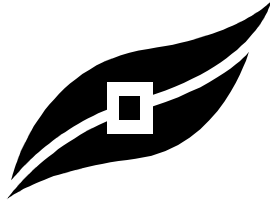


# MINUTES



**MANNINGHAM**  
BALANCE OF CITY AND COUNTRY

## Ordinary Meeting of the Council

**MEETING DETAILS:**

MEETING NO: 10  
MEETING DATE: 30 August 2016  
TIME: 7:00 PM  
LOCATION: Council Chamber, Civic Centre  
699 Doncaster Road, Doncaster

# MINUTES

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**MANNINGHAM CITY COUNCIL**  
**MINUTES OF THE ORDINARY COUNCIL MEETING**  
**HELD AT COUNCIL CHAMBER, CIVIC CENTRE**  
**ON**  
**30 AUGUST 2016**

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The meeting commenced at 7:00 PM.

Present: Councillor Paul McLeish (Mayor)  
Councillor Dot Haynes (Deputy Mayor)  
Councillor Meg Downie  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Jim Grivokostopoulos  
Councillor Michelle Kleinert  
Councillor Stephen O'Brien

Officers Present: Chief Executive Officer, Mr Warwick Winn  
Director Assets & Engineering, Mr Leigh Harrison  
Director Community Programs, Mr Chris Potter  
Director Planning & Environment, Ms Teresa Dominik  
Director Shared Services, Mr Philip Lee  
Executive Manager People & Governance – Ms Jill Colson

**1. OPENING PRAYER & STATEMENTS OF ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

**2. APOLOGIES**

There were no Apologies for this meeting.

**3. PRIOR NOTIFICATION OF CONFLICTS OF INTEREST**

The Chairman invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no notifications of Conflict of Interest.

**4. CONFIRMATION OF MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON 26 JULY 2016**

**MOVED: GRIVOKOSTOPOULOS**  
**SECONDED: DOWNIE**

That the Minutes of the Ordinary Meeting of Council held on 26 July 2016 be confirmed.

**CARRIED**

**5. VERBAL QUESTIONS FROM THE PUBLIC**

There were no Questions from the Public.

**6. PRESENTATIONS**

There were no Presentations.

**7. PETITIONS**

**7.1 Overdevelopment of High Density Buildings in Bulleen**

**MOVED: GRIVOKOSTOPOULOS**  
**SECONDED: O'BRIEN**

That the Petition containing 68 signatures concern about the overdevelopment of high density buildings in Bulleen particularly on and around Manningham Road be received and referred to the appropriate Officer for attention.

**CARRIED**

**8. ADMISSION OF URGENT BUSINESS**

**8.1 Confidential Governance Matter**

**MOVED: GOUGH**  
**SECONDED: HAYNES**

That Council admits as Urgent Business an item titled "Confidential Governance Matter" and this matter be considered in closed Council as part of item 20 as public disclosure would prejudice the Council or any person pursuant to section 89(2)(h) of the Local Government Act 1989.

**CARRIED**

Procedure Motion

MOVED: HAYNES  
SECONDED: DOWNIE

That the Meeting Procedures Standing Orders be suspended to allow items 16 and 17 to be brought forward and considered before item 9 on Planning Permit Applications.

CARRIED

Item 16 Rescission Motion and item 17 Notices of Motion were considered at this stage in the Meeting but the outcome are shown later in the Minutes.

## 9. PLANNING PERMIT APPLICATIONS

### 9.1 Planning Application PL15/025340 - 118-120 Manningham Road, Bulleen - Construction of a four-storey Apartment Building with 32 Apartments

Responsible Director: Director Planning & Environment

File No. T16/183

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

**Land:** 118-120 Manningham Road, Bulleen  
**Zone** Residential Growth Zone Schedule 2  
**Applicant:** Roland Zhang  
**Ward:** Heide  
**Melway Reference:** 32G7  
**Time to consider:** 11 September 2016

#### SUMMARY

*The proposal is for the development of two (2) side-by-side residential lots (with a total area of approximately 1,391 square metres) with a four-storey apartment building and basement car parking on land known as 118 and 120 Manningham Road, Bulleen. The apartment building proposes a yield of 32 dwellings consisting of 3 one bedroom apartments, 25 two bedroom apartments and 4 three bedroom apartments. A total of 40 car parking spaces are provided on-site.*

*The application was advertised and 19 objections were received, including one multi-signatory objection with 5 signatures from owners and occupiers of surrounding land. Grounds of objection relate to the design response and neighbourhood character, the built form and building height, site coverage, on- car parking provision, traffic, and off-site amenity impacts including overlooking, overshadowing and the visual impact of the building.*

*This report concludes that the proposal generally complies with the Manningham Planning Scheme, including Clause 55 (Res Code) and the requirements of Schedule 8 to the Design and Development Overlay (Residential Areas adjacent to Activity Centres and along Main Roads). These planning controls recognise that there will be a substantial level of change in dwelling yields and built form at the subject site.*

*Officers have however, given particular consideration to the building's height and scale, as it proposes to take full advantage of the site opportunities including a four-storey built form with a maximum height of 11.7 metres above natural ground level. This height exceeds the preferred maximum height and policy intent outlined in the Design and Development Overlay Schedule 8, which encourages a maximum height of 9 metres and built form outcomes up to three-storeys in height, on the subject site.*

*Subject to conditions on any permit issued, requiring increased setbacks from the rear site boundary (to 1 Nirvana Crescent) at the first and third floor levels, and change to some of the stronger design elements to the rear building façade at the second floor level, in order to improve off-site amenity impacts and improve height transition to the south, the height and mass of the building form is considered acceptable on this main road location. The design response includes reasonable setbacks from the remaining site boundaries to allow for perimeter landscaping. This will assist in softening and screening the building from adjoining residents and limiting any unreasonable visual bulk and off-site amenity impacts.*

*The design proposes a site coverage of 65% according to the submitted plans. This exceeds the preferred 60% maximum site coverage prescribed under the DDO8. However, a further analysis of this has revealed that the ground level building footprint has a site coverage of only 55% and it is the overhanging balconies and construction over the driveway that are responsible for the inflated figure. The proposal provides ground level setbacks consistent with 60% maximum site coverage and the development is suitably softened by generous amounts of landscaping.*

*Overall, this is a compliant development and approval (subject to conditions on any permit issued) is recommended.*

## **1 BACKGROUND**

### **Site**

- 1.1 118 -120 Manningham Road, Bulleen (the subject site) comprises two (2) residential lots that have a total site area of approximately 1,391 square metres. The subject site is irregular in shape with a street frontage to Manningham Road (northern boundary) of 41.15 metres, a frontage to Nirvana Crescent (eastern boundary) of 35.74 metres and a 2.91 metre corner splay at the intersection (north-eastern corner).
- 1.2 The lot at 118 Manningham Road is developed with a single-storey brick dwelling with a flat roof. The dwelling is setback approximately 7.5 metres from Manningham Road and the frontage is fenced by a low height brick fence.
- 1.3 The lot at 120 Manningham Road is developed with a single-storey brick dwelling with a tiled hipped roof. The dwelling is setback approximately 8.5 metres from Manningham Road and 3.0 metres from Nirvana Crescent. Both the Manningham Road and Nirvana Crescent frontages are unfenced. Vehicle access is provided via a crossover from Nirvana Crescent.
- 1.4 To the east of the subject site, there is a rise up from the road surface across the nature strip such that the subject site sits between approximately 1.5 and 1.7 metres higher than the footpath level, and between 1.8 and 2.0 metres higher than the road surface level. The battered portion of the nature strip (located between the footpath and the title boundary) is planted out with ground covers and shrubs and while it is Council land, it presents as part of the subject site.
- 1.5 The subject site itself is relatively flat, with a slight fall to the northeast corner.
- 1.6 Both lots have a 1.83 metre wide drainage and sewerage easement running along the southern boundary. There are no covenants or Section 173 Agreements registered against either title, however each title has a caveat



registered. The proposed development will not breach any restrictions registered to title.

### Surrounds

- 1.7 The subject site is a corner lot with frontages to two (2) streets and has direct abuttal with two (2) properties. These properties and other surrounding development are described as follows:

Direction	Address	Description
North	Manningham Road	To the front of the subject site is Manningham Road, which is a 6 lane main road with a central median strip.
South	1 Nirvana Crescent	This site is an irregular shaped lot with an area of approximately 736 square metres. The site is developed with a single dwelling orientated to Nirvana Crescent. The dwelling is a single-storey brick dwelling with a shallow pitched hipped roof and wide eaves. The dwelling is set back between 2.63 metres and 6.0 metres from the shared boundary with the subject site with habitable from windows a distance of 6.0m from the shared boundary. A carport is constructed on the shared boundary and a shed is located immediately to the rear of this. An area of secluded private open space is located at the rear (western side) of the dwelling. The shared boundary comprises a 2.0 metre high paling fence. This property is zones General Residential 1 (GRZ1).
East		To the east of the subject site is Nirvana Crescent, a local street with on-street parking provided. On the opposite side of Nirvana Crescent are 2A and 2B Nirvana Crescent, which are developed with 2 single-storey dwellings constructed of rendered walls with tiled hipped roofs. Both dwellings share a vehicle access off Nirvana Crescent. This site is also in a Residential Growth Zone (GRZ).
West	114 and 116 Manningham Road	This site was previously occupied by a single dwelling, but currently an 8 dwelling development approved under planning permit PL14/024313 is under

Direction	Address	Description
		construction. The completed development will result in 8, 3-storey dwellings setback 6.0 metres from Manningham Road and 2.5 metres (2.0 metres when measure to balconies) from the shared boundary with the subject site.

- 1.8 Further west, number 112 Manningham Road is developed with a single-storey, brick dwelling set back 7.7 metres from the street frontage. Vehicle access is via a crossover on the eastern end of the frontage, leading to a driveway that provides access to a carport attached to the east of the dwelling and a garage at the south-east corner of the property. The secluded private open space is located to the south of the dwelling and is mostly grassed with some small trees. A brick fence approximately 1.2 metres in height is located on the frontage.
- 1.9 Number 3A Nirvana Crescent abuts the western corner of the southern boundary of the subject site and is currently being developed with a two-storey dwelling set back 3.8 metres from the common boundary. Facing the subject site, the dwelling has four (4) habitable room windows at ground level (the closest being 6.55 metres from the shared boundary) and one (1) habitable room window at the upper level.
- 1.10 Manningham Road is a major arterial road and has three (3) lanes of traffic travelling in east and westerly directions, and a raised median strip. Bus services are available along Manningham Road.
- 1.11 Bulleen Plaza Shopping Centre is located approximately 200 metres to the west of the subject site. St. Clements Primary School is located 300 metres to the west and Pinnacle Reserve is located 220 metres to the east of the subject site.
- 1.12 Nearby housing is generally single-dwellings on a lot with a mix of single and double-storey built forms. Housing stock is generally constructed in brick with evidence of both flat and hipped roof forms. Garages are generally built at the side of dwellings or incorporated into the design of the dwellings with single driveway access. Some nearby lots have also been developed with multiple dwellings.

