

Agenda

Scheduled Council Meeting

Monday 31 January 2022 at 6:30pm

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

In accordance with section 394 of the *Local Government Act 2020* this meeting will be held remotely online and will be [livestreamed via Council's website](#).

C Lloyd
Chief Executive Officer

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Chris Eddy Administrator

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

Senior Officers

Craig Lloyd Chief Executive Officer

Frank Joyce Executive Manager Governance & Strategy

Toni Mason Acting Director Community Wellbeing

Mark Montague Acting Director Corporate Services

Janine Morgan Executive Manager Public Affairs

Justin O'Meara Director Planning & Development

Debbie Wood Director Infrastructure & Environment

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Note:

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

Question Time:

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

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

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

1 Opening

1.1 Meeting Opening and Introductions

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

Administrator, Ms Peita Duncan;
Administrator, Mr Chris Eddy; and
Chief Executive Officer, Mr Craig Lloyd.

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

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

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

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

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

Amen”

1.2 Acknowledgement of Traditional Owners Statement

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

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

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

1.3 Attendance

2 Declarations of Conflict of Interest

3 Confirmation of Minutes of Previous Meeting/s

Recommendation

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

Scheduled Meeting of Council held 6 December 2021.

4 Public Questions, Petitions and Joint Letters

4.1 Public Question Time

4.2 Petitions

Nil Petitions

4.3 Joint Letters

Nil Joint Letters

5 Officers' Reports

5.1 Connected Communities

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

Responsible Officer	Director Planning & Development
Author	Senior Strategic Planner
In Attendance:	Leila Esseesse, Senior Strategic Planner

Attachments

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

Purpose

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

Brief Overview

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

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

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

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

Recommendation

That Council resolve to:

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

Key Information

Background

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

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

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

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

Community Consultation and Engagement

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

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

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

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Liveable neighbourhoods

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

Sustainable environment

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

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

importance of prioritising our environment preserving local biodiversity and waterways and ensuring climate change is address.

Considerations

Draft Submission

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

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

1) High cost of housing

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

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

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

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

2) Environmental sustainability and vegetation protection

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

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

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

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

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

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

3) Certainty and fairness in planning

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

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

4) Protecting heritage in Victoria

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

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

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

5) Ensuring residential zones are delivering the type of housing that communities want

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

6) Any other relevant matters

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

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

Financial Implications

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

Link to Strategic Risk

Not linked to the risks within the Strategic Risk Register

Implementation Strategy

Communication

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

Critical Dates

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

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

Conclusion

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

The submission at Attachment 1 advocates for stronger mechanisms to facilitate the provision of social and affordable housing, and better quality and diversity of housing supply to meet community needs. It also seeks greater clarity to guide protection of the Green Wedge, and advocates for better integration of environmental sustainability, vegetation protection and heritage protection outcomes with the Victorian planning framework. The submission is consistent with Council's adopted strategies and reinforces Council's position outlined in previously endorsed submissions. It is recommended that Council endorse the submission at Attachment 1 as Council's formal submission to the State Government Parliamentary enquiry.

City of Whittlesea Submission to:

Parliamentary Inquiry into the adequacy of the Planning and Environment Act 1987 and the Victorian planning framework

The City of Whittlesea welcomes the opportunity to make a submission in response to the 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. Council's submission particularly 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 the City of Whittlesea and reinforces our position as outlined in previously endorsed submissions to strengthen integration of the *Planning and Environment Act 1987* and the Victorian planning framework.

Executive Summary

The submission draws on matters raised in previously endorsed Council submissions including:

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

The submission primarily addresses the topic areas identified in the Terms of Reference and a summary of the discussions include:

1) High cost of housing

Despite a significant need, and Council commitment to facilitating social and affordable housing, opportunities are limited. Councils are unable to effectively facilitate the delivery of affordable housing in growth areas due to the limitations of the Victoria Planning Provisions (VPP). The *Planning*

and Environment Act 1987 and the Victorian planning framework do not provide strong enough mechanisms to enable the planning system to effectively assist or mandate delivery.

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

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

2) Environmental sustainability and vegetation protection

Greater integration of the *Planning and Environment Act 1987* with the *Flora and Fauna Guarantee Act 1988* is required to enable application and protection on privately owned land. Also, environmental sustainability and climate change policies more broadly need to be proactively integrated with the planning framework, ensuring these are more explicit and are aligned with the most up to date available data.

The application and assessment of cumulative impacts and no net loss of native vegetation within the Victorian planning framework has significant gaps that need to be addressed. Further, Kangaroo Management Plans need to be better integrated with the Victorian planning framework. A strategic landscape-scale kangaroo management approach is needed, to avoid issues such as land-locking and the risk to human safety and animal welfare.

Greater integration and incorporation of Traditional Owners knowledge and perspectives into the *Planning and Environment Act 1987* and the Victorian planning framework needs to be encouraged.

Of key concern to Council, the future 1200-hectare Grassy Eucalypt Woodland (GEW) investigation area in the Whittlesea Green Wedge, remains a significant outstanding matter yet to be progressed by the State Government.

3) Certainty and fairness in planning

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

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

4) Protecting heritage in Victoria

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

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

In addition, greater recognition and integration of archaeological resources into the *Planning and Environment Act 1987*.

5) Ensuring residential zones are delivering the type of housing that communities want

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

6) Any other relevant matters

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

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

City of Whittlesea Submission

1. The high cost of housing

Provision of social housing

The City of Whittlesea is experiencing rapid population growth. In 2021, the estimated resident population was 242,027 and is expected to grow to 388,417 by 2041, a projected 60% increase over 20 years.¹ This results in a significant need for the provision of additional social and affordable housing:

- Only 0.2% of rental properties were affordable for very low-income households in the 10 months to June 2021. In the Epping North/Wollert Area, there were no (0.0%) rental properties available for very low-income households over this period.²
- Almost one quarter (23%) of households in the municipality are classified as having very-low incomes.²
- Over 5,000 households renting in the municipality are experiencing housing stress (32.3%). This is more significant for households with low (69.3%) or very-low incomes (90.3%).
- The current deficit of affordable housing is approximately 3,800 households. This represents 4.8% of all households.³

1 Forecast.id (2021) Population Forecast for City of Whittlesea, <https://forecast.id.com.au/whittlesea>

2 City of Whittlesea, based on ABS Census 2016 data and population projections from Forecast.id. <https://forecast.id.com.au/whittlesea>

3 City of Whittlesea, based on ABS Census 2016 data and population projections from Forecast.id. <https://forecast.id.com.au/whittlesea>

The *Planning and Environment Act 1987* and the Victorian planning framework do not provide strong enough mechanisms to facilitate an adequate supply of social and affordable housing in growth area municipalities like the City of Whittlesea.

It is noted that an objective of the *Planning and Environment Act 1987* is 'to facilitate the provision of affordable housing in Victoria' however, there are limited ways in which the Act and planning system can actually assist in the delivery of this.

The planning system needs to define the relationship between social and physical infrastructure planning and land use planning in the context of an affordable housing system. There is a historic disconnect between social planning, land use and infrastructure planning in Victoria. It is therefore important to address this gap to create a robust affordable housing system that maximises community outcomes into the future. Infrastructure Victoria⁴ recognised this concern in their recently released *Victoria's Infrastructure Strategy*, in which recommendations 34 and 73 recommend revising the infrastructure contribution system so as to be applied more broadly, such as in growth area Councils.

Councils are unable to effectively facilitate the delivery of affordable housing in growth areas given the restrictions of the Victoria Planning Provisions. Despite a whole-of-council commitment to facilitating affordable housing, opportunities are limited which results in an insignificant amount of affordable housing dwellings being delivered.

In particular, the process of seeking social and affordable housing provisions in Precinct Structure Plan (PSP) processes should be strengthened. PSPs and infrastructure contribution guidelines do not permit the mandating and levying for affordable housing. Planning Panels have been critical of proposed affordable housing provisions in PSPs because there has not been a clear delivery mechanism for affordable housing identified or agreed on. Therefore, current PSP guidelines which encourage affordable housing are weak and lack a framework to guide implementation which is inhibiting the delivery of affordable housing in PSP areas and strategic development areas.

For growth area Councils, the inability to mandate social and affordable housing delivery as part of the PSP process is a major missed opportunity, as it is through this process where land value is created (and capable of being captured). It is extremely difficult to capture value at any stage other than the time when it is created.

Access for first home buyers

There has been an increase in the number of developers expressing an interest in making affordable housing products available for purchase to low-moderate income household, either to accord with development guidelines, voluntary agreements, or from their desire to contribute to addressing the issue.

It is critical that the supply of affordable housing is not to be achieved by delivering smaller, poorer quality or located housing within larger precincts. Rather that affordable housing needs to be well located and well designed to meet the needs of the residents it intends to support.

⁴ Infrastructure Victoria (2021) *Victoria's Infrastructure Strategy 2021-2051* <https://www.infrastructurevictoria.com.au/report/contents/>

Without a clear and consistent framework, there are challenges concerning implementation. In particular, the means-tested allocation is a challenge for both developers and Councils to navigate.

Further there are also no mechanisms for ensuring the property remains as affordable housing beyond the initial sale. The Ministerial Direction requires the longevity of affordable housing be considered however, there is no guidance or acceptable approach for doing this. A future social and affordable housing system should facilitate secure affordable homeownership options with mechanisms to ensure that the longevity of the affordable housing is protected.

In addition, Council strongly supports the *Victoria's Infrastructure Strategy*, in particular recommendations 36 and 68⁴ that specifically relate to changes to the Victoria Planning Provisions to deliver affordable rental housing and to ensure the delivery of a national average of 4.5% of social housing by 2031.

Mandatory affordable housing in new housing developments

Council strongly supports mandatory affordable housing in new housing developments. In the absence of mandatory provisions there will continue to be uncertainty and lack of clarity, making it difficult for the development industry to factor in the cost of affordable housing, as well as being resource intensive for Councils to negotiate contributions. This uncertainty and complexity means the amount of affordable housing being delivered via a voluntary contribution is likely to be small and will not meet the current demand. Plan Melbourne⁵ highlights the existing gap and need for the provision of social and affordable housing however, the current planning system is not set up to ensure its delivery.

Where mandatory contributions for items such as public space and infrastructure are applied through a consistent process in the planning system, developers have proven to be able to make these contributions work within their business model. A similar approach should be adopted for the provision of social and affordable housing. Feedback from the development industry suggests many are not necessarily opposed to the concept of mandatory provisions, providing transitional arrangements are put in place so that these costs can be factored into the initial cost of the purchase of land.

Inclusionary zoning and/or overlays could require all developments, or at the very least, multi-dwelling developments over a certain threshold, to contribute to social and affordable housing in either built form or via financial contributions. Amending zone schedules to allow for social or affordable housing can also assist, where proposed land uses in proximity don't conflict with residential uses. Such changes will provide greater certainty and clarity to the development industry and help to meet community needs.

In addition, the State Government needs to take a greater leadership role in building broader community awareness and acceptance for the provision of social and affordable housing. In particular, by advocating the benefits and need for social and affordable housing to be provided in all municipalities across the state to meet community needs.

Overall, there are many different ways to achieve mandatory affordable housing but it is essential to consider the need to ensure longevity of this affordable housing stock once developed. Although it may be provided as part of the initial development, there is no

⁵ Plan Melbourne 2017-2050 – Affordable Housing Strategy 2020-2030

<https://www.planmelbourne.vic.gov.au/highlights/housing-choice-and-affordability>

guarantee or tool to ensure it will always remain as affordable housing. Greater clarity and guidance is needed to ensure the longevity of affordable housing stock.

Other

Integrated planning with the disability housing sector

The social and public housing sectors do not currently provide appropriate models of housing for some residents with disabilities including those with complex behaviours and support needs. There is also a significant unmet need for accessible housing including across the Whittlesea municipality.

A social and affordable housing system should have stronger engagement and integrated planning with the disability housing sector as well as adopt principles of universal design. In addressing the immediate shortage of appropriate housing for people with disabilities, governments may need to adopt new thinking and strategies that challenge the conventions around housing vulnerable residents.

Dependable Person Unit (DPU) / Second Dwelling

Changes that facilitate development of a small second dwelling on a site (ie. 'as-of-right' with some limitations) could assist in the provision of better housing affordability, housing choice and extended family arrangements. This option could require that the property cannot be subdivided unless the tests of Clause 55 and Clause 56 of the Victoria Planning Provisions can be met.

Car Parking and affordability

Consideration needs to be given to the parking requirements applied to affordable housing developments, particularly those in areas rich with public transport (ie. close to train stations and tram lines). The provision of car parking contributes to the high cost of housing. Greater support could be given to maximum car parking rates (as opposed to the current minimum rates), promoting arrangements for onsite car share facilities and the provision for bike parking, the latter two being more cost effective and affordable modes of transport.

2. Environmental sustainability and vegetation protection

Flora and Fauna Guarantee Act 1988

Integration of the Act

There is a strong need to ensure that the *Planning and Environment Act 1987* has a link and reference to the *Flora and Fauna Guarantee Act 1988* to enable an integrated framework and encourage the protection of all flora and fauna.

The *Flora and Fauna Guarantee Act* protects Victorian biodiversity and its significant species on public and private land however, there is limited ability to apply this Act on private land. Aligning both Acts would better enable the application on private land by Councils.

Currently the planning system does not facilitate the protection of critical habitats (as determined under the *Flora and Fauna Guarantee Act*) nor facilitates the Public Authority requirements to consider potential biodiversity impacts when exercising these functions. Similarly, native animals that are 'not co-located with native vegetation' do not exist as far as the planning scheme is concerned. Protection is only afforded to them when the native vegetation is impacted. This has direct consequences for a range of *Flora and Fauna Act* listed species that can occur in degraded spaces (like Golden Sun Moth living in Chilean Needle Grass and Striped Legless Lizard in Serrated tussock).

Kangaroo Management Plans

The approval of Kangaroo Management Plans ensure that any proposed development will manage risk to human safety and animal welfare with respect to the presence or displacement of kangaroos on the property and surrounding landscape. This is an issue which generates significant community concern and distress, particularly in growth areas.

Kangaroo Management Plans need to be better integrated with the planning process and ensure a strategic landscape-scale kangaroo management approach, to avoid issues like land-locking. State or regional planning policy should be introduced to facilitate precinct level Kangaroo Management Plans which could be a best practice approach for addressing the issue.

The inclusion of a regional Kangaroo Management Policy at Clause 12 of the Planning Policy Framework of the Victoria Planning Provisions would reinforce integration with the planning system. This would allow the Department of Environment, Land, Water and Planning (DELWP), with input from the Victorian Planning Authority (VPA) and Councils, to create specific area based strategic plans that address kangaroo management issues.

Cumulative impacts and net loss

A better mechanism to identify cumulative impacts

Although the Guidelines for the Removal, Destruction, or Lopping of Native Vegetation 2017 require a proponent to account for past losses on their properties, there still needs to be consideration of cumulative impacts, including of past developments, which may lead to a continuation in the decline of biodiversity, particularly to threatened species or communities. One way that this could be addressed is to identify past developments through the Native Vegetation Information Management (NVIM) tool.

Review of vegetation removal exemptions.

The majority of vegetation loss in Victoria is through permitted uses and exemptions. Continuing to apply exemptions as they stand is likely to impact the ability to achieve the overall objectives of 'no net loss' to Victoria's biodiversity.

Recommendations for improving exemptions include:

- Fenceline exemption - the use of clearer terms in applying the 'minimum extent necessary'.
- Farming zone exemption:

- should prioritise areas already cleared for new buildings – ie. ‘where there is practical opportunity to site the buildings or works to avoid the removal, destruction or lopping of native vegetation’ should be inserted;
- the exemption should not apply to properties covered entirely by native vegetation, where farming practices would not be practical or viable;
- Bracken exemption - this exemption should be applied to areas of ONLY bracken, or bracken among exotic species. A 25% cover should include bracken where it is part of a patch with other native vegetation.
- Weeds exemption – the nomination of a maximum extent of clearance allowed should state:
 - 0.5 ha of native vegetation;
 - 15 native trees with any Diameter at Breast Height (DBH);
 - 5 native trees with >40cm DBH.
- Utility exemptions - should be considered under the Guidelines for the Removal, destruction and lopping of native vegetation rather than under an exemption.
- Fire protection exemption – should ensure that any native vegetation removal is to mitigate genuine bushfire risk and not to maximise developable yield.

Achieving the ‘no net loss’ objective.

Most losses in native vegetation in Victoria is from the permanent removal of vegetation however, the gains are predominantly management gains. This means that under the current vegetation protection framework, Victoria is permanently losing vegetation and the ‘gains’ being generated are merely temporary management gains - controlling for threats such as pest plants and animals. As a result, the area of species habitat is going to continue to decline unless there is a fundamental change in the way that the protection framework accounts for losses and gains within the system.

To strengthen the ability to achieve the ‘no net loss’ objective we suggest the following changes;

- Review the exemptions to ensure they don’t undermine the no net loss objective;
- Strengthen the ‘avoid’ and ‘minimise’ principles prior to offsetting;
- Apply the Guidelines for the removal, destruction and lopping of native vegetation wherever possible.

Develop guidance to support strategic planning relating to native vegetation protection and management

The State Planning Policy Framework could be updated in consultation with Councils to provide a more supportive framework for the development of local planning policies relating to biodiversity protection.

Currently, developing or updating environmental overlays is costly, time consuming and slow to get approved due to the level of strategic evidence necessary. Consequently, municipalities that support large areas of significant environmental values worthy of protection, are often constrained by relatively small budgets, and do not have the capacity to apply the environmental overlays necessary to protect local biodiversity assets. The State Government should support the development of local planning tools (ie. overlays) that protect local and regional biodiversity by facilitating processes that help address these issues, such as:

- Reducing the resources required by adopting a more streamlined approval process to facilitate development and implementation of Environmental Significance Overlays;
- Providing templates and practical guidance to assist Councils with creating and formatting amendments.

Enable offsetting within the local council area

The vast majority of vegetation clearance in the state is offset through the credit register as 'general' offsets. This offset arrangement allows for vegetation removal that can be offset anywhere in a Catchment Management region, which is often very large and diverse. Councils recognise that opening the offset market to the catchment scale was introduced to increase market functionality, however the impact on regional biodiversity has been significant.

General offsetting has resulted in vegetation removal in peri urban areas with the offsets being satisfied outside of the local area most often in regional areas. This means that vegetation is being incrementally lost in peri urban areas and offset in regional areas because it is cheaper to manage land in a regional area (due to land values and intactness of vegetation). Therefore, it is strongly recommended that bioregional offsetting be reintroduced and allow for the requirement for offsets to be satisfied within the Councils geographic area.

Additionally, we recommend the following further improvements to offsetting:

- Specific offsets for all vegetation removal within endangered ecological vegetation classes (EVCs);
- Specific offsets for all vegetation removal within the intermediate and detailed pathways;
- requirements for offsets to be secured within the municipality where vegetation removal occurs;
- Where specific offsets are not available, the removal of vegetation should not be permitted. The opportunity for negotiation by applicants should not be provided in this instance. Negotiating these offsets contributes to the potential extinction of particular species and habitats.

Recognise all conservation areas as essential public open space infrastructure

The conservation of land to protect, enhance and create habitat for nature conservation and for the Growling Grass Frog (GGF) is a requirement of the Melbourne Strategic Assessment, the Sub Regional Species Strategy for the GGF and the Biodiversity Conservation Strategy (BCS). In implementing the BCS the City of Whittlesea has identified a number of issues which risks the integrity and long-term security of conservation areas. This has the potential to lead to a failure in delivering regional open space, contributing to the extinction of threatened species and communities, and ultimately undermine the delivery of the BCS.

Within the City of Whittlesea there are eight conservation areas to be protected and maintained to ensure the survival of threatened species and ecological communities under the BCS and *Environment Protection and Biodiversity Conservation Act 1999*. Proactive management of Conservation Areas is essential in ensuring the survival of these threatened species and communities. Land management of these areas typically occurs when land is purchased or transferred to the Crown or another public authority. Prior to being transferred,

management of the land has not been established as a legislative requirement, meaning that areas are becoming degraded and losing the values that they have been set up to protect.

Transfer to the Crown (at no cost to the State Government and subject to the State Government's agreement) occurs under the Urban Growth Zone schedules when landowners with parts of their properties identified for conservation in the Precinct Structure Plan apply to subdivide their land. Alternatively landowners can choose to enter into a Section 69 agreement of the *Conservation, Forests and Land Act 1987*. The Section 69 agreement will require the landowner to manage the land identified for conservation in accordance with the BCS. Critically these requirements can only be achieved when and if a permit application for subdivision is made. If no permit application is submitted there is no trigger for any land to be managed in accordance with the BCS. For land entirely encumbered by a conservation area there is no triggering event that may see the land secured with an agreement or managed. In addition to this some developers are demonstrating reluctance in transferring their land to the Crown at the end of the development process resulting in a loss of public open space and lack of appropriate management within the conservation areas.

Both the BCS and the Sub Regional Species Strategy for GGF identify the need for statutory planning provisions to enable the protection and management of conservation land. The BCS and Victorian planning schemes are therefore an appropriate mechanism for improving and identifying options to achieve more effective management and transfer of land for public open space and conservation purposes.

Public acquisition of the Grassy Eucalypt Woodland Reserve

The future 1200-hectare Grassy Eucalypt Woodland (GEW) investigation area in the Whittlesea Green Wedge as described in the Melbourne Strategic Assessment, remains a significant outstanding matter yet to be progressed by the State Government.

The GEW are Nationally significant ecological communities and the establishment of the GEW Reserve is necessary to enable the long-term survival of this *Environment Protection and Biodiversity Conservation Act 1999* critically endangered vegetation community.

The delivery of this Reserve is a commitment between the Commonwealth and Victorian Government under the EPBC Act and the Biodiversity Conservation Strategy for Melbourne's Growth Corridors 2013. To date no land within this reserve has been secured or acquisition processes commenced by DELWP and consequently the viability of this critically endangered ecological community is at risk.

In 2020 the State Government introduced the Melbourne Strategic Assessment (MSA) Levy to assist with funding the obligations of the Biodiversity Conservation Strategy 2013 including acquisition of the land for the GEW and other conservation reserves. Whilst the MSA levy has been introduced, the State Government has not outlined a timeframe for acquisition of land for the GEW.

As a matter of priority, the State Government should make good on their commitment to secure/purchase this land not only for the City of Whittlesea, but also the adjoining Councils and their communities.

