



Minutes

Scheduled Council Meeting
Monday 31 January 2022 at 6:30pm

Held remotely online via Zoom

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

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1 Opening

1.1 Meeting Opening and Introductions

The Chair of Council, Lydia Wilson opened the meeting at 6:30pm.

“Welcome to this Council Meeting of 31 January 2022 which is being live streamed. The meeting is being held on line in accordance with State Government recommendations in response to the recent COVID19 outbreak.

I am Lydia Wilson, Chair of the Panel of Administrators and I would also like to introduce my Panel colleagues, Administrators Ms Peita Duncan and Mr Chris Eddy.

I would also like to introduce our Chief Executive Officer, Mr Craig Lloyd and ask that he in turn introduce the members of the Executive Leadership Team in attendance today.”

“Good evening everyone, we also have with us:

- Acting Director Community Wellbeing, Ms Toni Mason;
- Acting Director Corporate Services, Mr Mark Montague;
- Director Planning & Development, Mr Justin O’Meara;
- Director Infrastructure & Environment, Ms Debbie Wood;
- Executive Manager Public Affairs, Ms Janine Morgan; and
- Executive Manager Governance & Strategy, Mr Frank Joyce;

These members of the Executive Leadership Team will join us during the meeting.”

Prayer

Following the Introductions, the Chief Executive Officer 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 on 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 Australia Day Award the late Les Russell

The Chair of Council, Lydia Wilson acknowledged the late Mr Les Russell, who was recognised in the Australia Day 2022 honours list. The Governor General announced that Mr Russell was awarded a medal in the general division, an O.A.M., in recognition of this incredible service to the City of Whittlesea. Les was a much loved and respected member of the Whittlesea community, who dedicated much of his life to supporting local groups. This included serving for many years as president and committee member of the Whittlesea Bowls club, committee member of the agricultural society, Chairman of the Yan Yean Cemetery trust, player and life member of the Whittlesea tennis club, and a premierships captain, coach, President and life member of the Whittlesea football club. Mr Russell was a very proud member of the Whittlesea community, and it is so fitting that his remarkable contribution has been recognised in this way. We will be formally writing to his family to recognise his achievements.

1.4 Joel Roney

Joel Roney plays competition tennis for Mill Park and has been a lifetime student of the club's coaching team. And as the number one ranked Victorian boy for the under 11's, he was given the honour of tossing the coin at last night's Australian Open Men's single final. Council's sincere congratulations go to Joel on this wonderful achievement and continued hard work. We are all really proud of him.

1.5 Attendance

Members:

Ms Lydia Wilson Chair of Council

Ms Peita Duncan Administrator

Mr Chris Eddy Administrator

Officers:

Mr Craig Lloyd Chief Executive Officer

Mr Frank Joyce Executive Manager Governance & Strategy

Ms Toni Mason Acting Director Community Wellbeing

Mr Mark Montague Acting Director Corporate Services

Ms Janine Morgan Executive Manager Public Affairs

Mr Justin O'Meara Director Planning & Development

Ms Debbie Wood Director Infrastructure & Environment

2 Declarations of Conflict of Interest

Nil

3 Confirmation of Minutes of Previous Meeting/s

COUNCIL RESOLUTION

Moved: Administrator Peita Duncan

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Confirmation of Minutes of Previous Meeting held 6 December 2021.

CARRIED

4 Public Questions, Petitions and Joint Letters

4.1 Public Question Time

4.1.1 Lighting at Main Street Reserve, Thomastown

Ms Kirsty Farrelly:

When will lighting be installed at Main Street Reserve Thomastown (behind TRAC)?

Chief Executive Officer, Mr Craig Lloyd:

"While there are not currently plans to install additional lighting at Main St Reserve in Thomastown; to help us better understand the need for lighting across the City of Whittlesea, we've been participating in a Better Lighting pilot study. This project will help us better understand our community's priority for lighting designs on shared path and footpaths.

The findings of this study will help us plan for and prioritise future lighting needs, including around Main St Reserve in Thomastown.