## 2 PROPOSAL

- 2.1 It is proposed to demolish the existing buildings (no planning permit required), carry out excavation for two (2) levels of basement car parking and construct a four-storey apartment building with a roof terrace for each of the four (4), 3-bedroom dwellings on Level 3.
- 2.2 The building will provide 32 dwellings, including 3 one-bedroom apartments, 25 two-bedroom apartments, and 4 three bedroom apartments. The apartments vary in floor area between 49 and 97 square metres.
- 2.3 The submitted plans show a building site coverage of approximately 65.72%. An analysis of the plans shows that the ground level building footprint has a

site coverage of 55% and it is the overhanging balconies and construction of the driveway that are responsible for the inflated figure.

- 2.4 The proposal provides a density of one dwelling per 43.4 square metres.
- 2.5 The pervious site coverage is 33.4%.
- 2.6 The building has a maximum height of 11.7 metres above the existing ground level (located at the parapet wall of the southwest corner of the roof terrace). At other points, the roof terrace has a height of between 11.4 and 11.5 metres above existing ground level.
- 2.7 The proposed building has a stylish modern architectural design, which includes a flat roof form and curved façade presentation at the upper most level and corners atop a more linear structured lower level. The building façades consist of a mix of rendered walls, zinc composite cladding, metal screens, and glazed surfaces. The colour palette is a mix of grey, white silver and black.
- 2.8 The pedestrian entry to the building will be via a pathway from Nirvana Crescent. It leads to a central foyer that provides a lift and a stairwell for internal access to all levels of the building except for the roof level.
- 2.9 Vehicle access is provided via a new 6.365 metre wide crossover near the southern end of the eastern Nirvana Crescent frontage. It leads to a driveway with a maximum grade of 1:4 that slopes down towards the basement. The existing crossover to 120 Manningham Road will be removed and the footpath and nature strip replaced.
- 2.10 No existing trees on site are proposed to be retained. The areas around the building will be landscaped and the concept landscape plan shows canopy tree and other planting within the setbacks.
- 2.11 Along the south and west site boundaries, paling fences will be provided (2.0 metres in height to the southern boundary and 1.6 metres in height with lattice atop to 2.0 metres to the western site boundary).
- 2.12 No front fence is shown on plans.
- 2.13 The development will require a retaining wall to the western boundary, and along the north frontage (setback from the boundary), and the east frontage (setback from the boundary). The maximum depth of cut for the retaining wall will be in the order of 1.25 metres to the west boundary, whilst the maximum height of the wall itself will be in the order of 1.7 metres, with approximately 450mm of wall protruding above natural ground level.
- 2.14 Details for each building level is described as follows:
  - 2.14.1 The ground level consists of nine, two-bedroom apartments, all of which are provided with ground level terraces or courtyards. The courtyards range in size from 23.37 square metres to 88.25 square metres. This level also includes the main building entry from Nirvana Crescent, a central foyer with lift and stairwell area.
  - 2.14.2 Level 1 consists of seven, two-bedroom apartments and three one-bedroom apartments, each provided with balconies that range in size between 8.1 to 27.7 square metres.
  - 2.14.3 Level 2 consists of eight two-bedroom apartments, each provided with balconies or terraces that range in size from 9.29 to 28.85 square metres.

- 2.14.4 Level 3 consists of four, three-bedroom apartments and one two-bedroom apartment, each provided with balconies or terraces that range from 22.47 to 72.47 square metres. The 3 bedroom apartments each have an uncovered roof terrace of between 59.03 to 97.96 square metres in size.
- 2.14.5 Basement Level 1 provides 20 car parking spaces, including five visitor car parking spaces. It also includes a waste storage room, 9 secure bicycle spaces, two rain water tanks, 4 secure apartment storage spaces, and a lift and stairwell area. Access is restricted by an automatic roller door.
- 2.14.6 Basement Level 2 provides 20 car parking spaces. It also includes a water tank (located under ramp), 28 secure apartment storage spaces provided in two separate rooms and a lift and stairwell area.
- 2.15 The building has the following minimum setbacks to site boundaries:
- 2.15.1 Manningham Road (north) boundary:  
Ground level – 6.0 metres to façade, 4.2m to balcony columns  
Level 1 – 6.0 metres to façade, 4m to balcony edge  
Level 2 – 6.0 metres to façade, 4m to balcony edge  
Level 3 – 8.05 metres to façade, 3.95 metres to balcony edge
- 2.15.2 Nirvana Crescent Lane (east) boundary:  
Ground level – 4.0 metres to façade, 2.0 metres to balcony columns  
Level 1 – 4.0 metres to façade, 2.0 metres to balcony edge  
Level 2 – 4.0 metres to façade, 2.0 metres to balcony edge  
Level 3 – 6.0 metres to façade, 2.0 metres to balcony edge
- 2.15.3 Western boundary:  
Ground level – 2.0 metres  
Level 1 – 1.8 metres  
Level 2 – 4.0 metres to façade, 1.8 metres to balcony edge  
Level 3 – 7.0 metres to façade, 4.0 metres to balcony edge
- 2.15.4 Southern boundary:  
Ground level – 4.0 metres to façade, 2.6m to balcony columns  
Level 1 – 3.6 metres to façade, 2.6m to balcony edge  
Level 2 – 6.0 metres to façade, 4.9 metres to balcony edge  
Level 3 – 8.7 metres to façade, 7.5 metres to stairwell edge
- 2.16 Documentation submitted with the application includes an arboricultural report, sustainability management plan, traffic and car parking analysis, noise assessment, waste management plan and landscaping plans. Information from these documents is referenced where necessary in this report.

### **Planning History**

- 2.17 Council Officers provided the Applicant with pre-application advice in May 2015 and the application was presented to the Sustainable Design Taskforce on 25 June 2015.
- 2.18 The application for planning permit was lodged to Council on 30 June 2015 (Revision A plans).
- 2.19 Throughout the application process, Officers have continually expressed concern in relation to the height of the building in the submitted built form and the presentation and transition to the southern interface. Concern has also been expressed in relation to the treatment of the nature strip embankments and site coverage exceeding the 60% supported by policy.
- 2.20 Following notification (advertising) of the submitted application (Revision A plans) and the receipt of 19 objections, a Consultation Meeting was held on 28 January 2016. This meeting was facilitated by Officers and Councillors were present at the meeting, to discuss the concerns raised by objectors in their objection letters.
- 2.21 In response to queries raised at the Consultation Meeting the Applicant provided additional information in the form of sightlines (plan TP19 Rev B), a shadow analysis (plan TP20 Rev B) and an addendum to the submitted traffic report (dated 3 February 2016). Copies of each were posted to all of the objectors. The objectors were advised that the information provided was based on the submitted (advertised) design of the building and intended to provide Council Officers and objectors with additional information / clarification following discussions at the Consultation Meeting. The Applicant had re-visited the site since the Consultation Meeting and confirmed that the height of the southern boundary fence (when measured from the subject site) was already accurately shown on the plans (2.0 metres) and for this reason, no amendments had been made to the submitted plans or submitted shadow diagrams. Objectors were advised that there was no need to respond to Council in light of the additional information, however if they wanted to withdraw their objection or submit a further objection / addendum to their submitted objection in light of the additional information, they could do so.
- 2.22 One objector lodged a further objection in light of the information sent to them.
- 2.23 Throughout the application process, and particularly since the Consultation Meeting, Officers have been in discussions with the Applicant to discuss possible changes that could be made to the design response to improve the design of the southern building façade and limit off-site amenity impacts.
- 2.24 On 19 May 2016 an amended application was lodged pursuant to Section 57A of the Planning and Environment Act (1987). Further information was required by Officers and on 11 July 2016 the applicant submitted Revision E plans to satisfy Officers request for further information.
- 2.25 The Revision E plans are the plans that will be assessed in this report and are the 'decision plans'.
- 2.26 The Revision E plans were not re-advertised. The plans are generally consistent with the advertised plans (Revision A) and show minor design changes including:
- 2.26.1 Basement setback to southern site boundary increased by 0.4 metres from 3.6 metres to 4.0 metres.

- 2.26.2 Paved area in front of Apartments 1, 2 and 3 altered to lawn.
  - 2.26.3 Removal of internal atrium.
  - 2.26.4 Apartments 11, 12 and 13 – size of balconies reduced through the introduction of planter boxes.
  - 2.26.5 Apartment 11 and 18 - minor alteration to layout, including the introduction of a study.
  - 2.26.6 Apartments 26 and 23 - minor alteration to layout, including the introduction of a study.
  - 2.26.7 Apartment 20 - minor alteration to layout.
  - 2.26.8 Apartment 29 - removal of south-facing balcony.
  - 2.26.9 Apartment 28 - indented south side of balcony in lieu of overhanging balcony, setback increased by 0.3 metres from 0.6 metre to 0.9 metre, and associated minor alteration to layout.
  - 2.26.10 Apartments 29 and 30 – reduced size of roof terrace.
- 2.27 While these changes are considered to be an improvement on the advertised plans, Officers always considered that more substantial changes would ultimately be required to be made to the Revision E plans in order for the proposal to be fully supported by Council.

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, and based on the amended application lodged pursuant to Section 57A of the *Planning and Environment Act 1987*, the statutory time lapses on 11 September 2016.

### **4 POLICY IMPLICATIONS**

- 4.1 The *Planning and Environment Act 1987* (the Act) is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.
- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
  - 4.2.1 the relevant planning scheme; and
  - 4.2.2 the objectives of planning in Victoria; and
  - 4.2.3 all objections and other submissions which it has received and which have not been withdrawn; and
  - 4.2.4 any decision and comments of a referral authority which it has received; and
  - 4.2.5 any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. This is not relevant to this application as the lots are not burdened by a covenant.

**5 MANNINGHAM PLANNING SCHEME**

- 5.1 The subject site is located in the Residential Growth Zone Schedule 2 (RGZ2) under the provisions of the Manningham Planning Scheme (the Scheme). Adjacent land fronting Manningham Road is also included in the Residential Growth Zone Schedule 2.
- 5.2 Land to the south is located within the General Residential Zone Schedule 1 (GRZ1).
- 5.3 A planning permit is required to construct two or more dwellings on a lot in the Residential Growth Zone under Clause 32.07-4 of the Scheme.
- 5.4 The purpose of the Residential Growth Zone relates primarily to providing housing at increased densities, encourage a diversity of housing types and encouraging a scale of development that provides a transition between areas of more intensive use and development and areas of restricted housing growth.
- 5.5 Assessment is required under the provisions of Clause 55 (Res Code) of the Scheme.
- 5.6 The purpose of Clause 55 is generally to provide well designed and sustainable medium-density housing which offers a good living environment and life-style choice for occupants, while at the same time, maintaining the amenity and character of the locality, with particular emphasis on the amenity of adjoining residents.
- 5.7 The subject site is also included in the Design and Development Overlay Schedule 8 (DDO8) under the provisions of the Scheme.
- 5.8 The Design Objectives of the DDO8 are:
- To increase residential densities and provide a range of housing types around activity centres and along main roads.
  - To encourage development that is contemporary in design that includes an articulated built form and incorporates a range of visually interesting building materials and façade treatments.
  - To support three storey, 'apartment style', developments within the Main Road sub precinct and in sub-precinct A, where the minimum land size can be achieved.
  - To support two storey townhouse style dwellings with a higher yield within sub precinct B and sub-precinct A, where the minimum land size cannot be achieved.
  - To ensure new development is well articulated and upper storey elements are not unduly bulky or visually intrusive, taking into account the preferred neighbourhood character.
  - To encourage spacing between developments to minimise a continuous building line when viewed from a street.
  - To ensure the design and siting of dwellings have regard to the future development opportunities and future amenity of adjoining properties.
  - To ensure developments of two or more storeys are sufficiently stepped down at the perimeter of the Main Road sub-precinct to provide an

appropriate and attractive interface to sub-precinct A or B, or other adjoining zone.