Incorporating Traditional Owner knowledge and perspectives into planning

The *Planning and Environment Act* and the planning framework more broadly should help to further Traditional Owner aspirations and goal of self-determination. The Victorian Traditional

Owner cultural landscapes strategy outlines some objectives that are applicable to the *Planning and Environment Act*. In particular, Objective 3 enabling Traditional Owner cultural landscapes planning; and Objective 4 embedding Traditional Owner knowledge and practice into policy, planning and the management of Country.

Environmental sustainability and climate change

Greater strengthening of the Victorian planning framework and in particular, State planning policy is needed to proactively support climate change adaptation. Council notes that DELWP has two current initiatives: ESD Roadmap and Cooling & Greening Review which may potentially introduce stronger state policy. Council encourage and support these initiatives to ensure better integration and clearer guidance.

Currently, there is a disconnect between high level policy positions on climate change, both by State Government and Councils, and the day-to-day decisions that are being made within the built environment. Given the urgency with which climate change must be addressed at the local and state level, and the need for transformational adaptation, there is a clear imperative to elevate climate change within the planning system to a position that is commensurate with the threat it poses.

Failing to include, as part of legislative obligations, robust and comprehensive references to climate change, and to highlight the key role that decisions made within the planning system have, can compromise support for climate action. Climate change considerations need to be made explicit in the planning system so that the longer-term impacts and impacts on future generations are considered sufficiently among other interests and obligations that decisions makers need to consider in the planning system. It is recommended that the importance of considering climate change in decision-making is made more explicit, rather than relying on generic references to sustainability.

Policy benchmarks and standards need to be kept up to date in alignment with the best available data and climate change science. The application of the precautionary principle points to a need to not make minor changes, but to review all facets of the system and to activate requirements for climate change responsive outcomes at all levels.

Responses to climate change need to be integrated to contribute to both mitigation and adaptation actions for transition to a net zero and climate resilient future. While the current planning system talks clearly to the delivery of energy efficiency, it is recommended to go further to acknowledging planning's important contribution to net zero emissions outcomes.

3. Certainty and fairness in planning decisions

Mandatory height limits and minimum apartment sizes

Planning regulation relating to both apartments and units/townhouses needs to align with the changes to the National Construction Code (and Victorian Building Regulations) relating to accessibility to ensure suitability for people with disabilities as well as all life cycles.

The Victoria Planning Provisions need to ensure apartment sizes and multi-unit developments all offer good liveability in terms of apartment size and storage that are suitable for people throughout their entire lifecycle (ie. including families). For apartments to be considered a real alternative for low density dwellings and to be able to accommodate a growing population, they need to appeal to more than just downsizers or singles/young people. Accessibility needs

to be considered in the early stages of the design to provide a diversity of apartment options to suit the community at all stages of life.

Protecting Green Wedges and the urban growth boundary

In 2021, the City of Whittlesea made a submission to DELWPs *Planning for Melbourne's Green Wedges and Agricultural Land Review*. It is understood that the outcomes of this review may be announced in the coming months which may address the issues raised, in the meantime, Council's submission raised the following key issues:

- There is a lack of clear direction and guidance as to what the current planning provisions want the Green Wedge and rural land to be 'protected' from (Clause 14.01-1S of the Victoria Planning Provisions) resulting in inconsistent decisions that damage the Green Wedge and rural land and reduce the efficacy of the Urban Growth Boundary (UGB).
- Clause 14.01-2S makes reference to economic sustainability and climate change resilience of agricultural land but lacks detailed explanation on what and how this can be achieved.
- Greater guidance is needed to protect against inappropriate subdivision of Green Wedge or rural conservation land resulting in small lot sizes that encourage a peri-urban lifestyle or rural residential living.
- Council supports DELWP recommendation for the provision of an expert advisory panel that can act as a voluntary/mandatory referral. This would greatly increase the ability of Councils to protect the Green Wedge and retain the strength and efficacy of the urban growth boundary. However, further consultation on the implementation of any advisory panel should be consulted with affected Councils.
- Greater guidance via a new planning practice note for use and development within the Green Wedge, in particular, more detailed guidelines for the assessment of non-agricultural use or development.
- Update the Victoria Planning Provisions to encourage appropriate siting, design and scale of sensitive uses and developments to avoid conflicts with agricultural uses and protect 'right to farm'. Such policy would provide the leverage necessary to avoid future potential conflicts, by ensuring adequate buffer/separation distances are allowed for.
- Further consideration needs to be given as to how the guidance and interpretation of the 'in-conjunction' test for dwellings and sheds, can be improved to ensure legitimate, fair and reasonable outcomes.
- Amend the schedule to Green Wedge zones to allow site coverage, setbacks and building heights to be mandated for developments associated with discretionary uses. Council strongly supports guidance on setbacks and site coverage for developments.
- A hard boundary needs to be maintained through the UGB, policy and the planning provisions being implemented. Alternative approaches to support this hard edge such as the use of public open space i.e. the Quarry Hills Regional Parkland and the Grassy Eucalypt Woodland (GEW) investigation area reserved for Melbourne's north.
- A clear UGB provides long term certainty and clear strategic direction about where housing and other urban uses should be located. The current UGB has not been applied consistently and has resulted in a sense of uncertainty within the local community and some land use speculation/land banking around the perimeter of the Township. This has resulted in increasing pressure to extend the Township boundary to support additional residential development.

4. Protecting heritage in Victoria

The adequacy of current criteria and processes for heritage protection

While the *Heritage Act* was reviewed and updated in 2016, heritage provisions in the *Planning and Environment Act 1987* similarly need to be reviewed and updated to be brought in line with current conditions and community expectations.

Consider the following matters with regard to heritage provisions in the *Planning and Environment Act 1987* and the Victoria Planning Provisions:

- Protecting heritage other than ‘place’ - cultural heritage landscapes, and views. Aboriginal tangible and intangible heritage (already protected by the *Aboriginal Heritage Act 2006* and *Regulations 2018* but needs to be better integrated in the *Planning and Environment Act 1987*).
- Ensure the *Planning and Environment Act 1987* incorporates the criteria of heritage values of a place and definitions as established under the *Burra Charter*.
- Review and update Planning Practice Notes relating to heritage protection (Numbers 7 and 45 for example) which do not provide current, accurate advice.
- A new Planning Practice Note to provide guidance on heritage outcomes is essential. This needs to cover: development guidance such as the Office of the Victorian Government Architect, *Heritage and Design*; guidance on preferred and interim uses, including prohibited/discouraged uses of heritage places; guidelines for Conservation Management Plans and dry stone walls; and land use planning and heritage in the Precinct Structure Planning process.
- Consider applying the ‘no net loss’ principle to heritage conservation in the way that it is applied to native vegetation.
- Ensure the planning system is proactive in regulating maintenance to an acceptable standard, other than the demolition by neglect legislation.
- Maintenance of heritage places by developers to stop further deterioration should be an action for Stage One of any development permit; significant time between the first stage of a development and the final stage can be disastrous if heritage protection is not negotiated at the beginning.
- Provisions to support the adaptive re-use of heritage places which are aligned with climate change, global initiatives for sustainability, waste reduction, etc.
- The process for nomination to the Heritage Overlay is currently lengthy and there are examples of heritage losses that have occurred because of delays. For example, remove delays for approval of interim protection when needed by making that decision possible at the local level, rather than requiring Ministerial sign off.
- The lack of integration of protection for built historic cultural heritage with protection of tangible and intangible Aboriginal cultural heritage creates artificial barriers to a greater

understanding, valuing and promotion of the entirety of Victoria's heritage. Determine how to effectively protect the totality of our shared heritage.

Possible federal involvement in heritage protection

The federal level is not the most appropriate level at which to protect places of *local heritage significance*. The Commonwealth manages the National Heritage List, together with the Commonwealth Heritage List, which replaced the former Register of the National Estate, which was closed and archived in 2007. Places on the National Heritage List are places of outstanding heritage value for Australia as a nation, while the Commonwealth Heritage List are heritage places that are owned or controlled by the Commonwealth of Australia. A place on the National Heritage List is protected under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Protection for places of local heritage significance must remain the role of Councils, where understanding of the social, cultural economic and environmental circumstances in the environs of the place is well understood and where the sentiments, aspirations and meaning for the local community are taken into consideration when protecting the heritage values of a place.

Separating heritage protection from the planning administration

Greater promotion and understanding of the values of heritage places, landscapes and localities are critical to the success of an integrated planning framework and the future of our cities, town, communities and neighbourhoods. Heritage cannot be understood in isolation from other forms of planning. Such a narrow focus shows a lack of strategic vision and hampers innovative outcomes and solutions which should take account of the contributions heritage places make to community identity, sense of place, beautiful environs, sustainability and adaptive re-use, recognising change over time and the nature of the historical continuum, shared history and what has meaning and value for all Australians.

Greater resourcing, support and guidance are critical to assist Councils in the effective implementation of heritage within the planning systems. This could include resourcing and/or funding to assist heritage protection in the form of co-fund heritage expertise/advisors, co-fund heritage studies which are very costly.

Establishing a heritage tribunal to hear heritage appeals

Under the current approach, members of the Victorian Civil and Administrative Tribunal (VCAT) must be acknowledged and accomplished heritage professionals, jurists, advisors, practitioners, or similar. The appointment of a heritage tribunal would resolve the concern that many Councils have when appearing before VCAT which is about the experience and credentials of the sitting members with regard to heritage place protection. The appointment of a heritage tribunal must be integrated with planning process and ensure holistic decision making.

The heritage tribunal would also have to meet with enough frequency that it could hear heritage matters in a timely fashion, without the delays that cause Victoria to lose its valuable heritage places and assets.

Alternatively, it could be incorporated as 'heritage experts list' within a VCAT Panel where heritage expert list members would have professional development training in all matters,

including heritage planning to ensure well informed and integrated decisions are made. The 'expert member' would be an acknowledged and accomplished heritage professional. Ensure any professional involved in hearing heritage appeals is trained and up to date with provisions of the Burra Charter and assessments of heritage significance.

Appointment of independent local and state heritage advisers

The return of a co-funded heritage advisor program would be welcome by Councils. When Heritage Victoria stopped providing grants to Councils to support local and state heritage advisers for both Council officers and owners of heritage properties, inevitably a large number of Councils did not continue to provide the service. This is critical to heritage conservation in Victoria.

The heritage advisor funding program should be reinstated as a valuable use of state resources. Matching funds could be required from recipient Councils. This will address the ongoing poor profile for heritage - it is chronically underfunded, ignored until the last moment, addressed as the final issues for permit applications, or pushed to the final stage of multi-staged developments and handled as an afterthought and/or an impediment. In addition, funding to support landowners on how to undertake alterations/renovations/developments that are sympathetic to the heritage value and preservation is fundamental to ensure quality outcomes.

Role of Councils in heritage protection

Heritage is core business for Councils under the *Planning and Environment Act 1987* and in implementing the Victoria Planning Provisions (Clause 43.01 the Heritage Overlay and Clause 52.33 Post boxes and dry stone walls). It is noted that the State of Heritage Report 2020 (Heritage Council of Victoria), provides a carefully researched summary of the many areas where heritage and Councils need greater support, guidance and recognition for the fact that Councils manage over 190,000 heritage places in Victoria. By comparison, just over 2300 places are listed on the Victoria Heritage Register, managed by Heritage Victoria. The greatest share of responsibility sits with Councils while the funding is deeply inadequate to address the need. And that excludes legal fees that Councils may face for appearances at VCAT, Planning Panels or the Supreme Court.

It is also important to recognise that heritage management in inner city metropolitan Councils is very different than heritage in regional cities, growth area Councils, and rural Councils in Victoria. The 'principle of fairness to all Victorians' is not reflected in the inequities the residents experience and some Council and Shires face when trying to deal with heritage protection and management.

Many growth area, rural and regional Councils have a large numbers of heritage places, outdated heritage studies, lower staff numbers, deteriorating heritage places owned by Councils, while facing the urgency of dealing with many other community matters. The result means that decisions about heritage protection and conservation are placed well at the end of the line for resourcing and funding. As an example of the problems arising from the current planning framework, such Councils need to protect hundreds of dry stone walls (Clause 52.33) yet DELWP advice is that each individual wall must be assessed for inclusion on the Heritage Overlay with its own HO number. The expense of that approach means that only a handful of Councils have dry stone wall protection in the local planning scheme.

Further support should be provided at Councils level to:

- Update out of date heritage studies and undertake gap analysis;
- Provide timely decisions in line with statutory timeframes when nominating heritage places;
- Bring older Statement of Significance into line with new requirements of the Heritage Overlay;
- Provide for heritage advisors and other specialist advice such as material and collections conservation, engineering heritage, etc;
- Establish a source for broader strategic heritage advice from DELWP and VPA including a designated heritage unit and to ensure all practice notes and guidelines are proactively updated and reviewed;
- Other specialist advice such as legal opinions to support council positions to conserve heritage.

Penalties for illegal demolitions, tree removals and tree poisoning/damage

Illegal demolitions, tree removals and tree poisoning/damage need to be clearly defined with threshold and triggers clarified and integrated within the *Planning and Environment Act 1987* and the Victoria Planning Provisions. Greater fines alongside improved enforcement provisions and tools are required to stop illegal demolitions and tree removals. For example, enable the ability for Councils and other Authorities to install signs on land highlighting the deliberate destruction/poisoning of trees, as is the City of Whittlesea's current practice.

Clarity and greater ability for compliance and enforcement of illegal vegetation removal, tree poisoning/damage and taking of threatened flora or fauna from private land should be pursued under the *Planning and Environment Act 1987*. Integration of the Act and the planning provisions to be legally enforceable with enough resources to enable effective implementation. In addition, is recommended a change to the penalty units associated with breaches to be adopted as the financial benefits of doing the wrong are not in any way commensurate to the uplift in land value.

Other

Archaeological place protection

Currently the *Planning and Environment Act 1987* does not address assessment of impacts on sites of non-Indigenous archaeological heritage. Currently Aboriginal archaeological places are protected by the *Aboriginal Heritage Act 2006* and *Regulations 2018* whilst Archaeological places/sites are protected in Victoria's *Heritage Act 2016*.

Failure to address protected sites in land use planning legislation is an oversight which does not align with heritage legislation that recognizes archaeological resources as being part of our historic cultural heritage. Archaeological sites not associated with a Heritage Overlay and/or not known for other reasons remain vulnerable. The recent excavation of many buried archaeological sites in the Melbourne CBD illustrates how little we know about what exists underground – and therefore, how great the need is to recognise archaeological resources in the *Planning and Environment Act 1987*.

In the absence of guidelines in the *Planning and Environment Act 1987* to mandate investigations, the exposure of undocumented archaeological resources can lead to delays to

development through unanticipated finds, additional costs, expanded project scope, physical restrictions, redesign and other issues which may result from inadequate planning, poor risk management and lack of knowledge about archaeological requirements.

The aims of recognising archaeological resources in the *Planning and Environment Act 1987* would be to:

- Identify for government authorities, property owners, developers and archaeologists when land use planning activities will have impacts on sites that contain significant historical archaeological remains and deposits;
- Require that management plans be developed which determine the identification, significance and appropriate management of archaeological sites and items included in the impact areas;
- Encourage consistent standards and approaches for management of archaeological resources;
- Provide Councils and other state authorities and agencies with a mechanism that allows more timely consideration and integration of archaeological requirements into planning processes;
- Assess existing resources in an inclusive rather than piecemeal approach from the outset of any permit process;
- Utilise the *Burra Charter* and other cumulative knowledge based on past archaeological projects to inform assessments;
- Contribute to the Heritage Victoria's VHI database of archaeological sites in the state, providing for state level protection;
- Contribute to our understanding of the character and nature of the historic cultural heritage of Victoria as contained in archaeological remains;
- Determine the cultural significance of archaeological places in a systemic and consistent manner, at the local, state, or national level;
- Undertake assessments and provide recommendations for the appropriate future management of places affected by land use planning;
- Provide certainty for owners, applicants and developers about their legislative obligations to protect archaeological resources in Victoria;
- Provide certainty for people in Victoria that archaeological resources are being protected and managed appropriately.

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

A recent initiative by DELWP to "improve the operation of ResCode", made no changes to the objectives driving the quality of housing (outcome) and, arguably, lowers the bar on achieving the standard by introducing "deemed to comply" and removes any opportunities for regulators to negotiate a better outcome.

This is a lost opportunity for delivering quality housing and a diversity of housing types in residential zones. The content of the ResCode standards are outdated and need to be proactively reviewed and improved to bring them up to date.

The failure to update ResCode poses a potential risk to the quality and diversity of housing in Victoria. An example is the Better Apartment Design Standards, where the provisions set higher standards than those contained in ResCode (Clause 54 and 55). This could potentially

impact both the quality and diversity of housing, as it effectively acts as an incentive for developers to default to building multi units/townhouses (rather than apartments) because of the lower performance standards and cost of development, resulting in poorer outcomes for all Victorians.

To address this, the following recommendations are made:

- Remove the incentive to develop multi units/townhouses (with their lower development standards) that has resulted from the introduction of the Better Apartment Design Standards and Clause 58, by ensuring the two forms of housing provide an equivalent standard of amenity for residents.
- Given the time that elapses between planning and building permit, reflect the changes to the National Construction Code (and subsequently, Victorian Building Regulations) which will introduce accessibility standards equivalent to Liveable Housing Design Guidelines Silver and Gold specifications. This would affect B3, B25.
- Ensure the greening strategies adopted by Councils (and including current Cooling and Greening initiatives by DELWP to implement Plan Melbourne) talk to the enhancement of urban amenity and creating more opportunities for urban greening. For example, the significant trees and landscaping objectives at Clause 54.03-6 and 55.03-8 in the planning provisions have no aspiration to increase greening. Rather, it seeks a continuation of whatever existing landscape character is already established in an area and the proposed “improved” ResCode does nothing to change this. Although additional specific variations to Schedules to the Zone have been updated to provide greater greening, ResCode needs to be updated to support broader urban greening strategies.

6. Any other relevant matters

- In December 2020, City of Whittlesea sent a letter to the Minister of Planning, Hon Richard Wynne outlining a range of concerns in relation to the impact of Infrastructure Contribution Plans (ICP) in the new growth areas. Across the City of Whittlesea’s growth areas, there are 25 new community centres and 27 recreation facilities identified in approved growth area strategic plans to service new communities where Council has been identified as the responsible Delivery Agency. However, funding limitations created by the cap on community and recreation levies results in a significant funding gap that needs to be met by use of rate payer funds and in turn significantly impacts the ability of Council to deliver these critical public facilities in a timely manner.

The ICP system provides no ability to apply a Supplementary Levy in circumstances where an additional contribution may be warranted for a precinct in the same way as it can be for transport projects. This results in a cumulative shortfall across multiple new suburbs in the City of Whittlesea’s growth areas.

The current cap for community infrastructure within the *Planning and Environment Act* and the Victorian planning framework is severely impacting growth area Councils with the ability to deliver essential community and recreation infrastructure to new communities. Charter 29 (a group of accredited professionals related to planning, architecture, urban design and environment) have reinforced this concern and provided recommendations in their recently released report ‘Growing Pains – The Crisis in Growth Area Planning’.⁶

⁶ Charter 29 (September 2020) - *Growing Pains – The Crisis in Growth Area Planning*.
<https://www.charter29.com/s/Charter-29-Report-200904-as-printed-and-mailed.pdf>

- Greater support and provision for innovative housing development models to be enabled. Some examples include the Community Housing Sector along with examples of market-innovation such as Nightingale, Assemble Communities, Property Collectives, Y-Se Housing. These groups are more likely to actively foster community, push environmental standards and greatly exceed minimum regulatory standards.