I also note, not mentioned in the question, but I understand that Kirsty has raised some specific concerns about the quality of the lighting around the library, and after this meeting I will be asking our property staff to investigate and see what we can do in the short term to address those concerns."

4.1.2 Community Infrastructure Epping/Wollert

Mr Nick Brain:

Since 2019, Council has prioritised the development of community and sporting infrastructure, in areas such as Mernda and Doreen. Whilst also cancelling key partnerships such as the one with Casa D'Abruzzo. When will Council prioritise the development of vital community infrastructure in the Epping/Wollert area, and start ensuring it receives its fair share of civic infrastructure investment?

Chief Executive Officer, Mr Craig Lloyd:

"Council plans for and provides important infrastructure in all areas of the municipality.

Through our long-term infrastructure planning we are scoping more than 20 projects for delivery in the Epping/Wollert Areas over the next ten years. These include libraries, kindergartens, community centres and new and upgraded sports and recreation facilities.

Council has recently completed the construction of the Kirrip Community Centre on the site of the newly opened Wollert Primary School. The centre will provide the community with access to kindergarten, multi-purpose rooms, and a community hall for hire.

Council has also recently upgraded the Duffy Street Recreation Reserve, Harvest Home Road Reserve and the BMX track at Sycamore Reserve in Epping.

In 2022, Council will be undertaking works to Epping Memorial Hall to ensure it continues to meet community needs.

We continue to work in close partnership with the Casa D'Abruzzo about future opportunities for collaboration to support our community."

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

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.

Motion

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 Governance Association.

COUNCIL RESOLUTION

Moved: Chairperson Lydia Wilson

Seconded: Administrator Chris Eddy

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 Governance Association.

CARRIED

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

Note a correction to the Brief Overview tabled. Revised Brief Overview as per below:

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.
2. Approve the funding arrangements detailed in the confidential attachment.

COUNCIL RESOLUTION

Moved: Administrator Peita Duncan

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for 2021-106 Redleap Recreation Reserve Stage 2 - Playspace Redevelopment - Tender Evaluation.

CARRIED

5.2 Livable Neighbourhoods

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. Subdivision 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 Design

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 Commercial 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 Metropolitan 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.

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:

- a. Tree numbering to accord with the Tree Logic Report dated 1 August 2012 (Precinct Structure Plan Background Report).
- b. Include trees and tree numbering of trees in the Biodiversity Conservation Strategy area, including those on the opposite side of the creek.
- c. Show the stag tree which was not captured by the Quarry Hill Precinct Structure Plan (PSP) background report or initial site-specific Arboricultural report.
- d. Show the additional fruit trees and peppercorn trees as identified in the Tree Logic report of 9 July 2021.
- e. Remove the additional piece of reconstructed Dry Stone Wall shown in the roadway (buildings intended to be relocated).
- f. Show all existing structures on the land (whether retained or to be removed).
- g. Show the features currently marked as Blue Stone Wall as a heritage structure, not a wall with complete remaining footprint.
- h. 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.
- i. 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 indicatively.
- j. 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.
- k. 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.
- l. 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.
- m. Removal of redundant items from the legend of the plan.

- n. 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)”.
- o. 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.

2. 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:

- a. Any changes required to address the endorsed Subdivision Layout Plan;
- b. 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.
- c. 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.

3. 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:

- a. Text regarding DSW 8 and Table 12 to be consistent and demonstrate an accurate measure of the wall.
- b. 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.
- c. On page 98, clarify the reference to correct the dry stone wall referred to in the table (DSW-12).
- d. 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.

4. 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.

