



Minutes

Scheduled Council Meeting
Monday 16 May 2022 at 6:30 pm

Held remotely online via Zoom

Administrators

Lydia Wilson Chair of Council

Peita Duncan Administrator

Chris Eddy Administrator

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

Senior Officers

Craig Lloyd Chief Executive Officer

Frank Joyce Executive Manager Governance & Strategy

Marilyn Kearney Interim Director Corporate & Shared Services

Kate McCaughey Director Community Wellbeing

Justin O'Meara Director Planning & Development

Debbie Wood Director Infrastructure & Environment

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1 Opening

1.1 Meeting Opening and Introductions

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

“Welcome to this Council Meeting of the 16th of May 2022 which is being livestreamed due to the continuing impacts of COVID and a recent increase in case numbers which are effecting staff at the City of Whittlesea. So, this is a required precautionary measure we are very optimistic, however, that we will be out and about again very soon and holding our next Council Meeting in person and it will be in a community setting at the Barry Road Community Activity Centre, in Thomastown.”

Chairperson Lydia Wilson introduced herself along with 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 introduced members of the Executive Leadership Team:

Director Community Wellbeing, Ms Kate McCaughey;
Director Planning and Development, Mr Justin O’Meara; and
Director Infrastructure and Environment, Ms Debbie Wood.
Interim Director Corporate Services, Ms Marilyn Kearney;
Executive Manager Governance and Strategy, Mr Frank Joyce;

Following the Introductions, the Chief Executive Officer, Craig Lloyd 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 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 pay my respects to Elders past, present and emerging.”

1.3 Nikolas Baker

The Chair of Council acknowledged and congratulated an up-and-coming local tennis star Nikolas Baker on his recent success at the national titles in Canberra.

Nikolas won the 12 and under boys national singles and doubles which incredibly places him as the number one ranked player in Australia for his age group.

He has also been named in the Australian Team to tour Europe in June.

Nikolas lives in Bundoora and he, along with his whole family are members of the Norris Bank Tennis Club which has been an integral part of his growth and training.

With success like this comes hours and hours of practice and training and the Chair of Council commended his incredible dedication and commitment at such a young age and commended Nikolas’ family and the Club for all they are doing to support this young man. Council will be keeping a close eye on Nikolas’ career and wishes him every success in Europe.

1.5 IDAHOBIT

The Chair of Council acknowledged that tomorrow is International Day Against Homophobia, Biphobia, Intersexism and Transphobia - IDAHOBIT.

Together with our friends at DPV Health, we will come together to proudly raise the rainbow flag at the Council offices as a public acknowledgement of the importance of inclusion in the City of Whittlesea.

Our Whittlesea 2040 vision is to make our city *A Place for All* and Council is proud to celebrate our LGBTQIA+ community and raise awareness for the work still needed to combat discrimination.

We want to let our LGBTIQ community know that we hear you and we see you and you are an important part of our City of Whittlesea family.

1.6 Sorry Day

Administrator Duncan acknowledged that National Sorry Day is recognised each year on 26 May and commemorates the release of the Australian Human Rights and Equal Opportunity Commission's landmark 1997 'Bringing Them Home' report and honours the Stolen Generation.

Initiated by the late Uncle Reg Blow, the Whittlesea Reconciliation Group first commemorated National Sorry Day at the our Civic Centre Office on 26 May 2002. Some 20 years later, the event is widely embraced by the local community who join us on a Sorry Walk. Council flags are flown at half-mast to honour members of the Stolen Generation who did not come home. Council will again be commemorating this significant date on Thursday 26 May at 11am –all are welcome to attend.

Sorry Day falls on the eve of Reconciliation Week, which runs from 27 May - 3 June. The 2022 theme is "Be brave. Make change". Through initiatives such as the Aboriginal Gathering Place, City of Whittlesea hope to foster positive change and Reconciliation with First Nations of this land.

1.7 Bi-cultural Workers

Administrator Eddy acknowledged that last week the Department of Health hosted an event to recognise the role of bi-cultural workers in the pandemic response and that we were so proud to acknowledge the role of our own bi-cultural workers at a local level.

The City of Whittlesea is very culturally diverse, with more than 44% of our residents speaking a language other than English at home.

Our bi-cultural workers have enabled us to reach so many more people with important messages around vaccination and COVID safety in a way that is culturally appropriate, so thank you for your important contribution to help keep our community safe.

1.9 Attendance

Members:

Ms Lydia Wilson Chair of Council
Mr Chris Eddy Administrator
Ms Peita Duncan Administrator

Officers:

Mr Craig Lloyd Chief Executive Officer
Mr Frank Joyce Executive Manager Governance & Strategy
Ms Marilyn Kearney Interim Director Corporate & Shared Services
Ms Kate McCaughey Director Community Wellbeing
Mr Justin O'Meara Director Planning & Development
Ms Debbie Wood Director Infrastructure & Environment

Apologies

Ms Janine Morgan Executive Manager Public Affairs

2 Declarations of Conflict of Interest

No Declarations

3 Confirmation of Minutes of Previous Meeting/s

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Administrator Peita Duncan

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

- **Scheduled Meeting of Council held 11 April 2022.**

4 Public Questions, Petitions and Joint Letters

4.1 Public Question Time

No Questions from the Public

4.2 Petitions

No Petitions

4.3 Joint Letters

No Joint Letters

5 Officers' Reports

5.1 Connected Communities

5.1.1 2021-106 Redleap Recreation Reserve Stage 2 Playspace Redevelopment - Tender Evaluation

Responsible Officer Director Infrastructure & Environment

Author Alan Harrison, Senior Parks Project Manager

In Attendance Adrian Napoleone, Unit Manager Parks Development

Attachments

1. CONFIDENTIAL REDACTED - Tender 2021-106 Redleap Reserve Playspace Redevelopment Stage 2 Evaluation Summary [5.1.1.1 - 4 pages]
2. Redleap Reserve Playspace Redevelopment Concept Design [5.1.1.2 - 1 page]

This attachment has been designated as confidential by the Director Infrastructure and 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 gives 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 2 – Play Space Redevelopment (Contract Number 2021-106) is awarded to Commercialscapes Pty Ltd.

Recommendation

That Council:

1. Rescind the resolutions made at the Ordinary Council Meeting of 31 January 2022 in relation to awarding a contract to Terraform Civil Pty Ltd for the Stage 2 Play Space Redevelopment at Redleap Recreation Reserve (Contract 2021-106).
2. Accept the tender submitted by Commercialscapes Pty Ltd for the following contract:
Number: 2021-106
Title: Redleap Recreation Reserve Stage 2 Playspace Redevelopment
Cost: A lump sum of \$1,006,665.82 (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.
3. Approve the funding arrangements detailed in the confidential attachment.

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Administrator Peita Duncan

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

CARRIED

5.1.2 Draft Green Wedge Management Plan - For Consultation

Responsible Officer	Director Planning & Development
Author	Denise Turner, Coordinator Planning Policy and Implementation
In Attendance	Jane Maynard, Strategic Planner

Attachments

1. Draft Green Wedge Management Plan 2022-2032 - For Consultation [5.1.2.1 - 60 pages]
2. Findings from GWMP Stage 1 Community Engagement 2021 Report - Full Report [5.1.2.2 - 49 pages]

Purpose

This report seeks to update Council on the development of the new draft Green Wedge Management Plan which has been informed by the findings of the stage 1 community engagement held in May-July 2021. It recommends that Council resolve to endorse the draft Green Wedge Management Plan 2022-2032 for community engagement from 23 May – 3 July 2022.

Recommendation

That Council:

1. Endorse the *draft Green Wedge Management Plan 2022-2032* at Attachment 1, for community engagement from Monday 23 May to 3 July 2022.
2. Direct that the *Findings from the Green Wedge Management Plan Stage 1 Community Engagement 2021 Report* at Attachment 2, will be made available on Council's engagement platform, as part of the *draft Green Wedge Management Plan 2022-2032* community engagement.

COUNCIL RESOLUTION

Moved: Chairperson Lydia Wilson

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Draft Green Wedge Management Plan - For Consultation.

CARRIED

5.1.3 Epping Renewal Site Development Plan

Responsible Officer	Director Planning & Development
Author	Fiona Ryan, Senior Strategic Planner
In Attendance	Fiona Ryan, Senior Strategic Planner

Attachments

1. Epping Renewal Site Development Plan Concept Plan (exhibition) [2.5.1 - 1 page]
2. Summary of Submissions & Officer Response [2.5.2 - 37 pages]
3. Context Plan [2.5.3 - 1 page]
4. Recommended changes to Epping Renewal Site Development Plan [2.5.4 - 8 pages]

Purpose

The purpose of this report is to present the *Epping Renewal Site Development Plan* (March 2022) (*Development Plan*), as it applies to land at 215, 255, 315W and 325C Cooper Street, Epping, including the outcomes of the non-statutory exhibition and the next steps in the approval process for Council's consideration.

Recommendation

That Council:

1. **Endorse the amendments proposed to the *Epping Renewal Site Development Plan* (March 2022), as detailed in Attachment 4.**
2. **Authorise the Chief Executive Officer to approve the *Epping Renewal Site Development Plan* (March 2022) once the amendments detailed in Attachment 4 are incorporated into an updated version of the *Development Plan*, and any further recommendations from Melbourne Water as they relate to setbacks from Edgars Creek and the proposed wetlands.**
3. **Notify the proponent and submitters of Council's resolution to seek changes to the *Epping Renewal Site Development Plan* prior to its approval and to authorise the Chief Executive Officer to approve the *Development Plan* once the *Development Plan* has been updated to incorporate the specified changes.**
4. **Authorise the CEO to appoint officers to represent Council at any VCAT hearing or pre-hearing practice days including compulsory conferences, conducted in respect to the *Development Plan*.**

COUNCIL RESOLUTION

Moved: Administrator Peita Duncan

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Epping Renewal Site Development Plan.