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

Responsible Officer	Director Infrastructure & Environment
Author	Senior Parks Project Manager
In Attendance	Adrian Napoleone, Team Leader Public Realm Development

Attachments

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

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

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

Purpose

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

Brief Overview

The tender evaluation panel advises that:

- Seven tenders were received.
- The recommended tender was the highest ranked.
- 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.**

Key Information

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

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

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

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

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

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

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

The evaluation outcome was as follows:

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

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

Community Consultation and Engagement

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

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

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

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Liveable neighbourhoods

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

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

Considerations

Environmental

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

Social, Cultural and Health

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

Economic

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

Financial Implications

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

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

Link to Strategic Risk

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

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

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

Implementation Strategy

Communication

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

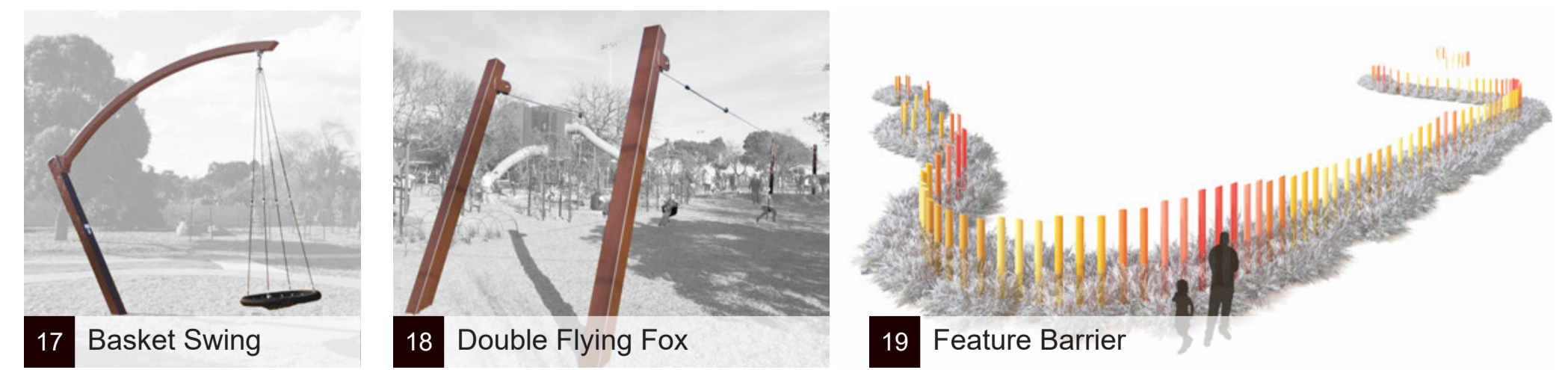
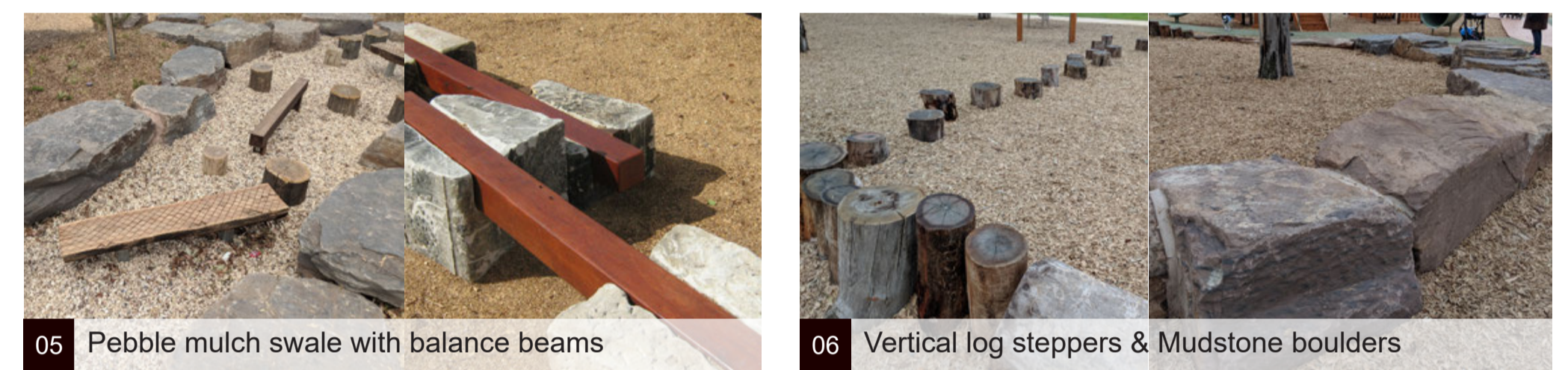
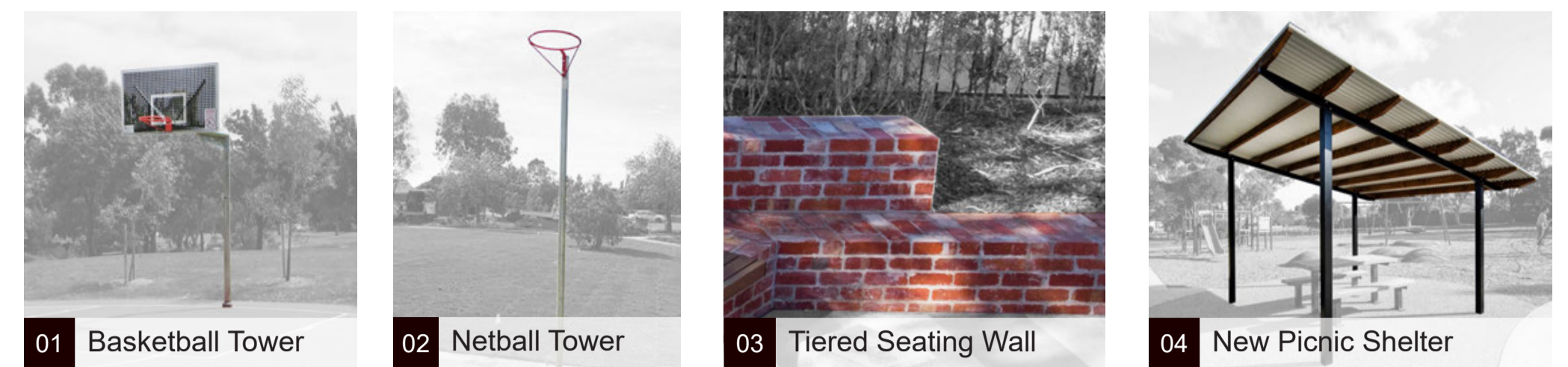
Declaration of Conflict of Interest

Under Section 130 of the Local Government Act 2020 and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

Conclusion

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

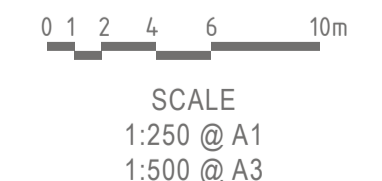


LEGEND

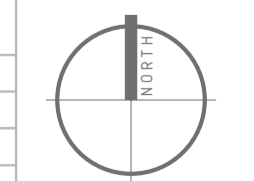
	Existing Tree		Rubber Paving		Pebble Swale		Natural Log		Litter Bin		Netball Tower
	Proposed Tree		Grass		Concrete Edge		Balance Beam		Seat		Vehicle Exclusion Fence
	Coloured Concrete Path		Garden Bed		Brick Tiered Retaining Wall		Double BBQ		Picnic Setting		Feature Barrier
	Feature Concrete Paving		Mulch		Mudstone Boulders		Single BBQ		Bike Racks		
	Concrete Path		Sofffall Mulch		Log Round Edge		Drink Fountain		Basketball Tower		



REDLEAP RECREATION RESERVE UPGRADE, MILL PARK
 STAGE 1 - PLAYSACE UPGRADE CONCEPT PLAN



PROJECT NO.	ISSUE	STATUS	DATE	ISSUE	STATUS	DATE
2139	A	FOR REVIEW	17.09.21			
	B	COUNCIL FEEDBACK	04.10.21			
DRAWING NO.						
2139-L01						



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.

Site and Surrounding Area

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

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

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

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

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

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

Broadly surrounding the site:

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

The area of 130 Bindts Road has recently been slightly reduced to 713,403m² with a part of the site subdivided along the eastern section of the northern boundary under an

amendment to another permit. The remainder of 130 Bindts Road has also very recently been consolidated with parts of 150, and 100 Bindts Road, Wollert.

Restrictions and Easements

The following apply to the land:

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

Public Notification

Pursuant to Clause 37.07-13 an application under any provision of this scheme which is generally in accordance with the Precinct Structure Plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

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

Community Consultation and Engagement

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

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

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

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

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

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

Referrals

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

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

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

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

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

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

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

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

Zones

Urban Growth Zone, Schedule 3 (UGZ3)

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

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

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

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

Table 1: Applied Zone provisions.

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

These standard conditions can be applied to the permit

Applied General Residential Zone

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

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

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

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

Applied Commercial 1 Zone

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

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

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

Rural Conservation Zone – Schedule 1

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

Rural Conservation Zone

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

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

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

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

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

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

Overlays

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clause 45.01-1 requires a permit to subdivide land.

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

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

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

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

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

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

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

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

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

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

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

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

Assessment Against Clause 56 of the Whittlesea Planning Scheme

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

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

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

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
C1	Policy Implementation	✓	✓	A response to policy is included within the applicant’s assessment of this proposal.
C2	Compact and Walkable Neighbourhoods	✓	✓	This clause is applicable given the subdivision proposes 60 or more lots.
C3	Activity Centre objective	-	-	
C4	Planning for Community Facilities	-	-	The location and provision of Community Facilities is not relevant to this application. The planning for Community Facilities has been accounted for in the preparation of the PSP.
C5	Built Environment	✓	Condition	The Vision at 2.1 of the Quarry Hills PSP is generally met as the applicant has reasonably demonstrated an intent to adhere to the PSP, while showing various options and outcomes which are or are not acceptable through prior revisions of this proposal. The application does not clearly respond to several items including R20, R22, while others are only met through various previous

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
				documents not strictly part of this application. These outstanding items do not have spatial implications and can be conditioned as necessary.
C6	Neighbourhood Character	✓	Condition	Refer above and to heritage assessment.
C7	Lot Diversity and Distribution	✓	✓	Complies with PSP requirements.
C8	Lot Area and Building Envelopes	✓	✓	A range of conditions regarding envelopes are to be applied for heritage and other purposes. Lot area satisfactory given design of streets/rear access etc.
C9	Solar Orientation	✓	✓	Appropriate orientation given landscape.
C10	Street Orientation	✓	✓	Generally complies given site constraints.
C11	Common Area	-	-	No common area is proposed with the subdivision.
C12	Integrated Urban Landscape	✓	Condition	Detailed landscape plans will be required to be provided as conditions on any permit issued.
C13	Public Open Space Provision	✓	✓	Generally accords with the PSP.
C14	Integrated Mobility	✓	✓	<p>Routes are dealt with by the Quarry Hills PSP. Necessary routes and paths are shown but applicant has not demonstrated that paths are accessible to those with special needs. The Subject Land is constrained by slope Extra details with this application and intervening discussion confirm street network generally responds to landscape and seeks to maximise accessibility.</p> <p>This may be confirmed via conditions given details show it may be some routes only which are not accessible due to natural slopes.</p>
C15	Walking and Cycling Network	✓	Condition	<p>Routes are dealt with by the Quarry Hills PSP. Necessary routes and paths are shown, but applicant has not demonstrated that paths are accessible to those with special needs.</p> <p>This may be conditioned given details show it may be some routes only which are not accessible due to natural slopes.</p>
C16	Public Transport Network	✓	✓	Dealt with by the Quarry Hills PSP. Bus capable route is required.
C17	Neighbourhood Street Network	✓	✓	Extra details with this application and intervening discussion confirm street network generally responds to landscape and seeks to maximise accessibility.

	✓ - Compliance x - Non compliance	Objectives	Standards	Comments
C18	Walking and Cycling Network Detail	✓	Condition	Routes are dealt with by the Quarry Hills PSP. Necessary routes and paths are shown, but applicant has not demonstrated that paths are accessible to those with special needs. This may be conditioned given details show it may be some routes only which are not accessible due to natural slopes.
C19	Public Transport Network Detail	✓	✓	Dealt with by the Quarry Hills PSP. Bus capable route is required.
C20	Neighbourhood Street Network Detail	✓	✓	A number of public roads will be created as part of the proposal. Conditions of any permit issued will require that they are designed and built to Council's standards.
C21	Lot Access	✓	✓	Lots in Stage 4A especially are very narrow (4.5m frontages in some cases) – but do have rear access.
C22	Drinking Water Supply	✓	✓	The supply of drinking water will be provided to the lots in accordance with the requirements of the relevant water authority.
C23	Reused and Recycled Water	✓	✓	The supply of reused and recycled water will be provided to the lots in accordance with the requirements of the relevant water authority should it be available in the locality.
C24	Waste Water Management	✓	✓	The supply of waste water services will be provided to the lots in accordance with the requirements of the relevant water authority.
C25	Urban Run-off Management	✓	✓	The proposed development deals with stormwater management in accordance with the requirements of Melbourne Water and the Responsible Authority.
C26	Site Management	✓	✓	The requirement for a site management plan will be included as a condition on any permit issued.
C27	Shared Trench	✓	✓	Can be encouraged via a condition on permit.
C28	Electricity, Telecommunications and Gas	✓	✓	The supply of these services will be provided to the lots in accordance with the requirements of the relevant authority.
C29	Fire Hydrants	✓	✓	The applicant has stated the requirements will be met. FLPs can therefore be required to identify hydrant locations.
C30	Public Lighting	✓	✓	The supply of public lighting to the proposed street network will be done in accordance with the requirements of Council. A note on any permit issued will inform that Council's requirements must be met.

Public Open Space Contributions

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

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

A condition has been proposed to meet these requirements.

Easements, Restrictions and Reserves

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

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

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

Native Vegetation

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

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

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

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

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

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

Post Boxes and Dry Stone Walls

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

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

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

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

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

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

Previous Application's VCAT Considerations

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

The details raised in that hearing and the previous application are not directly relevant to the current application which is considered independently of any previous application, although they provide guidance on the shortcomings and focus areas. The Tribunal's findings provided direction on interpretation of matters where Council and the applicant

had held opposing views, such as on what details are required with the application (or can be conditioned), and the hierarchy of competing planning policy in this site's context.

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

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

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

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

Conclusion

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

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

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

Recommendation

THAT Council approve Planning Application No PLN-37131 and issue a Planning Permit for a Staged, multi-lot subdivision of land in more than one zone, subdivision of land adjacent

to a Public Acquisition Overlay, construction and carrying out of earthworks which may change the rate of flow or discharge point of water across a property boundary, construction and carrying out of works, remove, destroy or lop specified vegetation including native vegetation, buildings and works within the Heritage Overlay, demolition of specified places within the Heritage Overlay, construction and works where water flow path is redirected, construction of paths and trails, creation of easements, restrictions and reserves, and the demolition, removal or alteration of dry stone walls constructed before 1940, in accordance with the endorsed plans and subject to the following conditions:

CONDITIONS TO BE SATISFIED PRIOR TO FUNCTIONAL LAYOUT PLAN APPROVAL

1. Subdivision Layout

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

- 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 be the 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
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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.**

- I. **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 Cultural 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.

QUARRY HILLS PRECINCT STRUCTURE PLAN ASSESSMENT

Objectives			
IMAGE, CHARACTER AND HOUSING			
Number	PSP description	Complies ?	Description of compliance
O1	Create a high amenity urban environment including well designed housing, attractive streets and open space.	Yes	The applicant's revised design shows no dwellings on sloped sites requiring housing and design guidelines. The integration and link of heritage places and dwellings fronting open space is appropriate.
O2	Promote a diverse range of universally accessible, well-designed housing in order to respond to the environmental and topographical features of the precinct and meet the needs of the future community	Yes	The applicant has demonstrated lots for dwellings are on most level parts of the site, giving the potential for accessible dwellings subject to the future housing design.
O3	Create logical, permeable and connected subdivision layouts which respond to, and maximise the natural character features of the precinct.	Yes	The application demonstrates a response to the landform, with path and road networks at appropriate locations. The natural character is being retained to the extent anticipated by the PSP design.
O4	Create a neighbourhood which has convenient and efficient access to local open space, the community centre, the school and the Village Town Centre.	Yes	To the extent provided for by the PSP, appropriate facilities (or sites for facilities), and access is provided.
O5	Create a high amenity, indigenous planted landscape within the streets, open space networks and the Darebin Creek corridor.	Yes – subject to condition	This detail may be conditioned as part of future landscape plans.
O6	Ensure development protects and enhances the historical, landscape and environmental characteristics of the site including the hills and ridgelines associated with the Quarry Hills and the Darebin Creek environs.	Generally.	Conditions and overall revised layout provide some connection in the difficult transition to residential land use.
O7	Ensure development appropriately responds to the natural landform of the precinct, particularly where there is an interface with the Quarry Hills Regional Parkland.	Yes	Refer below points.
EMPLOYMENT, TOWN CENTRES AND COMMUNITY FACILITIES			
O8	Create a high amenity, centrally located Village Town Centre to provide for the day to day needs of	N/A	

	the future community and provide for local employment opportunities.		
O9	Create a 'main street' focused Village Town Centre with a high quality pedestrian environment that provides safety and comfort for pedestrians and encourages community interaction.	N/A	
O10	Create a Village Town Centre with a sense of place, unique identity and local character.	N/A	
O11	Provide a Village Town Centre that is pedestrian friendly and accessible by all modes including public transport, while enabling private vehicle access.	N/A	
O12	Provide a fully integrated, diverse use community facility which provides a range of services to meet the needs of local residents and maximises shared use potential with the adjoining government primary school.	N/A	
OPEN SPACE AND NATURAL SYSTEMS			
O13	Create a precinct which is linked to its natural surrounds through an integrated open space network, incorporating the Quarry Hills Regional Parkland, Darebin Creek, local passive parks, sports reserve and community facilities.	Yes	The Local Park is linked to the BCS reserve/ Darebin Creek area by local streets.
O14	Create accessible local neighbourhood parks to cater to all ages and abilities in the community.	Yes	Local park is accessible from residential area via paper roads and local streets.
O15	Protect and enhance interfaces with the Darebin Creek and the Quarry Hills Regional Parkland.	Yes	A road is provided between the lots and the Darebin Creek/ BCS however the interface on the superlot is unclear
BIODIVERSITY, THREATENED SPECIES AND BUSHFIRE MANAGEMENT			
O16	Protect and create high quality habitat for the Growling Grass Frog within the Darebin Creek corridor.	Yes	In that DELWP approval is required, and requirements can be required by condition on permit.
O17	Plan for the long term conservation and enhancement of areas of biodiversity.	Yes	Can be required by condition on permit.
O18	Ensure that bushfire protection measures are considered in the layout and design of the local street network.	Yes	Refer to Site Management Plan (Bushfire)
O19	Identify bushfire hazards and specify bushfire protection measures for affected subdivisions and buildings and works.	Yes	Refer to Site Management Plan (Bushfire)

TRANSPORT AND MOVEMENT			
O20	Establish an integrated and permeable transport network to encourage walking, cycling, reduce car dependency and maximise connectivity.	Yes	To the extent allowed for in PSP, appropriate path connections and bus capable routes are indicated.
O21	Establish a road network with links to key external road networks and key destinations located within and outside of the precinct.	Yes	To the extent possible in the constrained site with single mid-long-term exit route.
INTEGRATED WATER MANAGEMENT AND UTILITIES			
O22	Deliver an integrated water management system that reduces reliance on reticulated potable water, increases the re-use of alternative water, minimises flood risk, ensures the environmental health of waterways and bays, protects public health, delivers affordable essential water services and contributes towards a sustainable and green urban environment.	Yes	To extent required. No special system is proposed, though applicant states system will be developed “to the satisfaction of the relevant water authority”.
O23	Plan for the development of gas and electricity infrastructure capable of supporting the future community of the precinct.	Yes	Referral authorities have not raised any issues in this regard.
PRECINCT INFRASTRUCTURE PLAN AND STAGING			
O24	Require all lots to be provided with potable water, electricity, reticulated sewerage, drainage, gas and telecommunications.	Yes	Referral authorities have not raised any issues in this regard.
O25	Design street cross sections to ensure that the installation of essential services does not impede the ability to plant large canopy trees in streets and along easements.	Yes – with discretion	ApStreet design is constrained by the site, moreso than ability to plant trees.
O26	Ensure pre-development property structure does not impede the realisation of cohesive and integrated neighbourhoods.	Yes	
O27	Ensure that development staging is co-ordinated with the delivery of key local and state infrastructure.	Yes – subject to conditions.	This development requires a permit condition necessitating it to follow only after the completion of roads and services through Permit 717388 landas this is the only access point.
Landscape Character Requirements			
R1	Viewlines to the CBD, Quarry Hills Regional Parkland and Mount Disappointment shown on Plan 4 must be protected through the	N/A	No view lines identified in this area by the PSP.

	development of an attractive and diverse road network.		
R2	Streets and pedestrian and cyclist networks must connect to Central Park and local parks, the Quarry Hills Parkland and the Darebin Creek through the provision of perimeter roads, access ways and path networks.	Yes	Adequate networks of paths are shown in the provided Movement Plan.
R3	Streetscapes must be of a high quality, incorporating public art and plantings with seating infrastructure into the broader subdivision layout.	Yes.	Detail relating to public art, planting and streetscapes can be conditioned (should a permit issue) to form part of the future landscape plan submission.
R4	Streetscape planting, along with parks and other public spaces must include native and indigenous plantings which are suitable for inclusion into the local environs to the satisfaction of the responsible authority.	Yes – subject to condition.	Can be resolved as part of landscaping plan details which can be required by permit condition.
R5	Street trees must be provided on both sides of all roads and streets (excluding laneways) at regular intervals appropriate to tree size at maturity and not exceeding: 8 – 10 metre intervals for trees with a canopy of less than 10 metres 10 – 12 metre intervals for trees with a canopy of between 10-15 metres 12 – 15 metre intervals for trees with a canopy great than 15 metres	Generally yes – can be enforced by condition	Can be required as part of landscaping plan details noting however the potential issue with the boulevard connector width that is proposed (see response to Requirement 91).
R6	Key landscape features including natural topography, the Darebin Creek and the Quarry Hills Regional Parkland must be protected through a sensitive subdivision design layout.	Yes	Can be appropriately retained through detail design and FLP conditions.

Landscape Character Guidelines

G1	Subdivision design should integrate with the precinct landform and physical character through: • Site responsive location and alignment of roads, trails and paths. • Site responsive location and design of public spaces	Generally.	Proposal as an urban development on a historic rural landscape is difficult to integrate, but revised design has made some attempt to link existing features among the new development.
G2	Drainage and stormwater should be designed and incorporated into the overall street network as a visual feature and build on the existing landscape features of the precinct to	Yes – subject to conditions	Can be required by standard engineering conditions on permit.

	the satisfaction of the responsible authority and Melbourne Water.		
G3	Streets which abut conservation areas, parks, the Darebin Creek and the Quarry Hills Regional Parkland should be landscaped with the same plant and tree species palette as within the adjacent open space to further extend the open space character into the street network.	Yes – subject to conditions	Can be resolved as part of landscape plans that can be required by permit condition.
G4	Feature street trees should be selected to provide local landmarks and definition to key nodes, the Village Town Centre, park frontages, key intersections and entrances.	Yes – subject to condition	Detail relating to street trees can be included in a landscape plan submission should a permit issue. It is noted that no trees have been identified as ‘landmarks’ on the plan.
G5	Trees not requiring protection within the Biodiversity Conservation Strategy (BCS) or as nominated for retention on Plan 8, should be retained within streetscapes and public spaces where possible.	Yes	The subdivision layout does not appear to have retained additional trees through tree reserves, pedestrian links, widened road reserves, etc, except in relation to heritage building sites. This can be confirmed with detail design where in road reserves.
G6	Where trees are retained, applications for subdivision should apply Tree Protection Zones as identified within Appendix 4.3 of the Quarry Hills Precinct Structure Plan.	Yes	TPZs of retained trees generally shown as per Council standard, as confirmed by Council’s Parks and Open Space team.
G7	A consistent suite of lighting and furniture should be used across individual subdivisions and the wider precinct, appropriate to the type and role of street or public space, to the satisfaction of the responsible authority.	Yes – subject to conditions	Can be enforced by condition on permit (if a permit was to issue) to ensure detailed design includes standard features.

Non Residential Interface Requirements

R7	Development must provide for active frontages to the Darebin Creek Conservation Area, the Quarry Hills Regional Parkland or any other area set aside for open space or a waterway corridor. See Figure 1 for open space interface guidance. Side fences and back fences may not abut the Darebin Creek Conservation Area.	Yes	Generally complies. No side fences directly abutting Darebin Creek.
R8	Development must provide an active frontage to the E6 reservation and the transmission line easement.	Yes	Road and park interface is provided.