- Higher developments on the perimeter of sub-precinct A must be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B or other adjoining zone.
- To ensure overlooking into adjoining properties is minimised.
- To ensure the design of carports and garages complement the design of the building.
- To ensure the design of basement and undercroft car parks complement the design of the building, eliminates unsightly projections of basement walls above natural ground level and are sited to allow for effective screen planting.
- To create a boulevard effect along Doncaster Road and Manningham Road by planting trees within the front setback that are consistent with the street trees.
- To encourage landscaping around buildings to enhance separation between buildings and soften built form.

5.9 Planning permission is required for buildings and works which must comply with the requirements set out in Table 1 and 2 of the Schedule. A planning permit cannot be granted to vary certain requirements of Table 2 (land size and height).

5.10 There is a range of policy requirements outlined in this control under the headings of building height and setbacks, form, car parking and access, landscaping and fencing.

5.11 The subject site is located within **Sub-Precinct Main Road DDO8-1**. In this precinct Table 1 applies.

5.12 Pursuant to Table 1 the maximum allowable building height for land less than 1,800 square metres in size is 9 metres or 11 metres for land of greater than 1,800 square metres. The height is not mandatory, and a permit can be granted to allowing a higher building.

#### **State Planning Policy Framework**

5.13 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:

- Promote good urban design to make the environment more liveable and attractive.
- Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.



- Ensure transport corridors integrate land use planning, urban design and transport planning and are developed and managed with particular attention to urban design aspects.
  - Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.
- 5.14 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.15 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:  
Ensure development responds and contributes to existing sense of place and cultural identity.
- Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.
  - Ensure development responds to its context and reinforces special characteristics of local environment and place.
- 5.16 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.17 Clause 16.01-1 (Integrated Housing) seeks to promote a housing market that meets community needs. Strategies towards achieving this are identified as follows:
- Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations.
  - Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- 5.18 Clause 16.01-2 (Location of Residential Development) seeks to locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. Strategies towards achieving this are identified as follows:
- Increase the proportion of housing in Metropolitan Melbourne to be developed within the established urban area, particularly at activity centres, employment corridors and at other strategic sites, and reduce the share of new dwellings in greenfield and dispersed development areas.
  - In Metropolitan Melbourne, locate more intense housing development in and around Activity centres, in areas close to train stations and on large redevelopment sites.
  - Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport.

- Facilitate residential development that is cost-effective in infrastructure provision and use, energy efficient, incorporates water efficient design principles and encourages public transport use.
- 5.19 Clause 16.01-4 (Housing Diversity) seeks to provide for a range of housing types to meet increasingly diverse needs. Strategies towards achieving this are identified as follows:
- Ensure housing stock matches changing demand by widening housing choice, particularly in the middle and outer suburbs.
  - Encourage the development of well-designed medium-density housing which:
    - Respects the neighbourhood character.
    - Improves housing choice.
    - Makes better use of existing infrastructure.
    - Improves energy efficiency of housing.
  - Support opportunities for a wide range of income groups to choose housing in well serviced locations.
- 5.20 Clause 16.01-5 (Housing affordability) seeks to deliver more affordable housing closer to jobs, transport and services.

#### **Municipal Strategic Statement (Clause 21)**

- 5.21 Clause 21.03 (Key Influences) identifies that future housing need and residential amenity are critical land-use issues. The MSS acknowledges that there is a general trend towards smaller household size as a result of an aging population and smaller family structure which will lead to an imbalance between the housing needs of the population and the actual housing stock that is available.
- 5.22 This increasing pressure for re-development raises issues about how these changes affect the character and amenity of our local neighbourhoods. In meeting future housing needs, the challenge is to provide for residential redevelopment in appropriate locations, to reduce pressure for development in more sensitive areas, and in a manner that respects the residential character and amenity valued by existing residents.
- 5.23 Clause 21.05 (Residential) outlines the division of Manningham into four Residential Character Precincts. The precincts seek to channel increased housing densities around activity centres and main roads where facilities and services are available. In areas which are removed from these facilities a lower intensity of development is encouraged. A low residential density is also encouraged in areas that have identified environmental or landscape features.
- 5.24 The site is within "Precinct 2 –Residential Areas Surrounding Activity Centres and Along Main Roads".
- 5.25 This area is aimed at providing a focus for higher density development and a substantial level of change is anticipated. Future development in this precinct is encouraged to:
- Provide for contemporary architecture and achieve high design standards

- Provide visual interest and make a positive contribution to the streetscape
  - Provide a graduated building line from side and rear boundaries
  - Minimise adverse amenity impacts on adjoining properties
  - Use varied and durable building materials
  - Incorporate a landscape treatment that enhances the overall appearance of the development.
- 5.26 Within this precinct, there are three sub-precincts which each stipulate different height, scale and built form outcomes to provide a transition between each sub-precinct and adjoining properties, primarily those in Precinct 1 – Residential Areas Removed from Activity Centres and Main Roads.
- 5.27 The three sub-precincts within Precinct 2 consist of:

**Sub-precinct – Main Road (DDO8-1)** is an area where three storey (11 metres) ‘apartment style’ developments are encouraged on land with a minimum area of 1,800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side same sub-precinct. All development in the Main Road sub-precinct should have a maximum site coverage of 60 percent.

*Higher developments on the perimeter of the Main Road sub-precinct should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct A or B, or other adjoining zone.*

**Sub-precinct A (DDO8-2)** is an area where two storey units (9 metres) and three storey (11 metres) ‘apartment style’ developments are encouraged.

*Three-storey, contemporary developments should only occur on land with a minimum area of 1800m<sup>2</sup>. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage. The area of 1800m<sup>2</sup> must all be in the same sub-precinct. In this sub-precinct, if a lot has an area less than 1800m<sup>2</sup>, a townhouse style development proposal only will be considered, but development should be a maximum of two storeys. All development in Sub-precinct A should have a maximum site coverage of 60 percent.*

*Higher developments on the perimeter of sub-precinct A should be designed so that the height and form are sufficiently stepped down, so that the scale and form complement the interface of sub-precinct B, or other adjoining zone.*

**Sub-precinct B (DDO8-3)** is an area where single storey and two storey dwellings only will be considered and development should have a maximum site coverage of 60 percent. There is no minimum land area for such developments.

- 5.28 The subject site is located within **Sub-Precinct – Main Road (DDO8-1)**.

- 5.29 Clause 21.05-2 Housing contains the following objectives:

- To accommodate Manningham’s projected population growth through urban consolidation, infill developments and Key Redevelopment Sites.

- To ensure that housing choice, quality and diversity will be increased to better meet the needs of the local community and reflect demographic changes.
- To ensure that higher density housing is located close to activity centres and along main roads in accordance with relevant strategies.
- To promote affordable and accessible housing to enable residents with changing needs to stay within their local neighbourhood or the municipality.
- To encourage development of key Redevelopment Sites to support a diverse residential community that offers a range of dwelling densities and lifestyle opportunities.
- To encourage high quality and integrated environmentally sustainable development.

5.30 The strategies to achieve these objectives include:

- Ensure that the provision of housing stock responds to the needs of the municipality's population.
- Promote the consolidation of lots to provide for a diversity of housing types and design options.
- Ensure higher density residential development occurs around the prescribed activity centres and along main roads identified as Precinct 2 on the Residential Framework Plan 1 and Map 1 to this clause.
- Encourage development to be designed to respond to the needs of people with limited mobility, which may for example, incorporate lifts into three storey developments.

5.31 Clause 21.05-4 (Built form and neighbourhood character) seeks to ensure that residential development enhances the existing or preferred neighbourhood character of the residential character precincts as shown on Map 1 to this Clause.

5.32 The strategies to achieve this objective include:

- Require residential development to be designed and landscaped to make a positive contribution to the streetscape and the character of the local area.
- Ensure that where development is constructed on steeply sloping sites that any development is encouraged to adopt suitable architectural techniques that minimise earthworks and building bulk.
- Ensure that development is designed to provide a high level of internal amenity for residents.
- Require residential development to include stepped heights, articulation and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.

5.33 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These are:

- Building energy management

- Water sensitive design
- External environmental amenity
- Waste management
- Quality of public and private realm
- Transport

#### **Local Planning Policy**

- 5.34 Clause 22.08 (Safety through urban design) is relevant to this application and seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham. The policy seeks attractive, vibrant and walkable public spaces where crime, graffiti and vandalism is minimised.
- 5.35 Clause 22.09 (Access for disabled people) is relevant to this applicant and seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

#### **Particular Provisions**

- 5.36 Clause 52.06 (Car Parking) is relevant to this application. Pursuant to Clause 52.06-5, car parking is required to be provided at the following rate:
- 1 space for 1 and 2 bedroom dwellings
  - 2 spaces for 3 or more bedroom dwellings
  - 1 visitor space to every 5 dwellings for developments of 5 or more dwellings (rounded down)
- 5.37 Clause 52.06-7 outlines several design standards for parking areas that should be achieved unless with the approval of the Responsible Authority..
- 5.38 Clause 52.29 (Land Adjacent to a Road Zone Category 1) seeks to ensure appropriate access to identified roads. A permit is required to create or alter access to a road in a Road Zone, Category 1. All applications must be referred to VicRoads for comment.
- 5.39 Clause 55 (Res Code) applies to all applications for two or more dwellings on a lot. Consideration of this clause is outlined in the Assessment section of this report.
- 5.40 Clause 65 (Decision Guidelines) outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - The purpose of the zone, overlay or other provision.
  - The orderly planning of the area.
  - The effect on the amenity of the area.

## 6 ASSESSMENT

- 6.1 The proposed apartment building on the subject site is consistent with the broad objectives of Council's planning policy outlined at Clause 21.05 of the Scheme. The policy encourages urban consolidation (and apartment buildings) in this specific location due to its capacity to support change given that the subject site is located on a main road. The policy anticipates a substantial level of change from the existing single dwelling and dual occupancy pattern of development that is evident in the area and has occurred in the past.
- 6.2 The consolidation of lots with a combined area of approximately 1,391 square metres allows for increased development potential, as the larger area allows increased setbacks to compensate for its larger scale in comparison to traditional medium density housing. Whilst the site does not reach the 1,800 square metre desired land size under the provisions of the DDO8 control to support an 11 metre high building, the subject site benefits from being on a corner location with two (2) street frontages, with only two (2) direct abuttals with residential properties. Policy allows discretion to be applied in granting a higher building.
- 6.3 An assessment of the proposal will be made based on the following planning controls:
- Design and Development Overlay, Schedule 8
  - Clause 52.06 Car Parking
  - Clause 55 Res Code (Two of more dwellings on a lot and residential buildings)
  - General Matters
- 6.4 In the tables below, Officers have used the term 'Met' where an objective and performance standard or policy requirement is achieved, 'Considered met' where the objective is met, but the performance standard or policy requirement is not achieved, and 'Met subject to conditions' where either the objective or the performance standard or policy requirement has not been met and modifications are required.

