule to Clause 53.01 specifies all land shown as UGZ3 in the Quarry Hills PSP, June 2016 is subject to a 3.5% contribution of land and/or cash in accordance with 3.5.1 of the Quarry Hills PSP, June 2016.

A condition has been proposed to meet these requirements.

**Easements, Restrictions and Reserves**

Clause 52.02 of the Whittlesea Planning Scheme specifies a permit is required under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction.

The applicant seeks a restriction to apply to all lots under 300sqm where it is intended to allow the Small Lot Housing Code to apply. They request a restriction be required as a condition on any permit issued to apply Type A and B of the Code to all lots within the subdivision.

This approach to conditioning the Small Lot Housing Code is common in multi-lot subdivision, and a typical condition has been proposed.

**Native Vegetation**

Clause 52.17 of the Whittlesea Planning Scheme specifies that a permit is required to remove, destroy or lop native vegetation including dead native.

Clause 52.17-2 specifies that any such application must comply with the application requirements specified in the *Guidelines*.

Clause 52.17-5 specifies that if a permit is required, the biodiversity impacts from the works must be offset in accordance with the *Guidelines*, and that conditions on the permit must specify the offset requirements and timing to secure the offset.

The table to Clause 52.17-7 specifies exemptions from the above requirements for: dead native vegetation unless a tree with trunk diameter of 40+ centimetres at a height of 1.3+m; planted native vegetation.

The Table to Clause 1.0 of the Schedule to Clause 52.17 specifies within the UGZ3 land that scatters trees to be removed on Plan 8 of the Quarry Hills PSP are exempt where the removal is in accordance with the “Final approval for urban development in three growth corridors under the Melbourne urban growth program strategic assessment, 5 September 2013’ pursuant to Section 146B of the *Environment Protection and Biodiversity Conservation Act, 1999*.

Trees shown on Plan 8 of the Quarry Hills PSP are not the extent of native vegetation identified on the site. Therefore, in addition to that removal allowed directly by the Quarry Hills Precinct Structure Plan, the permit may allow removal of other native vegetation subject to a condition requiring the guidelines to be met.

**Post Boxes and Dry Stone Walls**

Clause 52.33 specifies a permit is required to demolish, remove or alter a Dry Stone Wall (DSW) constructed before 1940 on land specified in the schedule to this provision. The schedule clearly indicates all land in the site is subject to the requirement. An exemption exists for putting gates in a DSW.

Like heritage itself, DSW removal has been a contentious matter on this site. This part of Bindts Road was identified by Council’s 1991 Heritage Study (Gould) as part of the *Harvest Home Lane Conservation Area,* described as containing a very high concentration of dry stone walls dividing up paddocks into regular rectangular spaces: “[it is] *unusual for its intensive extent, in combination with the rectilinear form and the large number of small farms, so that the landscape form produced is more European than the other Victorian locations cited”, and “of regional significance as the best surviving example of extensive drystone walling and close settled small scale dairy farms near Melbourne.*”

This version of the application proposes an increased retention of DSW within this land area, only removing that which is impacted specifically by roads or by likely needed pedestrian access. It is recommended the permit specifically allow the removal of certain sections of wall only so they can be specified and no other wall can be overlooked.

There is the potential of nuance and very specific removal/retention outcomes pending the final design of roads. Therefore, it is appropriate to specify the detail to be resolved at Functional Layout Plan assessment. This may enable slightly larger lengths than shown to be retained, such as through narrowing roads or shifting of services.

A specific condition for the pedestrian links is proposed to identify the link to be located in consultation with a qualified dry stone wall specialist to the satisfaction of Council. This will enable the most appropriate gap in the wall to be used. The identified pedestrian gap at the south of the North-south wall is potentially not appropriate as an east-west path may exist directly south.

To address the applicant’s construction needs, a condition is also proposed to specify where and how any gateways for access are to be provided.

**Previous Application’s VCAT Considerations**

The Victorian Civil and Administrative Tribunal hearing, which considered a similar design of subdivision for the same (and other) land at Bindts Road in 2020 was an extensive hearing running for over a week, involving legal experts for both the applicant and Council, various expert witnesses and expert submissions on matters of engineering, heritage and dry-stone walls. The matter was heard by two experienced planning and legal members of the Tribunal, who appreciated the detail and complexity of the site.

The details raised in that hearing and the previous application are not directly relevant to the current application which is considered independently of any previous application, although they provide guidance on the shortcomings and focus areas. The Tribunal’s findings provided direction on interpretation of matters where Council and the applicant had held opposing views, such as on what details are required with the application (or can be conditioned), and the hierarchy of competing planning policy in this site’s context.

In forming a view to support Council’s position, the Tribunal identified specific matters relating to management of landform, poorly resolved width and pedestrian access arrangements of the boulevard collector road, appropriate management of heritage and dry-stone walls as well as sufficient bushfire buffers and management.

It was on this basis that the proposal could not be considered as appropriately meeting the requirements of the PSP.

In response to the detailed Tribunal findings, the applicant modified the proposed subdivision and provided additional supporting information upfront to ensure that all shortcomings with the earlier proposal were addressed as part of the current application. This included addressing the buffers needed to manage bushfire and appropriately protect and conserve the heritage and dry-stone wall elements, as well as providing a suitable traffic and pedestrian network throughout the site.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, 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.

**Conclusion**

The application has been assessed against the Whittlesea Planning Scheme and is deemed to show a satisfactorily level of compliance subject to comparatively minor modifications as outlined in the proposed conditions.

It is considered that the subdivision has been logically designed to fit within the strategic expectations of the Quarry Hills Precinct Structure Plan area given all the matters which have previously been discussed and worked through to get to this point. It will make a positive contribution to the future character of the precinct (on the basis the precinct must change to residential use). The proposal is broadly consistent with the Quarry Hills Precinct Structure Plan and does not adversely prejudice or otherwise impact on any adjoining or nearby land.

The proposed subdivision addresses the issues associated with the delivery of necessary road and open space infrastructure that is required to provide for the orderly development of the site. Accordingly, it is recommended that the proposal be supported subject to conditions.

**Recommendation**

**THAT Council approve Planning Application No PLN-37131 and issue a Planning Permit for a Staged, multi-lot subdivision of land in more than one zone, subdivision of land adjacent to a Public Acquisition Overlay, construction and carrying out of earthworks which may change the rate of flow or discharge point of water across a property boundary, construction and carrying out of works, remove, destroy or lop specified vegetation including native vegetation, buildings and works within the Heritage Overlay, demolition of specified places within the Heritage Overlay, construction and works where water flow path is redirected, construction of paths and trails, creation of easements, restrictions and reserves, and the demolition, removal or alteration of dry stone walls constructed before 1940,**  **in accordance with the endorsed plans and subject to the following conditions:**

**CONDITIONS TO BE SATISFIED PRIOR TO FUNCTIONAL LAYOUT PLAN APPROVAL**

1. **Subdivision Layout**

**Prior to the approval of a Functional Layout Plan for the first stage of the subdivision, an amended Subdivision Layout Plan must be submitted to and approved by the Responsible Authority. When approved, the Subdivision Layout Plan will be endorsed and will form part of this permit. The plan must be generally in accordance with the Plan by Roberts Day, Ref. DHU NIN, Dwg No. RD1 423, Rev. J, dated 21 July 2021, but amended to show:**

1. **Tree numbering to accord with the Tree Logic Report dated 1 August 2012 (Precinct Structure Plan Background Report).**
2. **Include trees and tree numbering of trees in the Biodiversity Conservation Strategy area, including those on the opposite side of the creek.**
3. **Show the stag tree which was not captured by the Quarry Hill Precinct Structure Plan (PSP) background report or initial site-specific Arboricultural report.**
4. **Show the additional fruit trees and peppercorn trees as identified in the Tree Logic report of 9 July 2021.**
5. **Remove the additional piece of reconstructed Dry Stone Wall shown in the roadway (buildings intended to be relocated).**
6. **Show all existing structures on the land (whether retained or to be removed).**
7. **Show the features currently marked as Blue Stone Wall as a heritage structure, not a wall with complete remaining footprint.**
8. **Include the Movement Plan’s detail of shared paths and bike lanes as shown in the Movement Plan by Roberts Day, Ref. DHU NIN, Dwg No. RD1 424, Rev. J dated 15 July 2021.**
9. **Increased size of “LP-01” to reflect the area required by the Quarry Hills Precinct Structure Plan for the 130 Bindts Road property, unless this portion of land is proposed to be provided elsewhere, in which case that area must be shown indicativly.**
10. **Notation for “SL-02” amended to state “Subject to future permit application (open space and street interface treatment to the satisfaction of Council)” or other wording to the satisfaction of the Responsible Authority.**
11. **Notation for Steel bridge to be amended to state “Potential for use as a pedestrian bridge to be investigated with this permit. Any upgrade works to occur as part of future permit associated with land on the eastern side of the creek” or other wording to the satisfaction of the Responsible Authority.**
12. **Notation for “SL-01” to be amended to state “All identified heritage features including the Timm’s house and associated structures within the Superlot area to be protected by appropriate fencing weather protection and cloud camera during construction period. Adaptive reuse of features to be informed by Conservation Management Plan (CMP). CMP for this area must be lodged with Council prior to Certification of Stage 4B. Sale of SL-02 to be restricted until CMP is approved by Council” or other wording to the satisfaction of the Responsible Authority.**
13. **Removal of redundant items from the legend of the plan.**
14. **Dry stone wall to be removed (shown in blue) to be marked “Dry stone Wall – to be removed (indicative location, subject to detailed design and FLP approvals)”.**
15. **Any changes required to address the endorsed Public Infrastructure Plan.**

**When approved, the Subdivision Layout Plan will be endorsed and will then form part of the permit.**

1. **Public Infrastructure Plan**

**Prior to the submission of and approval of the Functional Layout Plans, a Public Infrastructure Plan (PIP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the PIP will be endorsed and will form part of this permit. The PIP must be generally in accordance with the *Permit Area 01 [South] – PIP* by Roberts Day, Ref. DHUNIN, Dwg. RD1 433, Rev. E, dated 21 July 2021,but modified to show:**

1. **Any changes required to address the endorsed Subdivision Layout Plan;**
2. **The required area of open space for LP-01 in accordance with the PSP (2.02ha), or that area specified on an abutting portion of land.**
3. **A stage-by-stage land budget which accords with Council’s Public Infrastructure Plan template.**

**Development sequencing must be implemented in accordance with the endorsed staging shown on the plan and to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.**

1. **Dry Stone Wall Management Plan**

**Prior to the approval of Functional Layout Plans for any stage containing or proposed to contain any dry stone wall, the Dry Stone Wall Conservation Management Plan *Dry Stone Wall Assessment and Management Plan, 40-152 Bindts Road, Wollert, Victoria* by Ecology and Heritage Partners, dated 15 April 2021 must be amended as follows:**

1. **Text regarding DSW 8 and Table 12 to be consistent and demonstrate an accurate measure of the wall.**
2. **DSW12 requires photographs on page 54 to be corrected or confirmed which wall they relate to, as this does not appear to depict the correct wall. This should be re-checked as the report functions as the archival recording of the DSW.**
3. **On page 98, clarify the reference to correct the dry stone wall referred to in the table (DSW-12).**
4. **The potential impact from the Public Acquisition Overlay and associated works on wall retention rates in the precinct must be shown to have been considered in determining the extent and suitability of sections proposed for removal.**

**When approved, the Dry Stone Wall Conservation Management Plan will be endorsed and will form part of this permit.**

1. **Heritage Removal**

**No heritage place, including buildings, objects or landscaping identified in the Schedule to the Heritage Overlay on the land may be removed or altered unless identified on the Subdivision Layout Plan.**

1. **Heritage Conservation Management Plan**

**Prior to the approval of a Functional Layout Plan for any stage, a Conservation Management Plan (CMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority for each heritage place. The CMP must be prepared by a suitably qualified heritage expert or experts as required. When approved, the Conservation Management Plan will be endorsed and will the form part of this permit. The CMP must follow the Heritage Victoria Guidelines and include but is not limited to including:**

1. **Securing the structural integrity of buildings;**
2. **Recommended treatments at the curtilage and interface of heritage places and other heritage fabric to be retained;**
3. **Make safe plan to ensure the heritage building(s) are secured and protected from the elements.**
4. **Schedule of restoration and repair works;**
5. **Staging plan for the restoration and repair works;**
6. **Detail of the interpretive requirements and archival recording of any building or item which is proposed for removal;**
7. **Concept plan for the recommended adaptive reuse of each heritage place.**
8. **Maintenance Plan.**
9. **Fencing and public interface with each heritage feature.**
10. **Any recommended restriction, limitation or other control measures to ensure the on-going prominence of the Heritage Overlay within the urban setting.**

**The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and completed in accordance with that plan, to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority.**