5. 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 form part of this permit. The CMP must follow the Heritage Victoria Guidelines and include but is not limited to including:

- a. Securing the structural integrity of buildings;
- b. Recommended treatments at the curtilage and interface of heritage places and other heritage fabric to be retained;
- c. Make safe plan to ensure the heritage building(s) are secured and protected from the elements.
- d. Schedule of restoration and repair works;
- e. Staging plan for the restoration and repair works;
- f. Detail of the interpretive requirements and archival recording of any building or item which is proposed for removal;
- g. Concept plan for the recommended adaptive reuse of each heritage place.
- h. Maintenance Plan.
- i. Fencing and public interface with each heritage feature.
- j. 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

6. 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:

- a. 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;
- b. topography and existing features, including contours for the subject land and any affected adjacent land;
- c. identification by survey of all trees (or group of trees) existing on the site, including dead trees and those that overhang the site from adjoining land. All trees proposed for removal shall be designated with a cross;
- d. 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.
- e. 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;
- f. 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;
- g. a table of offsets for all utility services and street trees;
- h. 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;
- i. 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
- j. 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.

- k. 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;
- l. provision of notional on-street parking for all lots at a rate of one space per lot;
- m. 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;
- n. any spatial requirements for drainage as identified in the submitted Drainage Strategy and the proposed overland flow paths;
- o. 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
- p. works external to the subdivision, including both interim and ultimate intersection design requirements and layouts.
- q. Any infrastructure as required by the Precinct Infrastructure Plan endorsed under this permit;
- r. The arrangement for bicycle priority at any required intersections.
- s. The alignment of the off-road bicycle path so as to be capable for cyclists travelling up to 30km/h
- t. The indicative location and height of any retaining wall
- u. Any dry stone wall to be removed, retained, or relocated.
- v. 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.
- w. 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.
- x. location of fire hydrants to accord with requirements of the Scheme.
- y. Crossover locations where necessary to provide maintenance access to the Conservation Area land as per the approved Conservation Area Plan.
- z. 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.

7. 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.

8. Restriction on Plan of Subdivision

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

- a. the side wall of any wall above the ground level of a dwelling on a corner lot must not be constructed:
 - i. less than 900mm from the external façade of the ground level wall that faces a side street; or
 - ii. 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.
- b. 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
- c. 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.
- d. 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.
- e. 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.
- f. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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 ultimate 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*.

16. 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:

- a. The implementation of the Public Infrastructure Plan approved under this permit.
- b. 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.
- c. The timing of any payments to be made to the owner having regard to the availability of funds in the open space account.

17. 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.

18. 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.

19. 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.

20. 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

21. 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:

- a. 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.
- b. 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.
- c. 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:
 - i. 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.
 - ii. A detailed plan of the relevant area of the site, identifying the exact portion of wall to be removed.
 - iii. An explanation to justify the removal and extent of removal of any wall.

- iv. **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.

22. 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 and the Responsible Authority:

- a. **The location and design of the path network in accordance with Requirement 74 of the Quarry Hills PSP,**
- b. **The location and design of any proposed landscape embellishment (planting, park furniture etc) within the conservation area;**
- c. **The location and design of any lighting within the conservation area, noting that this must be baffled;**
- d. **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;**
- e. **The location (including TPZs) of all vegetation to be retained within the conservation area;**
- f. **The location and design of any proposed infrastructure for passive irrigation (e.g. swales, kerb breaks) within the conservation area;**
- g. **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;**
- h. **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 of the Quarry Hills Precinct Structure Plan**
- i. **The design must take into consideration Guidelines G91 - G96 of the Quarry Hills Precinct Structure Plan.**
- j. **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 Plan and Quarry Hills Development Contributions Plan and be approved to the satisfaction of the secretary to the Department of Environment, Land, Water and Planning**
- k. **The design and specifications of any gates and access points.**
- l. **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.

23. 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:

- a. 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.

- b. 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.
- c. Specify any measures to ensure ongoing maintenance of the structure.

24. 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.