### Design and Development Overlay

- 6.5 Clause 43.02 (Design and Development Overlay Schedule 8) of the Scheme has the following decision guidelines against which a general assessment is provided:

Design Element	Level of Compliance
<p><b><u>Building Height and Setbacks</u></b></p> <p>DDO8-1 (Main Road Sub-precinct):</p> <ul style="list-style-type: none"> <li>• The minimum lot size is 1800 square metres, which must be all the same sub-precinct. Where the land comprises more than one lot, the lots must be consecutive lots which are side by side and have a shared frontage</li> <li>• The building has a maximum height</li> </ul>	<p><b>Considered Met - subject to Conditions 1.1 and 1.6</b></p> <p>The subject site has an area of 1,391 square metres that is entirely within the Main Road Sub-Precinct. Table 1 sets out that a 9 metre maximum building height is applicable.</p> <p>The building has a maximum height of 11.7 metres, shown on the plans, which exceeds</p>

<p>of 11 metres provided the condition regarding minimum lot size is met. If the condition is not met, the maximum height is 9 metres, unless the slope of the natural ground level at any cross section wider than eight metres of the building is 2.5 degrees or more, in which case the maximum height must not exceed 10 metres.</p>	<p>the 9 metre maximum height by 2.7 metres.</p> <p>The height is not mandatory however a policy states that a permit can be granted to allowing a higher building.</p> <p>The purpose of providing discretion in building height on the Main Road Sub-Precinct is to allow flexibility to achieve design excellence. This might be through providing a 'pop-up' level to provide visual interest to an otherwise uninspiring roof form, or a design feature on a 'gateway' site. The discretion is only provided to the sub-precinct because main road streetscapes typically contain a greater mix of building forms with more robust building forms (for example higher solid fencing, larger commercial buildings) compared to local streets and therefore can absorb some additional height.</p> <p>In this instance, the additional built form constructed above the 9 metre maximum building height, is the uppermost floor and roof terrace. These are setback from the lower floors of the building and the design has used various design techniques to try and reduce the building mass of these elements. The uppermost floor is of a lighter colour than the floors below and utilizes organically shaped curved walls rather than angular or sharply defined corners. This allows various light different penetrations and a softer appearance of the upper floor, when viewed from the street. Sightline diagrams demonstrate that the upper floor will not generally be seen from the footpath on the southern side of Manningham Road, and only a small portion of the upper floor building form will be visible from the western side of Nirvana Crescent.</p> <p>The fact that the site sits approximately 1.5-2.0 metres above the footpath and road level with an embankment between footpath and title boundaries also allows for some greater building height. This embankment form provides an effective lower level vegetation screen and screens some of the lower level, especially when combined with the approximately 800mm to 1 metre drop proposed to the ground floor level.</p>
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	<p>That said, to the rear (south), Officers have some concern that the setback of the upper floor of the building does not go far enough to provide an appropriate transition to the lower level residential properties in Nirvana Crescent. This residential interface is the most sensitive residential interface abutting the Main Roads Sub-Precinct, as land to the south is included in an incremental change area (General Residential Zone Schedule 1). This location has no transition controls like some other areas where Sub-Precinct A or B provides a gradual reduction in scale to the incremental change area. Further, there is no 'buffer' in the form of a road.</p> <p>This concern can be rectified through permit conditions requiring the upper floor to be setback a minimum of 12.5 metres from the rear site boundary, in line with the southern wall of the stairwell and the submitted cross-section demonstrates that this design change will provide a more suitable recess of the upper floor so that it is not generally visible from 1 Nirvana Crescent. Further, the view of the upper floor will be screened by design elements (eaves) of the lower floor.</p> <p>Subject to this design change by way of a permit condition, the additional 2.7 metre building height proposed is because:</p> <ul style="list-style-type: none"><li>• it is limited to the uppermost floor and roof terrace, and these have been designed with colours and forms to reduce their visibility;</li><li>• the perimeter embankment allows a raised ground level presentation of landscaping which combined with the site cuts proposed will limit the appearance of the building to generally a 3 and a half storey form; and</li><li>• permit conditions will require an increased southern setback of the upper floor so that it will generally not be visible past the eaves of the lower floor when from the south adjoining property at 1 Nirvana Crescent.</li></ul> <p>Connected to the issue of building height is an acknowledgement that the proposed building is four storeys in height. The DDO8 and Clause 21.05 of the Scheme specifically</p>
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	<p>encourage '3-storey' developments.</p> <p>However the planning control does not mandate that buildings can be <u>only</u> three storeys, and the DDO8 and policy does not prohibit buildings having more than 3 storeys. It is just generally assumed that 3 storeys can fit within a 9 metre height limit.</p> <p>In this instance, the raised embankment to the east and northern corner, the site cuts proposed, and the setbacks and variation of colours/materials on the upper floor will result in an effective 3 and a half storey form presentation to much of the north and east.</p> <p>For the south, the increased setbacks will make the building appear more as 3-storey.</p>
<ul style="list-style-type: none"> <li>Minimum front street setback is the distance specified in Clause 55.03-1 or 6 metres, whichever is the lesser.</li> </ul>	<p><b>Considered Met</b> The building has a street setback to Manningham Road of 6 metres for the building façade, and balconies protruding to a 4 metre setback.</p> <p>This is considered acceptable as the non compliance is limited to the balconies which include visually permeable balustrade and not solid walls. The setback to balconies still allows for a good amount of landscaping in front of the building and the concept landscape plan demonstrates that trees can be planted within the landscape area.</p>
<ul style="list-style-type: none"> <li>Minimum side street setback is the distance specified in Clause 55.03-1.</li> </ul>	<p><b>Considered Met</b> The standard recommends a 3 metre setback to buildings. The building has a minimum side street setback to Nirvana Crescent of 4 metres to the façade and 2 metres to the edge of balconies. The balconies use visually permeable balustrade and not solid walls, and there is also a strong landscape presence within the Nirvana Crescent frontage. Additionally the curved form to the northeast corner provides visual interest and a marker feature to that corner and a smooth transition of building form around the corner.</p>
<p><b>Form</b></p> <ul style="list-style-type: none"> <li>Ensure that the site area covered by buildings does not exceed 60 percent.</li> </ul>	<p><b>Considered Met</b> The submitted plans show that the building has a site coverage of 65.72% which is 5.72% greater than the 60% sought by the</p>

	<p>DDO8. That said, under the definition of what constitutes 'site coverage' in the Scheme, the ground level building footprint has a site coverage of only 55% and it is the overhanging balconies at level 1 and level 2 over the ground level open space areas and construction of the driveway ramp which descends into the basement (which are not otherwise included in the calculation) that are responsible for the inflated figure.</p> <p>The inclusion of projecting balconies assists with providing articulation and visual interest to the building. The balconies are generally 2.0 metres wide and whilst there is an opportunity to scale them back to 1.6 metres (which is the minimum balcony width in the Scheme) to reduce site coverage to closer to 60%, this is not considered to be a good outcome as it would impact on the balcony sizes and on-site amenity of future residents within the building.</p> <p>Likewise there is an opportunity for Apartment 10 (which is constructed above the driveway) to be modified and reduced to nearer 60% but this would be a poor design outcome as it would expose the vehicle entrance and also reduce passive surveillance to Nirvana Crescent.</p> <p>The ground floor building footprint (approximately 763.9 square metres) equates to a site coverage of 58% which is below 60%. It demonstrates that there is appropriate space around the building to accommodate the required landscaping.</p> <p>The site coverage can be justified, for the following reasons:</p> <ul style="list-style-type: none"><li>• The corner location of the site gives an advantage over a mid block site, as there are only two (2) direct residential abuttals, rather than 3 or more abuttals as is generally found in mid block sites.</li><li>• An appropriate balance between landscaping and built form has been achieved.</li><li>• The wide verge on the site perimeter gives the appearance of forming part of the subject site and the proposal has taken full advantage of this unique site context. In the event that the Council</li></ul>
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	<p>land is acquired by the Applicant (refer to Condition 6) this area would add approximately 150 square metres to the subject site area, resulting in the proposed development falling even further below the prescribed 60% site coverage.</p> <ul style="list-style-type: none"> <li>The ground floor setbacks for the building comply with the setbacks prescribed under the DDO8. The front 6 metre set back and the rear 4.0 metre setback is met. A 4.0 metre side street setback is achieved and the 1.5 metre setback to the western site boundary is consistent with the general setbacks of buildings, and gaps between buildings, along a main road, and allows for appropriate in-ground planting to provide a screening 'buffer' between buildings.</li> </ul>
<ul style="list-style-type: none"> <li>Provide visual interest through articulation, glazing and variation in materials and textures.</li> </ul>	<p><b>Met – subject to Conditions 1.4, 1.5 and 1.6</b></p> <p>The building is designed with a mix of colours and materials, and has made use of varied setbacks and modulated forms. The use of a mix of curved and straight walls and recesses at various points along the façade provide balconies / terraces, successfully breaks up the mass of the building and reduces perceptions of any visual bulk. The result is a building that has visual interest, whilst presenting a legible and coherent form.</p> <p>Where Officers have concerns is the rear (southern) interface and there could be some improvements to the rear (southern façade) of the building. At first floor, the balconies to apartments 11, 12 and 13 protrude over the open space of the ground floor apartments (1, 2 and 3) below, and the outer edges of balconies are designed with solid walls (containing planter boxes). This results in a strong horizontal band across much of the rear of the building which presents as an unnecessary bulky element to the south at first floor level.</p> <p>There is an opportunity to setback the outer edge of these balconies to 3.6m (so that they are in line with the southern wall of the bedroom and bathroom of Apartment 10), and retain the planter box design (although</p>

	<p>with a different colour to the planter box wall to reduce the bulk to this element) or require a screen. This will reduce the visual bulk to this portion of the building and it would allow an improved level of solar access to the ground level south-facing dwellings below.</p> <p>At second floor, to the southwest corner, the balcony to Apartment 21 also provides a 'bulky' element to the rear yard of the south adjoining dwelling. This could be alleviated by a condition requiring the southern edge of the balcony to be setback to 7.8m in line with the southern wall of the kitchen of that apartment. A condition will also require the then exposed kitchen window of Apartment 21 to be screened in accordance with the objective at standard B22 of Res Code to limit views within a 9 metre radius of the window.</p> <p>Combined, these design changes, will significantly improve the design of the rear façade and reduce the visual bulk to the south adjoining dwelling.</p>
<ul style="list-style-type: none"> <li>Minimise buildings on boundaries to create spacing between developments.</li> </ul>	<p><b>Met</b></p> <p>There are no building elements on boundaries. Setbacks are at least 1.8 metres along the side boundary to provide spacing between the building and the adjoining property. To the south, the setbacks are at least 2.6 metres to the edge of balconies and this spacing can accommodate landscaping and allow light into adjacent rooms.</p>
<ul style="list-style-type: none"> <li>Where appropriate ensure that buildings are stepped down at the rear of sites to provide a transition to the scale of the adjoining residential area.</li> </ul>	<p><b>Met - subject to Conditions 1.1 and 1.6</b></p> <p>As discussed above, the third floor will be required to be setback further from the southern boundary to allow for a more appropriate transition to the adjacent residential properties to the south which are located in the General Residential Zone, Schedule 1.</p> <p>Conditions will be included requiring the setback of the top level be increased from 9 metres to 12.5 metres providing a more appropriate transition and greater articulation. This figure is taken from a sightline drawn on the submitted cross-section which shows that this setback is</p>