**Any demolition, buildings and works and any other requirements of the endorsed conservation management plan must be supervised/overseen by a suitably qualified heritage architect as specified in the endorsed Conservation Management Plan.**

**CONDITIONS TO BE SATISFIED PRIOR TO CERTIFICATION OF THE PLAN OF SUBDIVISION**

1. **Functional Layout Plan**

**Before the submission and approval of construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage, a functional layout plan for the subdivision or stage of subdivision, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.**

**Once Council has determined to accept, but prior to approval by the Responsible Authority, the FLP for any stage containing or abutting a Conservation Area must first be submitted to and endorsed by the Secretary to the Department of Environment, Land, Water and Planning.**

**When approved, the functional layout plan will be endorsed and will then form part of the permit.  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 must be generally in accordance with the Subdivision Layout and Stage Plan approved under Condition 1, endorsed under the permit, but detailed to show:**

1. **a fully dimensioned subdivision layout, including approximate lot areas, lot numbers, open space areas, widths of street reservations, stage boundaries and the relationship between the site/stage and the surrounding land;**
2. **topography and existing features, including contours for the subject land and any affected adjacent land;**
3. **identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land.  All trees proposed for removal shall be designated with a cross;**
4. **Tree 93 (Peppercorn tree) specifically identified including with TPZ such that a determination on the ability to retain it may be made with the FLP approval.**
5. **details of tree protection zones (TPZs), for all trees to be retained on site and overhanging from adjoining sites in accordance with the City of Whittlesea TPZ standard;**
6. **typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Quarry Hills Precinct Structure Plan;**
7. **a table of offsets for all utility services and street trees;**
8. **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;**
9. **the walking and cycling path network to generally accord with that shown on the Subdivision Layout and Stage Plan. The location of walkways or pedestrian and cycle paths in addition to those described through the standard cross sections must be designed and located to ensure maximum passive surveillance**
10. **any recreational facilities, including indicative paths, seating nodes and park infrastructure or other such features which may be notated as indicative and subject to detail landscape plan approval.**
11. **the location of any traffic management devices required to service the subdivision (signals, roundabouts, splitter islands, etc), with any such features to be capable of accommodating ultra low-floor buses in accordance with the Public Transport Guidelines for Land Use and Development on roads identified as “Bus capable” in the PSP;**
12. **provision of notional on-street parking for all lots at a rate of one space per lot;**
13. **swept path diagrams demonstrating that the road network (including laneways) have been designed for a 12.5m design service vehicle in accordance with Austroads Design Vehicle and Turning Path templates;**
14. **any spatial requirements for drainage as identified in the submitted Drainage Strategy and the proposed overland flow paths;**
15. **preliminary location of reserves for electrical kiosks, with Stage 1 of any staged subdivision providing an overall masterplan showing the location of substations throughout the estate; and**
16. **works external to the subdivision, including both interim and ultimate intersection design requirements and layouts.**
17. **Any infrastructure as required by the Precinct Infrastructure Plan endorsed under this permit;**
18. **The arrangement for bicycle priority at any required intersections.**
19. **The alignment of the off-road bicycle path so as to be capable for cyclists travelling up to 30km/h**
20. **The indicative location and height of any retaining wall**
21. **Any dry stone wall to be removed, retained, or relocated.**
22. **Any removal of dry stone wall to allow for pathways informed by the DSWMP. The ends of each wall must be improved as per any recommendation of the DSWMP.**
23. **Cross sections of roads in areas identified by the Quarry Hills PSP to be greater than 10% slope must be provided at 20 metre intervals unless otherwise specified by the Responsible Authority to ensure that the natural topography is protected. Any earthworks, retaining structures and embankments must be carefully and sensitively designed to transition gradually into natural contours.**
24. **location of fire hydrants to accord with requirements of the Scheme.**
25. **Crossover locations where necessary to provide maintenance access to the Conservation Area land as per the approved Conservation Area Plan.**
26. **Specifically identify path alignments and batters into conservation areas. A copy of a Flora and Fauna assessment prepared for WICA permit will be required to show alignment is appropriate.**
27. **Certification Plan Requirements**

**Before a plan of subdivision is certified under the Subdivision Act 1988, six copies of the plan including two signed heavyweight copies must be submitted to the Council, unless lodged electronically via SPEAR. The plan must show all bearings, distances, street names, lot numbers and any necessary easements and reserves, in accordance with the approved Functional Layout Plan.**

1. **Restriction on Plan of Subdivision**

**The plan of subdivision submitted for certification of each stage must include a restriction that requires:**

1. **the side wall of any wall above the ground level of a dwelling on a corner lot must not be constructed:**
2. **less than 900mm from the external façade of the ground level wall that faces a side street; or**
3. **with less than 30% glazing for the area of the wall and the remainder of the wall must be constructed in contrasting material finishes to that of the ground floor wall.**
4. **any garage on a burdened lot must not be constructed less than 5 metres from the road alignment at the front of the lot; and**
5. **development of lots with a width of 10 metres or less where measured at the front wall of the dwelling, must not contain any garage other than a single garage opening where access is proposed from the lot frontage.**
6. **No dwelling or commercial building may be constructed on any lot unless the building incorporates dual plumbing for the use of recycled water in toilet flushing and garden watering in accordance with Requirement 108 of the Quarry Hills PSP.**
7. **No residential lot may include a front fence except with the written consent of the Responsible Authority. Where a specific need for a fence can be demonstrated to the satisfaction of the Responsible Authority, such a fence may be no more than 1.2m high and visually permeable in accordance with Guideline 11 of the Quarry Hills PSP.**
8. **Any restrictions resulting from the recommendations of the endorsed heritage Conservation Management Plan.**

**The restriction is to then be registered on the Plan of Subdivision, to expire 10 years from the date of issue.**

1. **Subdivision permits that allow the creation of a lot(s) less than 300 square metres**

**Prior to certification of the Plan of Subdivision for the relevant stage, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provision of the *Small Lot Housing Code (Victorian Planning Authority, November 2019)* incorporated pursuant to Clause 72.04 of the Whittlesea Planning Scheme.**

**The Plan of Subdivision submitted for certification must identify whether Type A or Type B of the *Small Lot Housing Code (Victorian Planning Authority, November 2019)* applies to each lot to the satisfaction of the responsible authority.**

1. **Bushfire Management**

**Prior to the certification of the Plan of Subdivision for each stage, a restriction must be nominated on the Plan of Subdivision for any lot to give effect to any requirement for setbacks to dwellings of the distance specified in the Site Management Plan Bushfire by Terramatrix Pty. Ltd., dated March 2021, where the buffer distance specified cannot be provided within LP-01 or public road reserves or a Public Acquisition Overlay land.**

**Where the buffer is to be provided within a Public Acquisition Overlay, an agreement under s173 of the Planning and Environment Act, or another form of agreement from the owner of the Public Acquisition Overlay, to the satisfaction of the Responsible Authority, must be provided to secure the buffer distance in perpetuity, at no expense to the Responsible Authority.**

1. **Subdivision and housing design guidelines**

**The specific built form requirements arising out of the design guidelines prepared as part of the application for subdivision for lots on slopes greater than 10% must be implemented via a restriction on title or any other alternative deemed satisfactory by the responsible authority.**

1. **Kangaroo Management Plan**

**The Kangaroo Management Plan *Kangaroo Management Plan: Permit Area 1 North & South, 150/152 Bindts Road, Wollert” by* Ecology and Heritage Partners dated July 2021 as approved by the Department of Environment, Land, Water and Planning must be submitted to and endorsed by the Responsible Authority.**

**The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the Responsible Authority.**

1. **Kangaroo Management Plan**

**Before the certification of a plan of subdivision, a Kangaroo Management Plan must be approved by the Secretary to the Department of Environment, Land, Water and Planning. Once approved the plan will be endorsed by the responsible authority and form part of the permit.**

**The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.**

1. **Environmental Management Plan**

**Prior to the certification of the plan of subdivision or the commencement of buildings or works an Environmental Management Plan for the relevant works must be approved to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning and Responsible Authority, unless otherwise agreed by the Secretary to the Department of Environment, Land, Water and Planning and Responsible Authority.**

1. **Road network**

**Prior to the certification of a plan of subdivision, the plan of subdivision must show the land affected by the widening of the road reserve which is required to provide road widening and/or right of way flaring for the ultimate design of any adjacent intersection.**

**Land required for road widening including right of way flaring for the ulitamte design of any intersection within an existing or proposed arterial road must be transferred to or vested in council at no cost to the acquiring agency unless funded by the *Quarry Hills Development Contributions Plan, June 2016*.**

1. **Precinct Infrastructure Plan**

**Prior to the certification of a plan of subdivision or other time as agreed between the Council and the landowner and upon request by the responsible authority or the land owner, the owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provide for:**

* 1. **The implementation of the Public Infrastructure Plan approved under this permit.**
  2. **The purchase and/or reimbursement by the Council for any provision of public open space in excess of the amount specified in the schedule to Clause 53.01.**
  3. **The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.**

1. **Use or development of land for a sensitive purpose – Environmental Site Assessment**

**Before a plan of subdivision is certified under the *Subdivision Act 1988*, the recommendations of any Phase 2 Environmental Site Assessment and Environmental Audit submitted with any application must be carried out to the satisfaction of the responsible authority.**

**Upon receipt of the further testing report, the owner must comply with any further requirements made by the responsible authority, having regard to the guidance set out in the *General Practice Note - Potentially Contaminated Land June 2005 (DSE*). The plan of subdivision must not be certified until the responsible authority is satisfied that the land is suitable for the intended use.**

1. **Implementation of the approved Site Contamination Assessment**

**Prior to the Certification of any Plan of Subdivision and any subdivision works commencing on site (including, but not limited to, early works), the recommendations as outlined in the submitted Contamination Report (Detailed Environmental, Hydrogeological and Geotechnical Site Investigation : 130 Bindts Road, Wollert, Vic, by Atma Environmental, dated 25 October 2019) are to be undertaken on site and must not harm or cause alteration to any heritage place, unless otherwise agreed in writing by the Responsible Authority.  Written confirmation from a suitably qualified professional is to be provided to Responsible Authority to verify that these works have been completed to the satisfaction of the Responsible Authority prior to the Certification of any Plan of Subdivision and any works commencing on site.**

**Any works to a heritage places on the site to facilitate remediation or other related activities must first be submitted to and approved by the Responsible Authority in writing prior to these works commencing. Any such works for the purpose of remediation, once approved to the satisfaction of the Responsible Authority, may be carried out independent of other conditions of this permit.**

1. **Section 173 agreement for Local Convenience Centre site**

**Prior to the certification of the stage containing SL-01 (the superlot containing the Local Convenience Centre site), the permit holder must enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to require the Local Convenience Centre to be provided on the superlot.**

**The Local Convenience Centre would be subject to a future planning permit application and this agreement is to ensure that all requirements (as relevant) as listed within Section 3.3 – Employment and Town Centres within the Quarry Hills Precinct Structure Plan are met.**

**The costs for preparation and execution of the agreement shall be borne by the permit holder.**

1. **LP-01 provision of land**

**Prior to Certification of the stage containing LP-01, an area of land directly adjoining LP-01 on another area of land must be also provided to give at least the total area of LP-01 required by the PSP, to the satisfaction of the Responsible Authority.**

**CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS**

1. **Dry Stone wall removal for construction purposes**

**If the Responsible Authority determines to allow early works or other works within the permit area in advance of all conditions being normally met, then dry stone walls may be removed to enable access to that portion of the permit area provided the Responsible Authority is satisfied that there is a need for this to occur and the following matters are addressed:**

1. **A Dry Stone Wall Management Plan which considers the relevant section(s) of wall must first be endorsed under the relevant condition of this permit.**
2. **Any dry stone wall which is removed must be the minimum extent of wall necessary to facilitate access and egress of the necessary construction equipment, and must be removed only from an area around the centreline of a road shown on the endorsed Subdivision Layout Plan.**
3. **Prior to removal of the section of dry stone wall, the applicant must provide the Responsible Authority with a document which will be assessed and once satisfied, endorsed, which must include:**
4. **A statement by a qualified dry stone wall expert confirming the relevant recommendations and management conditions of the endorsed Dry Stone Wall Management Plan have been undertaken for the impacted section of wall, and confirming that this section can be removed in isolation.**
5. **A detailed plan of the relevant area of the site, identifying the exact portion of wall to be removed.**
6. **An explanation to justify the removal and extent of removal of any wall.**
7. **Detail of what markers or protection will be provided to ensure the accessway does not gradually widen, or abutting wall is impacted, during use.**

**Once approved, any requirements or recommendations of the Dry Stone Wall Management Plan must be carried out with respect to the section of wall impacted.**

1. **Conservation Area**

**Prior to the commencement of any works within the Conservation Area, plan(s) showing the following must be submitted to and approved to the satisfaction of DELWP, Melbourne Water rand the Responsible Authority:**