25. 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:

- a. the overall landscaping theme to be developed for the subdivision;
- b. streetscapes of high quality incorporating public art and plantings with seating infrastructure into the broader subdivision layout
- c. 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;
- d. the principles of the proposed treatment of the open space and drainage reserves;
- e. 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;

- f. 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.
- g. The location and alignment of all shared paths
- h. The indicative location of street furniture and incidental meeting spaces and regular spacings as well as park seating adjacent to paths at least every 400m
- i. The location of any potential playspaces. These must be designed and developed in accordance with the City of Whittlesea Playspace Planning Framework and Policy
- j. Pedestrian and cyclist linkages into the Darebin Creek corridor and connecting with the overall open space network
- k. The location of the path network outside the tree protection zones of any existing trees;
- l. 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.
- m. 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.

26. Telecommunication Services Agreement

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

- a. 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
- b. 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.

27. Stormwater Drainage

- a. 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.
- b. 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.

28. 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:

a. a civil engineering plan including:

- i. specifications of the proposed works that are to become public assets within and outside of the subdivision as required by this permit;**
- ii. all necessary computations and supporting documentation, including a Certificate of Compliance (design) for any structure, traffic data, road safety audit and geotechnical investigation report;**
- iii. all details of works consistent with the approved functional layout plan, submitted draft landscape works plan and lodged plan of subdivision;**
- iv. design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt;**
- v. provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan;**
- vi. provision of public lighting and underground electricity supply within all streets and along shared, pedestrian and cycle paths linking to key destinations unless otherwise agreed to by the Responsible Authority;**
- vii. traffic control measures;**
- viii. provision of street name plates to the Council standard design including a schedule of individual signs and associated street numbers;**
- ix. provision of footpaths in all streets and reserves and between the subject land and the nearest other existing subdivision in accordance with the approved functional layout plan;**
- x. shared paths in accordance with the approved Quarry Hills Precinct Structure Plan within streets and reserves;**
- xi. the specification of any bike path on a connector road must be to the satisfaction of DoT and the relevant Road Authority**

- xii. 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;**
- xiii. the location and provision of vehicle exclusion mechanisms abutting reserves;**
- xiv. details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves;**
- xv. appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision;**
- xvi. provision for the utilisation of any surplus top soil from this stage;**
- xvii. permanent survey marks;**
- xviii. 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;**
- xix. survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones;**
- xx. details in relation to all filling on the site which must be compacted to specifications approved by the Responsible Authority;**
- xxi. the relocation underground of all existing aerial services, including electricity and telecommunications assets, within streets abutting the subdivision;**
- xxii. 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**
- xxiii. a separate signage and line marking plan identifying the road layout, proposed signs, line marking, RRPMS and a sign schedule.**
- xxiv. Any infrastructure shown in the approved Public Infrastructure Plan as approved under this permit as part of the relevant stage submission.**
- xxv. 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);**

- xxvi. **Water Sensitive Urban Design initiatives in accordance with current best practice and minimum Council standards to the satisfaction of the Responsible Authority;**
- xxvii. **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.**
- xxviii. **The structural detail of the retaining walls required on the land.**
- xxix. **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.**
- xxx. **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.

b. a landscape works plan to be submitted including:

- i. **all details of works consistent with any approved landscape masterplan;**
- ii. **the removal of all existing disused structures, foundations, pipelines or stockpiles other than heritage features and the eradication of weeds;**
- iii. **all proposed street-tree planting using semi - advanced trees; with maximum container size of 45 litres or equivalent (larger sizes will incur additional establishment and extended maintenance obligations);**
- iv. **all proposed street trees provided at intervals not exceeding the following:**
 - a. **8-10 metres for trees with a canopy of less than 10 metres;**
 - b. **10-12 metres for trees with a canopy of between 10-15 metres;**
 - c. **12-15m for trees with a canopy greater than 15 metres**
- v. **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);**
- vi. **mechanisms for the exclusion of vehicles,**
- vii. **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**

- viii. **hazard reduction pruning of trees to be retained, to the satisfaction of the Responsible Authority.**
- ix. **Any proposed fencing of open space to be low scale and visually permeable (in accordance with Requirement 62 of the Quarry Hills PSP)**
- x. **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**
- xi. **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**
- xii. **Shared and pedestrian paths align the waterway which must:**
 - a. **Be delivered as part of the development consistent with the network shown on Plan 11 of the PSP**
 - b. **Be above the 1:10 year flood level with any PSP designated crossing of the waterway designed to maintain hydraulic function of the waterway;**
 - c. **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.**