CARRIED

5.1.4 31-33 Westall Street, Thomastown

Responsible Officer Director Planning & Development

Author Murray Ness, Principal Planner

In Attendance Murray Ness, Principal Planner

Attachments

1. Locality Maps [2.6.1 - 2 pages]
2. Architectural Plans [2.6.2 - 13 pages]

Applicant Architectural Home Designs

Council Policy 16.01-1L Housing Supply in Established Areas Zoning

Zoning General Residential Zone Schedule 4

Overlay Development Contributions Plan Overlay

Referral N/A

Objections Six (6) Objections

Purpose

The application seeks approval for the construction of six dwellings. The proposal is across two separate lots at 31 and 33 Westall Street, Thomastown, with three dwellings proposed on each lot accessed by one common internal accessway located centrally between the lots. The existing structures are proposed to be demolished. Details of the proposed development are outlined in the following table:

	Height/ Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 1	Double Storey	3 Bedrooms	North (front) – 7.01 metres East (side) – 4 metres	98m ²	Single garage and tandem space	7.73 metres
Dwelling No. 2	Double Storey	3 Bedrooms	East (front) – 1.15 metres West (rear) – 5.355 metres	40m ²	Single garage and tandem space	7.6 metres

	Height/ Scale	Number of Bedrooms	Setbacks	Private Open Space	Car Parking	Maximum Height
Dwelling No. 3	Double Storey	3 Bedrooms	South (rear) – 5 metres West (side) – 1.2 metres	74.32m ²	Single garage and tandem space	7.03 metres
Dwelling No. 4	Double Storey	3 Bedrooms	North (front) – 7.02 metres West (side) – 4 metres	99m ²	Single garage and tandem space	7.73 metres
Dwelling No. 5	Double Storey	3 Bedrooms	East (rear) – 5.355 metres West (front) – 1.15 metres	40m ²	Single garage and tandem space	7.6 metres
Dwelling No. 6	Double Storey	3 Bedrooms	East(side) – 1.31 metres South (rear) – 5 metres	74.32m ²	Single garage and tandem space	7.03 Metres

Recommendation

THAT Council approve Planning Application No 719862 and issue a Notice of Decision to Grant a Permit for the Construction of six dwellings in accordance with the endorsed plans and subject to the following conditions:

Payments Required

- 1. Prior to the endorsement of plans, the permit holder must pay to Council a contribution for drainage pursuant to Clause 45.06 of the Whittlesea Planning Scheme. The drainage contribution will be subject to the Consumer Price Index (CPI) applicable at the time of payment.**

Plans Required

- 2. Before the development hereby permitted starts, a digital copy of amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Permit. The plans must be generally in accordance with the plans submitted to Council on 18 November 2021 prepared by Architectural Home Designs but modified to show:**

- a) All dimensions and areas to be accurate and to be consistent across each plan and elevation;
 - b) Reconfiguration of the first floors to dwellings 2 and 5 to provide a minimum of 1.5m separation between dwellings 1 and 2, and dwellings 4 and 5 at first floor level;
 - c) Obscure glazing up to 1.7 metres above first floor level to any habitable window in accordance with the requirement of Standard B22;
 - d) Front setback increased to a minimum of 8.2 metres consistent with the requirement of Standard B6;
 - e) Garage doors of dwellings 2 and 5 to open out into the private open space;
 - f) Vehicle crossing constructed in accordance with standard drawing EDCM 501;
 - g) Permeable paving to be used in lieu of concrete paving for driveway and car parking spaces;
 - h) Windows to staircases of dwellings 3 and 5 at first floor;
 - i) Swept paths for all vehicle turning movements, demonstrating vehicles entering/exiting car spaces on site in a forwards direction with no more than three movements for dwellings 2, 3, 5, 6 and the visitor car space;
 - j) Minimum internal radius of 4 metres to each change in direction of the driveway;
 - k) Visitor car parking space to be line marked and signed as a visitor car parking space in accordance with the Australian Standards;
 - l) Security lighting located within the internal accessway and car spaces at the rear of the site.
 - m) Any changes as required by Condition 3 of this permit.
 - n) Annotate/indicate sustainability commitments as per the Sustainable Design Assessment required by Condition 4 of this permit.
3. Before the development hereby permitted starts, a digital copy of amended detailed landscape plans to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The amended landscape plan must be generally in accordance with the submitted landscape plan dated 18 November 2021 prepared by Architectural Home Designs, but modified to show:
- a) The location of the sewer pipe asset and appropriate offset of vegetation if required.
 - b) The provision of at least one additional canopy tree in the rear setback area, to be provided in a pervious area of at least 5m by 5m, in addition to the required secluded private open space.
 - c) Any changes as required by Condition 2 of this permit.
4. Before the development hereby permitted starts, a Sustainable Design Assessment (SDA) to the satisfaction of the Responsible Authority must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit.

5. Before the development starts, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and form part of this planning permit. The approved waste management plan must be implemented to the satisfaction of the Responsible Authority. The Plan must be in accordance with Council's Waste Management and Resource Recovery Strategy, and provide the following details of a regular waste (including recyclables) collection service for the subject land including:
- The type/s and number of waste bins.
 - Screening of bins.
 - Type / size of trucks.
 - Frequency of waste collection.
 - Hours of collection (to comply with EPA Regulations)
- to the satisfaction of the Responsible Authority. The endorsed Waste Management Plan must not be amended without prior written consent of the Responsible Authority.

Construction Management Plan

6. Prior to the commencement of works, including demolition and excavation, a Construction Management Plan must be submitted to and endorsed by the Responsible Authority and be in accordance with the Responsible Authority's Construction Management Plan template and include a detailed Site Management Plan. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the Construction Management Plan will form part of the permit and must be implemented to the satisfaction of the Responsible Authority.

For further information, including submission, please contact Council's Infrastructure Protection Unit on 9217 2170 or info@whittlesea.vic.gov.au.

Layout Not Altered

7. The development allowed by this permit and shown on the plans and/or schedules endorsed to accompany this permit shall not be amended for any reason without the consent of the Responsible Authority.
8. Once the development has started it must be continued and completed to the satisfaction of the Responsible Authority.

Landscaping

9. Prior to the occupation of the dwellings hereby approved, landscaping works shown on the endorsed plan must be completed and then maintained to the satisfaction of the Responsible Authority.

Actions Before Use Commences

- 10. Prior to the occupation of any building approved under this permit, a compliance inspection and report from the author of the Sustainable Design Assessment, approved pursuant to this permit, or suitably qualified person or company, must be submitted to the Responsible Authority.**
- 11. The compliance report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the Report have been implemented in accordance with the approved documentation.**
- 12. Prior to the occupation of the dwellings hereby approved, the car parking areas and access ways must be drained, fully sealed and constructed with asphalt, interlocking paving bricks, coloured concrete or other similar materials to the satisfaction of the Responsible Authority.**
- 13. In areas set aside for car parking, measures must be taken to the satisfaction of the Responsible Authority to prevent damage to fences or landscaped areas.**
- 14. Vehicular access to the site must be by way of a vehicle crossing constructed in accordance with Council's Vehicle Crossing Specifications to suit the proposed driveway(s) and the vehicles that will be using the crossing(s). The location, design and construction of the vehicle crossing(s) must be approved by the Responsible Authority. Any existing unused or redundant crossing(s) must be removed and replaced with concrete kerb, channel and naturestrip to the satisfaction of the Responsible Authority. All vehicle crossing works are to be carried out with Council supervision under a Road Opening Permit.**
- 15. The permit holder shall be responsible to meet all costs associated with reinstatement and/or alterations to Council or other Public Authority assets deemed necessary by such Authorities as a result of the development. The permit holder shall be responsible for obtaining prior specific written approval for any works involving the alteration of Council or other Public Authority assets.**
- 16. Prior to occupation of any dwelling on the subject site, a letter box and house number to the satisfaction of the Responsible Authority shall be provided for each dwelling.**
- 17. At all times during the construction phase of the development, the permit holder shall take measures to ensure that pedestrians are able to use with safety any footpath along the boundaries of the site.**
- 18. Upon completion of all buildings and works authorised by this permit the permit holder must notify the Responsible Authority of the satisfactory completion of the development and compliance with all relevant conditions.**

Drainage

- 19. Before starting any buildings or works, engineering plans showing a property prepared design (with computations) for the internal drainage and method of disposal of stormwater from all roofed and sealed areas, including the use of an on-site detention system, must be submitted to Council for approval. These internal drainage works must be completed to Council's satisfaction prior to using or occupying any building on the site.**
- 20. Discharge of stormwater from the land will be required by means of an underground pipe drainage system designed to the satisfaction of the Responsible Authority and discharging into an approved outlet in a street or an underground pipe drain to the requirements of the Responsible Authority. In this regard no water shall be discharged from any pipe or paved area onto the surface of any adjacent land.**
- 21. Prior to the occupation of the dwellings hereby approved, the permit holder is required to construct at no cost to Council, drainage works between the subject site and the Council nominated point of discharge. Such drainage works must be designed by a qualified engineer and submitted to and approved by Council. Computations will also be required to demonstrate that the drainage system will not be overloaded by the new development. Construction of the drainage system will not be overloaded by the new development. Construction of the drainage system must be carried out in accordance with Council specifications and under Council supervision.**
- 22. Prior to the occupation of the dwellings hereby approved, reticulated (water, sewerage, gas and electricity) services must be constructed and available to the satisfaction of the Responsible Authority.**

General Amenity – Construction Works

- 23. Any litter generated by building activities on the site shall be collected and stored in an appropriate enclosure which complies with Council's Code of Practice for building/development sites. The enclosures shall be regularly emptied and maintained such that no litter overflows onto adjoining land. Prior to occupation and/or use of the building, all litter shall be completely removed from the site.**
- 24. During the construction phase, a truck wheel washing facility or similar device must be installed and used to the satisfaction of the Responsible Authority so that vehicles leaving the site do not deposit mud or other materials on roadways. Any mud or other materials deposited on roadways as a result of construction works on the site must be cleaned to the satisfaction of the Responsible Authority within two hours of it being deposited.**

Permit Expiry

25. In accordance with the Planning and Environment Act 1987, this permit will expire if:

- a. the approved development does not start within 2 years of the date of this permit;**
- or**
- b. the approved development is not completed within 4 years of the date of this permit.**

The Responsible Authority may extend the periods referred to above if a request is made in writing. This request must be made before or within 6 months after the permit expiry date where the development has not yet started and within 12 months after the expiry date where the development allowed by the permit has lawfully started before the permit expires.