1. **The location and design of the path network in accordance with Requirement 74 of the Quarry Hills PSP,**
2. **The location and design of any proposed landscape embellishment (planting, park furniture etc) within the conservation rea;**
3. **The location and design of any lighting within the conservation area, noting that this must be baffled;**
4. **The location of all Aboriginal cultural heritage sites, including where artefacts are, or will be reburied, as identified in the registered Cultural Heritage Management Plan applying to this permit area;**
5. **The location (including TPZs) of all vegetation to be retained within the conservation area;**
6. **The location and design of any proposed infrastructure for passive irrigation (e.g. swales, kerb breaks) within the conservation area;**
7. **Where possible, the design of the waterway corridor, conservation area, wetland and retarding basin must seek to enhance the amenity value of that open space and provide for a range of flexible recreational opportunities with priority when such land abuts unencumbered passive or active parkland where this does not conflict with the primary function of the encumbered area;**
8. **Any passive open space areas integrated within the Growling Grass Frog Conservation Area must not detract from the conservation reserve, to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning in accordance with R76 pf the Quarry Hills Precinct Structure Plan**
9. **The design must take into consideration Guidelines G91 - G96 of the Quarry Hills Precinct Structure Plan.**
10. **Any infrastructure required to be constructed within the Growling Grass Frog conservation area must be generally in accordance with the specifications and location shown in the Quarry Hills Precinct Structure Plana and Quarry Hills Development Contributions Plan and be approved to the satisfaction of the secretary to the Department of Environment, Land, Water and Planning**
11. **The design and specifications of any gates and access points.**
12. **Detail relating to the fencing specifications of the Conservation Area interface.**

**When approved, the Conservation Area Plan will be endorsed and will then form part of the permit.**

1. **Steel bridge investigation works**

**Prior to the approval of any landscape or conservation area plan for the stage containing the conservation area, a written assessment is to be undertaken of the existing steel bridge crossing the Darebin Creek.**

**This written assessment is to be submitted to and approved by the Responsible Authority. When approved, the written assessment will be endorsed and will form part of this permit.**

**This written assessment must:**

1. **determine whether the structure is capable for adaption to a pedestrian bridge, and if so, outline the works required to undertake this.**

**Recommendations involving alteration to the structure must be recommended in consultation with a suitably qualified heritage expert.**

1. **If the bridge cannot be adapted, the assessment must detail methods to prevent public access to the historic structure through landscaping or other measures, in consultation with a suitably qualified heritage expert should alteration to the structure be required.**
2. **Specify any measures to ensure ongoing maintenance of the structure.**
3. **Securing of all heritage items**

**Prior to works commencing on site, all heritage features must be secured to prevent vandalism and theft, and appropriately protected from deterioration from weather in accordance with any recommendations of any approved heritage Conservation Management Plan.**

1. **Landscape Masterplan**

**Prior to the approval of any construction plans (engineering plans), a landscape masterplan to the satisfaction of the responsible authority for the entire subdivision must be submitted to and approved by the Responsible Authority.  When approved, the landscape masterplan will be endorsed and will then form part of the permit.  The landscape masterplan must be drawn to scale with dimensions and three copies must be provided.  The landscape masterplan must show:**

1. **the overall landscaping theme to be developed for the subdivision;**
2. **streetscapes of high quality incorporating public art and plantings with seating infrastructure into the broader subdivision layout**
3. **the type or types of species to be used for street tree planting in the subdivision to incorporate a mix of native and indigenous plantings;**
4. **the principles of the proposed treatment of the open space and drainage reserves;**
5. **planting at the periphery of the Darebin Creek Environs and conservation area to be indigenous (such planting to be to the satisfaction of Melbourne Water and the Responsible Authority;**
6. **a management plan for the Red Gums proposed for retention to ensure their integrity during the site development and landscape maintenance period must be submitted with the landscape masterplan.**
7. **The location and alignment of all shared paths**
8. **The indicative location of street furniture and incidental meeting spaces and regular spacings as well as park seating adjacent ot paths at least every 400m**
9. **The location of any potential playspaces. These must be designed and developed in accordance with the City of Whittlesea Playspace Planning Framework and Policy**
10. **Pedestrian and cyclist linkages into the Darebin Creek corridor and connecting with the overall open space network**
11. **The location of the path network outside the tree protection zones of any existing trees;**
12. **The inclusion of the steel bridge within the overall masterplan with a note indicating that its use as a pedestrian bridge is subject to other detailed assessment outlined in the permit.**
13. **Conservation area interface fencing specifications in accordance with the permanent fencing specifications in the approved Conservation Area Fencing Plan.**

**The endorsed Landscape Masterplan must be implemented to the satisfaction of the Responsible Authority.**

1. **Telecommunication Services Agreement**

**The owner of the land must enter into an agreement with:**

1. **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider’s requirements and relevant legislation at the time; and**
2. **a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan 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.**
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.**
5. **Before the approval of construction plans for roadworks and drainage, 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.**
6. **Civil Engineering Plan, Landscape Works Plan and Site Management Plan**

**Before any works associated with the subdivision (or staged subdivision) commence, 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.  The civil engineering plan, and site management 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. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must include:**

1. **a civil engineering plan including:**
2. **specifications of the proposed works that are to become public assets within and outside of the subdivision as required by this permit;**
3. **all necessary computations and supporting documentation, including a Certificate of Compliance (design) for any structure, traffic data, road safety audit and geotechnical investigation report;**
4. **all details of works consistent with the approved functional layout plan, submitted draft landscape works plan and lodged plan of subdivision;**
5. **design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt;**
6. **provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan;**
7. **provision of public lighting and underground electricity supply within all streets and along shared, pedestrian and cycle paths linking to key destinations unless otherwise agreed to by the Responsible Authority;**
8. **traffic control measures;**
9. **provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers;**
10. **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;**
11. **shared paths in accordance with the approved Quarry Hills Precinct Structure Plan within streets and reserves;**
12. **the specification of any bike path on a connector road must be to the satisfaction of DoT and the relevant Road Authority**
13. **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;**
14. **the location and provision of vehicle exclusion mechanisms abutting reserves;**
15. **details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves;**
16. **appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision;**
17. **provision for the utilisation of any surplus top soil from this stage;**
18. **permanent survey marks;**
19. **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 shall be designed in accordance with clause 22.13 Telecommunications Conduit Policy of the Whittlesea Planning Scheme and Planning Guidelines for Conduits for Optic Fibre Services, 2001;**
20. **survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones;**
21. **details in relation to all filling on the site which must be compacted to specifications approved by the Responsible Authority;**
22. **the relocation underground of all existing aerial services, including electricity and telecommunications assets, within streets abutting the subdivision;**
23. **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**
24. **a separate signage and line marking plan identifying the road layout, proposed signs, line marking, RRPMs and a sign schedule.**
25. **Any infrastructure shown in the approved Public Infrastructure Plan as approved under this permit as part of the relevant stage submission.**
26. **Any public lighting to be designed and baffled to prevent any light spill and glare within and adjacent to any Growling Grass Frog (GGF) conservation area, unless where agreed by the Secretary to the Department of Environment, Land, Water and Planning (DELWP);**
27. **Water Sensitive Urban Design initiatives in accordance with current best practice and minimum Council standards to the satisfaction of the Responsible Authority;**
28. **Integrated Water Management requirements to meet R93-R100 (inclusive) and respond to G103-106 (inclusive) of the Quarry Hills Precinct Structure Plan to the satisfaction of the Responsible Authority.**
29. **The structural detail of the retaining walls required on the land.**
30. **All utility infrastructure located outside of any designated conservation area as shown in Plan 9 and in accordance with R107 of the Quarry Hills Precinct Structure Plan.**
31. **Identification of shared trenching of services wherever possible.**

**Such information as required under this condition must be accompanied by specifications of any bike path on a connector road, which has been approved by Department of Transport and the relevant Road Authority.**

1. **a landscape works plan to be submitted including:**
2. **all details of works consistent with any approved landscape masterplan;**
3. **the removal of all existing disused structures, foundations, pipelines or stockpiles other than heritage features and the eradication of weeds;**
4. **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);**
5. **all proposed street trees provided at intervals not exceeding the following:** 
   1. **8-10 metres for trees with a canopy of less than 10 metres;**
   2. **10-12 metres for trees with a canopy of between 10-15 metres;**
   3. **12-15m for trees with a canopy greater than 15 metres**
6. **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);**
7. **mechanisms for the exclusion of vehicles,**
8. **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**
9. **hazard reduction pruning of trees to be retained, to the satisfaction of the Responsible Authority.**
10. **Any proposed fencing of open space to be low scale and visually permeable (in accordance with Requirement 62 of the Quarry Hills PSP)**
11. **Any public lighting to be designed and baffled to prevent any light spill and glare within and adjacent to any Growling Grass Frog (GGF) conservation area, unless where agreed by the Secretary of the Department of Environment, Land, Water and Planning**
12. **Any lawns utilised for embankments in public areas to have a gradient in accordance with Council standards as per Requirement 11 of the Quarry Hills PSP**
13. **Shared and pedestrian paths align the waterway which must:** 
    1. **Be delivered as part of the development consistent with the network shown on Plan 11 of the PSP**
    2. **Be above the 1:10 year flood level with any PSP designated crossing of the waterway designed to maintain hydraulic function of the waterway;**
    3. **Where a shared path is to be delivered on one side of a waterway, a path is also to be delivered to a lesser standard such as crushed rock or similar material;**

**All to the satisfaction of the Responsible Authority and Melbourne Water**

**Where sufficient detail is shown on the endorsed landscape masterplan, to the satisfaction of the Responsible Authority, stage landscape plans may not be required.**

1. **a Site Management Plan which must:**
2. **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;**
3. **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;**
4. **identify any site offices, workspaces, personnel rest and amenity areas, hardstands, material laydown areas, and stockpiles.**
5. **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;**
6. **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.**
7. **include measures to reduce the impact of noise, dust and other emissions created during the construction process;**
8. **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;**
9. **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;**
10. **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;**
11. **address any recommendations of any approved Cultural Heritage, Dry Stone Wall and Conservation Management Plans applying to the land;**
12. **identify the location and method of any Tree Protection Zones; and**
13. **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.**

1. **Tree Protection Zone Fencing**

**Before any buildings, works or demolition commence on a lot, open space and/or road reservation, each Tree Protection Zone on that lot, open space and/or road reservation must:**

1. **be fenced with temporary fencing in accordance with the attached specifications, to the satisfaction of the Responsible Authority;**
2. **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 if the land is a lot, 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) are to be included in any contract for the construction of the estate or for any other works which may impact upon the trees.**

1. **Tree Protection Bonding**

**Prior to commencement of the subdivision hereby permitted, or at such later date as the Responsible Authority may approve in writing, there must be provided to the Responsible Authority a bank guarantee for the amount of $100,000 as security deposit for the satisfactory completion of the requirements in relation to tree preservation and to ensure that trees are not damaged during the construction phase.**

**Upon completion of the subdivision works to the satisfaction of the responsible authority, the bank guarantee will be returned to the developer.**

**Where it is determined to the satisfaction of the Responsible Authority that a tree covered by a tree protection envelope has been damaged as a result of buildings and works by the applicant or its contractors, to an extent that it affects detrimentally the life, health and appearance of the tree or its contribution to the streetscape, financial damages will be paid by the applicant with all monies to be used to purchase trees for planting on the land or to prune or otherwise rehabilitating existing trees, all to the satisfaction of the Responsible Authority. The extent of damages must be established through the appointment of an independent suitably qualified person.**

1. **Protection of conservation areas and native vegetation during construction**

**Before the start of construction or carrying out of works in or around a conservation area: i. scattered native tree or patch of native vegetation the developer of the land must erect a conservation area/vegetation protection fence that is:**

* 1. **highly visible**
  2. **at least 2 metres in height**
  3. **sturdy and strong enough to withstand knocks from construction vehicles**
  4. **in place for the whole period of construction**
  5. **located the following minimum distance from the element to be protected:**

|  |  |
| --- | --- |
| **Element** | **Minimum distance from element** |
| **Conservation area** | **2 metres** |
| **Scattered tree** | **Twice the distance between the tree trunk and the edge of the tree canopy** |
| **Patch of native vegetation** | **2 metres** |

**ii. Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:**

1. **be located not less than 15 metres from a waterway;**
2. **be located outside the vegetation protection fence;**
3. **be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;**
4. **not be undertaken if it presents a risk to any vegetation within a conservation area; and**
5. **be carried out under the supervision of a suitable qualified ecologist or arborist.**

1. **Tree Protection Zones**

**No works are to be undertaken within a Tree Protection Zone unless:**

1. **Council determines that the works proposed within the Tree Protection Zone will not adversely impact on the tree or damage any part of the tree including its canopy, branches, trunk and roots; or**
2. **Council determines that the variation is required to minimise risk to the public and/or property; or**
3. **Council otherwise consents.**