- c. **a Site Management Plan which must:**
 - i. **address occupational health and safety; traffic management, environmental controls and cultural heritage and/or dry stone wall protection measures to the satisfaction of the Responsible Authority;**
 - ii. **be submitted to the Responsible Authority a minimum of 21 days before a required pre-commencement meeting (attended by authorised representatives of the construction contractor and project superintendent as appointed by the developer) on the site of the works;**
 - iii. **identify any site offices, workspaces, personnel rest and amenity areas, hardstands, material laydown areas, and stockpiles.**
 - iv. **include the proposed route for construction vehicle, equipment and machinery access to the site including a program for the upgrade and maintenance works required along this route while works are in progress;**
 - v. **address the location of parking areas for construction and sub-contractors' vehicles, equipment and machinery on and surrounding the site, to ensure that they cause minimum disruption to surrounding properties.**

- vi. include measures to reduce the impact of noise, dust and other emissions created during the construction process;
- vii. demonstrate all environmental and cultural heritage and/or dry stone wall protection measures identified on a drawing(s) drawn to scale and prepared in accordance with Melbourne Water standards for such drawings;
- viii. provide measures to ensure that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the storm water drainage system;
- ix. include means by which foreign material will be restricted from being deposited on public roads by vehicles, equipment and machinery associated with the building and works on the land to the satisfaction of the Responsible Authority;
- x. address any recommendations of any approved Cultural Heritage, Dry Stone Wall and Conservation Management Plans applying to the land;
- xi. identify the location and method of any Tree Protection Zones; and
- xii. ensure that all contractors working on the site must be inducted into an environmental management program for construction works.

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

29. 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:

- a. be fenced with temporary fencing in accordance with the attached specifications, to the satisfaction of the Responsible Authority;
- b. include a notice on the fence to the satisfaction of the Responsible Authority advising on the purpose of the Tree Protection Zone, the need to retain and maintain the temporary fencing and that fines will be imposed for removal or damage of the fencing and trees.

The Tree Protection Zone temporary fencing must be maintained until works are completed; including the construction of a dwelling 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.

30. 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.

31. 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:

- a. highly visible
- b. at least 2 metres in height
- c. sturdy and strong enough to withstand knocks from construction vehicles
- d. in place for the whole period of construction
- e. 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:

- a. be located not less than 15 metres from a waterway;
- b. be located outside the vegetation protection fence;
- c. be constructed and designed to ensure that the conservation area, scattered tree or patches of native vegetation are protected from adverse impacts during construction;
- d. not be undertaken if it presents a risk to any vegetation within a conservation area; and

- e. be carried out under the supervision of a suitable qualified ecologist or arborist.

32. Tree Protection Zones

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

- a. 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
- b. Council determines that the variation is required to minimise risk to the public and/or property; or
- c. 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.

33. Works within a Tree Protection Zone

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

- a. “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
- b. boring for services where all other alternative alignments have been investigated and determined unfeasible to the satisfaction of Council.

34. 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.

35. 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:

- a. 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;

- b. treated pine stays shall be fixed to all corner posts;
- c. 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;
- d. 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;
- e. high visibility hazard marker tape shall be securely fixed to the top of the ring lock mesh fencing with wire ties;
- f. 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

- 36. 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.
- 37. Specific improvements may include one or a combination of the following:
 - a. 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;
 - b. the area within the exclusion zone must be mulched with wood chips to a depth of 150mm;
 - c. 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
 - d. 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.

38. 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:

- a. 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;
- b. 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;
- c. 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
- d. 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

39. 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.
40. 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.
41. 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.
42. 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.

43. 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.