Non Residential Interface Guidelines

G8	Subdivisions should be designed to provide for a road or paper road separating development from the Quarry Hills Regional Parkland, the Darebin Creek conservation area, waterways, the E6 Reservation, and the transmission easement. Where this is not possible due to slope constraints, design and layout options should demonstrate: <ul style="list-style-type: none"> • The use of rear lane access with active frontages to key interfaces • Avoidance of side or rear fence treatments • Opportunities for informal passive surveillance. 	Yes	A road interface is provided to the Darebin Creek. The interface to LP-01 is a combination of road, paper road and property fence with the heritage property (it is unclear of the fencing treatment in this location) A road is provided along most of the E6 corridor except for the Local Park
G9	Subdivisions should be designed to allow for a continuous pedestrian and cyclist network at the interface of the Quarry Hills Regional Parkland.	N/A	Outside the scope of this application.
G10	Development abutting open space should be well articulated and facilitate passive surveillance from windows, balconies, and pedestrian access points.	Yes – subject to conditions	Generally paper roads or roads are provided to ensure some outlook. Where sides walls occur, this can be enforced by condition on permit for some corner lots and similar.
G11	Where fencing is required it should be low in scale and permeable to facilitate public safety and surveillance.	Yes -subject to conditions	Can be enforced by condition on permit.
G12	Linear corridors adjoining or within road or tree reservations should incorporate park seating adjacent to paths at least every 400 metres.	Yes – subject to conditions	Can be resolved as part of detailed design and landscaping plans.
G13	Landscaping of development and streets should integrate with the adjoining open space design.	Yes – subject to conditions	Can be enforced by permit condition as part of detailed design of landscape in public realm.
G14	Applicants within the buffer of the Extractive Industry Works Area as identified on Plan 2 should liaise with the responsible authority and the Earth Resource Regulation Section of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR), prior to lodging any permit application for residential or commercial development.	N/A	Not within this permit area as shown in the PSP.
Earthworks, Embankments and Retaining Structures Requirements			
R9	Subdivision, engineering, landscape design and buildings and works must provide a sensitive response to current landforms and	Yes – subject to condition	Could be required by permit condition as part of FLP and detail design.

	minimise the need for excavation and cut and fill earthworks.		
R10	Earthworks, retaining structures and embankments must be carefully and sensitively designed to transition gradually into natural contours.	Yes – subject to condition	Could be required by permit condition as part of FLP and detail design.
R11	Where lawns are utilised for embankments in public areas, the gradient must be in accordance with Council standards.	Yes – subject to condition	Could be required by permit condition as part of detailed design of landscape in public realm.
Earthworks, Embankments and Retaining Structures Guidelines			
G15	Retaining walls over 1 metre should be avoided along the street edge.	Yes – via conditions	FLP conditions specifically require resolution of retaining walls.
Heritage Requirements			
R12	Any subdivision and/or development of land surrounding a heritage site identified in a Heritage Overlay in the <i>Whittlesea Planning Scheme</i> must have regard to the heritage significance of the site and provide a sensitive interface.	Yes – subject to conditions.	When reading the Quarry Hills PSP as a whole, it is clear that heritage ought to be protected and celebrated, rather than destroyed or removed. The proposal achieves this to a reasonable extent in its demonstrated intent but defers final outcomes to a later point. Conditions are therefore appropriate to ensure ongoing maintenance of heritage features, and restrictions regarding appropriate interface of new development.
R13	Development of land close to heritage sites identified in a Heritage Overlay in the <i>Whittlesea Planning Scheme</i> must ensure that heritage becomes a prominent component of the urban structure which is conveniently accessible to the wider community.	Yes – subject to conditions	Heritage interface and prominence can be confirmed via CMP, and appropriate restrictions for lots in the HO area.
R14	Subdivision of land in proximity to heritage elements identified on Plan 4 as 'Potential European Historic Sites' must ensure that heritage becomes a prominent component of the urban structure and is conveniently accessible to the wider community.	Yes	The revised plan, with various conditions to resolve details, does retain the most significant heritage elements generally, which can also be used in a manner compatible with the urban development of the land. The largest losses are the well tank, dairy and machinery shed.
R15	Dry stone walls which are identified on Plan 1 and Plan 4 must:	Yes – subject to conditions	The revised design retains wall within the permit area generally in-

	<ul style="list-style-type: none"> • Be situated within public open space or road reserve to the satisfaction of the responsible authority. • Have a suitable landscape interface to minimise maintenance requirements (for example mulch, garden bed or gravel) and must not encourage public access immediately adjacent to the retained walls. • Be checked by a professional craftsperson for any loose stones. Any loose stones are to be reinstated in the wall in secure positions. • Retain post and wire or post and rail fences situated within the walls, with any wire protruding beyond the vertical face of the wall reinstated to its original position or removed. • Be incorporated into subdivision design to minimise disturbance to the walls (e.g. utilisation of existing openings for vehicle and pedestrian access). 		situ. The DSWMP can require appropriate works, repairs, etc.
R16	Installation of services across the alignment of retained dry stone walls is to be undertaken by boring rather than open trenching. If open trenching or disturbance to the wall is unavoidable, a minimum section of wall may be temporarily removed and then reinstated to original condition.	Yes – subject to condition	While services generally follow roads, a condition can require this to be done and resolved as part of the FLP and detailed design.
R17	Any reinstatement or repair of walls must be undertaken by a professional craftsperson and is to be consistent with the construction style of the original wall.	Yes – subject to condition	Where walls are to be retained, a condition can require retained walls to be repaired and reinstated.
R18	<p>Reinstatement is to use stone from (in order of priority):</p> <ul style="list-style-type: none"> • The original wall in that location (including fallen stone adjacent to the wall). • A nearby section of the wall approved to be removed. • Any adjacent paddock containing wall parts which can be recovered. • Walls approved to be removed in the nearby area (including any stone which has been stockpiled by Council). <p>A list of professional craftspeople can be obtained by Council and the Dry Stone Walls Association of Australia.</p>	Yes – subject to condition	Can be confirmed by permit condition.
R19	Aboriginal cultural heritage must be protected and conserved through the incorporation of identified areas of importance into the overall	Yes	Plan provided with consent from Wurundjeri Tribe Land and

	design of the precinct in agreement with the Registered Aboriginal Party.		Compensation Cultural Heritage Council Incorporated.
Heritage Guidelines			
G16	Where retention of dry stone walls in their current state is not feasible, walls (or parts of walls) in high profile and/or strategic locations should be re-built by a master craftsman to integrate with the development to the satisfaction of the responsible authority.	Yes – subject to conditions.	Dry stone walls are not being impacted by the development except specific openings. These can be managed via the DSWMP.
G17	Any development of land within a Heritage Overlay in the <i>Whittlesea Planning Scheme</i> should be in accordance with the relevant incorporated document relating to the heritage site as contained in the Schedule to the Heritage Overlay in the <i>Whittlesea Planning Scheme</i> .	N/A	No incorporated Document.
G18	Where existing dry stone walls are to be removed, land owners should consult with Council to determine whether the material may be used internally within the precinct or transferred for landscaping purposes.	Yes – subject to condition	A condition can require the applicant to liaise with Council regarding re-use of material elsewhere.
G19	Heritage items located adjacent to conservation areas, or local parks, should be considered for public or commercial uses.	Subject to conditions.	The applicant has not proposed use of buildings near PSP identified open space.
G20	Streets should be the primary interface between development and waterways. Public open space and lots with a direct frontage may be provided as a minor component of the waterway interface. Where lots with direct frontage are provided, they should be sufficiently set back from the waterway corridor to allow for the provision of pedestrian and service vehicle access to the front of those lots, to the satisfaction of Melbourne Water and the responsible authority.	Yes	Roads interface Darebin Creek.
Housing Requirements			
R20	Subdivision layout and lot diversity must respond to the natural features of the area, including topographical features, the Quarry Hills Regional Parkland and the Darebin Creek.	No	No current information has been provided to confirm how this requirement will be met. Road connections and layout suggest no regard for slope of land.
R21	The built form of dwellings located at the interface with the Quarry Hills Regional Parkland must be designed to avoid dominating views to and from the parkland	N/A	Not relevant to this area of multi-lot subdivision.

	through design features such as reduced overall building heights and split level design.		
R22	An application for subdivision which includes land located on slopes greater than 10% must be accompanied by Subdivision and Housing Design Guidelines, as required by Clause 3.1 of Clause 37.07-3 of the Whittlesea Planning Scheme. The guidelines must demonstrate how the development will minimise landscape scarring, including minimising large amounts of cut and fill.	Accepted on technicality	The Applicant has Shown no residential lots will be on slopes exceeding 10%.
R23	Planning permit applications must demonstrate how a development proposal will deliver a diversity of housing.	Yes	Noting proximity to PSP designated local convenience centre, this subdivision in conjunction with surrounding approved and proposed subdivisions provides an adequate range of lot sizes comparable with other recent subdivisions in the area.
R24	Where medium density residential development is proposed, it must be located in close proximity to the Village Town Centre and/or open space, including the Growling Grass Frog Conservation Area.	Generally acceptable.	Medium density sites proposed are near to conservation area and local park areas as are appropriate under the PSP even though it is not the main Town Centre.
R25	Subdivision applications must include indicative layouts for any lots identified for the future development of medium density, high density, or integrated housing that suitably demonstrate: <ul style="list-style-type: none"> • Potential dwelling yield. • Active interfaces with adjacent street, open space and waterways. • Safe and effective internal vehicle and pedestrian circulation. • The delivery of dwelling diversity and lot sizes. • Servicing arrangements. 	Yes	Though not directly forming part of the application, earlier negotiations provided plans showing details indicatively which reflect these superlots.
R26	Lots must front (in order of priority where a lot fronts multiple elements): <ul style="list-style-type: none"> • Local access streets • Waterways and public open space • Connector roads 	Yes	Of note some lots front collector roads rather than local streets, but this is to in turn overlook waterway, and is considered a preferable outcome.

	<ul style="list-style-type: none"> • Transmission line easements • The E6 road reservation 		
R27	Specialised housing forms such as lifestyle communities, retirement living or aged care facilities must be designed to ensure that clear and logical pedestrian and cyclist permeability is not impeded, and should have convenient access to the town centre, community facilities and public transport networks.	N/A	None proposed.

Housing Guidelines

G21	Subdivision of land should create an overall average density greater than 16 dwellings/NDH. Where a subdivision proposal represents a single stage or limited number of stages, proponents should demonstrate how the subdivision will contribute to the eventual satisfaction of this guideline.	Yes	Overall density of approximately 16 dwellings/ NDA is calculated without including superlots for future development, thus is appropriate given proximity to Local Convenience Centre site and park.
G22	Subdivisions should, for each stage, cater for the provision of three or more dwelling types, as listed in Table 3, as appropriate, or demonstrate an alternative lot range that achieves the housing diversity objectives.	Yes	Noting proximity to PSP designated local convenience centre, this subdivision in conjunction with surrounding approved and proposed subdivisions provides an adequate range of lot sizes.
G23	Subdivision of land within 400 metres walkable catchment of the Village Town Centre or designated public transport route should create a range of lot sizes suitable for medium or high density housing types listed in Table 4.	N/A	
G24	Residential lots which maintain an interface with the Quarry Hills Regional Parkland should provide larger lots to transition from residential development to the Quarry Hills Regional Parkland.	N/A	
G25	Neighbourhood character should be influenced or created through the implementation of diverse allotment sizes and residential dwelling typologies.	Yes	The large extent of Small Lot Housing Code sites is not ideal but PSP indicates higher density around local convenience centre and abutting park, which makes this outcome generally acceptable on balance.
G26	Opportunities for lots to accommodate for natural demographic change should be provided. This may include utilising building envelope plans and avoiding the use of	Yes	No prescriptive details of buildings lots are proposed as part of the application.

	single dwelling covenants on title in order to not prevent the construction of two dwellings on a single lot through the life of the precinct.		
G27	Subdivisions should be designed to allow for maximum sustainability outcomes to be achieved.	Generally acceptable	No detail to directly address sustainability of subdivision has been provided, but that which can be required by the Scheme will be checked as part of various stormwater and other approvals.
G28	Front fences should be avoided. If unavoidable, front fences should be no less than 50% transparent and no higher than 1.2 metres.	Yes – subject to condition	Not specifically proposed and can be enforced by permit condition.
G29	Subdivision layouts should guide pedestrians to key entry points into the Quarry Hills Regional Parkland, as nominated on Plan 11.	N/A	Outside scope of multi lot subdivision.
G30	Street activation within residential areas should be encouraged through the inclusion of street furniture and incidental meeting spaces.	Yes – subject to conditions	Can be enforced by permit condition for street furniture and design detail.

Employment Requirements

R28	Use and development of the Village Town Centre must be generally in accordance with the layout of land uses and road structure shown in the concepts in Plan 5 - Village Town Centre Concept Plan.	N/A	
R29	The Village Town Centre must provide for a town square of 650sqm, located generally in accordance with the concept shown in Plan 5.	N/A	
R30	The masterplanning of the Village Town Centre must ensure that the opportunity for the provision of major public art is considered.	N/A	
R31	Road and path networks within the Village Town Centre must promote pedestrian and bicycle trips through a clear, direct layout and design.	N/A	
R32	The Village Town Centre must provide for a range of employment opportunities through the development of a centre which supports a mix of retail, commercial, leisure and community services.	N/A	
R33	Public and private spaces including streets, town squares and Central Park, must be designed and developed to create a strong sense of social interaction and vibrancy.	N/A	

Built Form Requirement

R34	Buildings on corner sites within the Village Town Centre must be built to the street edge and use	N/A	
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	height or other form definition to highlight the entry to the main street.		
R35	Buildings with a frontage to the 'main street' must use clear glazing to allow for visibility from the street to internal rooms and avoid the use of white washed windows and window advertising.	N/A	
R36	All facades fronting the 'main street' must achieve a high level of activation through windows and pedestrian entries.	N/A	
R37	Developments must locate building entries and the most active functional uses towards the main street edge so that they are visible from the street.	N/A	
R38	Buildings fronting the 'main street' must provide a continuous built form edge with fine grain development and outward facing built form.	N/A	
R39	Supermarkets/ big box retail must be sleeved by single fronted small retail at the main street edge.	N/A	
R40	The supermarkets must be located in a key position and have convenient access to car parking, while maximising activity within the 'main street' and public spaces/thoroughfares.	N/A	
R41	Community facilities and the Potential Government School must front the main street with active facades and minimal setbacks provided to the street.	N/A	
R42	Buildings must front public streets and spaces to create a safe and vibrant public realm and reinforce the public movement network.	Yes – subject to condition	A condition can ensure any built form of dwellings appropriately addresses public realm where not fronting it.
Built Form Guidelines			
G31	All retail should have a main entrance which addresses the main street and avoid the use of internal malls and double fronted retail.	N/A	
G32	Continuous lengths of blank walls should be avoided, and visual interest provided through: <ul style="list-style-type: none"> • Breaking up the length with windows and doors • Strong vertical and horizontal elements • Façade articulation • Varied facade materials 	N/A	
G33	Increased height in built form must be encouraged in order to take advantage of key viewlines to the CBD, the Quarry Hills Regional Parkland and the Darebin Creek.	N/A	

G34	<p>Corner sites form key entries to the centre and should be celebrated with features of interest to provide visual prominence. Corner sites:</p> <ul style="list-style-type: none"> • Should be designed to provide built form anchors where the “main street” intersects the Harvest Home road. This could be achieved, for example, through the use of a substantial multi – storey building at the corners; • Should not be developed for standard single storey fast food outlets; and • Should be developed to have a ground floor retail floor space component to the “main street” frontage. 	N/A	
G35	Mechanical plant and services structures on roofs should be included within roof lines or otherwise hidden from view.	N/A	
G36	Service areas should be internalised wherever possible. Where internalised service areas cannot be provided, they should be secured and sensitively screened at the rear of buildings. Where service areas are accessible from car parks, they should present a well-designed and secure façade to public areas.	N/A	
G37	Adequate allowance should be made for trolley return areas but they must not be placed within public squares, forecourts or open spaces.	N/A	
G38	The built form should create a high visual standard and quality of development along street frontages.	N/A	
G39	Key pedestrian entries should be signified through materials or design.	N/A	
Movement Network Requirements			
R43	Widened footpaths must be incorporated into the main street cross section to improve and prioritise pedestrian movements and to allow for the inclusion of outdoor dining zones.	N/A	
R44	The ‘main street’ design and layout must prioritise pedestrian movement.	N/A	
Movement Network Guidelines			
G40	Village Town Centre connector streets, including the north south and east west connector streets should link into key shared	N/A	

	paths to the Darebin Creek, Central Park and the Quarry Hills Regional Parkland.		
G41	The design of building frontages on the main street should incorporate the use of pedestrian canopies to provide for weather protection particularly at pedestrian entries. Lighting should be designed to avoid unnecessary spill to sides or above.	N/A	
G42	Quality footpath and shopfront lighting should be provided in the centre for night-time visibility and pedestrian safety.	N/A	
G43	Street furniture should be located in areas that are highly visible, where pedestrian movements are not compromised and close to or adjoining pedestrian desire lines/gathering spaces.	N/A	
G44	Level changes between building entries from public streets should be minimised.	N/A	
G45	The 'main street' precinct should be designed to encourage traffic to conform with a speed environment of 40km/h or less.	N/A	
G46	Bicycle parking should be provided within the street network in highly visible locations and close to pedestrian desire lines and gathering spaces.	N/A	

Vehicular Access/Parking Requirements

R45	Off-street car parking must be located to the rear of buildings sleeved behind buildings fronting the main street.	N/A	
R46	Heavy vehicle movements (i.e. loading and deliveries) must not front the main street and must be located to the rear of the retail premises.	N/A	

Vehicular Access/Parking Guidelines

G47	Parallel on-street parking should be provided to encourage short stay parking.	N/A	
G48	Car parking ingress and egress crossovers should be grouped and limited.	N/A	
G49	Vehicle ingress and egress and car parking areas accommodating heavy vehicle movements should be designed to limit the potential for pedestrian/vehicle conflict and maximise the visibility of pedestrians by drivers.	N/A	

G50	Car parking areas should provide for appropriate landscaping including planting of canopy trees.	N/A	
Diversity and Adaptability Requirements			
R47	Fine grain retail opportunities must be provided fronting the main street.	N/A	
Diversity and Adaptability Guidelines			
G51	Shopfronts should have varying widths and floor space areas to promote a diversity of use and trading opportunities throughout the Village Town Centre.	N/A	
G52	Flexibility (including floor to ceiling heights) should be incorporated into building design to enable a range of uses and future adaptability including promoting localised non-retail commercial uses in the town centre.	N/A	
G53	Facilities such as childcare and medical centres, gyms, dance schools, places of assembly etc. are encouraged within or adjacent to the Village Town Centre.	N/A	
G54	Centre design should seek to minimise amenity and noise impacts resulting from the mix of uses.	N/A	
G55	Mixed use development with retail, restaurant and café activities at street level and commercial/residential opportunities above are encouraged.	N/A	
G56	Appropriately designed and sited medium density residential should be located surrounding the town centre. This housing should be designed to front streets and public spaces and utilise rear lanes or other alternative access measures to minimise garage frontage to streets.	N/A	
Community Participation and Integration Requirements			
R48	Community facilities and the Potential Government School must front the main street with active facades and minimal setbacks provided to the street.	N/A	
R49	The design and provision of a centrally located 'Town Square' along the main street must be provided that: <ul style="list-style-type: none"> • Is a minimum of 650m². • Is central to the Village Town Centre and provide a focus for the local community. • Is located at a high intensity node where core uses are concentrated. • Includes a combination of soft and hard landscaping, furniture and fixtures to reinforce a sense of place and identity. 	N/A	

	<ul style="list-style-type: none"> • Includes cafes, restaurants and active retail at its edges so that outdoor dining and other activity can 'spill out' into the public space. • Is appropriately scaled to accommodate a range of activities including outdoor dining and pedestrian movements. • Is oriented to ensure good solar access and also provides protection from prevailing winds and adverse weather conditions. • Achieves a high degree of visual enclosure through surrounding built form. 		
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Local Identity and Legibility Guidelines

G57	Development should complement and enhance the character of the surrounding area by responding appropriately to key visual cues associated with the topography, natural features of the site and its surrounds.	Generally acceptable.	The development attempts to retain landform, links between heritage places and to the natural landscape form the pre-urban development character.
G58	Key view lines/sight lines into, and out of, the Village Town Centre should be incorporated in the overall design to promote way finding and accessibility.	N/A	
G59	Streets and paths should be located in response to landform and natural features.	Yes – subject to conditions	Streets do broadly respond to features such as trees which <i>must</i> be retained and creek's alignment, and slope, but detail of relation to slope and other trees to be resolved via conditions and detailed assessment.
G60	Orientate medium density residential development to engage with the main street and public open spaces.	Yes	Generally this has occurred.
G61	The main street should use feature canopy street trees to define the street.	N/A	

Local Convenience Centre Guidelines

G62	The Local Convenience Centre should be located as illustrated on Plan 2.	N/A	
G63	The design of the Local Convenience Centre should consider inclusion of two storey built form and ensure that all buildings are well articulated and of a high quality urban design that reflects its location as a key community hub within the precinct.	N/A	
G64	The Local Convenience Centre should feature a high degree of permeability and clear circulation to ensure that key	N/A	

	destinations within the centre are easily accessible by walking and cycling.		
G65	The Local Convenience Centre should be designed in accordance with Appendix 4.4 Local Convenience Centre Guidelines.	N/A	
Community Facility Requirements			
R50	The Community Facility must be co-located with the Village Town Centre, Central Park and Potential Government School and be reflective of the Quarry Hills Precinct Structure Plan Village Town Centre Concept Plan (Plan 5).	N/A	
R51	Community Facilities must reflect a high quality architectural outcome, and be in keeping with the design and built form outcomes of the Village Town Centre with respect to height, orientation and activation.	N/A	
R52	The floor plan of the Community Facility must be designed to maximise flexibility in the range of uses which can occur at the site.	N/A	
R53	The Community Facility must be designed to front, and be directly accessed from the main street, with secondary access to be provided from the Potential Government School and Central Park.	N/A	
R54	Change room and toilet facilities associated with the Community Facility, must be oriented to ensure ease of access for users of Central Park.	N/A	
R55	Any educational, community or civic infrastructure not shown on the Quarry Hills Village Town Centre Concept Plan must be located within or proximate to the town centre.	N/A	
Community Facility Guidelines			
G66	Community Facilities, including Central Park and Potential Government School should be planned and designed concurrently to ensure integrated delivery and shared use of services and facilities.	N/A	
G67	Any private childcare, medical or similar facility is encouraged to locate proximate to the Village Town Centre.	N/A	
G68	The design and layout of Community Facilities and Central Park should be integrated and allow for easy pedestrian access between the two.	N/A	
G69	Detailed masterplanning of the Community Hub should include opportunities for the development of Community Gardens and associated infrastructure including garden beds, garden sheds, seating and water tanks.	N/A	
G70	The location of key entries to the Community Facilities and school should allow for safe and	N/A	

	convenient pedestrian and cyclist access for all ages and abilities.		
G71	<p>The built form of the Community Facility and school should be architecturally designed to be responsive to the site and surrounds by:</p> <ul style="list-style-type: none"> • Providing strong built form definition of streets. • Providing increased height at key corners of the Village Town Centre. • Incorporating design elements to minimise energy and resource use. • Incorporating principles for universal access (all ages and all abilities) into the design of the Community Facility and broader hub area. • Minimising the use and height of perimeter site fencing in favour of the use of appropriate landscape treatments. • Fencing in excess of 1.8 metres should be avoided. If fences are unavoidable, they should be semi transparent and less than 1.2 metres <p>Buildings and works associated with the development of the primary school and Quarry Hills Community Facility must be generally in accordance with the Quarry Hills Precinct Structure Plan Village Town Centre Concept Plan (Plan 5).</p>	N/A	

Open Space and Natural Systems Requirements

R56	Open space must be provided in accordance with Table 6 of this document.	Yes – subject to condition.	A condition will require increase of open space to meet requirement. Discrepancy is minimal so no substantial spatial implications are expected.
R57	A diverse range of local parks must be provided to the meet the needs of the community and be constructed to be fit for purpose	Yes	Provided to the extent required by the PSP.
R58	Where playspaces are to be provided by the developer, the design and development of the space must be in accordance with the City of Whittlesea Playspace Planning Framework and Policy.	Yes – subject to condition	Can be resolved as part of landscape plans.
R59	The local open space network must be integrated into the broader open space network including the Quarry Hills Regional Parkland and the Darebin Creek corridor through the development of key pedestrian and cyclist links.	Yes – subject to condition	Generally indicated on the Movement Plan, but detail can be resolved as part of FLPs.