**All works located in or in close proximity to a Tree Protection Zone must be supervised by a suitably qualified and experienced consulting arborist.**

1. **Works within a Tree Protection Zone**

**With Council consent, works may encroach into a Tree Protection Zone, including (where appropriate):**

1. **“no dig” footpaths, mulching and limited soft landscaping provided all footpaths are first pegged on site and confirmed by the Responsible Authority prior to construction and all works are undertaken by hand to minimise disturbance to surface roots; and**
2. **boring for services where all other alternative alignments have been investigated and determined unfeasible to the satisfaction of Council.**
3. **Documentation of Works Within a Tree Protection Zone**

**All works proposed to occur within a Tree Protection Zone must be documented in the civil infrastructure drawings and landscape plans, or otherwise approved in writing, to the satisfaction of the Responsible Authority.**

1. **Tree Protection Zone Fencing**

**The Tree Protection Zone as calculated by the consulting arborist must be clearly identified on site by an appropriately qualified person. Temporary Tree Protection Zone fencing (refer to Figure 5 of the Quarry Hills PSP) must be erected around the perimeter of all Tree Protection Zones and must be inspected by and approved by Council prior to the commencement of any buildings, works or demolition. Tree Protection Zone fencing must be to the satisfaction of the Responsible Authority and should comprise:**

1. **treated pine posts with a minimum height of 1.8 metres (total post length) at every corner or at a maximum interval of 9.0 metres. These posts shall be sunk 450mm into the ground. Concrete may affect the soil pH level and shall not be used to secure posts;**
2. **treated pine stays shall be fixed to all corner posts;**
3. **steel star pickets with a minimum height of 1.8 metres (total picket length) shall be installed between the treated pine posts at a maximum interval of 3.0 metres. These pickets shall be sunk 450mm into the ground and shall include high visibility safety caps;**
4. **ring lock wire mesh fencing with a minimum height of 1.2 metres shall be securely fixed at each post with wire ties. The fence shall completely enclose the tree protection zone;**
5. **high visibility hazard marker tape shall be securely fixed to the top of the ring lock mesh fencing with wire ties;**
6. **signage must be attached to the fence at regular intervals. Signage must read “TREE PROTECTION ZONE. NO ENTRY EXCEPT TO AUTHORISED PERSONNEL. FINES SHALL BE IMPOSED FOR REMOVAL OR DAMAGE OF FENCING AND/OR TREES” (refer to Figure 5 of the Quarry Hills PSP).**

**Tree Protection Zone fencing must be regularly maintained and may only be removed after the landscape pre-commencement meeting has occurred or until such date as is approved by the Responsible Authority in writing.**

**Enhanced Growing Environment Within Tree Protection Zones**

1. **The area within the Tree Protection Zone must be modified to enhance the growing conditions of the tree to help reduce stress or damage to the tree as a direct result of adjacent construction works to the satisfaction of the Responsible Authority.**
2. **Specific improvements may include one or a combination of the following:**
3. **ground surfaces within tree protection zones must be left intact and a Glyphosate based herbicide mixed in accordance with the manufacturer’s recommendations used to remove any weeds or unwanted vegetation;**
4. **the area within the exclusion zone must be mulched with wood chips to a depth of 150mm;**
5. **if required or as directed by the Responsible Authority, trees are to receive supplementary water. The amount of water is to be determined by the consulting arborist and will be determined by the amount of disturbance the tree has sustained and/or climatic conditions; and**
6. **where severing of roots (greater than 50mm in diameter) is required directly adjacent to tree protection zones, the roots must be cleanly cut. Where possible this is to be completed at the beginning of the development of the site. Roots are not to be left exposed, they are to be back filled or covered with damp hessian.**

**The health of retained trees will be recorded prior to the commencement of works and periodically monitored by the consulting arborist and the Responsible Authority.**

1. **Tree Protection Zone Induction**

**Prior to any works commencing in proximity to Tree Protection Zone, a consulting arborist must induct all personnel involved in construction in close proximity to and/or involved in works that may impact Tree Protection Zone. Construction Personnel must be advised:**

1. **Unless authorised by the consulting arborist or as directed by the Responsible Authority, no party must enter into a tree protection zone or modify the tree protection zone fencing in any way;**
2. **No buildings or works (including loading and unloading, storage of materials, dumping of waste, vehicle access and parking or other construction activity) are to occur in the tree protection zone without the written consent of and to the satisfaction of the Responsible Authority;**
3. **The storing or disposal of chemicals or toxic material must not be undertaken within 10 metres of any exclusion zone. Where the slope of the land suggests that these materials may drain towards an exclusion zone, the storing or disposal of these materials is strictly forbidden; and**
4. **Any trees that are to be removed next to exclusion zones are to be done so manually under the direct supervision of the consulting arborist (ie. cut not pushed). Stumps are to be ground and not excavated to prevent damage to trees in close proximity.**

**Tree Protection Bond**

1. **Prior to commencement of the subdivision, a bank guarantee or other security to the satisfaction of the Responsible Authority for the total amount of $100,000.00 (or otherwise determined by the Responsible Authority) must be submitted to the Responsible Authority as security for the satisfactory observance of the conditions in relation to Tree Protection Zones within that subdivision.**
2. **Upon completion of any building or subdivision works to the satisfaction of the Responsible Authority, the bank guarantee or other security will be returned to the person providing the bank guarantee or security.**
3. **Where the Responsible Authority determines that a tree covered by a Tree Protection Zone has been damaged as a result of buildings and works by the developer or its contractors to an extent that it affects detrimentally the life, health and appearance of the tree or its contribution to the landscape, an amount from the security is to be paid by the developer for the purchase of trees for planting on the land or the pruning or other arboricultural works to rehabilitate and improve existing trees, all to the satisfaction of the Responsible Authority.**
4. **The extent of amount of security to be forfeited is to be determined by the appointment of an independent suitably qualified person at the developer’s expense. Council’s tree protection zone guideline shall supersede AS4970 – 2009 and/or any other tree protection zone standard/calculation. In this regard, Council’s guideline considers both the on-going health of the tree and has been developed to protect people, infrastructure and property (ie the shape considers the impact of falling limbs and delineates a pedestrian exclusion zone) whereas AS4970 – 2009 only considers the impact of works on the on-going health of the tree.**
5. **Hazard Reduction Pruning**

**Prior to any pruning works being undertaken, the arborist engaged to undertake the works shall arrange a site meeting with a representative from Council’s Parks and Open Space Department. All pruning works shall be to approved arboricultural practices and have regard to AS4373–2007.**

1. **Tree Removal**

**Where a tree is permitted to be removed:**

1. **Each tree nominated for removal shall be suitably marked prior to its removal and an inspection arranged with an appropriate Council Officer to verify that the tree marked accords with the permit and/or endorsed plans;**
2. **Prior to removal, the tree to be removed shall be inspected by an appropriately qualified and experienced zoologist 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 zoologist;**
3. **Tree removal is to be undertaken in a safe manner;**
4. **All services either above or below ground are to be located prior to the commencement of any works;**
5. **Stumps and any surface roots are to be ground down below ground level. Ground and chipped material to a depth of 50mm is to be removed from site at the direction of the project manager. The project manager must supply and place suitable topsoil and seed the area making certain that the reinstated ground surface is level, even and safe;**
6. **Stumps shall be removed within 14 days of removal of the tree. All stumps not removed immediately after removal of the tree are to be paint marked with a suitable bright yellow reflective marking paint;**
7. **Where ever possible and appropriate, native trees to be removed should be retained for use in core conservation areas for habitat purposes or reused in open space as urban art, park furniture and/or other use determined appropriate by the Responsible Authority;**
8. **After a tree has been fallen, the tree must be protected from firewood harvesting via temporary fencing and signage to the satisfaction of Council until such time as the tree has been relocated for habitat or mulched;**
9. **All timber greater than 300mm in diameter that cannot be reused as habitat, furniture or another use determined appropriate by the Responsible Authority shall be hammer milled and shredded for reuse as mulch within the site; and**
10. **All timber less than 300mm in diameter and branch/leaf material shall be shredded for reuse as mulch within the subject site.**

**CONDITIONS TO BE SATISFIED DURING CONSTRUCTION WORK**

1. **Arborist report recommendations**

**All *works required* stated in the arborist reports *Assessment of Trees associated with Timms House (HO162)* by Tree Logic, dated 9 July 2021, and *Arboricultural Assessment and Report : 130-152 Bindts Road, Wollert* by Tree Logic, dated 16 July 2018 are to be undertaken on site to the satisfaction of the Responsible Authority where they do not conflict with specific details under heritage or landscape approvals.**

1. **Native vegetation removal**

**No native vegetation must be destroyed, felled, lopped, ring barked or uprooted, without the consent of the Responsible Authority.**

1. **Development and works in tree protection zones**

**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.**

1. **Filling of land**

**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 shall be provided to the satisfaction of the Responsible Authority.**

1. **Salvage and translocation**

**The Salvage and Translocation Protocol for Melbourne’s Growth Corridors (Department of Environment and Primary Industries, 2014) must be implemented in the carrying out of development to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.**

1. **Site Management Plan (Bushfire)**

**The subdivision and works must at all times comply with the requirements and recommendations of the Site Management Plan (Bushfire) by Terramatrix Pty. Ltd. dated March 2021.**

1. **Conservation area compliance**

**The subdivision and works must at all times comply with the requirements and recommendations of the endorsed Conservation Area Plan.**

**CONDITIONS TO BE SATISFIED PRIOR TO THE STATEMENT OF COMPLIANCE**

1. **Road and Service connections**

**Prior to the Statement of Compliance being issued for the first stage of the subdivision, Whitebark Street must be constructed to Bindts Road and connected to this permit area, to the satisfaction of the Responsible Authority.**

1. **Site access**

**Prior to SoC of any stage, direct and complete road connections and services from the abutting development approved under Planning Permit 717388 must be provided to that stage.**

1. **Land required for community facilities**

**Land required for community facilities, as set out in the *Quarry Hills Precinct Structure Plan, June 2016* or the *Quarry Hills Development Contributions Plan, June 2016*, must be transferred to or vested in Council at no cost to Council unless the land is funded by the *Quarry Hills Development Contributions Plan, June 2016*.**

1. **Open space and natural systems**

**Land set aside for tree reserves or landscape buffer as set out in the *Quarry Hills Precinct Structure Plan* must be transferred to or vested in Council at no cost to Council unless the land is funded by the incorporated *Quarry Hills Development Contributions Plan, June 2016*.**

1. **Connection to Telecommunication Services**

**Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**

1. **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**
2. **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.**
3. **Verification of completion of works for dry stone walls**

**Prior to the issue of Statement of Compliance, the recommendations for the construction and repair of all dry stone walls as detailed in the endorsed Dry Stone Wall Management Plan are to be undertaken on site.  Written confirmation from a suitably qualified heritage consultant is to be provided to the Responsible Authority to verify that these works have been completed to the satisfaction of the Responsible Authority prior to the issue of Statement of Compliance.**

**If works are to be bonded as part of landscape works, the qualified expert must provide a written statement to the Responsible Authority that confirms the works have been carried out (including any recording, removal, stockpiling and similar) in accordance with the endorsed Dry Stone Wall Management Plan before Statement of Compliance.**

1. **Works on heritage items**

**Prior to the issue of a Statement of Compliance for the stage containing any heritage features, all recommendations of the approved CMP relating to the heritage item(s) in that stage are to be completed on site to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.**

1. **Heritage Conservation Management Plan Section 173 agreement**

**Prior to the issue of a Statement of Compliance for the subdivision, if recommendations of the approved heritage Conservation Management Plan(s) include ongoing recommendations, a Section 173 agreement is to be entered into to secure the ongoing recommendations of the approved Heritage Conservation Management Plan(s) on the title for any lot containing the heritage place(s). The costs of implementing the agreement are to be borne by the permit holder.**

1. **Development and open space contributions**

**Prior to the issue of a Statement of Compliance for any stage of the subdivision, development and open space contributions must be paid to the Responsible Authority in accordance with the approved Quarry Hills Development Contributions Plan and Clause 45.06 and 53.01 of the Whittlesea Planning Scheme, unless otherwise agreed to in writing by the Responsible Authority.**

1. **Fences adjoining reserves**

**Before Statement of Compliance is issued for any given stage, all fences adjoining all reserves (including walkway extensions of road reserves but otherwise excluding road reserves) are to be erected by the developer (or owner) at no cost to Council.**

1. **Foreign Resident Capital Gains Withholding Certificate**

**Prior to the issue of a Statement of Compliance for any stage of the subdivision, the permit holder must provide a valid Foreign Resident Capital Gains Withholding Certificate and a current copy of Title for the entire land.  The name on the Foreign Resident Capital Gains Withholding Certificate must match the name on Title.**