	required in order for the third floor and terraces to have limited visibility from the south.
<ul style="list-style-type: none"> <li>Where appropriate, ensure that buildings are designed to step with the slope of the land.</li> </ul>	<p><b>Considered Met with Condition 1.1</b> Subject to the conditional increased setback to the south boundary described above, the overall built form will step appropriately down to the southern rear boundary.</p>
<ul style="list-style-type: none"> <li>Avoid reliance on below ground light courts for any habitable rooms.</li> </ul>	<p><b>Met</b> There is a site cut proposed and retaining walls to the west and north, and the ground floor apartments have floor levels that are generally 800mm-1 metre below the ground level at the boundary. The plans show the RL to top of retaining wall at RL70 to the northwest corner, RL70.45 along the west boundary and RL70 along the north and east frontages in front of courtyards. The courtyard areas to Apartments 6, 7, 8 and 9 all have finished surface levels of RL68.75. The courtyard areas to Apartment 5 all have finished surface levels of RL68.75. Whilst the north and east facing apartments (6, 7, 8, 9 and 4) should all receive good sunlight, there is potential impact to west facing windows of Apartment 5 and the south facing windows to Apartments 1, 2 and 3. As described above, conditional amendments to the plans will improve the solar access to Apartments 1, 2 and 3. For Apartment 5, it is accepted that as an energy efficiency outcome, as the windows affected are west facing, it is acceptable to allow for a lower level of light.</p>
<ul style="list-style-type: none"> <li>Ensure the upper level of a two storey building provides adequate articulation to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<b>Not applicable</b>
<ul style="list-style-type: none"> <li>Ensure that the upper level of a three storey building does not exceed 75% of the lower levels, unless it can be demonstrated that there is sufficient architectural interest to reduce the appearance of visual bulk and minimise continuous sheer wall presentation.</li> </ul>	<p><b>Considered Met</b> This is a four storey building.</p> <p>The upper floor of apartments has a floor area of 490.79 square metres, which is approximately 71% of the floor area of the floor below (691.02 square metres). The floor area of the upper floor and roof terrace will be reduced through the design changes required by conditions.</p>

<ul style="list-style-type: none"> <li>Integrate porticos and other design features with the overall design of the building and not include imposing design features such as double storey porticos.</li> </ul>	<p><b>Met</b> There are no porticos proposed. The main building entry is recessed from the eastern boundary (Nirvana Crescent frontage).</p>
<ul style="list-style-type: none"> <li>Be designed and sited to address slope constraints, including minimising views of basement projections and/or minimising the height of finished floor levels and providing appropriate retaining wall presentation.</li> </ul>	<p><b>Met</b> The site is relatively flat, save the fact that there are embankments from the title boundaries down to the edges of footpaths. The building has been designed with basements that are generally below the natural ground level, without projections.</p>
<ul style="list-style-type: none"> <li>Be designed to minimise overlooking and avoid the excessive application of screen devices.</li> </ul>	<p><b>Met</b> Screens are provided where upper level balconies may allow direct views into the habitable room windows or secluded private open spaces of the adjoining properties. There is no excessive application of screen devices. Overlooking impacts will be further discussed in the assessment against Standard B22 at Clause 55.04-6 of the Scheme.</p>
<ul style="list-style-type: none"> <li>Ensure design solutions respect the principle of equitable access at the main entry of any building for people of all mobilities.</li> </ul>	<p><b>Met</b> The main entry will be able to be navigated by people of all mobilities as it is accessed via a ramped footpath from Nirvana Crescent. A lift within the building provides access to all internal levels.</p>
<ul style="list-style-type: none"> <li>Ensure that projections of basement car parking above natural ground level do not result in excessive building height as viewed by neighbouring properties.</li> </ul>	<p><b>Met</b> The basement will not be significantly projected above natural ground level and will not result in visual impacts to neighbouring properties.</p>
<ul style="list-style-type: none"> <li>Ensure basement or undercroft car parks are not visually obtrusive when viewed from the front of the site.</li> </ul>	<p><b>Met</b> The basement car park will not be visually obtrusive when viewed from Manningham Road or from Nirvana Crescent.</p>
<ul style="list-style-type: none"> <li>Integrate car parking requirements into the design of buildings and landform by encouraging the use of undercroft or basement parking and minimise the use of open car park and half basement parking.</li> </ul>	<p><b>Met</b> All car parking spaces are incorporated into the basement levels.</p>
<ul style="list-style-type: none"> <li>Ensure the setback of the basement or undercroft car park is consistent with the front building setback and is setback a minimum of 4.0m from the rear boundary to enable effective landscaping to be established.</li> </ul>	<p><b>Considered Met</b> The 2 level basement car park is setback 6.0 metres from the Manningham Road frontage, 4.0 metres from the Nirvana Crescent frontage, 1.6 metres from the west boundary and 4.0 metres from the south</p>

	<p>boundary. These setbacks provide sufficient room for in ground planting to the perimeter of the site.</p> <p>The basement is set down such that it does not protrude above existing ground level. This is considered to be acceptable as the basement will not be visible above natural ground level.</p>
<ul style="list-style-type: none"> <li>Ensure that building walls, including basements, are sited a sufficient distance from site boundaries to enable the planting of effective screen planting, including canopy trees, in larger spaces.</li> </ul>	<p><b>Met</b></p> <p>The building is set back sufficiently from the northern, eastern and southern boundaries to allow for canopy trees and effective screen planting. Whilst the setback to the west is only 1.8 metres at first floor level, the concept landscape plan shows some planting along the side of Apartments 5 and 6 and to the north and south corners. The endorsed approved landscape plan for the west adjoining development includes a row of trees along the length of the shared boundary which would also provide screening.</p>
<ul style="list-style-type: none"> <li>Ensure that service equipment, building services, lift over-runs and roof-mounted equipment, including screening devices is integrated into the built form or otherwise screened to minimise the aesthetic impacts on the streetscape and avoids unreasonable amenity impacts on surrounding properties and open spaces.</li> </ul>	<p><b>Met</b></p> <p>The plant equipment on the roof is located away from the sides of the building and is screened. This will appropriately limit any visual and amenity impacts on the street and adjoining properties.</p>
<p><b><u>Car Parking and Access</u></b></p> <ul style="list-style-type: none"> <li>Include only one vehicular crossover, wherever possible, to maximise availability of on street parking and to minimise disruption to pedestrian movement. Where possible, retain existing crossovers to avoid the removal of street tree(s). Driveways must be setback a minimum of 1.5m from any street tree, except in cases where a larger tree requires an increased setback.</li> </ul>	<p><b>Met</b></p> <p>There will be one crossover on the Nirvana Crescent frontage, located toward the southern end. The crossover will have a width of 6.365 metres leading to a 5 metre wide driveway.</p>
<ul style="list-style-type: none"> <li>Ensure that when the basement car park extends beyond the built form of the ground level of the building in the front and rear setback, any visible extension is utilised for paved open space or is appropriately screened,</li> </ul>	<p><b>Met</b></p> <p>There is no visible extension of the basement above natural ground level.</p>

as is necessary.	
<ul style="list-style-type: none"> <li>Ensure that where garages are located in the street elevation, they are set back a minimum of 1.0m from the front setback of the dwelling.</li> </ul>	<p><b>Not applicable</b> There are no garages in the street elevation.</p>
<ul style="list-style-type: none"> <li>Ensure that access gradients of basement car parks are designed appropriately to provide for safe and convenient access for vehicles and servicing requirements.</li> </ul>	<p><b>Met</b> Access gradients to the basement have been designed to generally achieve the relevant design standard in Clause 52.06-8. Council's Engineers have raised concern regarding compliance with design standard 3 however and to address this, conditions will require a longer access ramp and changes to the embankment adjacent the vehicle entry and suitable gradients to be achieved.</p>
<p><b>Landscaping</b></p> <ul style="list-style-type: none"> <li>On sites where a three storey development is proposed include at least 3 canopy trees within the front setback, which have a spreading crown and are capable of growing to a height of 8.0m or more at maturity.</li> <li>On sites where one or two storey development is proposed include at least 1 canopy tree within the front setback, which has a spreading crown, and is capable of growing to a height of 8.0m or more at maturity.</li> </ul>	<p><b>Met – Subject to Condition 15</b> The concept landscape plan shows the site will allow the planting of numerous canopy trees within the north, east and south setbacks. This will be reinforced by a permit condition for a full landscaping plan to be submitted.</p>
<ul style="list-style-type: none"> <li>Provide opportunities for planting alongside boundaries in areas that assist in breaking up the length of continuous built form and/or soften the appearance of the built form.</li> </ul>	<p><b>Met</b> The site plan shows a variety of planting along site boundaries to soften the appearance of the built form.</p>
<p><b>Fencing</b></p> <ul style="list-style-type: none"> <li>A front fence must be at least 50 per cent transparent.</li> <li>On sites that front Doncaster, Tram, Elgar, Manningham, Thompsons, Blackburn and Mitcham Roads, a fence must: <ul style="list-style-type: none"> <li>not exceed a maximum height of 1.8m</li> <li>be setback a minimum of 1.0m from the front title boundary and a continuous landscaping treatment within the 1.0m setback must be provided.</li> </ul> </li> </ul>	<p><b>Met</b> No front fence is shown, which is supported by the DDO8.</p> <p>There is an embankment up from the footpath to the title boundary, and there is a site cut at ground level to provide a retaining wall to the west, north and east of the building. The top of the retaining wall has a height of generally 1.25 metres above the finished surface levels of the courtyards. The area in front of the wall on the street frontages contains low level landscaping, and this may require occasional maintenance.</p>



- 6.6 Having regard to the above assessment against the requirements of Schedule 8 to the Design and Development Overlay, it is considered that subject to conditions requiring some design changes (mostly to the southern building façade), the proposed design respects the preferred neighbourhood character and responds to the features of the site.