R60	The open space network must link into surrounding existing and proposed open space through the use of pedestrian and cyclist links.	Yes – subject to condition	Generally indicated on the Movement Plan, but detail can be resolved as part of FLPs.
R61	Highly permeable pedestrian and cyclist links must be provided to the Quarry Hills Regional Parkland and Darebin Creek and connect to existing networks external to the precinct.	Yes – subject to condition	Generally indicated on the Movement Plan, but detail can be resolved as part of FLPs.
R62	Any fencing of open space, whether encumbered or unencumbered, must be low scale and visually permeable to facilitate public safety and surveillance. Fences other than vehicle exclusion bollards or pedestrian exclusion fencing to prevent access to conservation areas are to be avoided.	Yes – subject to condition	Can be resolved as part of landscape plans.
R63	Vehicle exclusion bollards must be placed at any formal entry into the Quarry Hills Regional Parkland. During development phases, interim post and wire fencing must be provided along the boundary of the Quarry Hills Regional Parkland.	N/A	
R64	The design of waterway corridors, conservation areas, wetlands and retarding basins and any other encumbered open space must seek to enhance the amenity value of that open space and provide for a range of flexible recreational opportunities. This is to be prioritised when such land abuts unencumbered passive or active parkland where this does not conflict with the primary function of the encumbered area.	Yes – subject to condition	Can be resolved as part of landscape plans.
R65	Planting at the periphery of the Quarry Hills Regional Parkland, Darebin Creek Environs and conservation areas must be indigenous and assist with enhancing the overall habitat and amenity values of the precinct.	Yes – subject to condition	Can be resolved as part of landscape plans.
R66	Planting within the private realm at the interface of the Quarry Hills Regional Parkland should be low in scale and must not impede passive surveillance of the parkland.	N/A	
R67	Physical infrastructure associated with open space areas including seating and play infrastructure must be designed and developed to the satisfaction of the responsible authority.	Unclear – may be conditioned	Unclear due to placement of potentially retained heritage structures potentially conflicting with open space expectations, but can be conditioned one-after-other.
R68	The layout (including design and width) of open space and natural systems must be to the satisfaction of the responsible authority. The layout of drainage infrastructure, including waterway corridors, open channels,	Yes – subject to conditions.	LP-01 is not of the size and shape of the PSP. However, a condition will require the increased to the specified size. Detailed design

	wetlands and retarding basins must be to the satisfaction of the responsible authority and Melbourne Water.		process can resolve features within the space, including through heritage Conservation Management Plan. Depending on proposal by applicant, their placement may be an enhancement and addition, or could be a conflict with open space requirements.
Open Space and Natural Systems Guidelines			
G72	Planting of open spaces should complement existing vegetation found throughout the precinct.	Yes – subject to condition	Can be resolved as part of landscape plans.
G73	Open space areas should be located and designed to contribute to the protection and enhancement of existing environmental, habitat and historical values of the precinct.	Generally, yes.	Open space generally only seeks to protect trees required for retention by the PSP. Some extras in the heritage areas may be retained subject to further assessment. Open space has been demonstrated as designed with regard to heritage values of the precinct as with wall retention in-situ, etc. .
G74	Passive parks should cater for a broad range of users by providing a mix of spaces and planting to support both structured and unstructured recreational activities and play opportunities for all ages and abilities.	Yes – subject to condition	Can be resolved as part of landscape plans.
G75	Any pedestrian link through a drainage reserve or adjoining the road network should include provision of park seating at appropriate intervals to the satisfaction of the responsible authority.	Yes – subject to condition	Can be resolved as part of landscape plans.
G76	Existing vegetation should be protected and enhanced through open space networks which facilitate habitat and movement corridors for species found within the region and the precinct.	Generally, yes.	No demonstration has been made of attempt to protect existing vegetation beyond that which <i>must</i> be retained or to relate it to habitat and movement corridors, but design process has shown this is economically difficult. .
G77	Open spaces should have a road frontage to all edges except where a direct pedestrian connection is being provided to the Community Hub or where housing fronts open space with a paper road.	Yes	Road or paper road provided in all cases.

G78	Linear open space corridors adjoining or within road tree reserves should incorporate park seating adjacent to paths at least every 400m.	Yes – subject to condition	Can be resolved as part of detailed design.
G79	The design of waterways, wetlands (other than Growling Grass Frog wetlands), retarding basins and other encumbered land should maximise the potential for the integration of local parks and / or sports reserve where this does not conflict with the primary function of the land.	Yes	As waterway is BCS reserve, integration is limited.
G80	Where fencing of local parks, active sporting field and conservation areas within parks is required it should be low scale (max. 1.2m) and be designed to guide appropriate movement and access rather than as an impenetrable barrier. Design and materials should complement the park and conservation setting. Preferred fence types include: <ul style="list-style-type: none"> • Timber post with timber beams, pipe, wire or chain. • Timber post and chain wire may be required for critical areas. 	Yes – subject to condition	Can be resolved as part of FLP and detailed design.
G81	Local parks which are incorporated into conservation or tree retention areas should be designed to ensure that activities and play opportunities are low in impact.	Yes – subject to condition	Can be resolved as part of detailed landscape design.
G82	In order to provide safe and pleasant open spaces, design principles known as “Crime Prevention Through Environmental Design” (CPTED) should guide the design of open spaces and associated infrastructure.	Yes – with conditions	Can be resolved as part of detailed design. This is assisted by conditions requiring lots not fronting open space to provide features for passive surveillance. The presence of heritage structures without an identified use or outcome makes it impossible to determine this use’s outcome.
G83	Park infrastructure such as playgrounds, shelters, BBQs, picnic tables and toilets should be located with reference to the Village Town Centre Concept Plan (Plan 5).	N/A	
G84	Path networks associated with open space located inside and outside of the precinct should include way finding signage which clearly identifies key destinations.	Yes – subject to condition	Can be resolved as part of detailed design.

G85	Public areas should be lit to Australian standards and to the satisfaction of the responsible authority.	Yes – subject to condition	Can be resolved as part of detailed design.
G86	Water Sensitive Urban Design principles should be used so that excess run-off water from within, or where appropriate, external to the park, is directed to support park planting and / or rain gardens rather than being diverted to drains, to the satisfaction of the responsible authority.	Yes – subject to condition	Can be resolved as part of detailed design.

Quarry Hills Sports Reserve Requirements

R69	The sports reserve must be designed to ensure that a range of recreational uses can occur at the site and be generally in accordance with the Quarry Hills Precinct Structure Plan Village Town Centre Concept Plan (Plan 5).	N/A	
R70	The sports reserve must provide a strong physical and visual connection with the Community Facility, Potential Government School and Village Town Centre.	N/A	
R71	The sports reserve area must be incorporated into the broader open space network through a series of pedestrian and cyclist links.	N/A	
R72	Links between the northern end of the sports reserve into the Community Facility must be clearly signed and designed to maximise multiuse potential and the sharing of facilities (such as change rooms and toilets).	N/A	

Quarry Hills Sports Reserve Guidelines

G87	Pedestrian and cyclist networks should ensure that the sports reserve are a key destination point and easily accessible from all parts of the precinct.	N/A	
G88	The sports reserve should be planned generally in accordance with the Village Town Centre Concept Plan (Plan 5), to the satisfaction of the responsible authority.	N/A	
G89	Structures located within the open space area should be low in scale and reflective of the character of the precinct.	N/A	
G90	Planting within the Central Park area should not obstruct physical and visual links to the Community Facility and Potential Government School to the satisfaction of the responsible authority.	N/A	

Biodiversity and Threatened Species Requirements

R73	Development abutting any conservation area must be in accordance with Figure 2, or in exceptional circumstances, Figure 3, to the satisfaction of the Secretary to the Department of Environment, Land, Water and	Yes	Conservation area is separated by Connector road as per PSP for this property.
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	Planning. Side fences and back fences must not be the property interface to the conservation area.		
R74	Any public paths or infrastructure located within a conservation area must be designed to avoid/minimise disturbance to vegetation or Growling Grass Frog (GGF) habitat. Public paths are to be generally located in accordance with the GGF Conservation Area Concept Plan (Plan 9) to the satisfaction of the Department of Environment, Land, Water and Planning, Melbourne Water and the responsible authority.	Yes – subject to conditions	An indicative alignment is shown, though no DELWP or Melbourne Water approval has been provided. Alignment can be confirmed as part of FLP which gets DELWP consent. General acceptance from DELWP and Melbourne Water is provided by way of their referral response.
R75	Public lighting must be designed and baffled to prevent light spill and glare within and adjacent to any Growling Grass Frog conservation area, except where agreed by the Secretary to the Department of Environment, Land, Water and Planning.	Yes – subject to condition	Can be resolved as part of detailed design.
R76	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.	Yes – subject to condition	Confirmed by DELWP acceptance of proposal subject to conditions.

Biodiversity and Threatened Specifis Guidelines

G91	Public recreation and open space areas should be co-located with significant conservation areas and waterways to create and/or enhance any conservation area.	No – requires discretion.	The extent of links between LP-01 and the waterway is not clear due to the known topography constraints and how they will be overcome while retaining the natural landform. While separated by the connector road, an east-west link between the two should be possible and is demonstrated on the Movement Plan, but may not be DDA compliant, or may need to divert through adjoining land. The inclusion of detail cross sections for FLPs will ensure appropriate design linkages if at all possible.
G92	The layout and design of the waterways, wetlands and retarding basins (including the design of paths, bridges and boardwalks and the stormwater drainage system) should integrate with biodiversity and natural systems to the satisfaction of the responsible authority.	Yes	To the extent necessary to be demonstrated at this level of detail.

G93	Planting in streetscapes and parks abutting waterways should make use of indigenous species to the satisfaction of Melbourne Water and the responsible authority.	Yes – subject to condition	Can be resolved as part of detailed landscape design in consultation with Council's Parks and Open Space team.
G94	Street trees and public open space landscaping should provide habitat for indigenous fauna species, in particular arboreal animals and birds, where practical.	Yes – subject to condition	Can be resolved as part of detailed landscape design.
G95	Where a lot interfaces with the Growling Grass Frog Conservation Area, the dwelling should front the conservation area and be designed generally in accordance with Figure 3.	Yes	While not in accordance with Figure 3 directly, lot layout appears to account for this in context of the Boulevard Connector Road interface.
G96	Local roads that interface with the Growling Grass Frog Conservation Area should be designed generally in accordance with Figure 2.	yes – subject to condition	Limited "local" roads interface, but the interface over the Connector road does appear to account for this principle. Where local street/paper road is proposed, appropriate conditions may be applied such that this outcome is achieved with FLPs.

Infrastructure within the Growling Grass Frog Conservation Area Requirements

R77	Applications to construct infrastructure within the Growling Grass Frog conservation area must be generally in accordance with the specifications and locations shown in this PSP and DCP and be approved to the satisfaction of Secretary to the Department of Environment, Land, Water and Planning.	Yes – subject to condition	Can be resolved as part of detailed landscape design and demonstrated to be acceptable in principle by DELWP's response.
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Public Transport Requirements

R78	Bus stop provision must be designed as an integral part of the Village Town Centre and activity generating land uses such as the school and sports reserve.	N/A	Town Centre, school and sports reserves not in this stage. Connector road has provision for space to be used for bus stops.
R79	The road network must be designed to ensure 95 % of all households are located within 400 metres of public transport services.	Yes	To the extent provided for by the PSP, lots are within 400m of a bus capable road (the Boulevard Connector road).
R80	Any roundabouts on roads shown as 'bus capable' on Plan 11 must be constructed to accommodate ultralow- floor buses in accordance with the 'Public Transport Guidelines for Land Use and Development'.	Yes	No roundabouts are shown proposed for the identified bus capable road through the site.

Walking and Cycling Requirement			
R81	Walking and cycling path networks must be permeable, and linked to key destinations in and around the precinct area including the Village Town Centre, the Quarry Hills Regional Parkland and the Darebin Creek as per Plan 11.	Yes – subject to condition	Can be resolved as part of FLP and detailed. General indicative alignments shown on the Movement Plan are nominally adequate.
R82	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.	Yes – subject to condition	Can be resolved as part of FLP and detailed. General indicative alignments shown on the Movement Plan are nominally adequate.
R83	Road and path networks must be designed to encourage daily walking and cycling trips and reduce car dependency.	Yes	To the extent allowed for in the PSP, the required routes and road network has been provided to provide reasonable access within this portion of the overall potential development.
R84	<p>The design of all streets must give key priority to needs of pedestrians and cyclists by providing:</p> <ul style="list-style-type: none"> • Footpaths of at least 1.5 metres of both sides of all streets and roads unless otherwise specified by the Quarry Hills PSP. • A network of shared paths where shown on Plan 11 or as shown on cross sections illustrated at Appendix 4.2, which allow for quick and convenient access to key destinations including the community facility, Potential Government School, Local Parks, Central Park and other pathway networks. • Safe and convenient crossing points of connector roads and local streets at all intersections and at key desire lines, including those associated with bus stops. • Pedestrian and cyclist priority crossings at roundabouts. • Safe and convenient transition between on and off road bicycle networks. <p>All to the satisfaction of the responsible authority.</p>	Yes – subject to condition	Generally shown adequately, detail can be resolved as part of FLP and detailed.
R85	Shared and pedestrian paths along waterways must:	Yes – subject to conditions	As demonstrated by Melbourne Water's approval subject to conditions. Detail can be resolved as part of FLP and detailed design

	<ul style="list-style-type: none"> • Be delivered by development proponents generally in accordance with the network shown on Plan 11. • Be above 1:10 year flood levels with a crossing of the waterway designed to maintain a hydraulic function of the waterway. • Where a shared path is to be delivered on one side of a minor waterway as outlined in Plan 11, a path is also to be delivered on the other side of the waterway but may be constructed to a lesser standard, such as crushed rock or similar granular material. <p>All to the satisfaction of Melbourne Water.</p>		to ensure compliance with R85 and Melbourne Water.
R86	The alignment of the off-road bicycle path must be designed for cyclists travelling up to 30 km/h	Yes – subject to condition	Alignment is generally satisfactory. Detail can be resolved as part of FLP and detailed design.
R87	Bicycle priority at intersections of minor streets must be achieved through strong and consistent visual and physical clues and supportive directional and associated road signs.	Yes – subject to condition	Alignment is generally satisfactory. Detail can be resolved as part of FLP and detailed design.
R88	On a construction or engineering plan approved by a subdivision permit, specification of any bike path on a connector road must be to the satisfaction of Public Transport Victoria and the relevant Road Authority.	Yes – subject to condition	A condition can require review by PTV, while relevant road authority is Council, which will review the plans.
Walking and Cycling Guidelines			
G97	Lighting should be installed along shared, pedestrian and cycle paths linking to key destinations, unless otherwise agreed to by the responsible authority.	Yes – subject to condition	Can be resolved as part of FLP and detailed design.
Road Network Requirement			
R89	Street layouts within the precinct must be permeable, efficient, direct and focused on providing convenient access to key destinations for pedestrians, cyclists and vehicles.	Yes	Street layout provides direct access through the site.
R90	Road networks must provide efficient connections to employment opportunities and higher order public transport outside of the precinct area.	Yes	To the extent possible, the road network supports easy connection to other facilities and services.
R91	Road networks and street types must be designed and developed in accordance with the cross sections located at Appendix 4.2,	Yes – with discretion	The Boulevard Connector Road matches the cross section at Appendix 4.2 In part, and not in

	unless otherwise agreed to by the responsible authority.		others due to both heritage site constraints and slopes. This has been heavily discussed. Some special or alternative design treatment may be appropriate (such as around dry stone walls and/or steep slopes). Detailed design to the north of this permit area has indicated challenges in fitting services in narrower widths.
R92	Water Sensitive Urban Design Initiatives, including rain gardens and swales, must be in accordance with current best practice and nominated Council standards, to the satisfaction of the responsible authority.	Unclear – subject to conditions.	No detail has been provided to respond but SWMS will be assessed by authority to ensure appropriate standards.

Road Network Guidelines

G98	Street layouts should provide multiple convenient routes to major destinations such as the Village Town Centre and the arterial road network.	Yes	<p>The subdivision layout proposes only one form of access in and out, that being the boulevard connector road.</p> <p>However, the likelihood of providing other access points is limited due to the extent of Local Park LP-01 on the site to the immediate north, which prevents a secondary access point.</p> <p>As further outlined in R110, the development of this site is based on the delivery of the permit to the immediate north.</p>
G99	Street block lengths should not exceed 240 metres to ensure a permeable and low speed environment for pedestrians, cyclists and vehicles.	Yes	Streets are at upper limits of acceptable length but not necessarily too long given constrained site.
G100	Cul-de-sacs should be avoided throughout subdivisions. Where unavoidable, they should not detract from convenient pedestrian and vehicular connections.	Yes	The application includes a cul-de-sac for the land between the E6 and the Local Park. This is unavoidable as the Local Park extends across the property to the immediate north, which prevents a road access. While not shown on the Subdivision Layout Plan, path access across the Local Park is possible.

			It is unclear if the Superlot to the south will require a cul-de-sac as an indicative layout has not been provided for this site.
G101	Slip lanes should be avoided in areas of high pedestrian activity and only be provided at any other intersection between connector roads and arterial roads where they are necessitated by high traffic volumes/turning movements, to the satisfaction of the coordinating road authority.	N/A	None proposed.
G102	The frequency of vehicular crossovers on widened verges (a verge in excess of six metres) should be minimised through the use of a combination of: <ul style="list-style-type: none"> • Rear loaded lots with laneway access. • Vehicular access from the side of a lot. • Combined or grouped crossovers. • Increased lot widths. 	Yes – subject to condition	Can be resolved as part of FLP and detailed design.