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Chairperson Lydia Wilson

THAT Council adopt the recommendation for 31-33 Westall Street, Thomastown.

CARRIED

5.1.5 Palm Street Tree Removal and Replacement Petition

Responsible Officer	Director Infrastructure & Environment
Author	Will Jones, Senior Arborist Planning and Risk
In Attendance	Mark Corea, Unit Manager Parks & City Forest

Attachments

1. 22-03-28 Whittlesea Palm Thomastown TRA [5.1.5.1 - 30 pages]

Purpose

The purpose of this report is to outline the response to a petition received from fifteen residents, requesting Council remove the five (5) remaining mature Prickly Paperbark trees (*Melaleuca styphelioides*) in Palm Street, Thomastown and for these trees to be replaced with Ornamental Pear trees (*Pyrus calleryana* 'Aristocrat').

Recommendation

In response to the Petition received from fifteen residents of Palm Street, Thomastown on 22 February 2022, that Council resolve:

1. That four (4) of the five (5) Prickly Paperbark trees along Palm Street, Thomastown, were deemed to be in fair health and worthy of retention, while one (1) tree will be removed because of poor structure and replaced as part of the Street Tree Renewal program.
2. That the remaining four (4) Prickly Paperbark trees along Palm Street, Thomastown are in good health and will be retained, and only be replaced with Ornamental Pear trees, when they decline in health or senesce.
3. That Council Officers will advise the Head petitioner that the removal of one (1) of the Prickly Paperbark trees along Palm Street, Thomastown will be carried out as part of the Street Tree Renewal Program, and that the remaining four (4) mature Prickly Paperbark trees will be retained.

COUNCIL RESOLUTION

Moved: Chairperson Lydia Wilson

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Palm Street Tree Removal and Replacement Petition.

CARRIED

5.1.6 Huskisson Reserve: Masterplan Implementation

Responsible Officer Director Community Wellbeing

Author Kaylea Ingham-McQuade, Leisure Planner

In Attendance Anthony Traill, Manager Active & Creative Participation

Attachments

1. Attachment 1 - Endorsed Master Plan - Huskisson Reserve [5.1.6.1 - 43 pages]

Proposal

This report proposes that Council implement Huskisson Recreation Reserve Masterplan 2019 (the Masterplan, **Attachment 1**) Action Numbers 16 and 18, including the delivery of:

- six new tennis courts,
- a new sport and community pavilion and
- associated car parking upgrades.

Both these actions were identified as high priority items in the Masterplan, and the works are proposed to be funded through Council's capital works program over the next three financial years (2022/23, 2023/24 and 2024/25). The total estimated construction cost is \$9,807,590.

The completion of the masterplan through subsequent actions will include road reserve access, additional carparking, sporting oval enhancements, new playground and potential subdivision of a portion of the open space for residential use.

Masterplan Action Number 5, the bridge crossing over Edgars Creek, is already progressing with funding from the Growing Suburbs Fund for 22/23. Refer **Figure 1** below.

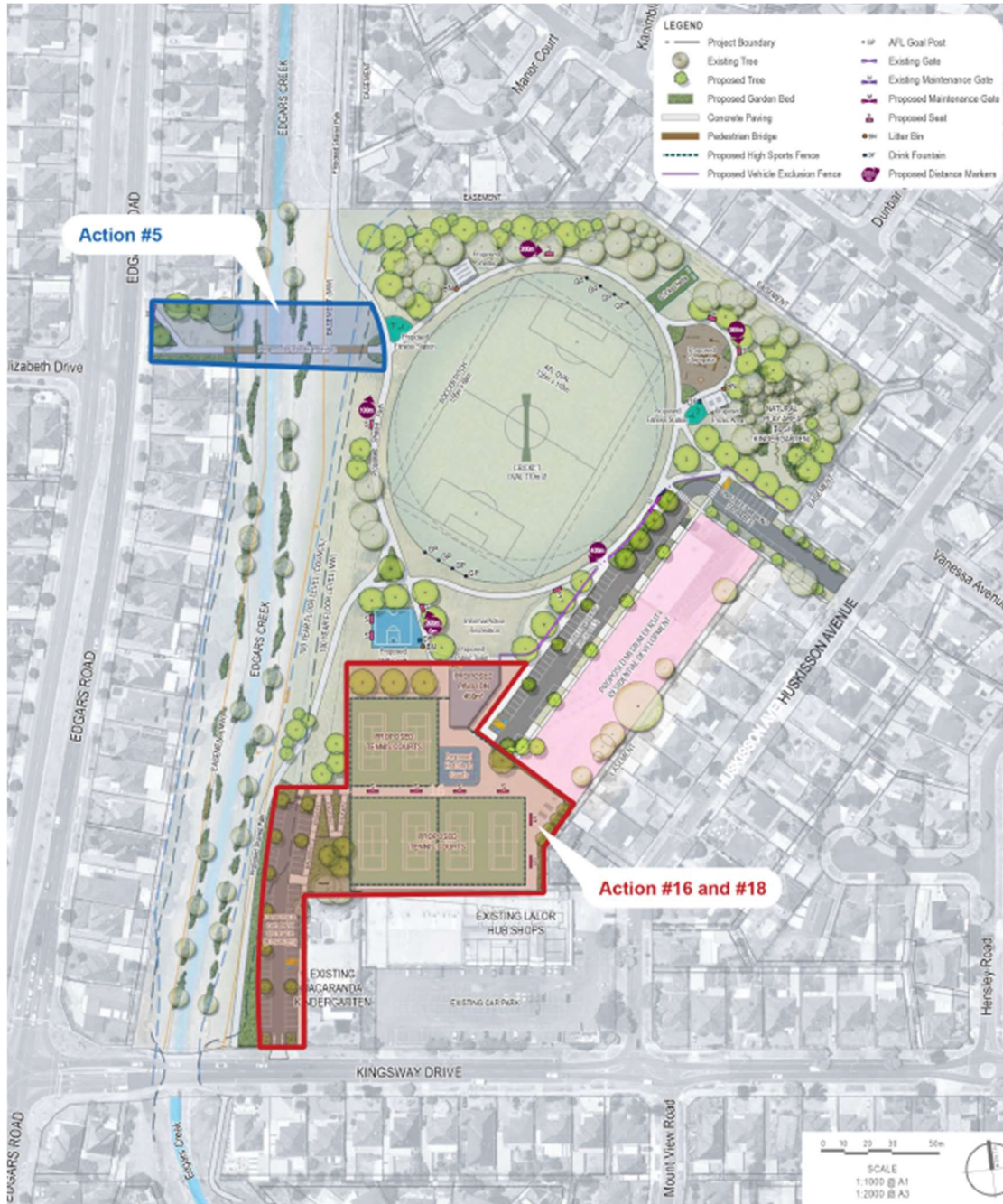


Figure One: Action Site Areas (indicative)

Recommendation

That Council:

1. Endorses the implementation of the Huskisson Reserve Masterplan 2019 Action Numbers 16 and 18 which includes the design and construction of:
 - a) Six new tennis courts;
 - b) A new sporting and community pavilion to service both tennis and oval sporting programs;
 - c) Car park redevelopment, Kingsway Drive entrance, adjacent to Tennis facility and Jacaranda Kindergarten;
 - d) Improved pedestrian access in the south-western corner of the Reserve;and
 - e) Minor improvements to the existing carpark (off Huskisson Avenue) including accessible parking upgrade, vehicle (deliveries) and pedestrian access to new facilities and demolition of existing pavilion.
2. Notes the Huskisson Reserve Masterplan 2019 Action Numbers 16 and 18 estimated design and construction cost is approximately \$9,807,590 over three financial years (2022/23, 2023/24 and 2024/25), and is subject to market testing.
3. Notes the West Lalor Tennis Club has pledged a contribution of \$50,000 towards the Huskisson Reserve tennis courts redevelopment which will be formalised with Council through a funding agreement.