### Clause 52.06 Car Parking

- 6.7 Clause 52.06 of the Scheme requires resident car parking at a rate of one space for each dwelling with one or two bedrooms and two spaces for each dwelling with three or more bedrooms.
- 6.8 Visitor car parking is required at a rate of one car parking space for every 5 dwellings.
- 6.9 For 32 apartments, the proposal requires the provision of 36 resident car parking spaces and 6 visitor spaces under the requirements of Clause 52.06.
- 6.10 A total of 35 resident car parking spaces and 5 visitor spaces have been provided. This is a shortfall of the requirement by one (1) visitor car parking space and one (1) resident car parking space.
- 6.11 The proposal has always been designed with this shortfall however the Applicant has not sought to reduce / waiver the car parking requirement of the Scheme. Since lodgement, Officers have considered that with some modification to the basement layouts, the proposal could achieve the required number of on-site car parking spaces for residents and visitors, in accordance with the requirements of Clause 52.06 of the Scheme. For example, one car parking space could be provided at basement 2 adjacent to car space 17.
- 6.12 Further, Officers were aware that the design of the building itself would need to be revised to improve the transitioning down to the southern interface which would inevitably reduce floor area and most likely the number of apartments within the building. The design changes (required by way of permit condition) to the upper floor will inevitably affect Apartments 28, 29 and 30 (which are 2 bedroom and 3 bedroom apartments).
- 6.13 Regardless, a permit condition will require the number of dwellings within the building to meet the car parking requirement under Clause 52.06 of the Scheme.
- 6.14 The following table provides an assessment against the design standards at Clause 52.06-8 of the Scheme:

Design Standard	Met / Not Met
1 – Accessways	<b>Met – Subject to Conditions 17 and 18</b> The accessway and basement car park is supported by Council's Traffic Engineers who confirm that it meets the requirements for vehicle manoeuvrability and the minimum width and height clearance requirements. The car park has also been designed so all vehicles can exit the site in a forward direction, including vehicles parked in the last space of a dead-end accessway.
2 – Car Parking Spaces	<b>Met</b> Car parking spaces are sufficient in size. The spaces are generally 2.6 metres wide, 4.9 metres in length and accessed

	<p>from an aisle width of 6.4 metres.</p> <p>Whilst there are some instances where the aisle width is 6.35 metres, Council's Traffic Engineers confirm that spaces are of sufficient size and are accessible.</p> <p>Clearance is provided adjacent to car parking spaces in line with the requirements of the standard.</p>
3 – Gradients	<p><b>Met – subject to Condition 18</b></p> <p>The accessway ramp will have various grades with generally a 1 in 20 gradient, but with some areas as steep as 1 in 4. Council's Engineers raise concerns that the 1 in 5 gradient of the ramp starts within 10 metres of the site frontage. This will be addressed by conditions.</p>
4 – Mechanical Parking	<p><b>Not Applicable</b></p> <p>No car stacker systems are proposed.</p>
5 – Urban Design	<p><b>Met</b></p> <p>The vehicle crossing and accessway will not dominate the public domain. The security door into the basement car park will not dominate the streetscape as it is recessed from the frontage and beneath the ground level of the building and therefore hidden as far as practicable from public view.</p>
6 – Safety	<p><b>Met</b></p> <p>The basement car park will be secure and well lit.</p>
7 – Landscaping	<p><b>Met</b></p> <p>No ground level car parking is proposed. Landscaping is provided to soften the appearance of the accessway.</p>

### Clause 55 (Res Code) – Two or more dwellings on a lot and residential buildings

- 6.15 Clause 55 of the Scheme sets out a range of objectives which must be met. Each objective is supported by standards which should be met. If an alternative design solution to the relevant standard meets the objective, the alternative may be considered.
- 6.16 The following table sets out the level of compliance with the objectives of this clause:

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.02-1 – Neighbourhood Character</b></p> <ul style="list-style-type: none"> <li>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</li> <li>To ensure that development responds to the features of the site and the surrounding area.</li> </ul>	<p><b>Met – Subject to Condition 1.1</b></p> <p>Council, through its policy statements and the adoption of the Design and Development Overlay Schedule 8 (DDO8) over this neighbourhood, has created a planning mechanism that will over time alter the present neighbourhood character.</p> <p>Council's planning preference is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots.</p> <p>The resultant built form will have a more intense</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>and less suburban character. This higher density housing theme therefore represents the “preferred neighbourhood character”.</p> <p>Broadly, the development responds well to the preferred neighbourhood character outlined in the DDO8 control and supported by policy at Clause 21.05-2. It offers a high quality and contemporary architectural response, which incorporates articulation, graduation of the upper levels and visual interest to reduce visual bulk.</p> <p>Subject to some modification to the rear, the appearance of the building when viewed from adjacent properties is also considered to be appropriate for this type of development.</p> <p>Having regard to the assessment against the requirements of the DDO8, it is considered that the proposed design generally respects the preferred neighbourhood character. Refer to Condition 1.1.</p>
<p><b>55.02-2 – Residential Policy</b></p> <ul style="list-style-type: none"> <li>• To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>• To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</li> </ul>	<p><b>Met</b></p> <p>The application was accompanied by a written statement that has demonstrated how the development is consistent with state and Local policies.</p>
<p><b>55.02-3 – Dwelling Diversity</b></p> <ul style="list-style-type: none"> <li>• To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</li> <li>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>	<p><b>Met</b></p> <p>The design provides a mix of one, two and three bedroom apartments. There is also variety in the overall apartment size, orientation and balconies / open space sizes. All dwellings are single level dwellings accessible to people of limited mobility.</p>
<p><b>55.02-4 – Infrastructure</b></p> <ul style="list-style-type: none"> <li>• To ensure development is provided with appropriate utility services and infrastructure.</li> <li>• To ensure development does not</li> </ul>	<p><b>Met – Subject to Condition19</b></p> <p>The site has access to all services. The applicant will be required to provide an on-site stormwater detention system to alleviate pressure on the drainage system.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
unreasonably overload the capacity of utility services and infrastructure.	
<p><b>55.02-5 – Integration With Street</b></p> <ul style="list-style-type: none"> <li>To integrate the layout of development with the street.</li> </ul>	<p><b>Met</b></p> <p>The development is orientated towards Nirvana Crescent and provided with adequate vehicle and pedestrian entries.</p> <p>Although direct access to the development is not provided from Manningham Road, it is considered the frontage is sufficiently activated with balconies and windows with a direct view to the street.</p>
<p><b>55.03-1 – Street Setback</b></p> <ul style="list-style-type: none"> <li>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</li> </ul>	<p><b>Met</b></p> <p>The façade of the building is setback 6 metres to Manningham Road, which meets the requirements of the Design and Development Overlay (Schedule 8). Whilst the balcony forms protrude forward of this to a 4 metre setback, the policy allows for this encroachments and the balconies are framed and well modulated with visually permeable balustrade along the front, and there are also deep recesses between balcony forms.</p> <p>The building has a side street setback to Nirvana Crescent of 4 metres which exceeds the 3 metre requirement. Whilst the balcony forms protrude forward of this to a 4 metre setback, the balconies are framed and well modulated with visually permeable balustrade along the front, and there are also deep recesses between balcony forms</p>
<p><b>55.03-2 – Building Height</b></p> <ul style="list-style-type: none"> <li>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Considered Met</b></p> <p>The building has a maximum height of 11.7 metres, which is 2.7 metre higher than the 9 metre maximum height recommended under DDO8.</p> <p>As discussed under the DDO8 assessment for maximum building height, the 2.7 metre encroachment to 11.7 metres in height in the submitted design (and combined with design modifications that will be required through permit conditions), is considered acceptable in this instance.</p>
<p><b>55.03-3 – Site Coverage</b></p> <ul style="list-style-type: none"> <li>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</li> </ul>	<p><b>Met</b></p> <p>The proposed site coverage is 65.72%, which is less than 80% recommended by the Clause 55 standard, but greater than the 60% set out in the DDO8.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	A full assessment of this is provided in the DDO8 assessment and the outcome is considered to be acceptable. In summary, the site is in the Residential Growth Zone on a main road and on a corner. The site benefits from locational attributes and there is a landscaping embankment located between the footpath and site boundary that gives the impression of the curtilage of the site being larger than it is on title. Further, the building form is articulated and modulated and subject to conditions relating to the re-design of the upper floors, will be appropriately setback from site boundaries. Appropriate landscaping will be provided to soften the building form.
<b>55.03-4 – Permeability</b> <ul style="list-style-type: none"> <li>• To reduce the impact of increased stormwater run-off on the drainage system.</li> <li>• To facilitate on-site stormwater infiltration.</li> </ul>	<b>Met</b> The proposal has 27.25% of site area as a pervious surface, which exceeds the required minimum provision of 20% by 7.25%.
<b>55.03-5 – Energy Efficiency</b> <ul style="list-style-type: none"> <li>• To achieve and protect energy efficient dwellings.</li> <li>• To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</li> </ul>	<b>Met – Subject to Condition 8</b> The design and the likely form of construction will assist in providing an energy-efficient building. In particular, the multi-storey construction will offer consolidated thermal mass with good insulation properties between floors.  The submitted Sustainability Management Plan (SMP) outlining ESD methods that will be utilised through construction to achieve a sustainable building is supported by Council's Sustainability Officer subject to some changes that will be required through a permit condition.
<b>55.03-6 – Open Space</b> <ul style="list-style-type: none"> <li>• To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</li> </ul>	<b>Not Applicable</b> The design includes communal entry, car parking and lift/stairwell spaces, but no communal open space or recreation facilities are provided. The design meets the standard with regard to the communal service areas.
<b>55.03-7 – Safety</b> <ul style="list-style-type: none"> <li>• To ensure the layout of development provides for the safety and security of residents and property.</li> </ul>	<b>Met</b> The main pedestrian entrance to the building is from Nirvana Crescent. The entry is visible and identifiable with a footpath leading to it, a feature portico, and a recess in the building between apartment balconies differentiating the entry from the residences either side.  Appropriate levels of passive surveillance are

OBJECTIVE	OBJECTIVE MET / NOT MET
	provided for Manningham Road and Nirvana crescent. Lighting is provided along the side walls of the basement driveway.
<p><b>55.03-8 – Landscaping</b></p> <ul style="list-style-type: none"> <li>• To encourage development that respects the landscape character of the neighbourhood.</li> <li>• To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</li> <li>• To provide appropriate landscaping.</li> <li>• To encourage the retention of mature vegetation on the site.</li> </ul>	<p><b>Met – Subject to Condition 15</b></p> <p>The trees within the site have been assessed in the submitted arboricultural report and cannot practically be retained or integrated into the design response given their location and the need for excavation on site. While this is unfortunate it is not unreasonable given the zoning of the land and fact that no tree controls apply to the site and therefore the trees can be removed without a planning permit at any time.</p> <p>The provision of landscaping has been considered under the DDO8 controls. A full landscaping plan will be required by a permit condition prior to the start of the development. Canopy trees will be required within courtyards and street setbacks. Refer Condition 15.</p> <p>The development is not expected to have any impact on vegetation near the application site due to the proposed setbacks of the building at basement level and ground level. That said, a condition will be included on any permit issued requiring the tree protection zones (TPZ) and protection methods to be shown on the landscaping plans for during the construction phase.</p>
<p><b>55.03-9 – Access</b></p> <ul style="list-style-type: none"> <li>• To ensure the number and design of vehicle crossovers respects the neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>Vehicle access to the development is acceptable and is supported by Council's Traffic Engineering Unit and VicRoads. The vehicle crossover is an appropriate design response and will be located away from the Manningham Road and Nirvana Crescent intersection to minimise any traffic impacts.</p>
<p><b>55.03-10 – Parking Location</b></p> <ul style="list-style-type: none"> <li>• To provide convenient parking for resident and visitor vehicles.</li> <li>• To avoid parking and traffic difficulties in the development and the neighbourhood.</li> <li>• To protect residents from vehicular noise within developments.</li> </ul>	<p><b>Met</b></p> <p>A lift and separate staircase will provide internal access from the basement levels to the ground floor main entrance and to all levels of the building except for the roof terraces. This provides convenience for all residents and visitors who park on-site.</p> <p>As is the usual case with apartment style developments, access to the basement for visitors will be reliant on an intercom system and an automated garage door which inevitably</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>affects the security of the car park for residents.</p> <p>Any noise transfer from the basement levels would unlikely be a disturbance to neighbours. Mechanical car stackers are not proposed.</p>
<p><b>55.04-1 – Side And Rear Setbacks</b></p> <ul style="list-style-type: none"> <li>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Met</b></p> <p>Submitted plans show an accurate cross-section and 'B17 profile line' demonstrating the setbacks of the building and compliance with the B17 setback requirements to the western and southern side boundaries.</p> <p>Conditions on permit will require the setback of the upper floors from the southern site boundary to go over and above the setbacks prescribed under Res Code in order to improve the transition to the south adjoining lot in accordance with the requirements of the DDO8. If the DDO8 did not apply to the subject site, the setbacks shown on plans would meet the setback requirements of ResCode. Refer Condition 1.1.</p>
<p><b>55.04-2 – Walls On Boundaries</b></p> <ul style="list-style-type: none"> <li>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</li> </ul>	<p><b>Not Applicable</b></p> <p>No walls on boundaries are proposed.</p>
<p><b>55.04-3 – Daylight To Existing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into existing habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>The west adjoining site is currently under construction with townhouses and a review of the endorsed plans for that development show that all habitable windows facing east will be setback at least 2.5 metres from the shared boundary. As the proposed building is setback at least 1.8 metres from the shared boundary, sufficient light courts and setbacks will be provided to meet the requirements of the standard and ensure the required level of solar access.</p> <p>The existing habitable room windows within the south adjoining properties are located 6 metres distance from the shared boundary (therefore in excess of the 3 metres stated at standard B19) and so technically the standard requirements do not apply. That said, given the design changes required by way of permit conditions to address</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	the DDO8 concerns, daylight to existing windows of the south adjoining dwellings will be improved beyond what Res Code contemplates.
<p><b>55.04-4 – North Facing Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate solar access to existing north-facing habitable room windows.</li> </ul>	<p><b>Not Applicable</b></p> <p>The existing habitable room windows within the south adjoining properties are located 6 metres distance or more from the shared boundary and there are therefore no north-facing windows within 3 metres of the site. Technically the requirements of the standard do not apply. Again, the design changes required by way of permit conditions to address the DDO8 concerns, will ultimately improve light to existing north-facing windows in the south adjoining dwellings beyond what Res Code contemplates.</p>
<p><b>55.04-5 – Overshadowing Open Space</b></p> <ul style="list-style-type: none"> <li>To ensure buildings do not significantly overshadow existing secluded private open space.</li> </ul>	<p><b>Met</b></p> <p>Shadow diagrams demonstrate that shadows cast by the building will cover a portion of the secluded private open spaces within the adjoining properties. These shadows will not exceed the requirements prescribed under the standard.</p> <p>The decision guidelines require the responsible authority to consider the design response, the impact on the amenity of existing dwellings, existing sunlight penetration to the secluded private open space, the time of day that sunlight will be available to the secluded private open space and the effect that the reduction in sunlight will have on the use of the open space.</p> <p>Submitted shadow diagrams demonstrate that at 9am the proposed building will cast shadows over 6 metres in length across the two (2) south adjoining secluded private open space areas at 1 and 3A Nirvana Crescent. For 1 Nirvana Crescent this is 3 metres beyond existing shadows cast by boundary fencing and partly affects secluded private open space. For 3 Nirvana Crescent this exceeds shadows cast by existing boundary fencing and the affected area is confined to the north-east corner of the property.</p> <p>From 10am to 12 noon shadows will shift to affect only 1 Nirvana Crescent with shadows generally limited to along the fence line and over the car port, shed and areas within the front setback.</p>



OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>At 3pm, the development will cast shadows over ground level open space areas and balconies of south and east-facing apartments within the development, and Nirvana Crescent (footpath and street).</p> <p>Importantly, plans demonstrate that the difference between existing shadows cast by fencing and shadows cast by the proposed development is relatively minor. Shadows affecting the south adjoining dwellings open space areas are greatest between 9am and 10am and for the most part, additional shadows will be limited to rear portions of open space areas and along fence lines.</p> <p>The standard requires adjoining open space areas to receive a minimum of 5 hours of sunlight between 9am and 3pm. Shadows cast to the south adjoining dwellings meets the standard.</p> <p>While the standard looks at impact on the amenity of existing dwellings it is acknowledged that there are several open space areas within the development that will be affected by overshadowing throughout the day. Overshadowing within the development will however be improved (reduced) beyond ResCode compliance through the design changes required under the conditions of permit.</p>
<p><b>55.04-6 – Overlooking</b></p> <ul style="list-style-type: none"> <li>To limit views into existing secluded private open space and habitable room windows.</li> </ul>	<p><b>Met – Subject to Conditions 1.4, 1.5 and 1.6</b></p> <p>Overlooking (limiting views within a 9m radius from habitable rooms, secluded private open space areas and balconies) has been generally addressed in the design of the development.</p> <p><u>South</u></p> <p>On the ground level, there is no unreasonable overlooking as courtyards are located at ground level and views will be limited by boundary fencing and landscaping.</p> <p>On levels 1, 2, and 3, balconies and windows have been screened or obscured to comply with the standard. Further detail will be required (1:50 scale drawing) for the screening treatment to the second floor windows to ensure that the proposed slats allow only horizontal views and</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>not views downward to adjoining open space and habitable room windows.</p> <p><u>West</u> On the ground level, overlooking is limited as courtyards are located at ground level and views will be restricted by boundary fencing.</p> <p>On levels 1, 2, and 3, to both the west and south, balconies and windows have been screened or obscured to comply with the standard.</p> <p>Conditions will require changes to some design details and setbacks to the south elevation and as such conditions will also be included to ensure that any additional screening or obscure glazing will be provided in order for the revised built form to meet the requirements of standard B22.</p>
<p><b>55.04-7 – Internal Views</b></p> <ul style="list-style-type: none"> <li>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</li> </ul>	<p><b>Met</b></p> <p>Fences and screens are provided between courtyards, balconies and terraces to limit direct views.</p>
<p><b>55.04-8 – Noise Impacts</b></p> <ul style="list-style-type: none"> <li>To contain noise sources in developments that may affect existing dwellings.</li> <li>To protect residents from external noise.</li> </ul>	<p><b>Met – Subject to Condition 1.12</b></p> <p>Potential noise sources from a residential development (excluding domestic noise) is ordinarily limited to plant and equipment (such as air conditioning units, mechanical ventilation and automated roller doors to car parks.</p> <p>No details (relating to noise levels) have been submitted with the application, however ordinarily all residential noise for a development of this type would be subject to standard EPA requirements controlled through local laws.</p> <p>The placement of air-conditioning units will be regulated to ensure appropriate positioning (mainly for aesthetic reasons). A condition will ensure they are located where they are not visible, such as on balconies behind solid balustrades. Plant on the roof of the building will be screened. Refer Condition 1.12.</p> <p>Overall, it is considered that there are no external noise sources that may unreasonably impact unreasonably on existing or future residents.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
<p><b>55.05-1 – Accessibility</b></p> <ul style="list-style-type: none"> <li>To encourage the consideration of the needs of people with limited mobility in the design of developments.</li> </ul>	<p><b>Met</b></p> <p>The pedestrian entrance is ramped and accessible to people of limited mobility. All apartments are single level and accessible to residents and visitors. There is a lift directly accessible from the entry and from the resident and visitor car parking spaces which provides step free access to all apartments.</p>
<p><b>55.05-2 – Dwelling Entry</b></p> <ul style="list-style-type: none"> <li>To provide each dwelling or residential building with its own sense of identity.</li> </ul>	<p><b>Met</b></p> <p>The dwellings all derive pedestrian access from the central entry path and hall on the eastern frontage of the building, which leads to a foyer.</p>
<p><b>55.05-3 – Daylight To New Windows</b></p> <ul style="list-style-type: none"> <li>To allow adequate daylight into new habitable room windows.</li> </ul>	<p><b>Met</b></p> <p>While ground level windows may have a slightly reduced level of daylight afforded to them as a result of boundary fencing, screen planting and canopy trees, all dwellings will have a reasonable level of daylight overall.</p> <p>The solid outer wall and planter boxes to the south-facing balconies of Apartments 11, 12 and 13 add an unnecessary degree of visual bulk to the south elevation and so a condition will require design changes and further setbacks for the three balconies, in order to comply with the DDO8 objectives. Given that these overhangs also add shading to the lower floor apartments (1, 2 and 3) the increased setbacks will ultimately improve solar penetration and benefit the on-site amenity for these lower level apartments.</p>
<p><b>55.05-4 – Private Open Space</b></p> <ul style="list-style-type: none"> <li>To provide adequate private open space for the reasonable recreation and service needs of residents.</li> </ul>	<p><b>Met</b></p> <p>Schedule 2 to the RGZ does not prescribe a minimum private open space area size.</p> <p>Each dwelling will be provided with an area of private open space.</p> <p>Each of the ground floor dwellings is provided with secluded private open space which consists of paved courtyards and landscaped gardens. The total amount of secluded private open space afforded to each dwelling at ground level ranges from 23.37 square metres to 88.25 square metres.</p> <p>Level 1 consists of seven two-bedroom apartments and three one-bedroom apartments, each provided with balconies that range from 8.1 to 27.7 square metres. Level 2 consists of</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	<p>eight two-bedroom apartments, each provided with balconies or terraces that range from 9.29 to 28.85 square metres. Level 3 consists of four three-bedroom apartments and one two-bedroom apartment, each provided with balconies or terraces that range from 22.47 to 72.47 square metres.</p> <p>The 3 bedroom apartments each have roof terraces of 59.03 to 97.96 square metres.</p> <p>The open space provided to each dwelling meets the Clause 55 standard.</p>
<p>55.05-5 – Solar Access To Open Space</p> <ul style="list-style-type: none"> <li>To allow solar access into the secluded private open space of new dwellings and residential buildings.</li> </ul>	<p><b>Considered Met</b></p> <p>Apartments 1, 2, 3, 11, 12, 13 and 28 all have south-facing courtyards or balconies that receive limited sunlight. As discussed above, conditions will require design features to improve the appearance of the building to the south which will also improve solar penetration to open space of the other apartments. This is considered to be an acceptable design response given the orientation of the lot.</p>
<p>55.05-6 – Storage</p> <ul style="list-style-type: none"> <li>To provide adequate storage facilities for each dwelling.</li> </ul>	<p><b>Met - Subject to Condition 1.19</b></p> <p>Plans show storage cages provided in separate rooms within the basement car park. In these locations they are easily accessed by residents and are secure. The provision of separate storage cages and dedicated rooms (in other words, not above-bonnet storage) is not generally provided for a development of this type and is therefore fully supported.</p> <p>A number of storage cages are less than the required 6 cubic metre size prescribed under the standard. There is ample room to provide the required storage size (including possibly externally within some of the yards spaces of Apartments 1, 2 ,3) and as such there is no reason for any storage cage to be undersized. A condition will require all storage spaces to be 6 cubic metres at a minimum as per the standard.</p> <p>Despite there being no Scheme requirement to provide on-site bicycle parking (for residents or visitors) the basement provides 9 secure racks within the storage cages room and visitor spaces are located within the Nirvana Crescent setback, integrated into the landscaped area.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	This is fully supported as it would mean that storage cages will not need to double-up as bicycle storage.
<p><b>55.06-1 – Design Detail</b></p> <ul style="list-style-type: none"> <li>To encourage design detail that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The proposed architectural design is of a high standard and offers a contemporary statement that responds positively to the preferred neighbourhood character. The design includes varied colours and materials whilst providing a coherent style or theme. The building is modulated with framing elements to balconies and deep recesses that allow for different depth and shadow perceptions across the building. The building form uses curved surfaces to the corner and upper floors which add visual interest.</p> <p>In relation to the design detailing of the southern wall, a condition will require changes to be made in the way of relocated balconies, changes to façade treatment and more setbacks as discussed in the DDO8 assessment.</p>
<p><b>55.06-2 – Front Fence</b></p> <ul style="list-style-type: none"> <li>To encourage front fence design that respects the existing or preferred neighbourhood character.</li> </ul>	<p><b>Met</b></p> <p>The proposal does not include a front fence, which is supported by the DDO8.</p>
<p><b>55.06-3 – Common Property</b></p> <ul style="list-style-type: none"> <li>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</li> <li>To avoid future management difficulties in areas of common ownership.</li> </ul>	<p><b>Met</b></p> <p>Assuming the dwellings are sold individually, communal areas such as the basement and the perimeter gardens will be maintained by an Owners' Corporation. There are no perceived difficulties associated with future management of these areas.</p>
<p><b>55.06-4 – Site Services</b></p> <ul style="list-style-type: none"> <li>To ensure that site services can be installed and easily maintained.</li> <li>To ensure that site facilities are accessible, adequate and attractive.</li> </ul>	<p><b>Met – Subject to Conditions 13, and 33 to 42</b></p> <p>Mailboxes are located outside the foyer of the building. There is an Australia Post requirement for mailboxes to be parallel to the footpath and as such note on permit will require mailboxes as per the Australia Post requirements.</p> <p>Permit conditions will require retractable clotheslines to be installed within all courtyards, balconies and terraces that they are not visible from the street or adjoining properties.</p> <p>Bin storage in the car park is easily accessible by all residents and not visible from the public domain.</p>

OBJECTIVE	OBJECTIVE MET / NOT MET
	The submitted Waste Management Plan (WMP) confirms that all waste collection will be made by a private collector is supported by Council's traffic engineering unit (waste services). The WMP is supported subject to modifications which will be required by way of condition.