Integrated Water Management Requirements

R93	Development must have regard to relevant policies and strategies being implemented by the responsible authority, Melbourne Water and Yarra Valley Water, including any approved Integrated Water Management Strategy and Development Services Strategy.	Yes – subject to condition	The provided Storm Water Management Plan generally directs this matter and can be required to be followed.
R94	Stormwater conveyance and treatment must be designed in accordance with the relevant Development Services Strategy, prepared by the responsible authority and to the satisfaction of Melbourne Water.	Yes – subject to condition	It is understood that no Development Services Strategy exists for Quarry Hills. Therefore, the Developer's Storm Water Management Plan directs this, and will be approved by Melbourne Water and Council.
R95	Consistent with Clauses 56.01-2 and 56.07 of the <i>Whittlesea Planning Scheme</i> , Victorian Planning Provision (VPP) Practice Note 39 and any requirements and guidelines in this PSP, a subdivision application of 60 or more lots must include an Integrated Water Management Plan.	Yes – subject to condition	The provided Storm Water Management Plan generally directs this matter and can be followed.
R96	Stormwater runoff from the development must meet or exceed the performance objectives of the Best Practice Environmental Management Guidelines for urban stormwater management (as amended or	Yes – subject to condition	The provided Storm Water Management Plan generally directs this matter and can be followed.

	superseded) prior to discharge to receiving waterways and as outlined on Plan 12, unless otherwise approved by Melbourne Water and the responsible authority.		
R97	<p>Where a waterway is shown as 'natural' on Plan 12, development works must:</p> <ul style="list-style-type: none"> • Not encroach past the Growling Grass Frog Conservation Area defined in this PSP, unless otherwise agreed by responsible authority and Melbourne Water. • Minimise earthworks and impact on the existing landform of the waterway. • Retain existing vegetation as part of waterway landscaping. <p>All to the satisfaction of Melbourne Water and the responsible authority.</p>	Yes – subject to conditions	Can be confirmed as part of detailed and functional design.
R98	Final design and boundary of constructed waterways, waterway corridors, retarding basins, stormwater quality treatment infrastructure, associated paths, boardwalks, bridges and planting must be to the satisfaction of Melbourne Water and the responsible authority.	Yes – subject to conditions.	Generally as per the PSP, with detail conditioned to require approval of relevant authorities.
R99	Development staging must provide for the delivery of ultimate waterway and drainage infrastructure, including stormwater quality treatment. Where this is not possible, development proposals must demonstrate how any interim solution adequately manages and treats stormwater generated from the development and how this will enable delivery of an ultimate drainage solution, all to the satisfaction of Melbourne Water and the responsible authority.	Yes – subject to condition	The provided Storm Water Management Plan generally directs this matter and can be followed.
R100	Avoid placement of any stormwater quality treatment assets or Growling Grass Frog Wetlands within 10 metres of the top of bank of the waterway (to allow for a riparian corridor, any future waterway maintenance requirements and to avoid adverse impacts to Growling Grass Frog habitat). These assets must be appropriately offset from the Darebin Creek to the satisfaction of Melbourne Water, Department of Environment, Land, Water and Planning and the responsible authority.	Yes	Stormwater feature is as already agreed with DELWP and others with Permit 717388.
R101	The Access Street Level 1 along the boundary of the Quarry Hills Regional Park must be designed having regard for overland	N/A	

	flows coming down from the steeper land in the regional park to the east.		
Integrated Water Management Guidelines			
G103	The design and layout of roads, road reserves and public open space should optimise water use efficiency and long-term viability of vegetation and public uses through the use of overland flow paths, Water Sensitive Urban Design (WSUD) initiatives such as rain gardens and / or locally treated stormwater for irrigation to contribute to a sustainable and green urban environment.	Yes – subject to conditions	Can be confirmed as part of detailed and functional design.
G104	Integrated water management systems should be designed to: <ul style="list-style-type: none"> • Maximise habitat values for local flora and fauna species. • Enable future harvesting and/or treatment and re-use of stormwater, including those options or opportunities outlined in Plan 12. 	Yes – via condition.	A permit condition must require provision for third pipe system, which provides this provision.
G105	Where practical, and where primary waterway, conservation or recreation functions are not adversely affected, land required for integrated water management initiatives (such as stormwater harvesting, aquifer storage and recharge or sewer mining) should be incorporated within the precinct open space system as depicted on Plan 7 subject to the approval of the responsible authority.	Yes	Area of stormwater basin is incorporated in conservation area.
G106	Development should reduce reliance on potable water by increasing the utilisation of fit-for-purpose alternative water sources such as stormwater, rain water and recycled water.	Yes	Refer G104
Utilities Requirements			
R102	Delivery of underground services must be coordinated, located and bundled (utilising common trenching) to facilitate the planting of trees and other vegetation within road verges to the satisfaction of the responsible authority.	Yes – subject to conditions	Can be required by permit condition.
R103	All new electricity supply infrastructure (excluding substations and cables of a voltage greater than 66kV) must be provided underground.	Yes – subject to conditions	Can be required by permit condition.
R104	Where existing above ground electricity cables of 66kV voltage are retained along road ways, underground conduits are to be	Unclear	High voltage wires are on other side of Bindts Road, outside scope of this

	provided as part of the upgrade of these roads to allow for future undergrounding of the electricity supply.		permit application, but are on road fronted by the lot to be subdivided. Generic conditions requires it.
R105	<p>Before development commences on a property, functional layout plans are to be submitted of the road network showing the location of all:</p> <ul style="list-style-type: none"> • Underground services. • Driveways/crossovers. • Street lights. • Street trees. <p>A typical cross section of each street is also to be submitted showing above and below ground placement of services, street lights and trees.</p> <p>The plans and cross sections must demonstrate how services, driveways and street lights will be placed so as to achieve the road reserve width (consistent with the road cross sections outlined in Appendix 4.2 in this PSP) and accommodate the minimum level of street tree planting (as outlined in this PSP). The plans and cross sections are to be approved by the responsible authority and all relevant service authorities before development commences.</p>	Yes – subject to conditions	Can be enforced by permit condition.
R106	Above ground utilities must be identified at the subdivision design stage to ensure effective integration with the surrounding neighbourhood and to minimise amenity impacts and be designed to the satisfaction of the relevant authority. Where that infrastructure is intended to be located in public open space, the land required to accommodate that infrastructure will not be counted as contribution to public open space requirements classified under Clause 52.01 or the Quarry Hills Development Contributions Plan.	Yes	No above ground utilities have been identified and it is understood none are proposed.
R107	Utility infrastructure must be placed outside any designated conservation areas as shown on Plan 9. Utilities must be placed outside of natural waterway corridors or on the outer edges of these corridors to avoid disturbance to existing waterway values, native vegetation, significant landform features and heritage sites, to the satisfaction of the Melbourne Water and the responsible authority.	Yes – subject to conditions	Can be resolved as part of FLP and detailed design.

R108	Irrespective of whether Yarra Valley Water has entered into an agreement as contemplated, any plan of subdivision must contain a restriction which provides that 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 should it become available.	Yes – subject to conditions	Can be enforced by permit condition.
R109	The electricity transmission line easement must be embellished with appropriate landscaping to increase its visual amenity, to the satisfaction of the responsible authority.	N/A	Not on property.

Utilities Guidelines

G107	Above ground utility infrastructure should be located outside of key view lines and screened with vegetation or architectural features, as appropriate, to the satisfaction of the responsible authority.	Yes	No above ground utilities are proposed.
G108	Existing above ground 66kV electricity cables should be removed and placed underground as part of the upgrade of existing roads.	Unclear	High voltage wires are on other side of Bindts Road, outside scope of this permit application, but are on road fronted by the lot to be subdivided. A generic condition can require it.
G109	Design and placement of underground services in new or upgraded streets should utilise the service placement guidelines outlined in Appendix 4.2.	Yes – subject to conditions	Can be resolved as part of FLP and detailed design.
G110	Utility easements to the rear of lots should only be provided where there is no practical alternative, to the satisfaction of the responsible authority.	Yes – subject to conditions	Can be resolved as part of FLP and detailed design.
G111	Landscape screening must be established or maintained where existing adjacent to Work Authority 102 (WA102) as identified on Plan 1.	N/A	
G112	Significant vegetation should be retained in the vicinity of the transmission line pylons to assist with visual screening and lessening the visual definition of the easement's edge.	N/A	
G113	Shared paths should deviate within the transmission line easement to create varied viewlines and direct views out of the easement.	N/A	
G114	Back fences should not adjoin the transmission line easement. Side fences,	N/A	

	where deemed to be appropriate, must be at least 25% visually permeable.		
G115	Trunk services should be placed along the general alignments shown on Plan 13, subject to any refinements as advised by the relevant servicing authorities.	Yes – subject to conditions	Can be resolved as part of FLP and detailed design.
Development Staging Requirements			
R110	<p>Development staging must provide for the timely provision and delivery of:</p> <ul style="list-style-type: none"> • Connector streets and connector street bridges. • Street links between properties, constructed to the property boundary. • Connection of the on- and off-road pedestrian and bicycle network. 	Yes	This development requires a permit condition necessitating it to follow only after the completion of roads and services through Permit 717388 land, as this is the only access point.
R111	<p>Subdivision of land within the precinct must provide and meet the total cost of delivering the following infrastructure:</p> <ul style="list-style-type: none"> • Connector roads and local streets. • Local bus stop infrastructure (where locations have been agreed in writing by Public Transport Victoria). • Landscaping of all existing and future roads and local streets. • Intersection works and traffic management measures along arterial roads, connector streets and local streets (except those included in the Quarry Hills Precinct Development Contributions Plan (DCP)). • Council approved fencing and landscaping (where required) along key roads. • Local shared, pedestrian and bicycle paths along local roads, connector roads, utilities easements, local streets, waterways and within local parks including bridges, intersections and barrier crossing points (except those included in the DCP). • Bicycle parking as required in this document. • Appropriately scaled lighting along all roads, major shared and pedestrian paths, and traversing public open space. 	Yes – subject to conditions	A condition will require the developer to delivery and/or pay costs associated with the infrastructure for the development in accordance with the Quarry Hills DCP.

	<ul style="list-style-type: none"> • Basic improvements to local parks and open space (refer to the open space delivery below). • Local drainage system. • Local street or pedestrian path crossings of waterways unless included in the DCP or outlined as the responsibility of another agency in the Precinct Infrastructure Plan. • Infrastructure as required by utility service providers including water, sewerage, drainage , electricity, gas, and telecommunications. • Remediation and / or reconstruction of dry stone walls where required. 		
R112	<p>OPEN SPACE DELIVERY</p> <p>All public open space (where not otherwise provided via the DCP) must be finished to a standard that satisfies the requirements of the responsible authority prior to the transfer of the public open space, including:</p> <ul style="list-style-type: none"> • Removal of all existing and disused structures, foundations, pipelines and stockpiles. • Clearing of rubbish and weeds, levelled, topsoiled and grassed with warm climate grass (unless conservation reserve requirements dictate otherwise). • Provision of water tapping, potable and recycled water connection points. Sewer and gas connection points must also be provided to land identified as an active reserve. • Planting of trees and shrubs. • Provision of vehicular exclusion devices (fence, bollards, or other suitable method) and maintenance access points. • Installation of park furniture including BBQ's, shelters, furniture, rubbish bins, local scale playground equipment, local scale play areas, and appropriate paving to support these facilities, consistent with the type of public open space listed in the open space delivery guide (Table 4). 	Yes – subject to conditions	Can be resolved as part of FLP and detailed design.
R113	Development of land within Work Authority 102 (WA102) must undertake remediation works associated with soil stabilisation to the	N/A	

	satisfaction of the responsible authority prior to development.		
R114	Applications must be accompanied by an assessment prepared by a suitably experienced and qualified person, which demonstrates that a variation to the <i>Recommended separation distances for industrial residual air emissions</i> (EPA publication number 1518 March 2013) is justified and provides sufficient confidence that a sensitive use can be safely developed within 500 metres of any quarrying activity at WA102.	N/A	
Development Staging Guidelines			
G116	Staging will be determined largely by the development proposals on land within the precinct, having regard to existing constraints (including the ongoing operation of the quarry) and the availability of infrastructure services. Development staging should, to the extent practicable, be integrated with adjoining developments. Access to each new lot must be via a sealed road.	Yes subject to conditions.	As permit 717388 has been amended to include road access with it, a permit condition can require no works to commence until public road access to the permit area is provided.
G117	The early delivery of community facilities, local parks and playgrounds is encouraged within each neighbourhood and may be delivered in stages, to the satisfaction of the responsible authority.	Yes	The local park is being delivered with Stage 4A, which is the first stage of development.

MAP OF SITE

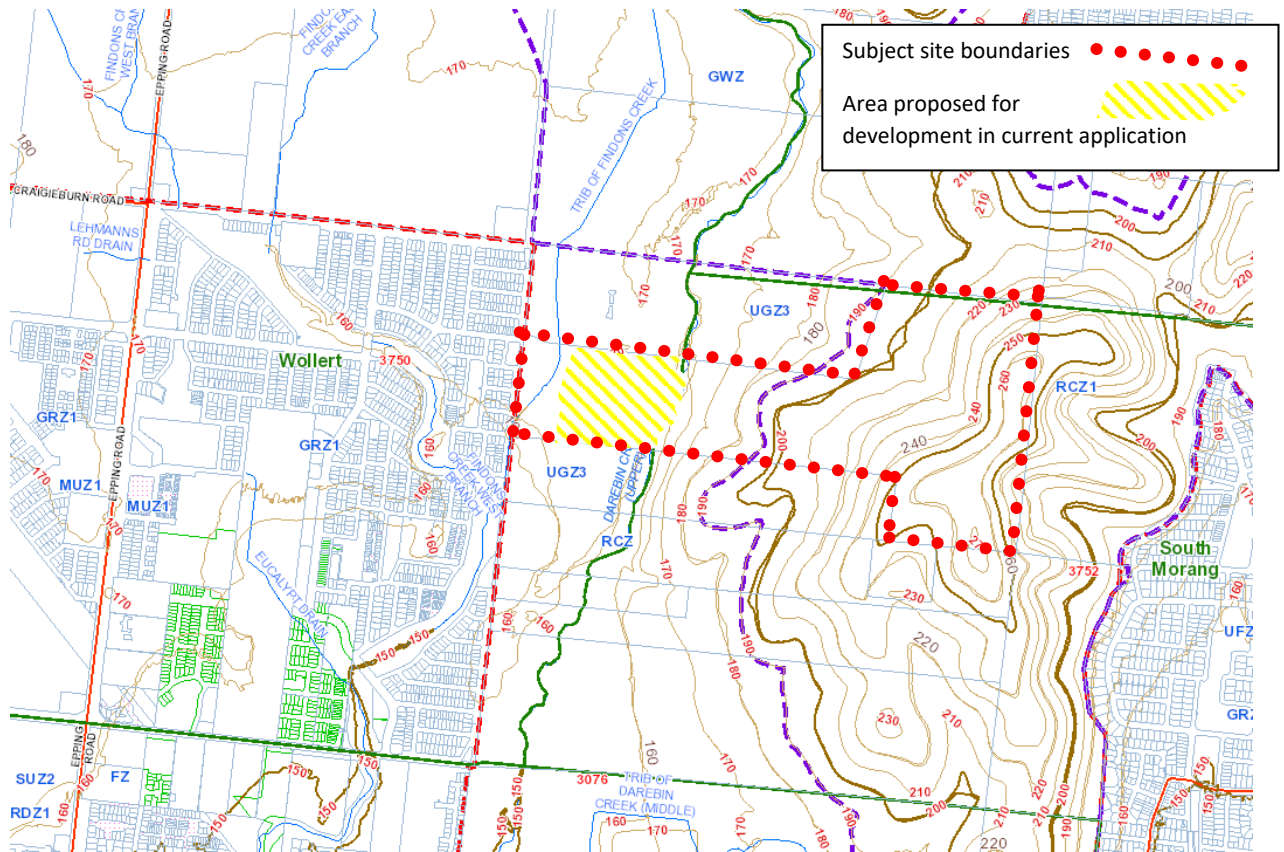


Figure 1 – Subject site and surrounds. Red dotted line is boundary as from 1940s-2021.

PHOTOGRAPHS OF SITE



Figure 2 – View of subject site looking north-west from the south-eastern corner of 100 Bindts Road property. The Eucalypt Estate is in the background with the Wollert Precinct Structure Plan area beyond it. Farmhouse at 100 Bindts Rd is at far left, northern edge of 150 Bindts Rd at crossing of Darebin Creek is far right.

Image from prior (withdrawn) planning application no. 716358 "River Hills Estate Stage 1 : 130 and 150 Bindts Road Wollert : Town planning application : 139 residential lot subdivision to be developed in stages, associated vegetation removal and use and development of a child care centre" by JCA Land Consultants, 3 February 2017



Figure 3 – Enlargement of Figure 2 showing portion of the site proposed for multi-lot subdivision under this application.

HERITAGE BUILDING PHOTOGRAPHS

Photograph credits: various Council officers.

WEATHERBOARD HOUSE (proposed for retention)



Figure 4 – East southeast along driveway of 130 Bindts Road, 11 May 2020.



Figure 5 – West from the east side of the weatherboard dwelling. 20 May 2020



Figure 6 – North from the south side of the McKie dwelling. 20 May 2020. Shows external tank and lavatory



Figure 7 – Another view, southeast from the 130 Bindts Road driveway. 11 May 2020.



Figure 8 – West from east side of weatherboard dwelling, showing dwelling (proposed for retention), tank proposed for retention), and garage outbuilding (proposed for demolition). 11 May 2020

GARAGE ASSOCIATED WITH WEATHERBOARD HOUSE (proposed for demolition)



Figure 9 – Southwest from 130 Bindts Road driveway, taken east of weatherboard dwelling. 11 May 2020.



Figure 10 – South southwest to the structures at the southern corner of the weatherboard dwelling. 20 May 2020.

Figure 11 – Southwest from east side of shed structure near weatherboard dwelling, showing proximity of River Red Gum to be retained in public park, to garage. 11 May 2020.

AGRICULTURAL OUTBUILDING (located in proposed public park, to be demolished)



Figure 12 – Open-sided shed structure south southwest from the east side of the weatherboard dwelling. 11 May 2020

STOCK ENCLOSURE, MACHINERY/HAY/MILKING SHED (proposed for demolition)



Figure 13 – East southeast from between weatherboard dwelling and stock enclosure. 20 May 2020



Figure 14 – South southeast from east end of 130 Bindts Road driveway. 20 May 2020.



Figure 15 – East from near weatherboard dwelling showing from left: stock enclosure, machinery/hay shed/milking shed, engine shed/dairy, small outbuilding associated with stock enclosure.

DAIRY and MACHINERY SHED (proposed for relocation) and UNDERGROUND WELL TANK (proposed for demolition)



Figure 16 – East towards roofed well tank. 20 May 2020.



Figure 17 – North towards roofed well tank and other outbuildings beyond.

STEEL BRIDGE (proposed for retention)



Figure 18 – East southeast from open land north of farm buildings to bridge over creek. 11 May 2020.

STONE STABLES (RUINS) (proposed for retention)



Figure 19 – Southeast from north of farm buildings. Ruins of stone stables in distance. 11 May 2020.

BLUESTONE DWELLING AND ATTACHED DAIRY



Figure 20 – Northeast towards stone dwelling. 20 May 2020.



Figure 21 – North from south side of stone dwelling. 20 May 2020.

STONE WALL ENCLOSURE ALONG CREEK (part proposed for retention, part for removal)



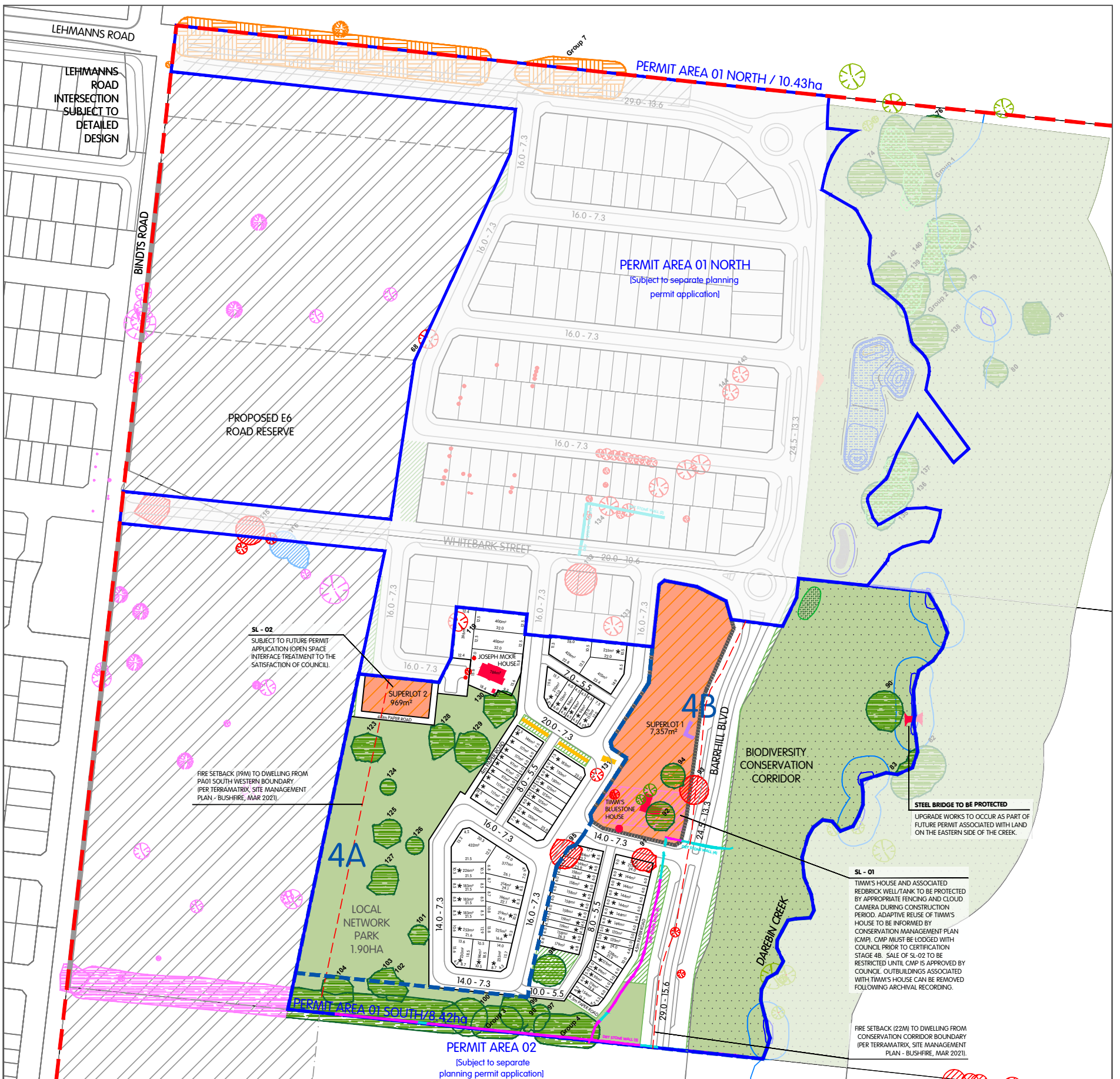
Figure 22 – View north along the slope where the Boulevard Connector Road is required to go according to the Quarry Hills Precinct Structure Plan. 20 May 2020.



Figure 23 – East along wall at boundary between 130 and 100 Bindts Road from junction with north-south dry-stone wall. Section is in path of Boulevard Connector Road required according to the Quarry Hills Precinct Structure Plan. 20 May 2020.