1. **Statement of compliance with deferment of engineering works**

**Prior to the issue of a Statement of Compliance for any stage 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:**

**63.1 Civil Works**

1. **all relevant referral authorities have consented to the issue of a Statement of Compliance,**
2. **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,**
3. **an amount equivalent to 150% the agreed estimated cost of outstanding civil construction works will be required by the responsible authority as security deposit,**
4. **a works program is provided setting out the proposed timing of all outstanding construction works,**
5. **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.**

**63.2 Landscape Works**

1. **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.**
2. **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.**

1. **Land Management Co-operative Agreement**

**Before the issue of a statement of compliance for the last stage of the subdivision, the owner of the land must:**

* 1. **Enter into an agreement with the Secretary to the Department of Environment, Land, Water and Planning under section 69 of the *Conservation, Forests and Lands Act 1987*, which:**
* **Must provide for the conservation and management of that part of the land shown as a conservation area in the *Quarry Hills Precinct Structure Plan, June 2016*; and**
* **May include any matter that such an agreement may contain under the *Conservation, Forests and Lands Act 1987*.**
  1. **Make application to the Registrar of Titles to register the agreement on the title to the land.**
  2. **Pay the reasonable costs of the Secretary to the Department of Environment, Land, Water and Planning in the preparation, execution and registration of the agreement.**

**The requirement for a Land Management Co-operative Agreement in this condition does not apply to land or any lot or part of a lot within a conservation area identified in the Precinct Structure Plan that:**

1. **is identified in a Precinct Structure Plan as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or**
2. **is identified in a Precinct Structure Plan as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or**
3. **is within a conservation area identified in a Precinct Structure Plan for nature**  **conservation and is vested, or will be vested, in the Secretary to the Department of Environment, Land, Water and Planning for conservation purposes; or**
4. **is the subject of an agreement with the Secretary to the Department of Environment, Land, Water and Planning to transfer or gift that land to:**

* **the Secretary to the Department of Environment, Land, Water and Planning;**
* **the Minister administering the *Conservation, Forests and Lands Act, 1987*; or**
* **another statutory authority.**

**to the satisfaction of the Secretary to the Department of Environment, Land, Water and Planning.**

1. **Public Transport**

**Unless otherwise agreed by Public Transport Victoria, prior to the issue of Statement of Compliance for any subdivision stage, bus stops must be constructed, at full cost to the permit holder as follows:**

1. **In accordance with the Public Transport Guidelines for Land Use and Development with a concrete hard stand area, and in activity centres, a shelter must also be constructed.**
2. **Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.**
3. **At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria,and to the satisfaction of Public Transport Victoria.**
4. **Be provided with direct and safe pedestrian access to a pedestrian path**

**All to the satisfaction of Public Transport Victoria and the responsible authority.**

**CONDITIONS TO BE SATISFIED FOLLOWING CONSTRUCTION WORKS**

1. **Hazard Reduction Pruning**

**Prior to the issue of Practical Completion of the landscaping works, all trees that are to be retained must have hazard reduction pruning undertaken by a suitably qualified and experienced arborist to ensure the tree does not present an unreasonable risk. If necessary, pruning works shall include:**

1. **Removal of all dead and diseased branches. Specifically, dead branches greater than 40mm in diameter (measured at the base of the branch) shall be removed from the canopy unless they contain hollows that are clearly being used for habitat. Due care shall be given to ensure the integrity of the tree as habitat for native fauna is not compromised (larger material shall be left on site for its habitat value);**
2. **Weight reduction and canopy thinning (especially for branches overhanging trafficable areas and fixed infrastructure). No live branches greater than 200mm in diameter shall be removed from the tree without authorisation from the Responsible Authority. Remove no more than 20% of live foliage from any tree; and**
3. **Removal of epiphytic plant material, wire and any attached debris/rubbish.**
4. **Commencement of street tree planting and landscaping works**

**Before any landscape works associated with the subdivision (or staged subdivision) commence, a landscape works plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority The developer must notify the Responsible Authority a minimum of 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 AS2303:2018 – Tree Stock for Landscape Use.**

1. **Completion of landscape works**

**Within 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.**

1. **Landscape Maintenance**
2. **All landscaping (except for grass in nature strips of streets abutting private property) shown on the approved stage 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 are to 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.**
3. **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 shall be maintained in accordance with Council’s Minimum Landscape Maintenance Specification of Services and Works (May 2010).**
4. **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.**
5. **As Constructed Engineering Plans**

**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.**

**70.1 Civil Works**

**Prior to Council’s consent to Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:**

1. **a complete set of 'as constructed plans' of site works (amended if necessary to show any changes that may have occurred during construction), which include Civil, electrical and telecommunication works, in digital file format AutoCAD (recent version) and PDF.  The digital files must have a naming convention (Subdivision name\_Stage) to enable identification of Council assets listed and should be projected to GDA94-MGA Zone 55.**
2. **a list of asset quantities which include the following Council assets:**
3. **total length of Roads, Footpath, Kerb and Channel,**
4. **total number of Bridges, WSUD features, Traffic calming devices,**
5. **total length of pipe and number of pits for Drainage and Telecommunications,**
6. **total number of streetlights, and**
7. **Total number of road reserve assets.**
8. **asset information must include D-Spec (drainage data) and R-Spec (road data)  as per “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) 1994.**

**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.**

**70.2 Landscape Works**

**Prior to Council’s consent to Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:**

1. **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.**

**GENERAL CONDITIONS**

1. **Layout not altered**

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

1. **Removal of top soil**

**No top soil is to be removed from land covered by the subdivision without the written consent of the Responsible Authority.**

1. **Amenity**

**The amenity of the area must not be detrimentally affected as part of any development works by the use or development through the:**

* 1. **Transport of materials, goods or commodities to and from the land;**
  2. **Appearance of any building, works or materials; or**
  3. **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.**

1. **Reticulated Services**

**Reticulated water, drainage, sewerage and electricity reticulation underground must be available to each lot shown on the endorsed plans before any lot can be used for houses.**

1. **Time Limit**

**This permit will expire if:**

* 1. **The plan of subdivision for the first stage is not certified within 2 years of the date of this permit; or**
  2. **The plan of subdivision for any subsequent stage of the subdivision is not certified within 2 years of the date of the certification of the previous stage of the subdivision.**
  3. **The registration of any stage of the subdivision is not completed within 5 years of the date of certification of the plans of subdivision.**

**The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.**

**REFERRAL AUTHORITY CONDITIONS**

**Yarra Valley Water**

1. **The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.**
2. **The owner of the land must enter into an agreement with Yarra Valley Water for the provision of recycled water services.**
3. **The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.**

**Melbourne Water**

1. **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.**
2. **Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.**
3. **Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.**
4. **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'.**
5. **Prior to the issue of a Statement of Compliance for the subdivision, council approved engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.**
6. **All new lots are to be filled to a minimum of 300 mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600 mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.**
7. **Prior to the issue of a Statement of Compliance for the subdivision, council approved engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 1% AEP storm event.**
8. **Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.**
9. **The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.**
10. **Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined in section 8 of the Guidelines for Development in Flood Affected Areas (DELWP 2019)."**
11. **Prior to Statement of Compliance , a free draining outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s). Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s). Melbourne Water will require evidence demonstrating that appropriate interim drainage solutions have been implemented to mitigate the risks to downstream areas.**
12. **All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council’s satisfaction.**
13. **Local drainage must be to the satisfaction of Council.**
14. **Prior to Certification, designs addressing the interface of the lots adjacent to the drainage reserve, must be prepared to the satisfaction of Council and Melbourne Water.**
15. **Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.**
16. **Drainage works are to be fully funded by the Owner and as such no contributions to Melbourne Water are payable and no reimbursements to the Owner towards the cost of the works are applicable.**
17. **Additional works may be required in order to enhance the Darebin Creek to the satisfaction of Melbourne Water. This may include but is not limited to works such as bank stabilisation, revegetation works and programmed maintenance for weed control.**
18. **A minimum setback of 50 metres from the top-of-bank along the Darebin Creek is required to protect the riparian corridor and GGF values along the creek for environmental and liveability benefits, and to preserve the potential for future enhancement of these values, unless otherwise agreed to in writing by both DELWP and Melbourne Water.**
19. **Prior to Certification, a flora and fauna assessment is to be submitted to Melbourne Water.**
20. **Melbourne Water will require written approval from DELWP for works within areas outlined as Growling Grass Frog habitats.**
21. **Prior to Certification of any Plan of Subdivision associated with the application, a stormwater management strategy must be submitted and approved by Melbourne Water and Council. The strategy must demonstrate the following: The proposed alignment for any 20% AEP drainage infrastructure; The 1% AEP flood extent, water surface elevations and the direction of major overland flow paths; Functional Layout plan and staging plan including proposed scheme works and associated timing of works; That the layout adequately accommodates the overland flows; The details of the outfall/s for the development and calculations of the flow volumes for the 1% AEP storm event within the property; Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater**

**Department of Environment, Land, Water and Planning**

1. **Kangaroo Management Plan**

**Before the certification of a plan of subdivision, a Kangaroo Management**   **Plan must be approved by the Secretary to the DELWP. Once approved the**   **plan will be endorsed by the responsible authority and form part of the permit. The endorsed Kangaroo Management Plan must be implemented to the satisfaction of the responsible authority.**

1. **Protection of conservation areas and native vegetation during construction**
2. **Before the start of construction or carrying out of works in or around a conservation area, scattered native tree or patch of native vegetation the developer of the land must erect a conservation area/vegetation protection fence that is:**
3. **highly visible**
4. **at least 2 metres in height**
5. **sturdy and strong enough to withstand knocks from construction vehicles**
6. **in place for the whole period of construction**
7. **located the following minimum distance from the element to be protected:**

|  |  |
| --- | --- |
| **ELEMENT** | **MINIMUM DISTANCE FROM ELEMENT** |
| **Conservation area** | **2 metres** |
| **Scattered tree** | **Twice the distance between the tree trunk and the edge of the tree canopy** |
| **Patch of native vegetation** | **2 metres** |

1. **Construction stockpiles, fill, machinery, excavation and works or other activities associated with the buildings or works must:**
2. **be located not less than 15 metres from a waterway;**
3. **be located outside the vegetation protection fence;**
4. **be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;**
5. **not be undertaken if it presents a risk to any vegetation within a conservation area; and**
6. **be carried out under the supervision of a suitable qualified ecologist or arborist.**
7. **Fencing Plan**

**Prior to the commencement of development, a conservation area fencing plan must be submitted to and approved by the Secretary to the DELWP, to ensure the conservation area is adequately protected. The fencing plan must contain the following:**

* 1. **the alignment of temporary protection fencing**
  2. **the timing of installation and removal of temporary protection fencing;**
  3. **the timing of installation of permanent fencing;**
  4. **Specifications for temporary and permanent fencing;**
  5. **Locations of maintenance access points; and**
  6. **Specifications for maintenance access crossovers and gates.**

1. **Land Management Co-operative Agreement**

**Prior to the issue of a statement of compliance for the last stage of the subdivision, the owner of the land must into an agreement with the Secretary to the DELWP under section 69 of the Conservation, Forests and Lands Act 1987, which:**

1. **Must provide for the conservation and management of that part of the land shown as a conservation area in the Quarry Hills Precinct Structure Plan, June 2016;**
2. **May include any matter that such an agreement may contain under the Conservation, Forests and Lands Act 1987;**
3. **Makes application to the Registrar of Titles to register the agreement on the title to the land; and**
4. **Pays the reasonable costs of the Secretary to the DELWP in the preparation, execution and registration of the agreement.**

**The requirement for a LMCA in this condition does not apply to land or any lot or part of a lot within a conservation area that:**

1. **Is identified in the incorporated PSP as public open space and is vested, or will be vested, in the council as a reserve for the purposes of public open space; or** 
   * 1. **Is identified in the incorporated PSP as a drainage reserve and is vested, or will be vested, in Melbourne Water Corporation or the council as a drainage reserve; or**
     2. **Is within a conservation area identified in the incorporated PSP for nature conservation and is vested, or is subject of an agreement with the Secretary to the DELWP to be vested in the Secretary to the DELWP for conservation purposes; or**
     3. **Is the subject of an agreement with the Secretary to the DELWP to transfer or gift that land to:**
2. **The Secretary to the DELWP;**
3. **The Minister administering the Conservation, Forests and Lands Act, 1987; or**
4. **Another statutory authority. to the satisfaction of the Secretary to the DELWP.**
5. **Environmental Management Plan**

**Prior to the certification of the plan of subdivision or the commencement of buildings or works an Environmental Management Plan for the relevant works must be approved to the satisfaction of the Secretary to the DELWP and Responsible Authority, unless otherwise agreed by the Secretary to the DELWP and Planning and Responsible Authority.**