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Chairperson Lydia Wilson

That Council:

1. **Endorses the implementation of the Huskisson Reserve Masterplan 2019 Action Numbers 16 and 18 (Option 2 of this report) which includes the design and construction of:**
 - a) Six tennis courts (Four reconstructed, plus two new);**
 - b) A new sporting and community pavilion to service both tennis and oval sporting programs;**
 - c) Car park redevelopment, Kingsway Drive entrance, adjacent to Tennis facility and Jacaranda Kindergarten;**
 - d) Improved pedestrian access in the south-western corner of the Reserve;**and
 - e) Minor improvements to the existing carpark (off Huskisson Avenue) including accessible parking upgrade, vehicle (deliveries) and pedestrian access to new facilities and demolition of existing pavilion.**

2. Notes the Huskisson Reserve Masterplan 2019 Action Numbers 16 and 18 (Option 2 of this report) estimated design and construction cost is approximately \$9,807,590 over three financial years (2022/23, 2023/2 and 2024/25), and is subject to market testing.
3. Notes the West Lalor Tennis Club has pledged a contribution of \$50,000 towards to Huskisson Reserve tennis courts redevelopment which will be formalised with Council through a funding agreement.

CARRIED

5.2 Liveable Neighbourhoods

5.2.1 Planning Application 40, 60, 90 and 100 Bindts Road, Wollert

Responsible Officer Director Planning & Development

Author Owen Ryan, Senior Growth Area Planner

In Attendance Owen Ryan, Senior Growth Area Planner

Attachments

1. Attachment QUARRY HILLS Precinct Structure Plan Assessment [5.2.1.1 - 33 pages]
2. Map of site [5.2.1.2 - 1 page]
3. Photographs of site [5.2.1.3 - 32 pages]
4. Plan set [5.2.1.4 - 9 pages]

Applicant Dahua Epping Development Pty. Ltd.

Council Policy

12.01-1L River Red Gum Protection Policy

13.02-1L Bushfire planning

15.03-1L Dry Stone Walls

15.03-1L Heritage conservation in Heritage Overlay Areas

15.03-1L Heritage conservation in Whittlesea

Zoning

Development Contributions Plan Overlay – Schedule 13

Environmental Significance Overlay – Schedule 6

Heritage Overlay

Incorporated Plan Overlay – Schedule 3

Public Acquisition Overlay – Schedule 6

Floodway Overlay

Significant Landscape Overlay – Schedule 2

Referral

AusNet Electricity Services Pty. Ltd.

Yarra Valley Water
APT O&M Services
Melbourne Water
Department of Transport
Department of Environment, Land, Water and Planning
Country Fire Authority
Darebin Creek Management Committee

Objections

The application is exempt from notice, pursuant to Clause 37.07-14 of the Whittlesea Planning Scheme

Proposal

Details of the proposal are outlined as follows based on the applicant's documentation:

- Staged multi lot subdivision of the land, to create 119 residential lots (of which 16 are classified as 'conventional lots', 36 are proposed to be "Type A" SLHC, and 65 "Type B" SLHC, and two are historic farm buildings as large private lots.

The following table shows the stage summary associated with the proposal:

SEQUENCE	STAGE	AREA (ha)	No. LOTS/ DWELLINGS
1	6	2.58	47
2	7	2.24	41
3	7A	1.19	-
4	8	1.11	9
5	9	1.74	22
6	9A	1.91	-
TOTAL		10.77	119

- Local Park (LP-01) of 0.43ha.
- Retained trees as identified in the Precinct Structure Plan and other vegetation retained within the heritage/farm lots and Local Park.
- Lots under 300 square meters in area, making up 84.9% of the total Yield.
- Conservation area along the Darebin Creek.
- Construction of roads.
- A connection to the south on the north-south boulevard connector street as a future bridge proposed within a future permit area.
- Retention of the dwelling traditionally known as "Bindts House" on its own private lot, with some outbuildings and other features.
- Retention of the dwelling traditionally known as "Everts House" on its own private lot, with some outbuildings and other features.

- Removal of segments of Dry Stone Wall, especially the north-south wall between dwellings along the ridge of the land.

Various details and notations indicate the proposal on the submitted plans.

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

Recommendation

THAT Council approve Planning Application No. PLN-37466 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, subdivision of land to create one lot smaller than specified in the Scheme, 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 including fences; to remove, destroy or lop specified vegetation including native and dead vegetation, buildings and works within the Heritage Overlay including council furniture, demolition of specified places within the Heritage Overlay, construction and works where water flow path is redirected, construction of paths and trails and bicycle paths, 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 BEFORE CERTIFICATION OF THE PLAN OF SUBDIVISION

1. Subdivision Layout Plan

Before 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 “Permit Area 02-Subdivision Plan” by Roberts Day, Ref. DHU NIN, Dwg No. RD1 413, Rev. O, dated 11 March 2022, but amended to show:

- Ewart Farm heritage lot as two lots delineated by the applicable zoning, with a notation stating, “both lots relating to Ewart Farm are to be retained in one ownership in perpetuity, to be controlled via an agreement on Title to the land”.**
- The park within Stage 8 to be delivered as part of Stage 6.**
- The group of lots south and east of the 14.0 metre roads in Stage 7 and associated relocated dry stone wall (DSW) link deleted and nominated as a superlot subject to separate planning approval (lots may be indicatively shown).**
- All existing structures, paths, paved surfaces and cobbled tracks on the land (whether retained or to be removed) detailed to their full extent and identified for retention or removal.**

- e. Any increase of the size of local park “LP-01” to reflect the area required by the Quarry Hills Precinct Structure Plan (PSP) for the 100 Bindts Road property, unless the balance portion of the land is first agreed and given Certification on a plan of Subdivision providing it elsewhere and to Council’s satisfaction. In which case, the balance portion must be identified and shown on the plan.
- f. Shared paths and bike paths as shown in the Movement Plan by Roberts Day, Ref. DHU NIN, Dwg No. RD1 415, Rev. H dated 10 March 2022.
- g. A movement and path network link over a pedestrian crossing of the Darebin Creek, generally within the former 100 Bindts Road property.
- h. Notation added for the steel bridge to state “Potential for use as a pedestrian bridge to be investigated with this permit. Any upgrade works to occur as part of a future permit associated with land on the eastern side of the creek” or other wording to the satisfaction of the Responsible Authority.
- i. Notation added concerning the depicted pedestrian routes stating “footbridge and footpath connectivity across Darebin Creek” or equivalent.
- j. Any changes to the subdivision layout to address infrastructure requirements and staging within the site, in accordance with the Public Infrastructure Plan to be endorsed under Condition 2.
- k. All trees within the Biodiversity Conservation Strategy area to be retained, excepting those in proximity to the sediment/bioretenion basin which may be retained with a notation “subject to detailed design”.
- l. Tree 34 within LP-01 shown to be retained.
- m. Native trees 35, 38, 39, 33/176, 7/177, 1/149, 2/148120, 140, 115, 59/80, 55/63, 56/56, 138 and non-native trees 137-140 and G1 within the heritage site to be identified with a notation stating “FLP detail to consider retention of tree before removal occurs”.
- n. Paper roads to be shown to comply with Council’s standards, including to be generally level. This must be shown in revised Subdivision Layout Plan level cross sections, with any spatial implications to achieve generally level paper road shown on the plan views.
- o. Any changes to address the requirements of the Country Fire Authority.
- p. Land to be added to the BCS conservation corridor to ensure no loss of land when/if part of the BCS land is incorporated into the Ewert Farm property area instead.
- q. Notations concerning details transferred from the Movement and Transport Plan to show:
 - i. The location of the indicative path to and pedestrian bridge over Darebin Creek.
 - ii. To specify the shared path 3.0 metres within the BCS land is subject to ‘Works in Conservation Area’ approval.
- r. Notations on the Subdivision Layout Plan amended to:

- i. Remove the blue indicated breaks in DSW within LP-01.
- ii. Add to the notation currently stating, “Dry stone wall (6) to be retained” the following words: “Breaks in walls to be identified with FLPs following recommendations of approved Dry Stone Wall Management Plan”.
- iii. Alter notation regarding Bindts farm area to state “...specified outbuildings and features..” in place of the words “partial retention of outbuildings”.
- iv. Alter notation regarding Dry Stone Walls 8 and 10 to add the following at the end “... in accordance with any requirement of an approved Dry Stone Wall Management Plan, Conservation Management Plan or Heritage Interpretation Plan.”
- v. Replace the notation for Dry Stone Wall 9 with the following “Dry Stone Wall (9) to be retained in widened verge in accordance with endorsed Dry Stone Wall Management Plan.”
- vi. Alter notation regarding Dry Stone Wall 10 to add the following at the end “...in accordance with any requirements of an approved Dry Stone Wall management Plan, Conservation Management Plan or Heritage Interpretation Plan.”
- vii. Add to the notation currently stating “Drystone Wall [15] to be retained” the following words: ...”. Breaks in walls to be identified with FLPs following recommendations of approved Dry Stone Wall Management Plan”.
- viii. Remove from the legend the “subject to biodiversity conservation corridor design” from the existing track to be retained.
- ix. Remove from the legend the “Subject to future removal (to be retained until VicRoads acquisition)” regarding Dry Stone Wall in the E6 corridor.
- x. Notation regarding dry stone wall retention and removal to reference also subject to the endorsed Dry Stone Wall Management Plan (DSWMP).
- s. Alterations to ensure any lot less than 7.6m in width are to be accessed via a rear laneway only.
- t. Boundary re-alignment of BCS area to demonstrate no net loss in compensation for the “Ewert Farm” land to be removed.
- u. Removal of the lot nearest to the north-west of the Bindts dwelling.