44. Tree Removal

Where a tree is permitted to be removed:

- a. 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;
- b. 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;
- c. Tree removal is to be undertaken in a safe manner;
- d. All services either above or below ground are to be located prior to the commencement of any works;
- e. 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;
- f. 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;
- g. 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;
- h. 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;
- i. 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

- j. 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

45. 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.

46. Native vegetation removal

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

47. 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.

48. 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.

49. 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.

50. 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.

51. 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

52. 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.

53. 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.

54. 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*.

55. 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*.

56. 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:

- a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

57. 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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. 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

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

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

63.2 Landscape Works

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

Upon completion of the deferred landscaping construction works, the applicant must notify the Responsible Authority to enable its inspection. Subject to satisfactory completion of the deferred landscaping, a Certificate of Practical Completion for landscaping will be issued, triggering the commencement of the maintenance period. If the works have been completed to its satisfaction, the responsible authority must refund fully the security deposit.

64. 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:

- a. 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*.
- b. Make application to the Registrar of Titles to register the agreement on the title to the land.
 - c. 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:

- i. 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
- ii. 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
- iii. 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
- iv. 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.

65. 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:

- a. 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.
- b. Be compliant with the *Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002*.

- c. At locations approved by Public Transport Victoria, at no cost to Public Transport Victoria, and to the satisfaction of Public Transport Victoria.
- d. 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

66. 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:

- a. 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);
- b. 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
- c. Removal of epiphytic plant material, wire and any attached debris/rubbish.

67. 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.

68. 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.

69. Landscape Maintenance

- a. 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.
- b. 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).
- c. 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.

70. 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:

- a. 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.
- b. a list of asset quantities which include the following Council assets:
 - i. total length of Roads, Footpath, Kerb and Channel,
 - ii. total number of Bridges, WSUD features, Traffic calming devices,
 - iii. total length of pipe and number of pits for Drainage and Telecommunications,

- iv. total number of streetlights, and
- v. Total number of road reserve assets.
- c. 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:

- a. Landscape Architectural Drawings in the following format:
 - i. One (1x) PDF images of “As-Constructed” plans,
 - ii. One (1x) DXF (preferred format) or DWG files (recent version) including attribution, at 1:1 scale, and
 - iii. All GIS data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 1994. Height must be based on Australia Height Datum (AHD).
- b. “As Constructed detail” of the works as digital data for the Open Space assets information component of the subdivision, in accordance with the current version of O-SPEC. The preferred format is:
 - i. GIS Format (refer to O-SPEC for further information). – ESRI Shape files (preferred format) with attributions.
 - ii. All GIS data submitted must be in Map Grid Australia Zone 55 projection and referenced to Geocentric Datum of Australia (GDA) 1994. Height must be based on Australian Height Datum (AHD).
 - iii. Referenced to existing PSM Survey marks where available.

Please refer to the following website for detailed O-Spec Standards:

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

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

GENERAL CONDITIONS

71. Layout not altered

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

72. 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.

73. Amenity

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

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

74. 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.

75. Time Limit

This permit will expire if:

- a. The plan of subdivision for the first stage is not certified within 2 years of the date of this permit; or
- b. 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.
- c. 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

76. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.

77. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of recycled water services.

78. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Melbourne Water

79. 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.

80. 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.

81. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.

82. 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'.

83. 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.

84. 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.

85. 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.

86. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

87. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.

- 88. 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)."**
- 89. 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.**
- 90. All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.**
- 91. Local drainage must be to the satisfaction of Council.**
- 92. 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.**
- 93. 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.**
- 94. 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.**
- 95. 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.**
- 96. 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.**
- 97. Prior to Certification, a flora and fauna assessment is to be submitted to Melbourne Water.**

98. Melbourne Water will require written approval from DELWP for works within areas outlined as Growling Grass Frog habitats.
99. 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

100. 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.