Figure 24 – North along west side of north-south dry stone wall at top of slope. Large outbuildings visible in distant left. 20 May 2020



LEGEND

<ul style="list-style-type: none"> ■ DAHUA SITE BOUNDARY — PERMIT AREA BOUNDARY - - - STAGE BOUNDARY LOCAL NETWORK PARK (CREDITED OPEN SPACE) BIODIVERSITY CONSERVATION CORRIDOR (SERVICE OPEN SPACE) PEDESTRIAN LINK / WIDENED VERGE PROPOSED E6 ROAD RESERVE (PER SPIRE 305038FS00.DWG) SUPERLOT ■ EXISTING STRUCTURE (TO BE RETAINED / REINTERPRETED) ■ EXISTING STRUCTURE (TO BE RELOCATED) CULTURAL HERITAGE PROTECTION AREA (PER SPIRE 305038WF00.dwg) INSTREAM POOL & BUFFER AROUND WATER (PER SPIRE 305038P1.dwg) SEDIMENT DRY OUT AREA (PER SPIRE 305038WF00.dwg) — FIRE SETBACK (PER TERRAMATRIX, SITE MANAGEMENT PLAN - BUSHFIRE, MAR 2021) * LOTS SUBJECT TO THE PROVISIONS OF THE SMALL LOT HOUSING CODE 102 TREE NUMBER PER QUARRY HILLS PSP ARBORICULTURAL ASSESSMENT (01.08.12) ■ EXISTING TREE TO BE RETAINED WHERE POSSIBLE (SUBJECT TO DETAILED ENGINEERING DESIGN). (TPZ PER TREELOGIC TL TPZPLAN.dwg) 	<ul style="list-style-type: none"> ● EXISTING TREE OF SIGNIFICANCE TO BE RETAINED. REFER TO TREELOGIC ARBORIST REPORT - QUARRY HILLS, WOLLERT (16.07.18) FOR VEGETATION CLASSIFICATION. (TPZ PER TREELOGIC TL TPZPLAN.dwg) ○ EXISTING TREE OF SIGNIFICANCE TO BE RETAINED (TPZ NOT SURVEYED). REFER TO TREELOGIC ARBORIST REPORT - QUARRY HILLS, WOLLERT (16.07.18) FOR VEGETATION CLASSIFICATION. (PER SPIRE 305038FS00.dwg) ● EXISTING TREE OF SIGNIFICANCE TO BE REMOVED. REFER TO TREELOGIC ARBORIST REPORT - QUARRY HILLS, WOLLERT (16.07.18) FOR VEGETATION CLASSIFICATION. (TPZ PER TREELOGIC TL TPZPLAN.dwg) ○ EXISTING TREE OF SIGNIFICANCE TO BE REMOVED (TPZ NOT SURVEYED). REFER TO TREELOGIC ARBORIST REPORT - QUARRY HILLS, WOLLERT (16.07.18) FOR VEGETATION CLASSIFICATION. (PER SPIRE 305038FS00.DWG) ● EXISTING TREE OF SIGNIFICANCE TO BE RETAINED UNTIL VICROADS ACQUISITION (OR SUBJECT TO DETAILED DESIGN OF WHITEBARK STREET). REFER TO TREELOGIC ARBORIST REPORT - QUARRY HILLS, WOLLERT (16.07.18). FOR VEGETATION CLASSIFICATION. (TPZ PER TREELOGIC TL TPZPLAN.dwg) 	<ul style="list-style-type: none"> ■ EXISTING TREE OF SIGNIFICANCE TO BE RETAINED UNTIL VICROADS ACQUISITION. REFER TO TREELOGIC ARBORIST REPORT - QUARRY HILLS, WOLLERT (16.07.18). FOR VEGETATION CLASSIFICATION. (TPZ PER TREELOGIC TL TPZPLAN.dwg) ○ EXISTING TREE OF SIGNIFICANCE TO BE RETAINED UNTIL VICROADS ACQUISITION (TPZ NOT SURVEYED). REFER TO TREELOGIC ARBORIST REPORT - QUARRY HILLS, WOLLERT (16.07.18) FOR VEGETATION CLASSIFICATION. (PER SPIRE 305038FS00.dwg) — BLUE STONE WALL - RETENTION/ REMOVAL SUBJECT TO FUTURE PERMIT APPLICATION. (PER SPIRE 305038FS00) — DRY STONE WALL - TO BE REMOVED (SUBJECT TO DETAILED DESIGN AND FLIP APPROVAL). (PER SPIRE 305038FS00) — DRY STONE WALL - TO BE RETAINED (SUBJECT TO DETAILED DESIGN AND FLIP APPROVAL). (PER SPIRE 305038FS00) — DRY STONE WALL - SUBJECT TO FUTURE REMOVAL (TO BE RETAINED UNTIL VICROADS ACQUISITION) (PER SPIRE 305038FS00) — DRY STONE WALL - TO BE RECONSTRUCTED (SUBJECT TO DETAILED DESIGN AND FLIP APPROVAL).
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STAGE SUMMARY/SEQUENCING TABLE

STAGE	AREA (ha)	Net Developable Area (ha)	No. LOTS / DWELLINGS	DENSITY (dw/ha)
4A	3.46	2.09	45	21.55
4B	4.96	2.24	26	11.60
TOTAL	8.42	4.33	71	16.40

NOTES: Staging / delivery of conservation corridor to be confirmed. Density calculated on NDA (Permit Area 01 South only), excluding potential dwellings associated with Superlots 1 and 2. Lot/dwellings and density is inclusive of Joseph McKie House. Details of the Connector Boulevard (as specified in the Wollert PSP) are subject to detailed design.

LAND BUDGET	40-150 Bindts Road, Wollert (RiverHills Permit Area 01 S) (HA)	% OF TOTAL PERMIT AREA 01 SOUTH
Total Permit 01 South Area	8.42	100 %
Proposed E6 Road Reserve	0.00	0 %
OPEN SPACE	4.09	49 %
UNCREDITED OPEN SPACE	2.19	26 %
Biodiversity Conservation Strategy Corridor	2.19	
CREDITED OPEN SPACE	1.90	23 %
Neighbourhood Local Park	1.90	
NET DEVELOPABLE AREA	4.33	51 %

NOTES: Layout is preliminary only and subject to the approval of the relevant authorities. Details of the Connector Boulevard (as specified in the Quarry Hills PSP) are subject to detailed design.

SCALE 1:2500 SIZE A3

PERMIT AREA 01 [SOUTH] - SUBDIVISION PLAN

40-150 Bindts Road, Wollert

Whittlesea City Council, Vic

REF NO. **DHU NIN** DRAW NO. **RD1 423** REV. **J**

J PER APD SPIRE 15.07.21	210715	MG	EP
I PER APD 28.06.21	210630	MG	EP
H PER APD 24.05.21	210625	MG	EP
G STAGE 3 LOT MIX PER APD 16.11.20	201119	MG	EP
F STAGE UPDATE	201104	MG	EP
E LOT MIX PER APD 17.06.20	200703	MG	EP
REV DESCRIPTION	YYMMDD	DRAWN	APPR'D

DISCLAIMER: ISSUED FOR DESIGN INTENT ONLY. ALL AREAS AND DIMENSIONS ARE SUBJECT TO DETAILED DESIGN AND SURVEY

5.2.2 Contract 2021-93 Epping Reserve Car Park Upgrade

Responsible Officer	Director Infrastructure & Environment
Author	Acting Team Leader Design and Delivery
In Attendance	Nick Mazarella, Manager Capital Delivery

Attachments

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

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

- (i) relates to trade secrets; or
- (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

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

Purpose

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

Brief Overview

The tender evaluation panel advises that:

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

Recommendation

That Council:

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

Number: 2021-93

Title: Epping Reserve Carpark Stage 1

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

Term: 1 February 2022 to 30 June 2022

Subject to the following conditions:

- a) **Tenderer to provide proof of currency of insurance cover as required in the tender documents.**
- b) **Price variations to be in accordance with the provisions as set out in the tender documents.**
- c) **Tenderer to provide contract security as required in the tender documents.**

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

Key Information

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

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

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

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

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

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

All tenders were conforming and competitive.

The evaluation outcome was as follows:

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

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

Community Consultation and Engagement

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

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

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

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Connected communities

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

Liveable neighbourhoods

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

The project deliverables for this contract will provide multiple safe and accessible entries into the Epping Recreation Reserve and provide a sealed car park, pedestrian paths and landscaping in accordance with the approved master plan. These outcomes will create

more convenient and safer place for community to connect socially as well as stimulate more sport club activities and to promote a healthy lifestyle.

Considerations

Environmental

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

Social, Cultural and Health

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

Economic

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

Financial Implications

Sufficient funding for this contract is available in the budget for

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

Refer to the confidential attachment for further information.

Link to Strategic Risk

Strategic Risk *Community and Stakeholder Engagement - Ineffective stakeholder engagement resulting in compromised community outcomes and/or non-achievement of Council's strategic direction*

Should Council staff fail to manage the above risk, then there will be repercussion from the community that would jeopardise Council's reputation.

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

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

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

Implementation Strategy**Communication**

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

Critical Dates

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

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

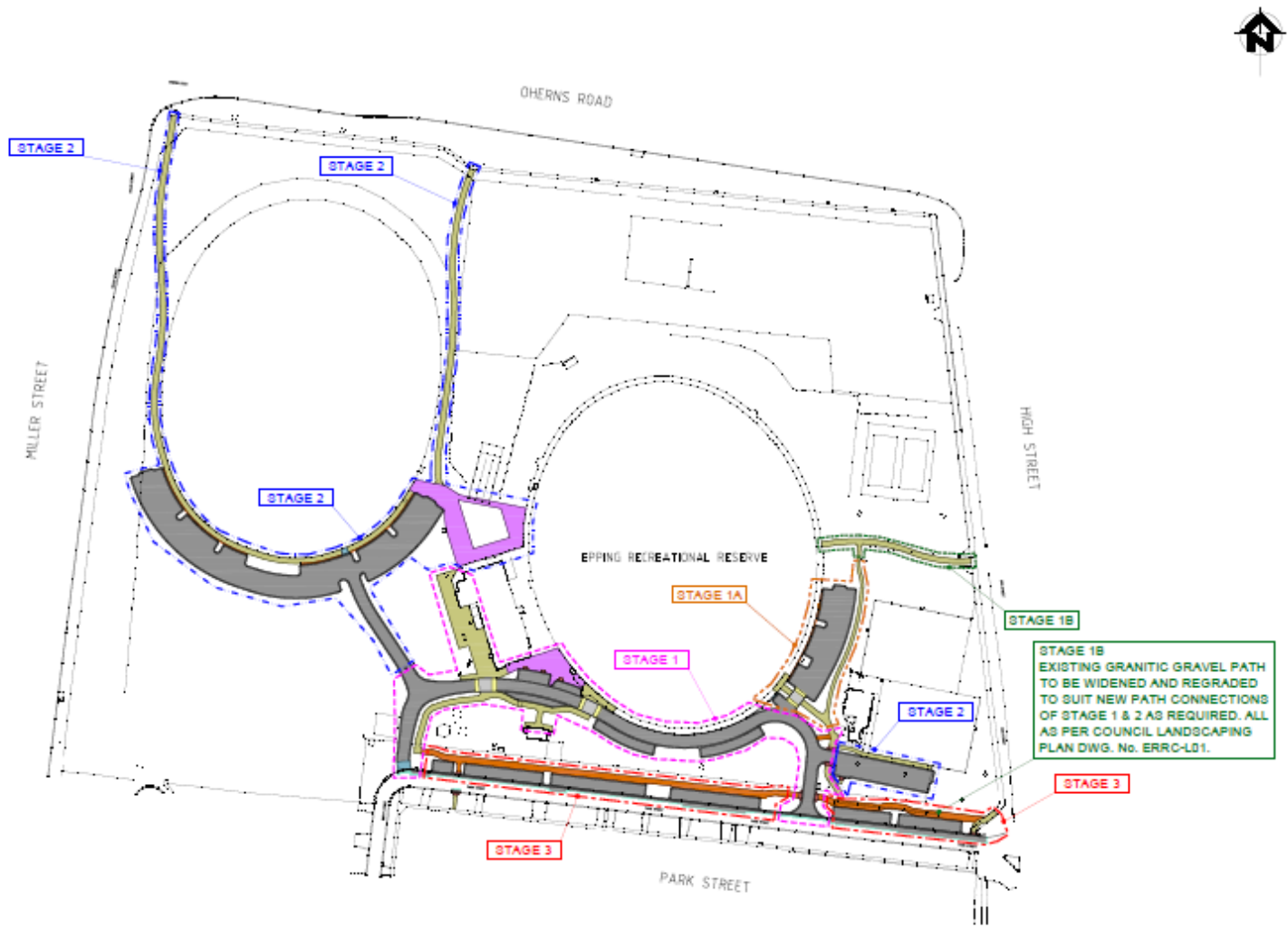
The Responsible Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Conclusion

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

EPPING RECREATION RESERVE

SCOPE OF WORKS – STAGE 1, STAGE 1A & STAGE 1B CAR PARK UPGRADE



5.2.3 Patterson Drive Community Centre revised scope

Responsible Officer	Acting Director Community Wellbeing
Officer	Acting Unit Manager Community Infrastructure Planning
In Attendance:	Agata Chmielewski, Manager Strategic Projects
Attachments	Nil attachments

Purpose

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

Brief Overview

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

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

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

Recommendation

That Council:

- 1. Support the Patterson Drive Community Centre updated scope as described in Table One of this report, which includes:**
 - **2 kindergarten rooms**
 - **2 Maternal and Child Health consulting suites**
 - **2 multi-purpose rooms, community outdoor space and landscaping**
 - **A community hall**
 - **Community kitchen**
 - **Community lounge with satellite library and Council Customer Service functions**
 - **Carparking works**
- 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.

Key Information

Council resolutions

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

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

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

Cost escalations

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

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

Construction cost escalations and the COVID-19 pandemic

Commodities, inflation and scarcity of construction materials

The cost of construction materials normally increases annually due to inflation (an issue that contractors faced prior to the pandemic). However, the inflation that has accompanied the pandemic has been significantly different and has largely impacted construction costs. The Australian construction industry is dependent on foreign construction materials such as fabricated steel, stone and lumber (timber). Because COVID-19 is a global pandemic, it has caused closures and delays at international factories that produce these materials. As a result, the supply of construction materials dramatically decreased, and what remained

became much more expensive (source: [Cost Inflation: Construction Costs and the COVID-19 Pandemic | Marcum LLP | Accountants and Advisors](#), October 2021).

Increased public infrastructure investment

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

(Source: [How sustainable infrastructure investment can aid the post-COVID recovery | World Economic Forum \(weforum.org\)](#))

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

Updated facility scope

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

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

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

Proposed scope	Change from Business Case (Option 3)
2 kindergarten rooms	<p>Change from Option 3: Reduction in kindergarten rooms from three to two.</p> <ul style="list-style-type: none"> • Additional kindergarten capacity will be delivered at the Eucalyptus Kindergarten (opening in 2022) on Hume Anglican Grammar’s Donnybrook campus (development of the Eucalyptus Kindergarten was announced by the Victorian Government since Option 3 was endorsed). • The design of Patterson Drive Community Centre will enable a connection between the kindergarten rooms at the Community Centre and the adjacent primary school site so that early years’ programs can be coordinated across the two facilities.
2 Maternal Child Health (MCH) consulting suites	<p>Change from Option 3: Decreased MCH suites from four to two.</p> <ul style="list-style-type: none"> • MCH services will continue to be delivered at the Olivine Place Community Hub in Donnybrook (see Figure One) to ensure demand is met in the precinct. • Inclusion of MCH will be explored as part of the future family resource centre at Koukoura Drive, Donnybrook (2km to the east of Patterson Drive Community Centre).
2 multi-purpose rooms Community outdoor space and landscaping	<p>Change from Option 3: Decreased number of rooms from three to two.</p> <ul style="list-style-type: none"> • Outdoor spaces will be designed to provide alternative spaces for programs and unstructured activities. • Coordination across community facilities within the Donnybrook precinct, including the Olivine Community Hub (opened in 2021), the Olivine Community Pavilion (due to open in 2023) and Patterson Drive Community Centre (due to open in 2025) will strength opportunities to provide a range of programs. • Additional program rooms are included in the Precinct Structure Plan for the future community centre at Koukoura Drive (2km to the east of Patterson Drive Community Centre).
Community hall, community kitchen, community lounge, carparking	No change from Option 3

Table One: Proposed scope changes

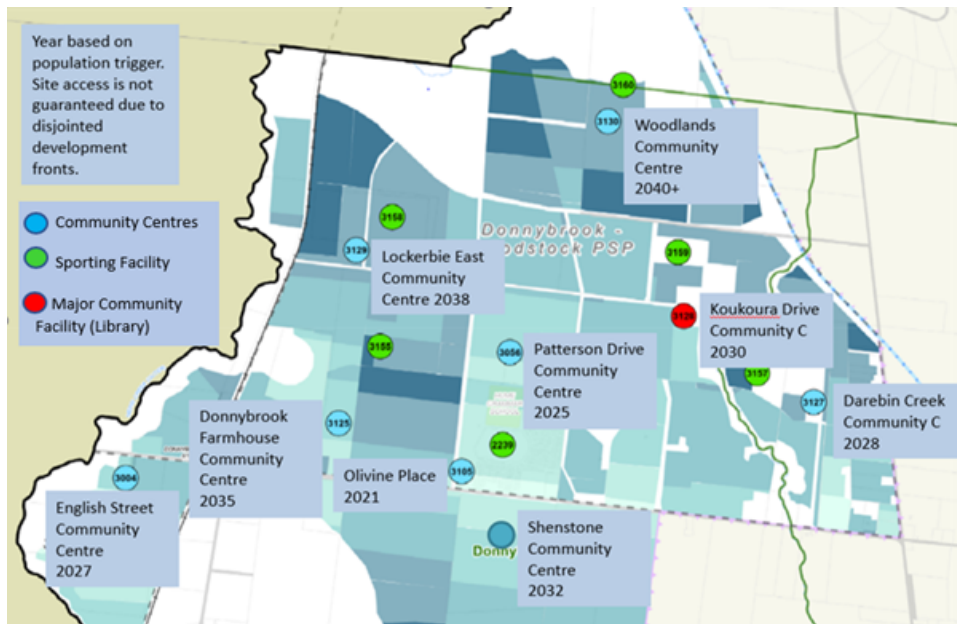


Figure One: Location of Community Centres in Donnybrook

Community Consultation and Engagement

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

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

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

Liveable neighbourhoods

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

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

Considerations

Environmental

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

Social, Cultural and Health

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

Economic

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

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

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

Financial Implications

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

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

As shown in **Table Two**:

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

- If Council is unsuccessful in obtaining Building Blocks funding, ICP funds of \$6.78 million will be required for the project, as well as a Council contribution of \$1.92 million.

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

Table Two: Financial Summary

Link to Strategic Risk

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

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

Implementation Strategy

Communication

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

Critical Dates

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

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

Conclusion

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

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

5.3 Strong Local Economy

Nil reports

5.4 Sustainable Environment

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

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.

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

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

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

Recommendation

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

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

Key Information

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

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

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

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

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

Community Consultation and Engagement

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

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

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

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

Alignment to Community Plan, Policies or Strategies

Greening Whittlesea City Forest Strategy 2020

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

High performing organisation

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

Considerations

Environmental

The retention of mature trees in urban streetscapes is a key tenet of the Greening Whittlesea Strategy (2021) and the subordinate Street Tree Management Plan (2019). A goal of the Greening Whittlesea Strategy is to increase canopy cover in urban areas by 20% over a 2019 benchmark. Every mature tree that is removed impacts on the ability to achieve this goal. Tree removal will only take place in extenuating circumstances and where there is a significant safety risk. Replacement trees take time to reach maturity and will not be considered as canopy cover until approximately five years after they are planted.

Unfortunately, the current trajectory for increasing cover is negative, despite Council planting 4,000 trees per year and developers handing over 6,000 trees per year. Council removes approximately 1,500 trees per year under the contract with Citywide.

Social, Cultural and Health

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

Economic

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

Financial Implications

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

Link to Strategic Risk

Not linked to the risks within the Strategic Risk Register

Implementation Strategy

Communication

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

Critical Dates

All programmed works were completed in December 2021.

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

Conclusion

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

5.5 High Performing Organisation

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

Responsible Officer Executive Manager Governance & Strategy

Author Internal Assurance Coordinator

Attachments

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

Purpose

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

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

Recommendation

That Council:

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

Key Information

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

Audit & Risk Committee Meeting 25 November 2021

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

Main agenda items included:

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

Annual Assessment of Audit & Risk Committee's Performance

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

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

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

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

Alignment to Community Plan, Policies or Strategies

Alignment to Whittlesea 2040 and Community Plan 2021-2025:

High performing organisation

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

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

Link to Strategic Risk

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

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

Declaration of Conflict of Interest

Under Section 130 of the *Local Government Act 2020* and Rule 47 of the Governance Rules 2021, officers providing advice to Council are required to disclose any conflict of interest they have in a matter and explain the nature of the conflict.

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

Conclusion

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

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



City of Whittlesea

Audit & Risk Committee Minutes

2.30pm Thursday
25 November 2021

Location: Microsoft Teams

Members	Present	Apology
Independent:		
Geoff Harry, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Theresa Glab	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jen Johanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bruce Potgieter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrators:		
Lydia Wilson (Chair of Council)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Eddy (Administrator)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers:		
Craig Lloyd, Chief Executive Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Frank Joyce, Executive Manager Governance & Strategy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Montague, Acting Director Corporate Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Samantha Boyle, Unit Manager Governance & Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Gauci, Internal Assurance Coordinator	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In attendance:		
Martin Thompson, Partner, Crowe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lynda Cooper, Senior Manager, Crowe	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Audit & Risk Committee Minutes
Thursday 25 November 2021****Matters in Discussion**

The Chair of the Audit & Risk Committee opened the meeting by reading the following Acknowledgement of Traditional Owners Statement.

On behalf of the Whittlesea City Council I recognise the rich Aboriginal heritage of this country and acknowledge the Wurundjeri Willum Clan as the traditional owners of this place.

In-Camera Discussion

The meeting commenced with the Committee holding an in-camera discussion. The CEO and Executive Manager Governance & Strategy were present for a portion of this discussion. Key matters discussed include:

- Feedback on the CEO report and certification provided from Directors and Executive Managers.
- Additional assurance activities being undertaken by Council.
- An update on mandatory vaccinations for Council staff and Council's policy position.

Committee Chairperson's Introductory Comments

Following the in-camera discussion, the Committee Chairperson commenced the open section of the meeting by welcoming all those in attendance. The Chairperson noted that this is the first meeting for newly appointed independent members, Ms Johanson and Mr Potgieter and welcomed them to the Committee. Ms Johanson and Mr Potgieter provided a brief overview of their backgrounds.

The Chairperson congratulated Ms Boyle on her appointment as Unit Manager Governance & Risk and noted that Ms Amy Montalti, Director Corporate Services has recently left Council.

The Chairperson also noted the number of items included for discussion on the meeting agenda and their essential nature to the Committee's work. The Chairperson also acknowledged the quality of papers presented, in particular, the Corporate Performance Report.

1. DISCLOSURE OF CONFLICTS OF INTEREST

No declarations were made.

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**ITEM 2.1 Resolution:**

That the minutes of the Audit & Risk Committee meeting held on 19 August 2021 be noted and confirmed.

Moved by: Administrator Wilson
Seconded by: Ms Glab

CARRIED

Audit & Risk Committee Minutes
Thursday 25 November 2021



3. MATTERS ARISING FROM PREVIOUS MEETING(S)

ITEM 3.1 The Outstanding Items Register from Previous Meetings report was presented for review. The Committee advised that Item 2 could now be removed from the Register.

Resolution:

That the Committee note the Matters Arising from Previous Meetings report.

Moved by: Administrator Eddy

Seconded by: Ms Johanson

CARRIED

ITEM 3.2 REVIEW OF AGENDA ITEMS

The Chairperson recommended that the following items be taken as read:

Item 4 – Audit & Risk Committee Work Plan

Item 8.4 – Grants Program Management Audit Implementation Update

Item 9.1 – Outstanding Action Items from External Audit Reports

Item 10.4 – Chief Executive Officer and CEO Executive Assistants' Corporate Credit Card Expenses

Item 10.5 – Administrator Expenses

Item 11.2 – Quarterly Compliance Update – Monitoring Compliance with the Governance Principles

Resolution:

That the Committee agree these Agenda items be taken as read.

Moved by: Mr Potgieter

Seconded by: Administrator Wilson

CARRIED

4. AUDIT & RISK COMMITTEE WORK PLAN

ITEM 4.1 The Annual Work Plan Matrix report was taken as read.

Resolution:

That the Committee note the Annual Work Plan.