2. Public Infrastructure and Staging Plan

Prior to the submission of and approval of the Functional Layout Plans, a Public Infrastructure and Staging Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must be generally in accordance with the *Permit Area 02 – PIP* by Roberts Day, Ref. DHU NIN, Dwg. RD1 434, Rev. C, dated 11 March 2022, but modified to show:

- a. Any increase in the area of LP-01 required to respond to any decreased LP-01 area provided (or not provided) in an earlier development area.
- b. A stage by stage land budget (NDA) broken down by the separate land uses and classifications.
- c. Delivery of items in PA4 to be shown greyed and be a line item.
- d. Delivery of PED 01 as part of a future permit area only if there is a joint s173 agreement for the entire landholding in place.

3. Development Sequencing

Development sequencing must be implemented in accordance with the endorsed staging shown on the Precinct Infrastructure Plan, approved in accordance with Condition No. 2 and to the satisfaction of the Responsible Authority, unless otherwise agreed in writing by the Responsible Authority.

4. Kangaroo Management Plan

Before the certification of a plan of subdivision, an amended 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.

5. Dry Stone Wall Management Plan

Before the approval of a Subdivision Layout Plan or any works 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 & Heritage Partners dated 8 March 2022 must be amended to the satisfaction of the Responsible Authority. The revision must respond to the relevant objectives, requirements and guidelines contained in the *Quarry Hills Precinct Structure Plan, June 2016* and Council's 2019 and 2021 review of the previous revisions of the Dry Stone Wall Management Plan.

The revised plan must refer to (but not be guided by) the current subdivision layout, and any related matters.

The report must additionally be updated to provide greater context for DSW8, 9 and 10 including how they will remain and how relocated parts will respond to the original context.

This must include detailed photographs of the walls and their setting for use in interpretation material.

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

6. Heritage Conservation Management Plan

Before the approval of a Functional Layout Plan for any stage, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority for each heritage place. The plan must be prepared by a suitably qualified heritage expert or experts as required. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan 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 interpretative 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; and**
- 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.

7. Subdivision and Housing Design Guidelines

Prior to, or concurrent with the submission of Functional Layout Plans, a Subdivision and Housing Design Guideline must be prepared for each stage. The Subdivision and Housing Design Guideline must be submitted to and endorsed by the Responsible Authority. The Subdivision and Housing Design Guideline must provide a response to the Housing element of the Quarry Hills Precinct Structure Plan. The plan must in particular specify how lots on slopes greater than 10% will be provided (which may be addressed through added detail on Functional Layout Plans), and what built form restrictions (if any) will be applied to those lots to achieve the expectations of the Quarry Hills Precinct Structure Plan.

8. 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 Biodiversity Conservation Strategy 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. 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;**
- e. 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;**
- f. a table of offsets for all utility services and street trees;**
- g. location and alignment of kerbs, indented parking spaces, footpaths on the subject land and between the subject land and the nearest other subdivision, shared paths on the subject land and between the subject land and the nearest other existing subdivision, bus stop locations marked with a cross;**
- h. the 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;**

- i. 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;
- j. 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;
- k. provision of notional on-street parking for all lots at a rate of one space per lot;
- l. swept path diagrams demonstrating that the road network (including laneways) have been designed for a 12.5 metres design service vehicle in accordance with Austroads Design Vehicle and Turning Path templates;
- m. any spatial requirements for drainage as identified in the submitted Drainage Strategy and the proposed overland flow paths;
- n. 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;
- o. works external to the subdivision, including both interim and ultimate intersection design requirements and layouts;
- p. any infrastructure as required by the Precinct Infrastructure Plan endorsed in accordance with Condition 2;
- q. the arrangement for bicycle priority at any required intersections;
- r. the alignment of the off-road bicycle path so as to be capable for cyclists travelling up to 30km/h;
- s. the indicative location and height of any retaining wall;
- t. any dry stone wall to be removed, retained, or relocated;
- u. any removal of dry stone wall to allow for pathways informed by the endorsed DSWMP. The ends of each wall must be improved as per any recommendation of the DSWMP;
- v. all cobbled and paved paths and surfaces to be retained for the maximum possible extent, including incorporation into Road Reserve design and open spaces;
- 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. cross sections through the stage area where land is show to be on a slope greater than 10% (including lot areas) to show the nature and extent of any alteration to the natural surface levels;
- y. batters including notation specifying maximum gradient of any batter;

- z. **No embankments which are in excess of the gradients identified in Council's standards;**
- aa. **crossover locations where necessary to provide maintenance access to the Conservation Area land as per the approved Conservation Area Plan and DELWP's requirements;**
- bb. **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;**
- cc. **design detail to demonstrate compliance with the requirements of the Country Fire Authority's conditions;**
- dd. **the 14.0 metre road beside retained DSW-9 to closely follow the natural contours within the maximum grades specified in Section 10.5 of the EDCM;**
- ee. **DSW-9 to be retained in-situ on the natural surface beside the 14.0 metre road;**
and
- ff. **fire hydrant locations.**

9. 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 or BAL ratings specified in the Site Management Plan (Bushfire) by Terramatrix Pty. Ltd., dated March 2022, 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 land, to the satisfaction of the Responsible Authority, must be provided to secure the buffer distance in perpetuity, at no expense to the Responsible Authority.

10. Subdivision permits that allow the creation of a lot/s of 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.

11. 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.

12. 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*.

13. 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.

14. 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.

15. Subdivision permits that allow the creation of 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.

All lots shown shall be Type A only, unless further justification for Type B usage is provided to, and accepted by Council as part of this submission.

16. LP-01 provision of land

Before certification of the stage containing LP-01, an area of land directly adjoining LP-01 on another area of land must be first given certification such that the total land areas combined of both portions of the land is at least the total area of LP-01 as required by the Quarry Hills PSP, to the satisfaction of the Responsible Authority.

17. Implementation of 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, Hydrological and Geotechnical Site Investigation : 40-100 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 the 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 place on the site in order to facilitate remediation (including where the site investigation has recommended demolition) 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, if, and once approved to the satisfaction of the Responsible Authority, may be carried out independent of other conditions of this permit.

18. 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.

19. Restriction on Plan of Subdivision

Before the certification of the Plan of Subdivision, a restriction must be nominated on the Plan of Subdivision for all residential lots, requiring that:

- a. 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.
- b. 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 and 28 of the Quarry Hills PSP.
- c. Any restriction required to address matters identified in the Subdivision and Housing Design Guidelines approved in accordance with Condition 7.
- d. Any restrictions resulting from the recommendations of the Heritage Conservation Management Plan approved in accordance with Condition 6.
- e. 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.
- f. Each lot abutting the “Bindts Farm” lot must include a building envelope to the satisfaction of the Responsible Authority to appropriately control the scale of development on the lots boundaries to the “Bindts Farm” lot.
- g. Any garage on a burdened lot must not be constructed less than 5 metres from the road alignment at the front of the lot.
- h. 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.
- i. A fence between the “Ewart Farm” lot and the adjoining lots which must be maintained at all times and must be 2 metres tall and made of steel and extend to the ground.

- j. No dwelling may be constructed on a lot presenting sideage directly adjoining any form of open space, unless:**
 - i. The development consists of a double storey dwelling;**
 - ii. The development includes passive surveillance features such as large windows and/or balconies at the first storey level overlooking the adjoining open space; and**
 - iii. Any fencing of the front yard adjoining the open space is feature-style, with minimum 25% transparency and has a maximum height of 1.5 metres.**

The restrictions are then to be registered on the Plan of Subdivision.

20. 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.

CONDITIONS TO BE SATISFIED PRIOR TO THE COMMENCEMENT OF WORKS

21. Tree Protection Zone Fencing

Before any buildings, works or demolition commences 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.

22. 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 independently suitably qualified person.

23. Construction within the Growling Grass Frog Conservation Area

- a. 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.**
- b. 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.**
- c. 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.**

24. 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, scattered native tree or patch of native vegetation the developer of the land must erect a conservation area/vegetation protection fence that is:

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

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

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.

25. 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.

26. 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; and**
- 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.

27. 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 steel structure is capable for adaption to a pedestrian bridge, and if so, outline the works required to undertake this.**
- b. Recommendations involving alteration to the structure must be recommended in consultation with a suitably qualified heritage expert.**
- c. 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.**
- d. Specify any measures to ensure ongoing maintenance of the structure.**

28. 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 the Heritage Conservation Management Plan endorsed under Condition 6.

29. 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 400 metres;
- 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; and
- 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.

30. Stormwater Drainage

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

Before the approval of 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.

31. 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 the Department of Transport 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 consistent with Council standards, 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;
- 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; and
- xxxi. All new electricity supply infrastructure (excluding substations and cables of a voltage greater than 66kV) to be provided underground.

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 the 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);
- 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;
- 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; and
- 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.

32. Native vegetation offsets

To offset the removal of native vegetation where not otherwise covered by the Melbourne Strategic Assessment Levy, the permit holder must secure native vegetation offsets in accordance with the Guidelines for the Removal, destruction or lopping of native vegetation (DELWP 2017) including general offset of habitat units:

- i. Located within the Port Phillip and Westernport Catchment Management boundary or Whittlesea municipal area

ii. With a minimum strategic biodiversity value as specified

iii. Species habitat units for any species specified

All to the amounts and types to the satisfaction of the Responsible Authority and DELWP.

33. Evidence of native vegetation offsets

Before any native vegetation is removed, evidence that the required offset for each stage of the subdivision/project has been secured must be provided to the satisfaction of the Responsible Authority. This evidence must be one or both of the following:

- a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
- b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Responsible Authority and form part of this permit. Within 30 days of endorsement of the offset evidence, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning Port Phillip regional office via ppr.planning@delwp.vic.gov.au.