101. Protection of conservation areas and native vegetation during construction

- a. 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:
- i. highly visible
 - ii. at least 2 metres in height
 - iii. sturdy and strong enough to withstand knocks from construction vehicles
 - iv. in place for the whole period of construction
 - v. 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

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

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

102. 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:

- a. the alignment of temporary protection fencing
- b. the timing of installation and removal of temporary protection fencing;
- c. the timing of installation of permanent fencing;
- d. Specifications for temporary and permanent fencing;
- e. Locations of maintenance access points; and
- f. Specifications for maintenance access crossovers and gates.

103. 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 enter into an agreement with the Secretary to the DELWP under section 69 of the Conservation, Forests and Lands Act 1987, which:

- a. 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;
- b. May include any matter that such an agreement may contain under the Conservation, Forests and Lands Act 1987;
- c. Makes application to the Registrar of Titles to register the agreement on the title to the land; and
- d. 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:

- i. 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
- ii. 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

- iii. 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
- iv. Is the subject of an agreement with the Secretary to the DELWP to transfer or gift that land to:
 - a. The Secretary to the DELWP;
 - b. The Minister administering the Conservation, Forests and Lands Act, 1987; or
 - c. Another statutory authority. to the satisfaction of the Secretary to the DELWP.

104. 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.

105. 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.

106. 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.

107. 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.

108. 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

- 109. 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:**
- a. How environmental weeds will be managed up until the securing of the conservation area.**
 - b. How any revegetation will be undertaken in coordination with weed management activities to prevent re-colonisation of weed species.**
 - c. 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:

- a. 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.**
- b. The applicant must enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.**
- c. The applicant must enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.**
- d. 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.**
- e. 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.**
- f. The applicant must obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.**
- g. 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.**
- h. The applicant must set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.**
- i. 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

- j. 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.
- k. 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.
- l. 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 Cltural 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.

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Chairperson Lydia Wilson

THAT Council adopt the recommendation for Planning Application 130 Bindts Road, Wollert.

CARRIED

5.2.2 Contract 2021-93 Epping Reserve Car Park Upgrade

Responsible Officer Director Infrastructure & Environment

Author Acting Team Leader Design and 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.

2. Approve the funding arrangements detailed in the confidential attachment.

COUNCIL RESOLUTION

Moved: Administrator Peita Duncan

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Contract 2021-93 Epping Reserve Car Park Upgrade.

CARRIED

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 the report.

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

Note a correction to the Agenda tabled. Revised Financial Implications Update as per below:

Financial Implications Update

- Council has recently been successful in securing two grants for this project, totalling **\$2.71 million** and not two grants for this project, totalling \$4.71 million as previously reported in the Agenda for this meeting.
- 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 for the project, 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

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**

2. 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.
3. 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.

COUNCIL RESOLUTION

Moved: Chairperson Lydia Wilson

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Patterson Drive Community Centre revised scope.

CARRIED

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

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.

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Administrator Peita Duncan

THAT Council adopt the recommendation for Joint Letter - Request for removal of Street Trees corner Strathoon Crescent & Vista Way, South Morang.

CARRIED

5.5 High Performing Organisation

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.**

COUNCIL RESOLUTION

Moved: Chairperson Lydia Wilson

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Unconfirmed Minutes of Audit & Risk Committee Meeting and Annual Committee Performance Assessment.

CARRIED

6 Notices of Motion

Nil Notices of Motion

7 Urgent Business

7.1.1 Urgent Business – Interstate Travel

Chair of Council, Administrator Wilson raised an item of Urgent Business in relation to:

Authorising the attendance of interested Administrators at meetings in Canberra with Members of Federal Parliament during the period 1 February 2022 to 31 March 2022.

Motion

Moved: *Chairperson Lydia Wilson*

Seconded: *Administrator Chris Eddy*

THAT the matter be dealt with as item of Urgent Business.

CARRIED

Motion

Moved: *Chairperson Lydia Wilson*

Seconded: *Administrator Chris Eddy*

THAT Council authorise Administrator Duncan to attend meetings in Canberra with relevant Members of Federal Parliament during the period 1 February 2022 to 31 March 2022, with formal advice to the Office of the Chief Executive Officer as soon as possible once dates are formalised.