1. **Correct alignment of protective fencing**

**Buildings and works must not commence until written evidence confirming protection fencing has been erected, in accordance with an approved Conservation Area Fencing Plan, is provided by a suitably qualified land surveyor to DELWP.**

1. **Conservation Area Interface – Functional Layout Plan**

**Prior to the submission and approval of construction plans (engineering plans) and the certification of the relevant plan of subdivision for each stage abutting land identified as conservation area land, the relevant Functional Layout Plan must be endorsed by the Secretary to the DELWP. The Functional Layout Plan must show locations of vehicle crossovers for maintenance vehicle access to the conservation area, as determined in consultation with DELWP.**

1. **Conservation Area Interface - Landscaping**

**Prior to works for each stage abutting land identified as conservation area land, the relevant Landscape Works Plan must be endorsed by the Secretary to the DELWP. The Landscape Plan must show specifications for conservation area interface fencing and maintenance access gates consistent with the DELWP requirements for permanent fencing around conservation areas under the Melbourne Strategic Assessment.**

1. **Works in Conservation Area**

**Works of any kind must not be undertaken on land identified as conservation area without prior written approval from the Secretary to the DELWP.**

**Land management plan for conservation area**

1. **Prior to the commencement of development, a land management plan for the conservation area land must be prepared by a suitably qualified consultant, submitted to, and approved by DELWP. The land management plan must outline how the existing biodiversity values for the land will be maintained, including:** 
   1. **How environmental weeds will be managed up until the securing of the conservation area.**
   2. **How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.**
   3. **How rubbish and hazards will be removed, and any contaminated material managed up until the securing of the conservation area.**

**Once approved the plan will form part of the permit and must be implemented to the satisfaction of the Secretary to the DELWP and the Responsible Authority.**

**AusNet Services**

**The applicant must:**

1. **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.**
2. **The applicant must enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.**
3. **The applicant must enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.**
4. **The applicant must 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.**
5. **The applicant must 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.**
6. **The applicant must obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.**
7. **The applicant must 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.**
8. **The applicant must set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.**
9. **The applicant must 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**
10. **The applicant must 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.**
11. **The applicant must 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.**
12. **The applicant must 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.**

**PERMIT NOTES:**

**Public Lighting Note**

**Before the preparation of construction plans for street lighting can be completed Council approval to the type and colour of poles and lanterns will be required.**

**Tree Protection Zone Requirements**

**The storing or disposing of chemicals or toxic materials must not be undertaken within 10 metres of any Tree Protection Zone.  Where the slope of the land suggests these materials may drain towards a Tree Protection Zone, the storing or disposing of these materials is strictly forbidden.**

**Street Numbering Note**

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

**Street Naming Note**

**Naming of streets is to be undertaken using names relevant to the site’s history. Council should be consulted for appropriate names. A list of appropriate names can be provided by Council on request.**

**Cultural Heritage Management Plan**

**The development must at all times comply with the recommendations of the Cultural Heritage Management Plan (as may be amended from time-to-time, (Residential Subdivision (Stage 2), 130-150 Bindts Road, Wollert, Victoria: Aboriginal Cultural heritage Management Plan : Number 14968 by Ecology and Heritage Partners, Dated 12 February 2021 and Residential Subdivision, 130-150 Bindts Road, Wollert, Victoria: Aboriginal Clutural heritage Management Plan : Number 13951 by Ecology and Heritage Partners, dated 12 May 2017, amended 13 October 2020) and approved by the Wurundjeri Tribe Land and Compensation Cultural Heritage Council on 12 February 2021, 12 May 2017, and 13 October 2020.**

**Permits for development of a lot**

**Applications for a dwelling on a single lot may be eligible for Council’s “Fast Lane” approval process. This may apply for a single dwelling on a lot where only the Heritage Overlay triggers a permit. The service provides a 15 business day turnaround.**   
**Contact our Planning Department on 9217 2259 or email fastlane@whittlesea.vic.gov.au**

**DELWP**

**The land covered by the subdivision application is subject to the Final approval for urban development in three growth corridors under the Melbourne Urban Growth Program Strategic Assessment 5 September 2013 under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The approval places the following requirements over the subject land:**

* **Any actions associated with urban development must be undertaken in accordance with the requirements of the Biodiversity Conservation Strategy for Melbourne’s Growth Corridors (DEPI 2013)**

**The parcel includes land identified in the Biodiversity Conservation Strategy as ‘Conservation Area 34 (Northern Growth Corridor: Growling Grass Frog Corridors)’. Under the Biodiversity Conservation Strategy urban development is required to be excluded from Conservation Area 34.**

**Operation of Commonwealth Environmental Laws. On 5 September 2013 an approval under the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) was issued by the Commonwealth Minister for Environment, Heritage and Water. The approval applies to all actions associated with urban development in growth corridors in the expanded Melbourne 2010 Urban Growth Boundary as described in page 4 in the Biodiversity Strategy for Melbourne’s Growth Corridors (Department of Environment and Primary Industries, 2013). The Commonwealth approval has effect until 31 December 2060. The approval is subject to conditions specified at Annexure 1 of the approval. Provided the conditions of the EPBC Act approval are satisfied individual assessment and approval under the EPBC is not required.**

**Aus Net Services**  
**It is recommended that, at an early date the applicant commences negotiations with AUSNET ELECTRICITY SERVICES PTY LTD for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).**

**Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.**

**Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.**

5.2.2 Contract 2021-93 Epping Reserve Car Park Upgrade

**5.2.2 Contract 2021-93 Epping Reserve Car Park Upgrade**

**Responsible Officer** Director Infrastructure & Environment

**Author** Acting Team Leader Design and Delivery

**In Attendance** Nick Mazzarella, Manager Capital Delivery

**Attachments**

1. CONFIDENTIAL REDACTED - Tender for Contract 2021 93 Epping Reserve Car Park Upgrade [**5.2.2.1** - 4 pages]
2. 2021 12 15 Scope of Works Car Park Upgrade Stage 1A 1B Eppi [**5.2.2.2** - 1 page]

The attachments have been designated as confidential by the Director Infrastructure & Environment, under delegation from the Chief Executive Officer, in accordance with Rule 53 of the Governance Rules 2021 and sections 66(5) and 3(1) of the *Local Government Act 2020* on the grounds that they contain private commercial information, being information provided by a business, commercial or financial undertaking that—  
 (i) relates to trade secrets; or  
 (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

In particular the attachment contains information regarding commercially confidential prices and rates submitted in the closed tender.

**Purpose**

It is proposed that contract number 2021-93 Epping Reserve Carpark Redevelopment is awarded to Petrolo Construction Pty Ltd.

**Brief Overview**

The tender evaluation panel advises that:

* Seven tenders were received.
* The recommended tender was the highest ranked.
* Collaborative tendering was not undertaken in relation to this procurement because it is not listed in the Northern Councils Alliance consolidated contract register and this contract relates to a unique need for the City of Whittlesea.

**Recommendation**

**That Council:**

1. **Accept the tender submitted by Petrolo Construction Pty Ltd for the following contract:**

**Number:** **2021-93**

**Title:** **Epping Reserve Carpark Stage 1**

**Cost:** **A lump sum of $1,066,264 (excluding GST)**

**Term:** **1 February 2022 to 30 June 2022**

**Subject to the following conditions:**

**a) Tenderer to provide proof of currency of insurance cover as required in the tender documents.**

**b) Price variations to be in accordance with the provisions as set out in the tender documents.**

**c) Tenderer to provide contract security as required in the tender documents.**

1. **Approve the funding arrangements detailed in the confidential attachment.**

**Key Information**

The purpose of this contract is to redevelop the first component of the car park (including Stage 1, Stage 1A & Stage 1B) of the Epping Recreation Reserve, including associated works. Refer to the attached plan that shows the scope of work.

Tenders for the contract closed on 19 October 2021. The tendered prices and a summary of the evaluation are detailed in the confidential attachment.

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

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

|  |  |  |
| --- | --- | --- |
|  | Price | 50% |
|  | Capability | 25 % |
|  | Capacity | 15 % |
|  | Impact | 10 % |

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

All tenders were conforming and competitive.

The evaluation outcome was as follows:

| **Tenderer** | **Conforming** | **Competitive** | **Score** | **Rank** |
| --- | --- | --- | --- | --- |
| Tenderer A Petrolo Construction Pty Ltd | Yes | Yes | 89.8 | 1 |
| Tenderer B | Yes | Yes | 86.3 | 2 |
| Tenderer C | Yes | Yes | 59.3 | 7 |
| Tenderer D | Yes | Yes | 69.4 | 4 |
| Tenderer E | Yes | Yes | 66.6 | 6 |
| Tenderer F | Yes | Yes | 74.7 | 3 |
| Tenderer G | Yes | Yes | 67.3 | 5 |

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

**Community Consultation and Engagement**

In accordance with the Local Government Act 2020, consideration was given as to whether there were any opportunities to collaborate with other Councils and public bodies or to use any existing collaborative procurement arrangements. The outcome was as follows:

* Collaborative tendering was not undertaken in relation to this procurement because this contract relates to a unique need for the City of Whittlesea, and also relates to a State Government grant funded project.

Community consultation and engagement was not required in relation to the subject matter of this report as it relates to commercial arrangements and contractual obligations that are confidential. It is also noted that the Epping Recreation Reserve Master Plan which incorporates the car park redevelopment underwent extensive community consultation prior to being approved by Council. Subsequent consultation and engagement with resident sporting clubs was also carried out during the design phase of the project.

**Alignment to Community Plan, Policies or Strategies**

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**Connected communities**  
We work to foster and inclusive, healthy, safe and welcoming community where all ways of life are celebrated and supported.  
  
**Liveable neighbourhoods**   
Our City is well-planned and beautiful, and our neighbourhoods and town centres are convenient and vibrant places to live, work and play.

The project deliverables for this contract will provide multiple safe and accessible entries into the Epping Recreation Reserve and provide a sealed car park, pedestrian paths and landscaping in accordance with the approved master plan. These outcomes will create more convenient and safer place for community to connect socially as well as stimulate more sport club activities and to promote a healthy lifestyle.

**Considerations**

**Environmental**

The works specification in this contract includes the use of sustainable and environmental construction material such as recycled pavement material and solar lighting. Consideration has been made in the design of the car park to ensure improved and ongoing protection of existing mature trees.

**Social, Cultural and Health**

The works on the Epping Recreation Reserve will cause some minor disruption in daily activity on this reserve, however, the construction will be staged in such a way to minimise impact on any major events in the reserve. Upon the completion of the works, the community will have the benefits of having an accessible parking facility, safer pedestrian paths and more aesthetic landscape features within the reserve for community to enjoy and connect socially.

**Economic**

This contract has made consideration to include the optional scope of works of Stage 1B to increase the economic scale of the contract and to free up the Reserve for further improvements as planned in the masterplan.

**Financial Implications**

Sufficient funding for this contract is available in the budget for

* 2021/22 [CW-10182] Epping Recreation Reserve - Car Park Delivery
* 2022/23 [CW-10182] Epping Recreation Reserve - Car Park Delivery (Funding to be brought forward to current financial Year)

Refer to the confidential attachment for further information.

**Link to Strategic Risk**

**Strategic Risk** *Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction*  
Should Council staff fail to manage the above risk, then there will be repercussion from the community that would jeopardise Council’s reputation.

To manage the above risk, community and stakeholder engagement has been undertaken when preparing the design and documentation of this works.

**Strategic Risk** *Contractor Management - Failure to manage contractors to deliver agreed outcomes*

The appointed contractor has been selected through a thorough selection process including interviews and referee checks. A bank guarantee will also be held by Council to secure the continuity of this works in case the contractor fails to deliver the works as per the contract requirements.

**Implementation Strategy**

**Communication**

Prior to commencement of construction, a letter drop will be arranged for the surrounding residents. Clubs that use the Reserve will be notified of the timing of the works. Project information will also be published in Council’s social media and will be updated in a timely manner.

**Critical Dates**

The works are expected to commence in February 2022 and be completed in June 2022.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, 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.

**Conclusion**

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

5.2.3 Patterson Drive Community Centre revised scope

**5.2.3 Patterson Drive Community Centre revised scope**

**Responsible Officer** Acting Director Community Wellbeing

**Officer** Acting Unit Manager Community Infrastructure Planning

**In Attendance:** Agata Chmielewski, Manager Strategic Projects  
**Attachments** Nil attachments

**Purpose**

The purpose of this report is to update Council on the Patterson Drive Community Centre.

**Brief Overview**

On 6 September 2021, Council resolved to support Business Case Option 3 for the Patterson Drive Community Centre, Donnybrook. The estimated cost of delivering the endorsed scope (Business Case Option 3) increased from $11.4 million to $13.94 million between April and October 2021.

To deliver the Community Centre within the $11.4 million endorsed budget, an updated scope is proposed and described in **Table One** of this report.

Council has recently been successful in securing $2,709,500 in grants towards this project.