Where the offset includes a first party offset(s), the permit holder must provide an annual offset site report to the Responsible Authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

CONDITIONS TO BE SATISFIED DURING CONSTRUCTION WORK

34. Heritage Removal

No heritage place, including buildings, objects or landscaping identified in the Schedule to the Heritage Overlay, and no feature within the lots containing the residual heritage features irrespective of whether it is referenced in the Schedule to the Heritage Overlay may be removed or altered unless identified on the endorsed Subdivision Layout Plan or another more detailed document endorsed as part of this permit.

35. Salvage and Translation

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.

36. 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.

37. Works within Tree Protection Zones

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.**

38. Documentation of Works within Tree Protection Zones

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.

39. 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; and
- 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.

40. Enhanced Growing Environments within Tree Protection Zones

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.

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.

41. 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;**
- 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.**

42. Tree Protection Zone Bond

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.

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.

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.

43. 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.

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.**

45. Native Vegetation Removal

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

46. 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.

47. 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.

48. Site Management Plan (Bushfire)

The subdivision and works must at all times comply with the requirements and recommendations of the endorsed Site Management Plan.

49. 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

50. 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*.

51. 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:
 - i. 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
 - ii. May include any matter that such an agreement may contain under the *Conservation, Forests and Lands Act 1987*.
- b. Makes application to the Registrar of Titles to register the agreement on the title to the land.
- c. Pays 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:
 - a. the Secretary to the Department of Environment, Land, Water and Planning;
 - b. the Minister administering the *Conservation, Forests and Lands Act, 1987*;
or
 - c. another statutory authority.

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

52. 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.

53. 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.

54. Telecommunications

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.**

55. Road and Service connections

Prior to the Statement of Compliance for any stage, direct and complete road connections and services from the abutting development approved under Planning Permit PLN-37131 and 717338 must be provided to that stage.

56. 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 and to the satisfaction of Council.

57. 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.

58. 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:

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% of 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, and
- e. a site safety plan that ensures continuous public safety measures are maintained until completion of the deferred works.

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

Landscape works

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

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

59. Verification of completion of works for dry stone walls

Prior to the issue of a 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 issue of the Statement of Compliance.

60. Works on heritage items

Before the issue of a Statement of Compliance for the stage containing any heritage features, all recommendations of the approved Conservation Management Plan 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.

61. Heritage Conservation Management Plan Section 173 agreement

Before the issue of a Statement of Compliance for the relevant stage of 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 cost of implementing the agreement is to be borne by the permit holder.

62. Ewarts Farm heritage lot subdivision process

Before the issue of a Statement of Compliance of the Plan of Subdivision for the relevant stage, the permit holder must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1983*. The agreement must be registered on the Plan of Subdivision for both lots containing part of the Ewart Farm heritage precinct, and must specify:

- a. The two lots containing portions of the site must not be further subdivided; and
- b. The two lots must remain in the same ownership; and
- c. No new structure or extension of the existing building on either lot is to be constructed which crosses the lot/zone boundaries without the further written consent of Council; and
- d. The agreement ceases to apply upon such time as the two lots cease to contain any part within separate Planning Zones, or ceasing to be a heritage place.

The cost for the preparation and execution of the Agreements shall be born by the permit holder.

63. Septic system removal

Unless previously removed, prior to the Statement of Compliance for any lot in a stage containing a heritage property, the septic system from the existing dwelling and any existing outbuildings must be disconnected, and the property connected to the Melbourne Water Sewerage System. The existing system must be decommissioned and removed with any decontamination works as required, in accordance with the Code of Practice for Onsite Wastewater Management Systems. Evidence of this being completed must be provided to the Responsible Authority.

CONDITIONS TO BE SATISFIED FOLLOWING CONSTRUCTION WORKS

64. Hazard Reduction Pruning

Prior to the issue of a Certificate 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.**

65. 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 Seven 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.

66. 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 the landscaping will be issued, triggering the commencement of the maintenance period.

67. 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.

68. As Constructed Engineering Plans

The 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.

68.1. Civil Works

Prior to Council's consent to issuing of a Certificate of Practical Completion, the following must be submitted to the satisfaction of the Responsible Authority:

- 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 GDA20-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) 2020.

Please refer to website for detailed A-Spec Standards:

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

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

68.2. Landscape Works

Prior to Council’s consent to issuing of a Certificate of 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) 2020. 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) 2020. 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

69. Subdivision of Rural Conservation Zone land

The subdivision of Rural Conservation Zone land allowed under this permit must ensure Rural Conservation Zone land is consolidated with other parcels unless to achieve the minimum lot area, unless it is created as a “reserve”.

70. Extent of works

No works or alterations to the existing landscape excepting subdivision approved under this permit are to occur on land east of the Darebin Creek.

71. Dry Stone Walls

No dry stone wall is to be moved or altered in anyway unless specified on endorsed Functional Layout Plans.

72. Telecommunications

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.

73. Subdivision and consolidation of land (to comply with 64.03)

The land area of the properties to which this permit applies must be consolidated such that no area containing Rural Conservation Zone land is in a lot which is less than 40 hectares at any time.

74. Layout not altered

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

75. Removal of top soil

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

76. 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.

77. 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.

78. 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

79. AusNet Electricity Services Pty. Ltd.

The Plan of Subdivision must be submitted for certification and referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the *Subdivision Act 1988*.

The applicant must:

- a. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
- b. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
- c. 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 lines which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
- d. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Lin" 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.
- e. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.

- f. **Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the provision of the electricity line(s) as determined by survey.**
- g. **Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electricity substations.**
- h. **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 extent 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.**
- i. **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.**
- j. **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 1988*.**
- k. **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.**

Melbourne Water

- 80. Prior to commencement of works or Council's endorsement of plan, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage system and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.**
- 81. Prior to Commencement of Works, all Melbourne Water conditions relating to the subdivisional permit for this property must be satisfied. This includes:**
- a. **All new lots are to be filled to a minimum of 300mm above the 1% AEP flood level associated with existing or proposed Development Services Scheme planned pipeline works. All new lots are to be filled to a minimum of 600mm above the 1% AEP flood level associated with an existing or proposed Melbourne Water wetland or retarding basin.**
 - b. **Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the *Subdivision Act 1988*.**

- c. **Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses. Prior to Commencement of Works, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.**
 - d. **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'.**
 - e. **Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.**
 - f. **The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.**
 - g. **Any road or access way intended to act as a stormwater overland flow path for an existing or new Melbourne Water asset 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), or where appropriate to Council's requirements and standards.**
 - h. **All new lots must achieve appropriate freeboard in relation to local overland flow paths to Council's satisfaction.**
 - i. **Local drainage must be to the satisfaction of Council.**
 - j. **Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).**
- 82. Prior to the issue of a Certificate of Occupancy, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for approval after the completion of filling, verifying that the specified fill levels have been achieved. The CSP must clearly show finished fill levels and applicable 1 in 100 year ARI flood levels.**
- 83. 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.**
- 84. Prior to the commencement of works, a separate application direct to Melbourne Water, must be made for any works on or around our mains, drains and waterways. Applications shall be made online via the Melbourne Water website. Prior to the issue of a Statement of Compliance, copies of all relevant signed practical completion forms and Asset Services must be submitted.**

- 85. 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.**
- 86. 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.**
- 87. 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.**
- 88. Prior to Certification, a flora and fauna assessment is to be submitted to Melbourne Water.**
- 89. Melbourne Water will require written approval from DELWP for works within areas outlined as Growling Grass Frog habitats.**
- 90. 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:**
 - a. The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;**
 - b. That the lot layout adequately accommodates the overland flows;**
 - c. A Flood Extent Plan and Overland Flow-path Plan for the ultimate floodplain, including 1-in-100 year ARI flood levels, Details of the outlet connections and relevant calculations,**
 - d. The subdivisional layout must be in accordance with the approved drainage strategy,**
 - e. Designs addressing the interface of the lots adjacent to the drainage reserve, must be prepared to the satisfaction of Council and Melbourne Water.**
 - f. Stormwater runoff from the subdivision will achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater.**

Yarra Valley Water

- 91. The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.**
- 92. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of recycled water services.**
- 93. The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.**

Department of Environment, Land, Water and Planning

94. 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.

95. 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 development 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:
 - vi. Be located not less than 15 metres from a waterway;
 - vii. Be located outside the vegetation protection fence;
 - viii. Be constructed and designed to ensure that the conservation area, scattered tree or patch of native vegetation are protected from adverse impacts during construction;
 - ix. Not be undertaken if it presents a risk to any vegetation within a conservation area; and
 - x. Be carried out under the supervision of a suitable qualified ecologist or arborist.

96. Fencing plan

Prior to the commencement of development, a conservation area fencing plan must be submitted to and approved by the Secretary to the Department of Environment, Land, Water and Planning, 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.

97. 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 Department of Environment, Land, Water and Planning 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 Department of Environment, Land, Water and Planning 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 purpose 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 subject of an agreement with the secretary to the DELWP to 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 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 Department of Environment, Land, Water and Planning.

98. 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.

99. 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 the Department of Environment, Land, Water and Planning.

100. 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 Department of Environment, Land, Water and Planning.

101. Land management plan for Conservation Area

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 the Department of Environment, Land, Water and Planning. 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 Department of Environment, Land, Water and Planning and the Responsible Authority.

102. Fire management and Conservation Area 33

Unless otherwise agreed to by the Department of Environment, Land, Water and Planning, buffer areas required to meet bushfire management objectives must be located outside of Conservation Area 33 where the land is intended to be vested to the Minister for Energy Environment and Climate Change.

103. Spatial definition of Conservation Area 34

The subdivision layout must reflect the boundary of Conservation area 34 as defined by dataset "MSA_BCS_CONS_AREA" available at DATA VIC (<https://www.data.vic.gov.au/>).