Moved by: Ms Glab

Seconded by: Administrator Eddy

CARRIED

5. CEO'S UPDATE

ITEM 5.1 CEO'S UPDATE

The CEO provided the Committee with an overview of his report and responded to questions from the Committee.

The CEO highlighted several key areas for the Committee's information. These included:

- The current and expected future impacts of COVID-19 on the municipality and staff.

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- The Director and Executive Manager certification process is now well embedded into the organisation and provides the CEO with reassurance that key issues are being addressed.
- A brief overview of notifications made to integrity agencies.

Resolution:

That the Committee note the contents of the CEO's report.

Moved by: Ms Johanson
Seconded by: Mr Potgieter

CARRIED

6. FINANCIAL REPORT

ITEM 6.1 CORPORATE PERFORMANCE REPORT FOR THE QUARTER ENDED 30 SEPTEMBER 2021

The Acting Director Corporate Services presented the Corporate Performance Report for the period ended 30 September 2021 and responded to questions from the Committee.

The Committee discussed the current status of the Capital Works Program and the mechanisms in place to monitor the impacts of the COVID-19 pandemic on the program.

Resolution:

That the Committee note the Corporate Performance Report for the period ended 30 September 2021.

Moved by: Administrator Wilson
Seconded by: Ms Glab

CARRIED

7. RISK MANAGEMENT

ITEM 7.1 RISK MANAGEMENT UPDATE

The Unit Manager Governance & Risk presented the Risk Management report and highlighted recent activities undertaken, including; a review has been completed of Council's risk matrix and risk appetite; changes made to Council's strategic risks, including the addition of a Regulatory Compliance risk; and the Risk team has recently engaged CAMMS Software to develop a risk module to assist with the enterprise risk function at Council.

The Committee also briefly discussed the actions arising from the fraud risk assessment and Council's intention to undertake organisation-wide fraud training in the coming months.

Resolution:

That the Committee:

- 1. Note the outcomes of the Health, Safety and Welfare, Fraud and Corruption**

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- and Regulatory Compliance Strategic Risk review.
2. **Endorse the outcomes of the Risk Matrix and Risk Appetite review that was conducted at Council briefing on 13 September 2021.**
 3. **Note the work being undertaken to improve the maturity of risk management across Council.**

Moved by: Administrator Eddy
Seconded by: Ms Johanson

CARRIED

8. INTERNAL AUDIT

ITEM 8.1 INTERNAL AUDIT STATUS REPORT & PROJECT MAPS

Mr Thompson from Crowe presented the Internal Audit Status report and responded to questions from the Committee.

Project MAPs

Mr Thompson advised that Crowe has developed draft MAPs for the following reviews:

- Various Financial Controls - Assets Non-Infrastructure, Electronic Funds Transfer (EFT) and Sundry Debtors.
- Business Continuity Planning (BCP).

The Committee sought clarification regarding a number of points included in the MAPs. The Committee also requested that future MAPs include a reference to the governance principles where relevant.

Resolution:

That the Committee:

1. **Note the Internal Audit Status Report.**
2. **Subject to suggested changes, endorse the draft MAPs for the reviews:**
 - **Various Financial Controls - Assets Non-Infrastructure, Electronic Funds Transfer (EFT) and Sundry Debtors**
 - **Business Continuity Planning (BCP)**

Moved by: Mr Potgieter
Seconded by: Administrator Wilson

CARRIED

ITEM 8.2 INTERNAL AUDIT REVIEWS

Crowe presented the Contract Management report and gave an overview of the key findings. Officers responded to the report and questions from the Committee.

The Committee discussed how the findings from this review extrapolate out across broader contract management at Council and suggested a further review of contract management be considered when developing the next Strategic Internal Audit Plan.

Discussion concluded with the Committee considering processes in place to manage contract variations.

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Resolution

That the Committee note the contents and findings of Crowe's internal audit review: Contract Management.

Moved by: Ms Glab
Seconded by: Administrator Eddy

CARRIED

ITEM 8.3 OUTSTANDING ACTION ITEMS FROM INTERNAL AUDIT REPORTS

The Outstanding Action Items Report from Previous Internal Audits was presented. Management responded to questions from the Committee.

The Committee requested that a minor amendment be made to future reports to have the Summary table included prior to the traffic lights table.

Resolution:

That the Committee note the report on Outstanding Action Items from Internal Audit Reports.

Moved by: Ms Johanson
Seconded by: Mr Potgieter

CARRIED

ITEM 8.4 GRANTS PROGRAM MANAGEMENT AUDIT IMPLEMENTATION UPDATE

The Grants Program Management Audit Implementation Update report was taken as read.

Resolution:

That the Committee note that this report provides an update regarding implementation of the grants program management audit recommendations.

Moved by: Administrator Wilson
Seconded by: Ms Glab

CARRIED

9. EXTERNAL AUDIT

ITEM 9.1 OUTSTANDING ACTION ITEMS FROM EXTERNAL AUDIT REPORTS

The Outstanding Action Items from External Audits Reports report taken as read.

Resolution:

That the Committee note the External Audit Action Items Management Register.

Moved by: Administrator Eddy
Seconded by: Ms Johanson

CARRIED

**Audit & Risk Committee Minutes
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10. SYSTEMS OF INTERNAL CONTROL

ITEM 10.1 INTERNAL AUDIT - SPECIAL REVIEW OF PARKS MAINTENANCE SERVICES

The Director Infrastructure & Environment and Manager Maintenance & Operations provided the Committee with an overview of the background, purpose and findings from the review undertaken in relation to parks maintenance services and responded to questions from the Committee.

The Committee acknowledge the importance of this service and the work undertaken by management to address the issues identified through this review.

Resolution:

That the Committee note the contents and findings of Crowe's internal audit review of Parks Maintenance Services.

Moved by: Mr Potgieter
Seconded by: Administrator Wilson

CARRIED

ITEM 10.2 DEVELOPMENT CONTRIBUTION UPDATE

The Director Planning & Development and Manager Strategic Futures provided an update on the status of Council's Development Contributions and responded to questions from the Committee.

The Committee acknowledged the amount of work and effort being undertaken in the Developer Contribution space and queried if there were any impacts on Council from changes to the powers of the Minister for Planning.

Discussion concluded with the Committee requesting that the annual update on Developer Contributions be included on the Committee's Work Plan.

Resolution:

That the Committee note the report and the next annual update on the implementation of the *DCP Management Strategy, 2016* is to be provided to the Audit and Risk Committee in late 2022.

Moved by: Ms Glab
Seconded by: Administrator Eddy

CARRIED

ITEM 10.3 PANEL CONTRACT EXPENDITURE DISTRIBUTION REPORT

The Acting Director Corporate Services and Unit Manager Procurement presented the Panel Contract Expenditure Distribution Report and responded to questions from the Committee.

The Committee advised that this report no longer needs to be provided to the Committee for review.

Resolution:

That the Committee note the report regarding panel contract expenditure

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distribution.

Moved by: Ms Johanson
Seconded by: Mr Potgieter

CARRIED

ITEM 10.4 CEO AND CEO'S EXECUTIVE ASSISTANTS' CORPORATE CREDIT CARD EXPENSES

The Chief Executive Officer and CEO Executive Assistants' Corporate Credit Card Expenses report was taken as read.

Resolution:

That the Committee note the Chief Executive Officer and CEO Executive Assistants' Corporate Credit Card Expenses report.

Moved by: Administrator Wilson
Seconded by: Ms Glab

CARRIED

ITEM 10.5 ADMINISTRATOR EXPENSES

The Administrator Expenses report was taken as read.

Resolution:

That the Committee note the Administrator Expenses report.

Moved by: Administrator Eddy
Seconded by: Ms Johanson

CARRIED

ITEM 10.6 PROGRESS UPDATE ON IMPLEMENTATION OF FINDEX REPORT RECOMMENDATIONS RE MICROSOFT DYNAMICS 365

The Acting Director Corporate Services and Chief Information Officer provided the Committee with an overview of the roadmap for the implementation of recommendations arising from the Findex report on the roll-out of Microsoft Dynamics 365.

The Committee requested that a further update on the progress of implementing the roadmap be provided at the 26 May 2022 Committee meeting, with a focus on the strategic elements of work to be undertaken.

Resolution:

That the Committee note the update on the implementation of the Findex report recommendations.

Moved by: Mr Potgieter
Seconded by: Administrator Wilson

CARRIED

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11. COMPLIANCE

ITEM 11.1 INTERNAL ASSURANCE PROGRAM UPDATE

An update on the status of the Internal Assurance Review Program was provided with Officers responding to questions from the Committee. The CEO advised that a new *Light Fleet Policy* was recently approved by the Executive Leadership Team, which addresses many of the recommendations raised in the Fuel Review.

A brief overview of the process established to develop the Internal Assurance Program was also provided. The Committee requested that future reports include details regarding upcoming areas of focus for the program.

Resolution:

That the Committee note the Internal Assurance Reviews report.

Moved by: Ms Glab
Seconded by: Administrator Eddy

CARRIED

ITEM 11.2 QUARTERLY COMPLIANCE UPDATE - MONITORING COMPLIANCE WITH THE GOVERNANCE PRINCIPLES

The Quarterly Compliance Update – Monitoring Compliance with the Governance Principles report was taken as read.

Resolution:

That the Committee note the Quarterly Compliance Update – Monitoring Compliance with the Governance Principles report.

Moved by: Ms Johanson
Seconded by: Mr Potgieter

CARRIED

ITEM 11.3 EXTERNAL AGENCY EXAMINATIONS

An update on recent reports published by external agencies was provided. The CEO advised the Committee that Officers are currently undertaking a review of Personal Interest Returns and will provide a response to the *Personal Interests Returns: Encouraging Disclosure and Increasing Transparency* report at a further meeting.

The Committee also advised that they no longer require updates in relation to the *Sexual Harassment in Local Government* report, as all actions identified by management have been completed, aside from those relating to Councillors.

Resolution:

That the Committee note the External Agency Examinations report.

Moved by: Administrator Wilson
Seconded by: Ms Glab

CARRIED

**Audit & Risk Committee Minutes
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12. OTHER RESPONSIBILITIES

ITEM 12.1 REVIEW OF AUDIT & RISK COMMITTEE PERFORMANCE

The results of the Audit & Risk Committee performance review were presented and discussed. The Committee noted the opportunities for improvement arising from the review.

The Committee noted that a copy of this report will be provided to Council with the Minutes from this meeting.

Resolution:

That the Committee note the summary of the Audit & Risk Committee's Performance Results.

Moved by: Administrator Eddy

Seconded by: Ms Johanson

CARRIED

ITEM 12.2 AUDIT & RISK COMMITTEE CHARTER UPDATE

An overview of changes made to the Audit & Risk Charter was provided. The Executive Manager Governance & Strategy advised the Committee that the changes to the Charter were endorsed by Council at their meeting on 4 October 2021.

The Committee noted that they were provided with an opportunity to contribute to the proposed changes prior to the Charter being provided to Council for endorsement.

Resolution:

That the Committee note the amendments to the Audit & Risk Committee Charter

Moved by: Mr Potgieter

Seconded by: Administrator Wilson

CARRIED

13. CORRESPONDENCE

Nil

14. GENERAL BUSINESS ITEMS

The CEO provided the Committee with an update on three reviews underway / completed that will come to the Committee in due course. These being; an independent review of Planning Delegations; a review by KPMG into the Mill Park Leisure Centre project; and a pending audit into Council's Waste Reserve.

Administrator Wilson advised the Committee that Council recently signed off on its advocacy priorities and intention to seek external funding to support a number of infrastructure projects. The CEO advised he will provide independent Committee members with a copy of Council's advocacy pack for their information.

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Administrator Wilson also noted that at the recent Council meeting, a report was provided in relation to Council's pandemic response and advised that Council has waived a number of registration fees.

15. CONFIRMATION OF DATE OF NEXT MEETINGS:

- 24 February 2022
- 26 May 2022
- 18 August 2022
- 1 September 2022
- 24 November 2022

Meeting concluded at 5.09 pm

Signed.....

Mr Geoff Harry (Chairperson)

Date...../...../2022

DRAFT

Audit & Risk Committee Report



ITEM 12.1 REVIEW OF AUDIT & RISK COMMITTEE PERFORMANCE

Attachments: 1 **Audit & Risk Committee Self-Assessment Survey - Summary of Results** [↓](#)

Responsible Officer: Samantha Boyle, Unit Manager Governance & Risk

Also in attendance: David Gauci, Internal Assurance Coordinator

Author: David Gauci, Internal Assurance Coordinator

BACKGROUND

In accordance with the Audit & Risk Committee Charter, Work Plan and the *Local Government Act 2020*, the Committee is required to review its performance on an annual basis. The Committee considers the results to identify any improvement opportunities and reports on the outcomes to Council.

All Committee members and Officers who regularly attend Committee meetings were requested to provide feedback on the Committee's performance via the Audit & Risk Committee Self-Assessment Survey.

The summary below is based on the scored surveys and additional comments provided by ten respondents – consisting of five (5) Committee members and five (5) Officers who regularly interact with the Committee. The survey covers performance for the past year.

Summary of Scored Results

The table below shows the overall results of the survey scoring by each of the eight scoring areas. The rating scale was:

5. Strongly agree
4. Agree
3. Neutral
2. Disagree
1. Strongly disagree

There were 38 questions covering all the areas of the Committee's responsibilities as set out in the Charter. Each question has a maximum value of 50 (that is, ten respondents who each could score a maximum of five points). The table below shows the results of the survey.

Scoring Area	No. of Questions	Max Score	Total Scores	Scoring (%)	Respondents	
					Members	Officers
A&RC Charter	3	150	141	94	91	97
Skills and Experience	5	250	237	95	93	97
Understanding Council's Business	9	450	404	90	88	92
Meeting Administration and Conduct	9	450	401	89	85	94
CEO and Council Comms	1	50	48	96	96	96
Management Commitment & Support	2	100	93	96	94	92
Internal Audit	6	300	270	90	86	93
External Audit	3	150	133	89	87	91
Totals	38	1,900	1,727	91	88	94

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These results are a positive endorsement of the Committee's performance for the year and indicate a high level of satisfaction with the Committee's work.

Key points to note from the scoring are:

- 1) All respondents have rated the Committee's performance as very high, although Officers have marked higher than members. It is noted that members and Officers share similar views on the Committee's performance overall.
- 2) Respondents believe that the membership of the Committee is highly skilled and experienced, with Officers particularly supportive of the Committee's membership.
- 3) Areas of best performance for members were (E) CEO and Council Communication, (F) Management Commitment & Support and (B) Skills and Experience.
- 4) Areas of best performance for Officers were (A) A&RC Charter and (B) Skills and Experience. Officers also rated (E) CEO and Council Communication highly.
- 5) The areas where the scoring suggests the most room for improvement are (D) Meeting Administration and Conduct (G) Internal Audit and (H) External Audit. The scoring by members was particularly low in each of these areas when compared to other areas. Comments provided suggest that there appears to be a growing concern amongst members with the increasing workload of the Committee and time pressures associated with large agendas, resulting in some items perhaps not receiving the full attention of the Committee. Members comments also indicate that there are areas for improvement in relation to both internal and external audit.

Summary of Respondent Comments

Comments provided by respondents of particular interest that the Committee should consider for continuous improvement opportunities are noted below:

- 1) With the changes to the *Local Government Act* it may be beneficial for a report to be prepared on how well the Committee's agenda and papers align to its responsibilities.
- 2) Meetings have been productive but a growing sense of increasing workload for the Committee has been obvious for the last few meetings. This has been exacerbated by higher expectations of the Committee by stakeholders. The recent decision to move to a five-meeting annual cycle is a good move and with good planning should remove some of the meeting pressures.
- 3) There have been times when management did not have adequate time to present, or the discussion was a bit rushed towards the end of meetings.
- 4) The committee needs to consider efficiencies such as, consideration of papers Out-of-Session, more concise agendas and meeting packs, etc.
- 5) The papers are still large, but the Executive Summaries have gotten better. Management could consider providing policy changes for comment out of meeting and just noting the final draft in meetings.
- 6) The CEO Report is helpful and needs to continue to provide insight into the current issues in Council and the forward/strategic issues that are emerging.
- 7) Performance of internal audit has not been a major focus and should be strengthened over the next year.
- 8) This matter (performance of external audit) does not get a lot of airplay at ARC meetings, mainly because it cannot influence the appointment of the external auditors. Nevertheless, the ARC should obtain management commentary as to EA performance and discuss this on a timely basis – usually after the conclusion of the annual audit process.

Audit & Risk Committee Report



- 9) The external audit function is focused on the annual financial statement preparation and is adding little value outside that function. VAGO/Contractors should be asked to provide a regular paper for noting at each meeting on emerging issues etc. There is a regular VAGO communication to Committee members outside of the meetings that could be leveraged from.

It is noted that management is committed to working with the Committee to address the areas for improvement identified through the survey. Management is continuing to look for ways to enhance and streamline agenda packs and meeting processes.

When easing of COVID restrictions allow, it is still intended to hold a workshop with the Committee with the aim to allow Committee members to spend some time away from standard Committee activities to consider how to best link the Committee's work going forward with the proposed Community Plan and Financial Plan and address the outcomes from this survey.

Opportunities for Improvement

The key opportunities for improvement arising from the assessment are as follows:

- 1) Continue with efforts to reduce time pressures on agendas. These efforts should include:
 - A more strategic focus to matters considered at meetings.
 - Ensure the Committee's workload is evenly balanced across the five scheduled meetings.
 - Consider papers Out-of-Session where possible.
 - At the commencement of meetings, agree items that do not need a time allocation for discussion.
- 2) Set time aside to consider internal audit performance at least once per annum.
- 3) Set time aside to consider external audit performance.

CONCLUSION

Despite what has been a challenging twelve months, the Committee continues to provide a valuable role and function in supporting the City of Whittlesea, as indicated through the results of this survey. The key benefit from the outcomes of this survey is the commentary provided by respondents as to opportunities for improvement.

NEXT STEPS/RECOMMENDATION

That the Committee **note** the summary of the Audit & Risk Committee's Performance Results.

City of Whittlesea

Audit & Risk Committee Self-Assessment Survey

Name:

Rating Scale	5 Strongly Agree	4 Agree	3 Neutral	2 Disagree	1 Strongly Disagree
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Indicate your responses to the questions by placing an "X" in the appropriate columns.

ID	Questions	Responses				
		5	4	3	2	1
A. Audit & Risk Committee Charter						
1	The Charter articulates the Committee's roles and responsibilities and provides the Committee with the necessary authority to adequately discharge them					
2	The Charter facilitates and supports the effective operation of the Committee					
3	During the past 12 months, the Committee has adequately addressed all of its responsibilities as detailed in the Charter					
<i>Comments / Suggestions for Improvement</i>						
B. Skills and Experience						
4	The mix of skills on the Committee allows it to effectively perform its assigned responsibilities					
5	The Committee's overall financial literacy is adequate in the light of its responsibilities					
6	The Committee has responded appropriately or taken the required action where significant risks and/or control breakdowns have been brought to its attention					
7	The Committee has access to appropriate internal and/or external resources to assist it in understanding and dealing with complex and difficult matters on a timely basis					
8	The Committee has shown an openness to new ideas and different views in its deliberations					
<i>Comments / Suggestions for Improvement</i>						
C. Understanding Council's Business						
9	The Committee has sufficient understanding and appreciation of Council's:					
	- Risk management framework					
	- Control framework to mitigate significant risks					
	- Financial and statutory reporting requirements					
10	The Committee receives appropriate training and/or briefings on:					
	- Current and emerging business risks					
	- Changes in audit practice					

Audit & Risk Committee Self – Assessment Survey

ID	Questions	Responses				
		5	4	3	2	1
	- Changes in accounting standards					
	- Changes in financial reporting					
	- Changes in the business/regulatory environment					
<u>Comments / Suggestions for Improvement</u>						
D. Meeting Administration and Conduct						
11	The Committee has had an appropriate number of meetings to properly discharge its duties					
12	The agenda setting process for meetings allows for all necessary items to be included					
13	Agendas are structured to allow sufficient time to discuss the most complex and critical issues					
14	Agendas and supporting papers are received in sufficient time prior to meetings					
15	Committee members have an opportunity to be briefed prior to meetings					
16	Agendas and supporting papers are of sufficient clarity and quality to facilitate informed discussion and decision making					
17	Conduct of meetings fosters a spirit of challenge amongst Committee members					
18	Meetings are well run and productive					
19	Minutes are appropriately maintained and of good quality					
<u>Comments / Suggestions for improvement</u>						
E. CEO and Council Communications						
20	The CEO and the Council are well informed, on a timely basis, of the Committee's deliberations and decisions.					
<u>Comments / Suggestions for improvement</u>						
F. Management Commitment & Support						
21	Information and briefing papers presented by management (nature, clarity, quality and timeliness) meet the Committee's expectations.					
22	The Committee has a positive attitude to continuous improvement in its dealings with management					
<u>Comments / Suggestions for improvement</u>						
G. Internal Audit						
23	The Committee appropriately reviewed and approved the internal audit plan					
24	The Committee considered the adequacy of internal audit resources					
25	The Committee appropriately reviewed and approved any significant changes to the internal audit plan					
26	The Committee appropriately considered the performance of internal audit					

Audit & Risk Committee Self – Assessment Survey

ID	Questions	Responses				
		5	4	3	2	1
27	The Committee addressed its responsibilities in respect of its review and consideration of internal audit reports and identified issues					
28	The Committee effectively monitored management actions for resolution of improvements recommended by the internal auditor.					
<i>Comments / Suggestions for improvement</i>						
H. External Audit						
29	The Committee appropriately considered and understood the external audit plan					
30	The Committee reviewed external audit reports and management letters and considered management responses to findings and recommendations					
31	The Committee provided input and feedback on external audit coverage and performance					
<i>Comments / Suggestions for improvement</i>						

6 Notices of Motion

Nil Notices of Motion

7 Urgent Business

Nil Urgent Business

8 Reports from Council Representatives and CEO Update

9 Confidential Business

Under section 66(2) of the Local Government Act 2020 a meeting considering confidential information may be closed to the public. Pursuant to sections 3(1) and 66(5) of the Local Government Act 2020.

Recommendation

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

9.1 Confidential Connected Communities

Nil reports

9.2 Confidential Liveable Neighbourhoods

Nil reports

9.3 Confidential Strong Local Economy

Nil reports

9.4 Confidential Sustainable Environment

Nil reports

9.5 Confidential High Performing Organisation

Nil reports

9.6 Confidential Notices of Motion

Nil reports

12 Closure