**Recommendation**

**That Council:**

1. **Support the Patterson Drive Community Centre updated scope as described in Table One of this report, which includes:**

* **2 kindergarten rooms**
* **2 Maternal and Child Health consulting suites**
* **2 multi-purpose rooms, community outdoor space and landscaping**
* **A community hall**
* **Community kitchen**
* **Community lounge with satellite library and Council Customer Service functions**
* **Carparking works**

1. **Note that the Patterson Drive Community Centre will be delivered within the $11.4 million project budget as endorsed at the 1 June 2021 meeting of Council.**
2. **Note that Council will:**

**a) Develop governance and operational models to address community need, and coordinate program delivery and partnerships across the community facilities within the Donnybrook precinct, including the Olivine Community Hub (opened in 2021), the Olivine Community Pavilion (due to open in 2023) and Patterson Drive Community Centre (due to open in 2025).**

**b) Continue to address service and community need when planning for future community facilities in the municipality’s western growth corridor.**

**Key Information**

**Council resolutions**

The Patterson Drive Community Centre scope has been presented to Council on two occasions over the past 12 months, including:

* **June Council meeting 2021**: Three options were presented to Council for the scope of Patterson Drive Community Centre. Council endorsed the scope described as Option 3 and sought further information exploring other services at the site such as an expanded library, Council Customer Service, and community health*.* The estimated cost was $11.4 million.
* **September Council meeting 2021:** Council was provided with further information onan expanded library, Council Customer Service, and community health options at the site. Due to cost considerations, Council resolved to support the business case for Patterson Drive Community Centre Option 3 as endorsed at the 1 June 2021 Council meeting.

**Attachment One** includes a summary of the June and September 2021 Council meeting resolutions.

**Cost escalations**

Following the September 2021 Council resolution, Council officers proceeded with development of a more detailed concept design and associated quantity surveyor costings. The estimated cost had increased to $13.94 million by October 2021 as a result of:

* Escalating construction costs due to the COVID-19 pandemic.
* Facility siting to create an operational interface with the primary school site to enable coordinated early years program delivery across the Patterson Drive Community Centre and the primary school.

**Construction cost escalations and the COVID-19 pandemic**

*Commodities, inflation and scarcity of construction materials*

The cost of construction materials normally increases annually due to inflation (an issue that contractors faced prior to the pandemic). However, the inflation that has accompanied the pandemic has been significantly different and has largely impacted construction costs. The Australian construction industry is dependent on foreign construction materials such as fabricated steel, stone and lumber (timber). Because COVID-19 is a global pandemic, it has caused closures and delays at international factories that produce these materials. As a result, the supply of construction materials dramatically decreased, and what remained became much more expensive (source: [Cost Inflation: Construction Costs and the COVID-19 Pandemic | Marcum LLP | Accountants and Advisors](https://www.marcumllp.com/insights/cost-inflation-construction-costs-and-the-covid-19-pandemic), October 2021).

*Increased public infrastructure investment*

*“…The economic fallout caused by the COVID-19 pandemic is forcing governments around the world to come up with policies for stimulating the global economy. Many are considering a tried-and-true method to boost economies in the short-term and provide wide societal benefits in the long term: infrastructure investment… Countries around the globe are set to launch the biggest round of infrastructure investment since the post-2008 financial crisis stimulus measures*.”

(Source: [How sustainable infrastructure investment can aid the post-COVID recovery | World Economic Forum (weforum.org)](https://www.weforum.org/agenda/2020/04/coronavirus-covid-19-sustainable-infrastructure-investments-aid-recovery/))

To counter the economic impact of the pandemic, governments around the world have sought to stimulate state economies through investment in infrastructure (source: [The Role of Infrastructure Stimulus in the Recovery—and Beyond | BCG](https://www.bcg.com/publications/2020/infrastructure-stimulus-in-covid-pandemic-recovery-and-beyond), 2020). The previous annual budgets of both the Australian and Victorian Governments included significant additional infrastructure spending. For example, the Australian Government’s COVID-19 economic recovery plan announced a $7.5 billion new investment in national transport infrastructure to boost the national economy, deliver safer roads and create employment. The Victorian Government’s economic recovery plan announced measures valued at around $18 billion to the 2021/2022 budget (source: [Victoria plans for 'massive' recovery spending, 2020 (afr.com)](https://www.afr.com/politics/federal/victoria-plans-for-massive-recovery-spending-20200827-p55psh)). The impact of this local government stimulus has seen an increased demand (and associated costs) for labour (with a tightening supply due to border controls and limited inward migration); as well as increased demand for suitable building contractors.

**Updated facility scope**

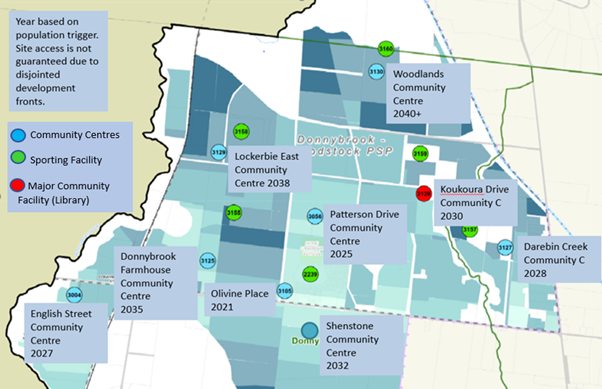
Patterson Drive Community Centre will be delivered within the $11.4 million endorsed budget with an updated scope as summarised in **Table One** below.

Operational and governance models and partnerships will be developed to address community need and coordinate program delivery across three community facilities within the Donnybrook precinct; including the Olivine Community Hub (opened in 2021), the Olivine Community Pavilion (due to open in 2023) and Patterson Drive Community Centre (due to open in 2025). The locations of alternative facilities are illustrated in **Figure One**.

Partnerships will also be developed with kindergartens on school sites to meet demand and ensure coordinated delivery of early years programs.

| **Proposed scope** | **Change from Business Case (Option 3)** |
| --- | --- |
| 2 kindergarten rooms | Change from Option 3: Reduction in kindergarten rooms from three to two.   * Additional kindergarten capacity will be delivered at the Eucalyptus Kindergarten (opening in 2022) on Hume Anglican Grammar’s Donnybrook campus (development of the Eucalyptus Kindergarten was announced by the Victorian Government since Option 3 was endorsed). * The design of Patterson Drive Community Centre will enable a connection between the kindergarten rooms at the Community Centre and the adjacent primary school site so that early years’ programs can be coordinated across the two facilities. |
| 2 Maternal Child Health (MCH) consulting suites | Change from Option 3: Decreased MCH suites from four to two.   * MCH services will continue to be delivered at the Olivine Place Community Hub in Donnybrook (**see Figure One**) to ensure demand is met in the precinct. * Inclusion of MCH will be explored as part of the future family resource centre at Koukoura Drive, Donnybrook (2km to the east of Patterson Drive Community Centre). |
| 2 multi-purpose rooms  Community outdoor space and landscaping | Change from Option 3: Decreased number of rooms from three to two.   * Outdoor spaces will be designed to provide alternative spaces for programs and unstructured activities. * Coordination across community facilities within the Donnybrook precinct, including the Olivine Community Hub (opened in 2021), the Olivine Community Pavilion (due to open in 2023) and Patterson Drive Community Centre (due to open in 2025) will strength opportunities to provide a range of programs. * Additional program rooms are included in the Precinct Structure Plan for the future community centre at Koukoura Drive (2km to the east of Patterson Drive Community Centre). |
| Community hall, community kitchen, community lounge, carparking | No change from Option 3 |

**Table One: Proposed scope changes**



**Figure One: Location of Community Centres in Donnybrook**

**Community Consultation and Engagement**

Internally, Council officers have consulted with the following departments: Strategic Projects, Strategic Futures, Capital Projects, Urban Design and Transport, Children and Family Services, Ageing Well, Active and Creative Participation.

External consultation on the updated scope has occurred with the Department of Education and Training.

**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.

Through the delivery of the Patterson Drive Community Centre, Council will be able to facilitate a socially cohesive community, that is connected and able to access services that will enable opportunities for all.

**Considerations**

**Environmental**

The facility will be designed in accordance with Council’s Environmental and Sustainable Design Guidelines. It will also consider the surrounding landscape and built form, inclusive of the town centre and adjacent primary school. Connective pathways which promote sustainable transport opportunities will be heavily emphasised.

**Social, Cultural and Health**

The variety of services available within the Patterson Drive Community Centre, including social support, ageing-in-place programs, kindergarten, MCH and meeting room spaces will ensure that the social and cultural vibrancy of Donnybrook will be supported.

**Economic**

The location of the community centre next to the town centre will have a positive economic impact on the precinct. There will be pedestrian connections from the Community Centre to the town centre.

On a more macro level, the Boston Consulting Group has identified:

“…Government investment in infrastructure has an annual multiplier effect of 0.4 to 2.2 times GDP. Infrastructure can help create at least 10,000 total jobs for every $1 billion invested. With these numbers in mind, governments can support the infrastructure industry not just for its own sake, but also as part of the larger pandemic recovery effort.” ([The Role of Infrastructure Stimulus in the Recovery—and Beyond | BCG](https://www.bcg.com/publications/2020/infrastructure-stimulus-in-covid-pandemic-recovery-and-beyond), 2020).

**Financial Implications**

The project cost of $11.4 million presented to Council on 1 June 2021 and 6 September 2021, is still anticipated. The project is proposed to be funded using Infrastructure Contribution Plan (ICP) allocation, external grants and Council contribution.

The Infrastructure Contribution Plan (ICP) system is the new developer contribution system for Precinct Structure Plan (PSP) areas. For newer precincts such as Donnybrook Woodstock, an ICP has been prepared alongside the PSP instead of a Development Contribution Plan (DCP) which applies in older precincts such as Mernda or Wollert. In an ICP there is a standard monetary levy amount provided to fund the infrastructure projects identified in the PSP such as roads, intersections, community facilities and active recreation areas. This amount is the same across all ICP areas (except where a Supplementary Levy applies). The ICP also secures public land through an 'equalisation scheme' as opposed to DCP areas where levies are raised for land projects and then land is acquired on a site-by-site basis. The ICP fund allocation for the Patterson Drive Community Centre is $6.7 million.

As shown in **Table Two**:

* Council has recently been successful in securing two grants for this project, totalling $4.71 million.
* Council will also apply for $2 million in Building Blocks funding.
* If successful in obtaining the maximum of $4.71 million in external grants ($2.71 million already secured and $2 million Building Blocks), ICP funds of $6.69 million will be required, but no additional Council funding will be required beyond the ICP.
* If Council is unsuccessful in obtaining Building Blocks funding, ICP funds of $6.78 million will be required for the project, as well as a Council contribution of $1.92 million.

|  |  |  |  |
| --- | --- | --- | --- |
| **Indicative Cost Estimate** | **ICP provision** | **External Grants** | **Council contribution** |
| $11,400,000 | $6,775,043  If all grants successful ICP will reduce to $6,690,500 | CONFIRMED: $2,000,000 Growing Suburbs Fund  $709,500 Living Libraries Fund  TBC $2,000,000 Building Blocks | $1,915,457 maximum Council contribution  No additional Council contribution if all grants successful |

**Table Two: Financial Summary**

**Link to Strategic Risk**

**Strategic Risk** *Service Delivery - Inability to plan for and provide critical community services and infrastructure impacting on community wellbeing*

The delivery of Patterson Drive Community Centre by 2025 will meet the needs of the new community in this area. Operational and governance models and partnerships will be established across the network of facilities in the Donnybook precinct to coordinate program delivery and precinct activation.

**Implementation Strategy**

**Communication**

* Council officers will continue to engage with internal stakeholders regarding detailed design of the Community Centre.
* The community will be informed of the project prior to commencement.

**Critical Dates**

The facility is required to be operational at the start of 2025 to meet projected kindergarten and MCH demand. To achieve this timeline, the functional brief will need to be finalised as soon as possible to allow for design and construction.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, 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.

**Conclusion**

The project concept for the Patterson Drive Community Centre has evolved since Council endorsement on 6 September 2021. An increase in estimated project costs requires the scope of the facility to be updated within the endorsed $11.4 million budget. It is recommended that Council proceeds with the updated scope described in **Table One** of this report which includes:

* 2 kindergarten rooms
* 2 Maternal and Child Health consulting suites
* 2 multi-purpose rooms, community outdoor space and landscaping
* A community hall
* Community kitchen
* Community lounge with satellite library and Council Customer Service functions
* Carparking

**5.3 Strong Local Economy**

Nil reports

**5.4 Sustainable Environment**

5.4.1 Joint Letter - Request for removal of Street Trees corner Strathoon Crescent & Vista Way, South Morang

**5.4.1 Joint Letter - Request for removal of Street Trees corner Strathoon Crescent & Vista Way, South Morang**

**Responsible Officer** Director Infrastructure & Environment

**Author** Team Leader, Parks and City Forest Business Improvement

**In Attendance** Mark Corea, Unit Manager, Parks and City Forest

**Attachments** Nil attachments

**Purpose**

The purpose of the report is to outline the response to a joint letter received from four residents situated at Strathoon Crescent, South Morang. The letter requests the removal of trees situated at the intersection of Strathoon Crescent and Vista Way.