Country Fire Authority**104. Hydrants**

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

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

105. Roads

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

- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 metres. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- b. Curves must have a minimum inner radius of 10 metres.
- c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- d. Road more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

Department of Transport

106. Cross Sections for roads identified as potential bus routes must be in accordance with the approved cross sections within the Quarry Hills Precinct Structure Plan. Any alteration of the approved cross section in the Quarry Hills Precinct Structure Plan must be referred to the Head Transport for Victoria for approval.
107. Any roundabout constructed on roads designed for a future public transport route within the subdivision, must be designed to accommodate ultra-low floor buses, to the satisfaction of Head, Transport for Victoria.
108. No compensation is payable under part 5 of the *Planning and Environment Act 1987* in respect of anything done under this permit.

PERMIT NOTES

Environment Management Plan (UGZ3) (IPO3)

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 Melbournes 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.

AusNet Electricity Services Pty Ltd

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.

Yarra Valley Water

Please send the Plan of Subdivision to Yarra Valley Water prior to certification.

Department of Environment, Land, Water and Planning

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.

The Approved Functional Layout Plans and Landscape Plans for staged abutting the Conservation Area must show, as relevant, locations of vehicle crossovers for maintenance vehicle access to the conservation area, conservation area interface fencing and maintenance access gates consistent with the approved fencing plan. Guidance on interface requirements can be found in the *DELWP requirements for permanent fencing around conservation areas under the Melbourne Strategic Assessment*.

There are no salvage and translocation requirements that apply to the permit area. The mandatory salvage and translocation condition can be considered met.

Country Fire Authority

CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site

(www.cfa.vic.gov.au)

COUNCIL RESOLUTION

Moved: Administrator Peita Duncan

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Planning Application 40, 60, 90 and 100 Bindts Road, Wollert.

CARRIED

5.3 Strong Local Economy

5.3.1 Whittlesea Kindergarten Reform Implementation Plan

Responsible Officer	Director Community Wellbeing
Author	Jodie Turner, Unit Manager Community Precincts
In Attendance	Agata Chmielewski, Manager Strategic Projects

Attachments

1. CONFIDENTIAL - Attachment 1 – Draft Kindergarten Reform Implementation Plan 11 May 2022 [9.3.1.2 - 120 pages]
2. Department of Education and Training advice - implementation and phasing of hours [9.3.1.1 - 5 pages]

Purpose

The purpose of this report is to:

- Present a summary of key consultation findings and further analysis since Council endorsed the Kindergarten Reform Options Paper in December 2021;
- Present Council's approach to phasing up (or roll-out) of three-year-old kindergarten hours;
- Identify Council's proposed two-stage approach for infrastructure projects required to meet the forecast need generated by the Victorian Government's Three-Year-Old Kindergarten Reform;
- Present the Draft City of Whittlesea Kindergarten Reform Implementation Plan (**Attachment One (Confidential)**) for in-principal endorsement, including:
 - A short-list of capital projects to meet forecast kindergarten demand proposed for a Building Blocks Partnership Agreement (Stage 1) with the Department of Education and Training.
 - Updated capital and operational costs associated with the Victorian Government's Three-Year-Old Kindergarten Reform (to be finalised through the Building Blocks Partnership Agreement negotiation process).

Recommendation**That Council:**

1. Notes the Kindergarten Reform Options Paper stakeholder consultation findings outlined in this report.
2. Notes Council's introduction of three-year-old kindergarten service hours described in Table 1 of this report and that this approach is in line with the Department of Education and Training's directive on 9 March 2022 to all Victorian Councils for 2023 implementation (Attachment Two);
3. Notes Council's infrastructure responses required to meet the forecast need generated by the Victorian Government's Three-Year-Old Kindergarten Reform will be delivered in a staged approach described in Table 2 of this report, (including Stage 1 from 2022/23 to 2026/27 and Stage 2 from 2027/28 to 2028/29), and that a Building Blocks Partnership Agreement will be negotiated with the Department of Education and Training to reflect these stages.
4. Endorses the Draft City of Whittlesea Kindergarten Reform Implementation Plan (Attachment One (Confidential)) which includes:
 - a) A short-list of capital projects to meet forecast kindergarten demand (Attachment One, Section 8.4, Table 6 (Confidential)) to inform negotiations for Council's Building Blocks Partnership Agreement (BBPA);
 - b) The estimated capital cost to meet forecast kindergarten demand up to financial year 2026/27 (BBPA Stage 1 period) as detailed in Attachment One, Section 9.4 (Confidential);
 - c) The estimated operational cost from 2022/23 to 2026/27 for kindergarten services (BBPA Stage 1 period) as detailed in Attachment One, Section 9.6 (Confidential).
5. Authorises the CEO to undertake negotiations with the Department of Education and Training to enter into a Building Blocks Partnership Agreement on behalf of Council, based on the short-list of capital projects outlined in the Draft City of Whittlesea Kindergarten Reform Implementation Plan (Attachment One (Confidential)).
6. Notes a Building Blocks Partnership Agreement will be brought to Council for consideration and endorsement which will be a publicly available document.
7. Notes a revised City of Whittlesea Kindergarten Reform Implementation Plan will be brought to Council for consideration and endorsement as a publicly available document, including a Community and Stakeholder Engagement Plan.
8. Notes that the proposed Council 2022/23 budget will be updated to reflect capital and operational costs outlined in the Draft City of Whittlesea Kindergarten Reform Implementation Plan (Attachment One, Section 9 (Confidential)).

9. Notes that following finalisation of a Building Blocks Partnership Agreement and the City of Whittlesea Kindergarten Reform Implementation Plan, Council may need to update its Long-Term Financial Plan, and that this work will be undertaken as part of the 2023/24 budget process.
10. Notes both the revised City of Whittlesea Kindergarten Reform Implementation Plan and the Whittlesea Established Areas Infrastructure Plan 2017 will be incorporated into the early years section of the Whittlesea 2040 Long-Term Community Infrastructure Plan to be presented to Council in mid-2023.

COUNCIL RESOLUTION

Moved: Chairperson Lydia Wilson

Seconded: Administrator Peita Duncan

THAT Council adopt the recommendation for Whittlesea Kindergarten Reform Implementation Plan.

CARRIED

5.4 Sustainable Environment

5.4.1 2021-143 Glass Recycling Bin Supply

Responsible Officer	Director Infrastructure & Environment
Author	Jack Jansen, Directorate Projects Executive
In Attendance	Amanda Dodd, Manager Sustainable Environment

Attachments

1. CONFIDENTIAL REDACTED - Tender 2021-143 Glass Recycling Bin Supply Evaluation Summary FINAL [5.4.1.1 - 3 pages]

This attachment has been designated as confidential by the Director of Infrastructure and 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 tender amounts submitted by tenderers and tender evaluation scoring prepared by Council officers. 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 contract number 2021-143 for Glass Recycling Bin Supply is awarded to SULO MGB Australia Pty Ltd.

Recommendation

That Council:

1. **Accept the tender submitted by SULO MGB Australia Pty Ltd for the following contract:**
 - Number:** 2021-143
 - Title:** Glass Recycling Bin Supply
 - Cost:** The accepted schedule of rates is detailed in the confidential attachment. Total expenditure is limited to \$2,515,150.28 (excluding GST) unless otherwise approved by Council.
 - Term:** 1 June 2022 to 31 October 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.
2. Approve the funding arrangements detailed in the confidential attachment.
 3. Delegate the authority to execute the contract documents to the CEO.

COUNCIL RESOLUTION

Moved: Administrator Peita Duncan

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for 2021-143 Glass Recycling Bin Supply.

CARRIED

5.5 High Performing Organisation

5.5.1 Confirmation of minutes and associated actions of CEMAC meetings held 7 April 2022 and 2 May 2022 and extension of independent member term.

Responsible Officer Executive Manager Governance & Strategy

Author Frank Joyce, Executive Manager Governance & Strategy

Attachments

1. CONFIDENTIAL - CEMAC minutes - 7 April 2022 [9.5.1.1 - 3 pages]
2. CONFIDENTIAL - CEMAC minutes - 2 May 2022 with attachments [9.5.1.2 - 17 pages]

These attachments have been designated as confidential by the Executive Manager Governance & Strategy, 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 personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. In particular the attachments contain information regarding the CEO's employment, performance and remuneration.

Purpose

To inform Council of the Chief Executive Officer (CEO) Employment Matters Advisory Committee (CEMAC) minutes and recommendations relating to the employment and performance of the CEO.

For Council to endorse the extension of appointment of Margaret Devlin as Independent Chair of the CEMAC committee until 31 December 2022.

Recommendation

That Council:

1. **Note the Minutes of the CEO Employment Matters Advisory Committee (CEMAC) meetings held on 7 April 2022 and 2 May 2022 (attachments 1 and 2)**
2. **Endorse the CEMAC feedback to the CEO on his performance, indicating significant achievement and reform across the organisation and supporting the CEO priorities identified for the next 6 months.**
3. **Endorse the recommendations of CEMAC including supporting the change of timing for the CEO performance and remuneration reviews to be based on a financial year cycle to better align with the budget and community Plan reporting.**

4. Authorise the Executive Manager Governance and Strategy to extend Margaret Devlin's appointment as the independent member of the CEMAC from 7 July 2022 to 31 December 2022, in accordance with the existing terms of engagement and in line with the CEO Employment and Remuneration Policy.