CARRIED

8 Reports from Council Representatives and CEO Update

8.1 Administrator Peita Duncan Report

Administrator Duncan's report was provided verbally at the 31 January 2022 Council meeting. Items reported are outlined below:

Since the last Council Meeting, Administrator Duncan attended the:

- City of Whittlesea Carols by Candlelight event;
- Rochdale Square official opening with the Local Government Minister, the Honourable Shaun Leane;
- David Street and May Road Lalor upgrade official opening with the Local Government Minister, the Honourable Shaun Leane;
- Interfaith Council briefing with the Local Government Minister, the Honourable Shaun Leane;
- Proposed Mernda Aquatic Centre site;
- Granite Hills Major Community Park; and
- Visit to the site of the future Aboriginal Gathering Place at Granite Hills.

8.2 Administrator Chris Eddy Report

Administrator Eddy's report was provided verbally at the 31 January 2022 Council meeting. Items reported are outlined below:

Since the last Council Meeting, Administrator Eddy attended:

- Various site visits;
- Mental Health Round Table hosted by the Honourable Lily D'Ambrosio; and
- Five online Citizenship Ceremonies held on 26 January 2022.

8.3 Chair of Council Lydia Wilson Report

Chairperson Wilson's report was provided verbally at the 31 January 2022 Council meeting. Items reported are outlined below:

Since the last Council Meeting, Chairperson Wilson attended:

- A board meeting of Whittlesea Community Connections;
- A board meeting of the Yarra Plenty Regional Library as Chair;
- Mental Health Round Table hosted by The Honourable Lily D'Ambrosio;
- City of Whittlesea Carols by Candlelight event;
- Various site visits including Mernda aquatic site and Granite Hills major community park that will be the site of the future Aboriginal Gathering Place;
- Joint advocacy meeting with Mitchell Shire Council and the Honourable Paul Fletcher, and Richard Welch, the Liberal nominee for McEwen, regarding the Beveridge freight terminal;
- Funding announcement with the Federal Leader of the Opposition, the Honourable Anthony Albanese regarding the Cameron's Lane Interchange in Beveridge; and
- Five online Citizenship Ceremonies held on 26 January 2022;

8.4 Chief Executive Officer, Craig Lloyd Update 31 January 2022

The CEO Update was provided verbally by the Chief Executive Officer at the 31 January 2022 Council meeting. Items reported are outlined below:

- Upcoming events including:
 - A Jobs Fair being held this Thursday 3 February 2022 for 16 to 30 -year-olds, looking for employment or work experience;
 - Connection Art Exhibition opening on 4 February 2022 being held in the Great Hall at the Civic Centre, featuring more than 90 works exploring our connections with each other and nature to support our wellness;
 - Whittlesea Country Music Festival taking place this weekend;
- Three new kindergartens have opened, McLeans Road Kindergarten in Bundoora, Kirrip Kindergarten in Wollert and Eucalyptus Parade Kindergarten in Donnybrook;
- Hendersons Park in Epping was upgraded and reopened in December and Mernda Adventure Park upgrade got underway this month;
- Recently completed the streetscape upgrades in Lalor and Thomastown, including the war memorial on High Street in Thomastown;
- COVID situation is impacting some of Council's services with Council's customer service desk currently closed, reopening on 14 February 2022;
- Almost everyday Whittlesea is in the top three of new COVID cases and is in the bottom three for the number of people who have taken up the booster vaccine;
- We are pleased to support the vaccination efforts by helping Northern Health to re-open a vaccination hub at PRACC and a highlight has been the opening of a dedicated vaccination clinic for children hosted in our Fountain View room at Council Offices; and
- We are supporting DPV Health to run regular pop-ups each week at different locations across the municipality.

- 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

There being no further business the Chair of Council closed the Scheduled Council Meeting 31 January 2022 at 7.45pm.

Confirmed this 21st Day of February 2022

Lydia Wilson
Chair of Council