**Brief Overview**

A joint letter was received by Council on 3 December 2021. The letter is from four residents requesting the removal of trees situated at the intersection of Strathoon Crescent and Vista Way, South Morang. This is located within the Waterstone Hill Estate.

The trees in the Waterstone Hill Estate have only recently become Council’s responsibility to maintain. Up until the end of October 2021, maintenance on these trees was the Owners Corporation’s responsibility. As a result, a program of tree works was completed by Council in December 2021, to ensure all trees were compliant with Council standard and were then added to the bi-annual tree inspection program. At the time, Council’s contract arborist assessed the trees in the vicinity of the intersection and made some further recommendations for additional work to the original program scope. The arborist’s recommendations were approved, and the recommended works were completed in December 2021.

An inspection of the footpaths on the corner of Strathoon Crescent and Vista Way was also completed in January and these were deemed to be within required tolerances. These footpaths are part of Council’s routine inspection program and are inspected every two years as part of Council’s Road Management Plan. These footpaths will continue to be monitored as part of this program.

**Recommendation**

**In response to a joint letter received on 3 December 2021, regarding trees at the intersection of Strathoon Crescent and Vista Way, South Morang, that Council:**

1. **Note that pruning work to two trees and the removal of one tree at the intersection of Strathoon Crescent and Vista Way, South Morang, was completed in December 2021.**
2. **Note that the remaining trees at the intersection of Strathoon Crescent and Vista Way, South Morang, will be monitored and maintained as part of Council’s bi-annual inspection program.**
3. **Note that Council Officers will advise the residents included in the joint letter that pruning work to two trees and the removal of one tree at the intersection of Strathoon Crescent and Vista Way, South Morang was completed in December 2021 and that the remaining trees will be monitored and maintained as part of Council’s bi-annual inspection program.**

**Key Information**

The streets referred to in the joint letter are part of the Waterstone Hill Estate. An amendment to the s173 agreement for Waterstone Hill Estate was the subject of a Council report considered at the August 2021 Council meeting. At this meeting, a resolution was passed to amend the s173, which resulted in Council becoming responsible for the maintenance of the street trees within the estate. Outstanding tree works, previously the Owners Corporations responsibility, were now required to be undertaken by Council to ensure the trees compliance with the City of Whittlesea Street Tree Management Plan (2019). This situation was unique, and it is unlikely that this will occur again.

Residents in Waterstone Hill Estate have expressed concerns about the street trees in the estate and Council has responded to after-hours call outs and post storm clean up. The Owners Corporation who was responsible for these trees up until the end of October 2021, did not have a proactive maintenance program for the street trees and many of the trees have grown without formative pruning and maintenance which is important when developing street trees. It has been determined that some trees have defects which make them flawed, however, an independent arborist has advised that these trees can be retained if they are inspected on a bi-annual program. Instances of failure and future risk will be reduced with these regular inspections.

Programmed works to undertake recommendations from an arborist report commissioned by the Estate’s Owners Corporation were completed by Council in December 2021. The aim of the program was to ensure tree compliance and to then incorporate these trees into Council’s bi-annual inspection program. Future consideration of street tree renewal at the estate would then be made in line with priorities across the entire street tree inventory (currently 110,000 trees).

Following receipt of the joint letter, arrangements were made with Council’s tree maintenance contractor, Citywide for their supervising arborist to conduct a further inspection of the trees in the vicinity of the Strathoon Crescent and Vista Way intersection. This inspection was completed on the 15 December 2021 and identified that one tree required removal and additional pruning work was needed for a further two trees. This work was undertaken as part of the programmed works completed in December 2021 and residents were verbally advised of the arborist recommendations at this time.

Council places significant value on established street trees for the multitude of environmental, social and economic benefits that they bring to the local Community. This philosophy was recently reinforced by Council through the adoption of the Greening Whittlesea – City Forest Strategy which aims to increase tree canopy cover across the municipality by 20 per cent by the year 2040. For these reasons, Council only removes established trees in the most extreme circumstances.

**Community Consultation and Engagement**

A letter, dated 17 November 2021, was sent to all residents via an email from the Waterstone Hill Owners Corporation. It was agreed with the Owners Corporation that this was the most efficient way of communicating with residents.

The letter was prepared and approved by Council officers on Council letterhead and included advice to residents regarding the transfer of maintenance responsibilities for street trees located within the estate. The letter also advised of the program of works that was occurring in December 2021, which involved varying degrees of pruning to 250 trees on the estate and the removal of 12 trees. Residents were also provided with contact details for Council officers for any further queries.

The supervising arborist for this project was given some discretion about the extent of pruning, given that the trees may have been affected by storm events since the original arborist report. Regardless, all works were to comply with the City of Whittlesea Street Tree Management Plan (2019).

Approximately ten enquiries from residents have been received following this letter, requesting further information on works to trees in the vicinity of their residence. All enquiries have been responded to by telephone and there have been two written responses, by email. The enquiries received were for various other locations to this joint letter.

**Alignment to Community Plan, Policies or Strategies**

Greening Whittlesea City Forest Strategy 2020

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

**High performing organisation**We engage effectively with the community, deliver efficient and effective services and initiatives, make decision in the best interest of our community and deliver value to our community

**Considerations**

**Environmental**

The retention of mature trees in urban streetscapes is a key tenet of the Greening Whittlesea Strategy (2021) and the subordinate Street Tree Management Plan (2019). A goal of the Greening Whittlesea Strategy is to increase canopy cover in urban areas by 20% over a 2019 benchmark. Every mature tree that is removed impacts on the ability to achieve this goal. Tree removal will only take place in extenuating circumstances and where there is a significant safety risk. Replacement trees take time to reach maturity and will not be considered as canopy cover until approximately five years after they are planted. Unfortunately, the current trajectory for increasing cover is negative, despite Council planting 4,000 trees per year and developers handing over 6,000 trees per year. Council removes approximately 1,500 trees per year under the contract with Citywide.

**Social, Cultural and Health**

The Greening Whittlesea Strategy outlines the social, cultural and health benefits of street trees that are widely acknowledged and documented in academic literature.

**Economic**

The Greening Whittlesea Strategy outlines the economic benefits of street trees that are widely acknowledged and documented in academic literature

**Financial Implications**

The cost for tree works in the Waterstone Hill Estate will be managed as part of the current operational budget.

**Link to Strategic Risk**

*Not linked to the risks within the Strategic Risk Register*

**Implementation Strategy**

**Communication**

The residents associated with the joint letter will receive correspondence confirming the work completed and the inclusion of these trees as part of Council’s bi-annual inspection program which includes regular maintenance.

**Critical Dates**

All programmed works were completed in December 2021.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, 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.

**Conclusion**

Receipt of the joint letter requesting additional removals for trees situated at the intersection of Strathoon Crescent and Vista Way, South Morang has coincided with work scheduled to address the outcomes of the Council report for the amendment of the s173 agreement for Waterstone Hill Estate. Some additional pruning and removal work was identified and completed as a part of the December 2021 work program which was aimed at incorporating the trees in the estate onto the Citywide bi-annual inspection and maintenance program.

**5.5 High Performing Organisation**

5.5.1 Unconfirmed Minutes of Audit & Risk Committee Meeting and Annual Committee Performance Assessment

**5.5.1 Unconfirmed Minutes of Audit & Risk Committee Meeting and Annual Committee Performance Assessment**

**Responsible Officer** Executive Manager Governance & Strategy

**Author** Internal Assurance Coordinator

**Attachments**

1. Unconfirmed Minutes of Audit & Risk Committee Meeting - 25 November 2021 [**5.5.1.1** - 12 pages]
2. Audit & Risk Committee Performance Report - November 2021 [**5.5.1.2** - 3 pages]
3. Audit & Risk Committee Self Assessment Survey 2021 [**5.5.1.3** - 3 pages]

**Purpose**

So that Council has oversight and understanding of the Audit & Risk Committee operations and as required under Council’s Audit & Risk Committee Charter, this report presents the Unconfirmed Minutes of the Audit & Risk Committee meeting held on 25 November 2021.

To ensure that the Audit & Risk Committee are a high performing Committee and in accordance with Section 54(4) of the *Local Government Act 2020* (the Act), the Audit & Risk Committee undertake an annual assessment of its performance against the Audit & Risk Committee Charter. The Committee considered the results of its performance assessment for 2021 at the 25 November 2021 meeting. The Act also requires a copy of that assessment be tabled at the next ordinary Council meeting.

**Recommendation**

**That Council:**

1. **Note the unconfirmed minutes of the Audit & Risk Committee meeting held on 25 November 2021.**
2. **Note the results and outcomes of the Audit & Risk Committee Annual Performance Assessment.**

**Key Information**

The Audit & Risk Committee is an independent advisory committee of Council and its role is to report to Council and provide appropriate advice and recommendations on matters presented to it. It acts in this capacity by monitoring, reviewing and advising on issues within its scope of responsibility and assisting Council’s governance obligations to its community.

**Audit & Risk Committee Meeting 25 November 2021**

The Audit & Risk Committee considered several reports at the meeting held on 25 November 2021 (Attachment 1), as well as confirming minutes from the previous meeting held on 19 August 2021.

Main agenda items included:

* Audit & Risk Committee Work Plan and Charter Update
* CEO’s Update
* Corporate Performance Report for the Period Ended 30 September 2021
* Risk Management Update
* Internal Audit:
  + Internal Audit Status Report and Proposed MAPs
  + Internal Audit Review: Contract Management
  + Outstanding Action Items from Internal Audit Reports
* Special Review of Parks Maintenance Services
* Development Contributions Update
* Panel Contractor Expenditure Distribution Report
* Progress Update on Implementation of Findex Recommendations re Microsoft Dynamics 365
* Internal Assurance Program Update
* External Agency Examinations
* Review of Audit & Risk Committee Performance

**Annual Assessment of Audit & Risk Committee’s Performance**

In accordance with Section 54(4) of the Local Government Act 2020, the Audit & Risk Committee is required to undertake an annual assessment of its performance against the Audit & Risk Committee Charter, with a copy of that assessment to be tabled at the next Ordinary Council meeting.

At the 25 November 2021 meeting, the Audit & Risk Committee considered the results of the Performance Assessment undertaken for 2021. A questionnaire to review the performance of the Committee was provided to each Committee member and Officers who regularly attend Committee meetings for completion. The Committee discussed the results and outcomes from the questionnaire and considered opportunities for improvement.

The results from the survey are a positive endorsement of the Audit & Risk Committee’s performance for the year and indicate a high level of satisfaction with the Audit & Risk Committee’ work.

A copy of the report considered by the Committee is attached (Attachment 2). A copy of the blank survey form showing the questions put to respondents is also attached (Attachment 3) for the information of Council.

**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, deliver efficient and effective services and initiatives, make decision in the best interest of our community and deliver value to our community

The establishment of the Audit & Risk Committee and the reports it receives are reflective of Council’s commitment to the implementation of good governance principles. The Committee provides advice to Council to assist with fulfilling its oversight responsibilities for the financial and non-financial reporting process, internal controls, the audit process, risk management and Council’s process for monitoring compliance with legislation and regulations and the Code of Conduct.

**Link to Strategic Risk**

**Strategic Risk** *Governance - Ineffective governance of Council’s operations and activities resulting in either a legislative or policy breach*

The Audit & Risk Committee assists Council in monitoring its governance requirements and provides advice to Council to assist with fulfilling its oversight responsibilities.

**Declaration of Conflict of Interest**

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, 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.

**Conclusion**

The Audit & Risk Committee met on 25 November 2020. The minutes of that meeting are attached to this report for noting by Council.

In accordance with the requirements of the *Local Government Act 2020*, Council is also provided with a copy of the Audit & Risk Committee’s Performance Assessment for 2021 for noting.

**6 Notices of Motion**

Nil Notices of Motion

**7 Urgent Business**

Nil Urgent Business

**8 Reports from Council Representatives and CEO Update**

**9 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 Chair of Council recommends that the meeting be closed to the public for the purpose of considering details relating to the following confidential matters in accordance with Section 66(2)(a) of the *Local Government Act 2020* as detailed.**

**9.1 Confidential Connected Communities**

Nil reports

**9.2 Confidential Liveable Neighbourhoods**

Nil reports

**9.3 Confidential Strong Local Economy**

Nil reports

**9.4 Confidential Sustainable Environment**

Nil reports

**9.5 Confidential High Performing Organisation**

Nil reports

**9.6 Confidential Notices of Motion**

Nil reports

**12 Closure**