COUNCIL RESOLUTION

Moved: Chairperson Lydia Wilson

Seconded: Administrator Chris Eddy

THAT Council adopt the recommendation for Confirmation of minutes and associated actions of CEMAC meetings held 7 April 2022 and 2 May 2022 and extension of independent member term.

CARRIED

5.5.2 Proposed Motions - MAV State Council Meeting

Responsible Officer	Executive Manager Governance & Strategy
Author	Amanda Marijanovic, Coordinator Governance Administration
Attachments	No Attachments

Purpose

That Council support the submission of the following motions for consideration at the MAV State Council Meeting on 24 June 2022.

Recommendation

That Council support the submission of the following motions for consideration at the MAV State Council Meeting on 24 June 2022:

1. That the MAV State Council advocates to the Victorian State Government to:
 - a. Amend the *Domestic Animals Act 1994* to introduce standardised domestic animal (cat and dog) registration fees across Victoria; and
 - b. Include the following matters in the terms of reference for the development of the upcoming Victoria Cat Management Strategy, for implementation within the first two years:
 - i. Consistent cat confinement laws across Victoria; and
 - ii. Mandatory cat desexing for all newly registered cats in Victoria; unless registered through an applicable cat organisation or as a domestic animal business.
2. That the MAV State Council advocates to the State Government to overhaul the Maternal and Child Health (MCH) Program including:
 - a. A review of the Key Age and Stage (KAS) framework and development of MCH workforce strategy by the end of 2023; and
 - b. Funding a new IT infrastructure system, to replace the outdated not fit for purpose Child Development Information System (CDIS) database by the end of-2024.
3. That the MAV State Council advocates to the State Government for the delivery of an integrated Bin Day App that:
 - a) Allows all residents of Victoria equal access to accurate information about bin collection days; and
 - b) Supports the standardisation of kerbside bin contents, through consistent and timely messaging, eliminating confusion and ensuring quality product to recyclers; and
 - c) Integrates into the Service Victoria App.

4. That the MAV State Council advocates to the State Government for the Environment Protection Agency to appoint an Officer for the Protection of the Local Environment (OPLE) to each local council in Victoria to ensure a consistent coordinated approach to education and enforcement of State and Local Government environment protection matters.

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Chairperson Lydia Wilson

THAT Council adopt the recommendation for Proposed Motions - MAV State Council Meeting.

CARRIED

5.5.3 Quarterly Corporate Performance Report - Q3 ended 31/3/2022

Responsible Officer Interim Director Corporate & Shared Services

Author Rahul Shah, Unit Manager Financial Strategy

Attachments

1. Attachment 1 March Corporate Performance Report [5.5.3.1 - 23 pages]
2. 2021-2025 Performance Snapshot Q 3 2021-2022 [5.5.3.2 - 1 page]
3. Project Progress Report Q3 [5.5.3.3 - 6 pages]
4. Grants Status Report March 2022 [5.5.3.4 - 1 page]
5. Proposed Budget Adjustments Quarter 3 [5.5.3.5 - 1 page]
6. Carry Forwards 2021-22 [5.5.3.6 - 3 pages]
7. Reserve Details March 2022 [5.5.3.7 - 2 pages]

Purpose

That Council notes the Quarterly Corporate Performance Report for the period ended 31 March 2022 (Attachment 1).

Recommendation

That Council:

1. **Notes the Quarterly Corporate Performance report for March 2022 (Attachment 1).**
2. **Notes the outcome of the 2021-22 Quarter 3 Forecast review.**
3. **Notes the progress made against the key initiatives and actions included in the Community Plan 2021-2025 and Action Plan 2021-2022 (Attachments 2).**
4. **Notes the Capital Works Program Performance for the period ended 31 March 2022 and progress of projects as outlined in Project Progress Report (Attachment 3).**
5. **Notes the status of the infrastructure grants as at the end of March 2022 as outlined in Grants Status Update (Attachment 4).**
6. **Approve the proposed capital budget adjustments as listed in the Proposed Capital Budget Adjustments (Attachment 5).**
7. **Notes the Financial Performance for the period ended 31 March 2022.**

COUNCIL RESOLUTION

Moved: Administrator Peita Duncan

Seconded: Chairperson Lydia Wilson

THAT Council adopt the recommendation for Quarterly Corporate Performance Report - Q3 ended 31/3/2022.

CARRIED

5.1 Insurance Renewal – Delegation of authority to CEO

Responsible Officer	Executive Manager Governance & Strategy
Author	Brett Davidson, Coordinator Risk Management
In Attendance	Samantha Boyle, Unit Manager Governance & Risk

Purpose

The purpose of this report is for Council to delegate authority to the Chief Executive Officer (CEO) for approval of the procurement of Council's 2022/23 insurance program.

Recommendation

That Council:

1. **Delegate authority to the CEO to approve the extension of the Jardine Lloyd Thompson brokerage and insurance contract for one year commencing 1 July 2022.**
2. **Delegate authority to the CEO to approve engaging the Municipal Association of Victoria Insurance to provide Public Liability/Professional Indemnity and Commercial Crime Insurances for one year commencing 1 July 2022.**

COUNCIL RESOLUTION

Moved: Administrator Chris Eddy

Seconded: Administrator Peita Duncan

THAT Council adopt the recommendation for Insurance Renewal – Delegation of authority to CEO.

CARRIED

6 Notices of Motion

No Notices of Motion

7 Urgent Business

No Urgent Business

8 Reports from Council Representatives and CEO Update

8.1 Administrator Peita Duncan Report

Administrator Duncan's report was provided verbally at the 16 May 2022 Council Meeting. Since the last Council Meeting, Administrator Duncan attended:

- The CEO Employment Matters Advisory Committee (CEMAC) meeting 2 May 2022;
- The interfaith Ramadan dinner at Al Siraat College on 13 April 2022;
- Anzac Day Dawn Service at the Epping RSL;
- Two Coffee with Council sessions; and
- Citizenship Ceremony at Plenty Ranges Arts and Convention Centre.

8.2 Administrator Chris Eddy Report

Administrator Eddy's report was provided verbally at the 16 May 2022 Council Meeting. Since the last Council Meeting, Administrator Eddy attended:

- Coffee with Council session in Bundoora Square;
- Victorian Greenhouse Alliance's annual conference;
- Citizenship Ceremony at Plenty Ranges Arts and Convention Centre;
- Peter Hopper Lake to hear local member Andrew Giles announcement of a funding commitment should Labor be elected.

8.3 Chair of Council, Lydia Wilson Report

Chair of Council's report was provided verbally at the 16 May 2022 Council Meeting. Since the last Council Meeting, Chair of Council attended:

- Yarra Plenty Regional Library Corporation Board Meeting;
- The CEO Employment Matters Advisory Committee (CEMAC) meeting 2 May 2022;
- Chaired Whittlesea Community Connection finance audit and risk sub-committee meeting;
- Anzac Day Dawn Service at the Epping RSL;
- Opening of the Hills View Recreation Reserve Turf Sportsground;
- Launch of the Whittlesea Youth Mentoring Program;
- Coffee with Council at Bundoora Square; and
- Flag raising Ceremony at Al Siraat College.

8.4 Chief Executive Officer, Craig Lloyd Update – 16 May 2022

The Chief Executive Officer's report was provided verbally at the 16 May 2022 Council Meeting. The Chief Executive Officer advised of the following:

- Represented the city at an announcement by the Prime Minister Scott Morrison last week, related to the Beveridge Intermodal Freight Terminal.
- Also represented Council in a meeting with the Treasurer talking about the financial situation of councils and future opportunities for collaboration between the council and state government.
- Last Thursday was international nurses day and it was a great opportunity to recognise the 81 immunisation and child health nurses that work for the City of Whittlesea. A big thank you and shout out to all of those staff and also to the other nurses at Northern Health and the other nurses we have working for us in our municipality.
- Upcoming events include:
 - International Day Against Homophobia, Biphobia, Interphobia and Transphobia - IDOHOBIT
 - National volunteer week, Council will be holding a lunch to recognise volunteers that have worked for the City of Whittlesea and donated their time to support our community.
- We are currently recruiting for young people, 12 to 25-year-olds to join the youth advisory committee.
- Over the last month we have had quite a few community consultations including:
 - Confinement and mandatory de-sexing of newly registering cats. We received more than 800 responses to that consultation and we will be bringing recommendations back to Council in the coming months as a result of that great feedback.
 - Feedback from shoppers and traders at the Gorge Road shops, regarding upgrades to their precinct.
 - Seeking feedback from the community regarding our asset management plans. There are still a few more opportunities to attend or submissions can be made online. There will be a Pop Up at Mill Park Leisure Centre tomorrow, 5 PM to 7 PM, on Wednesday at Pacific Shopping Centre 9 AM to 1 PM, and then the following Wednesday 9 AM to 12 PM at the Thomastown Recreation and Aquatics Centre.
- And just a reminder that next Saturday, 21 May, the South Morang Farmers and Makers Market is returning to the Civic Centre, 9 AM to 1 PM. As always it is a great opportunity to support the local makers and growers and this will be continuing for the foreseeable future on the third Saturday of the month.

9 Confidential Business

9.1 Confidential Connected Communities

No Reports

9.2 Confidential Liveable Neighbourhoods

No Reports

9.3 Confidential Strong Local Economy

No Reports

9.4 Confidential Sustainable Environment

No Reports

9.5 Confidential High Performing Organisation

No Reports


9.6 Confidential Notices of Motion

No Confidential Notices of Motion

10 Closure

There being no further business the Chair of Council closed the Scheduled Council Meeting 16 May 2022 at 8:38 pm.

Confirmed this 27th day of June, 2022



Lydia Wilson
Chair of Council