### General Matters

- 6.17 In addition to the assessment above, the following general matters have been considered.

*Waste Management*

- 6.18 *The submitted Waste Management Plan prepared by Frater Energy Assessor estimates the generation of 2,720 litres of general waste per week and 3,840 litres of co-mingled recyclables per week. Whilst the Waste Management Plan showed that there was sufficient space for storage of waste bins, the plan contemplated collection from street frontages.*
- 6.19 *Council's Traffic Engineers (waste services) does not support private waste collection on-street and recommends that private collection occurs within the title boundaries of the subject land.*
- 6.20 *The referral advice was provided to the Applicant and a revised Waste Management Plan was lodged with a traffic engineering report on the ability of the waste vehicle to collect waste from within the site. The proposed waste collection vehicle a "Wastewise Mini rear loader" is able to collect and empty bins up to 660 litres within a 2.08 metre height. The traffic engineering report highlighted that to collect waste, a minimum 2.2 metre headroom, clear of overhead obstructions must be provided for the entire basement 1 access aisle, and a minimum 2.35 metre headroom must be provided in the vicinity of the lower ramp transition. Whilst the traffic engineering report suggested this vehicle could undertake on-site collection, possible conflicts are noted in relation to building regulations if sprinkler systems, lighting and/or emergency signage are required along the basement 1 access aisle. However this could be potentially resolved by a wider floor to ceiling height. If this is required, then a deeper excavation will be required, rather than raise the building height any further. This will all be addressed by way of permit conditions.*
- 6.21 *The revised waste management plan is based on 1100 litre bins, which the Wastewise documentation shows cannot be collected by the Wastewise mini rear loader within a 2.1 metre height. If 660 litre bins are used, it does not appear that there will be sufficient room within the bin storage room and it is likely bins will need to be collected twice weekly. This will be required by condition of permit.*
- Noise impacts to apartments from Manningham Road traffic and other sources.*
- 6.22 *The submitted Noise Assessment report identifies likely noise impacts to the apartments, recommending that improved glazing would be necessary for some apartments to ensure that they do not suffer an unacceptable amenity noise impact from traffic on Manningham Road. Appendices to the report*

*includes the use of improved glazing to the apartments identified. Condition 45 requires that any noise protection measures to apartments must be undertaken as per the requirements of the Noise Assessment report.*

*Sustainability*

- 6.23 *The submitted Sustainability Management plan includes a STEPS (Sustainable Tools for Environmental Performance Strategy) assessment and a STORM (Stormwater Treatment Objective- Relative Measure) assessment. STEPS is an energy assessment tool developed by City of Moreland to determine the energy efficiency and environmental sustainability of developments. STORM is a stormwater treatment assessment tool developed by Melbourne Water to determine the stormwater treatment impacts and requirements of developments.*
- 6.24 *The submitted STEPS assessment indicates the development achieves an acceptable sustainability score to meet the requirements of the tool (achieved project score benchmark within the measured categories). The STORM report indicates the development achieved an acceptable stormwater score to meet the requirements of the tool (45% reduction in the typical annual load of total nitrogen and achieved best practice objectives). This is supported by Council's ESD adviser.*

*Works outside title boundary*

- 6.25 *To the north, the back of the footpath touches the title boundary, and there is a rise from the level of the footpath to the ground level of the yard. To the east, this is even more pronounced, with the embankment running along Nirvana Crescent having a height of approximately 1.5-1.8 metres above the footpath height.*
- 6.26 *The 'shoulders' of the embankment near the vehicle accessway would potentially impede clear sightlines, and the embankment would need to be re-shaped near the vehicle and pedestrian accessways to allow for clear sightlines.*
- 6.27 *Further, the landscape plan shows landscaping within the embankment area.*
- 6.28 *The applicant has investigated purchasing from Council the embankment area from the back of footpath to title boundary to allow for the above-mentioned works to be undertaken. Whilst this is not an ideal model for all development, it is acknowledged that this instance is an unusual case, where currently and for some period of time, the embankment area presents as generally being part of the curtilage of the subject site and is not readily trafficable by the public.*
- 6.29 *A review of the submitted design and the surrounds identifies that this is an integral part of the design as it stands, and it is recommended that if a permit were to be issued, a condition requires the Applicant to investigate further the acquirement of part or all of the embankment area from Council to allow for the works and landscaping to occur, or amend the vehicle accessway, footpath width and landscaping plans to occur only within the title boundaries.*

## **7 REFERRALS**

*External*

- 7.1 VicRoads are a statutory referral authority given it is proposed to remove an existing access point to Manningham Road. The originally submitted (advertised) application was referred to VicRoads who support the proposal subject to one condition that the redundant crossover must be re-instated to nature strip and made good.
- 7.2 The VicRoads condition will be included as a condition on any permit issued.
- 7.3 The amended application (the decision plans) were not referred to VicRoads given that the plans make no changes to the vehicle access or change to the originally proposed alteration to Manningham Road.

*Internal*

- 7.4 The application was referred to a number of Service Units. Where appropriate, the amended application (decision plans) and information were referred back to Service Units.
- 7.5 The following table summarises their responses:

Service Unit	Comments
Engineering & Technical Services Unit (Drainage)	<ul style="list-style-type: none"> <li>• Point of discharge (drainage) is available for the site.</li> <li>• Provide an on-site stormwater detention system.</li> <li>• All areas are to be drained to the point of discharge.</li> </ul>
Engineering & Technical Services Unit (Traffic)	<ul style="list-style-type: none"> <li>• The proposed development includes 32 apartments. A visitor parking space is required for every 5 dwellings in accordance with table 1 of Clause 52.06 of the Manningham Planning Scheme. Accordingly 6 visitor parking spaces are required. However, the applicant proposes 5 on site visitor car spaces within the Basement One car park (TP04 Plan). It is recommended the applicant to provide another visitor car space within the development.</li> <li>• Another car space is required to meet the parking demand for residential apartments. It is unclear which apartment requires a waiver of car parking. Nominate the car spaces to each apartment.</li> <li>• It is recommended to provide the onsite car parking provision in accordance with Table 1 of clause 52.06-8 of Manningham Planning Scheme. Alternatively applicant can reduce the size of the development meeting the statutory car parking requirement within the development or install mechanical parking devices such as car stackers to meet the parking demand.</li> </ul>
Engineering & Technical Services Unit (Engineering)	<ul style="list-style-type: none"> <li>• Crossover requires to be reviewed and accordingly the accessway to be redesigned.</li> <li>• Accessway serves more than 4 dwellings. Accessway grades must not be steeper than 1:10 within 5m of the frontage in accordance with Design Standard 3. The proposed grade 1:5 within 5m from street frontage does not comply with this requirement.</li> <li>• Convex mirrors to be provided at right angular changes of accessway direction as per the recommendations of the ML Traffic Engineers' traffic assessment report dated 11<sup>th</sup> September.</li> <li>• The applicant will require submitting swept path analyses for</li> </ul>



Service Unit	Comments
	<p>a waste truck. Demonstrate that a private waste collection vehicle can enter the Basement One car park to collect waste within the development and exit the car park in a forward direction with not more than three vehicle manoeuvres.</p> <ul style="list-style-type: none"> <li>• Accessway aisle width in front of car spaces 8 to 17 at Basement One car park must be 6400mm.</li> <li>• Accessway aisle width in front of car spaces 8 to 16 at Basement Two car park must be 6400mm.</li> <li>• Pedestrian access link is proposed to the existing footpath of Nirvana Crescent over the Council's land. The Applicant will require reducing the width of this footpath connection to maximum 1.4m. The proposed 3.4m width is not allowed within the Council's land. This footpath needs to be constructed in accordance with Council's Standard drawing for footpaths</li> <li>• The applicant proposes 9 bicycle parking spaces within the basement One Car Park for residents and 4 visitor bicycle parking spaces at the main pedestrian entrance from Nirvana Crescent for visitors. Proposed bicycle parking provision is within the development is satisfactory.</li> </ul>
Engineering & Technical Services Unit (Waste Management)	<ul style="list-style-type: none"> <li>• Modifications to the submitted waste management plan are necessary.</li> <li>• A private waste contractor to undertake waste collection from within the property boundary.</li> <li>• Refer to the comments dated 18<sup>th</sup> November 2015, prepared by Acting Waste Management &amp; Resource Recovery Coordinator.</li> </ul>
Strategic Projects Unit (Sustainability)	<ul style="list-style-type: none"> <li>• Modifications to the submitted sustainability management plan are necessary prior to endorsement.</li> </ul>

7.6 Recommendations will be addressed via permit conditions and footnotes where appropriate, on any permit issued.

7.7 The following is provided in response to recommendations that will not be reflected via permit conditions and footnotes, or where further clarification is required:

*Engineering – 'The crossover is not at right angles to the road edge'*

7.8 Whilst this is not ideal, as long as there are reasonable sightlines, it is not considered necessary to require an alteration to the crossover to achieve a right angle entry. In this case, there are some constraints to sightlines due to the embankments between back of footpath and edge of title boundary. These embankments will need to be slightly re-graded to allow for adequate sightlines. As discussed previously in this report, this will be required as a condition of permit.

*Engineering – 'Accessway serves more than 4 dwellings. Accessway grades must not be steeper than 1:10 within 5m of the frontage in accordance with Design Standard 3. The proposed grade 1:5 within 5m from street frontage does not comply with this requirement'*

- 7.9 The crossover starts to ramp down from approximately 1 metre to the rear of the footpath at a grade of 1 in 10, and then increases to a 1 in 5 grade approximately 3.2 metres into the site from the current title boundary, which is approximately 8.2 metres from the back of the footpath.
- 7.10 As discussed previously, if *the embankment area is purchased by the Applicant it would mean the ramp would only need to have a 1 in 10 gradient extended for a further 1.2 metres westward.* There would also be room to lengthen the access ramp at the western end. A condition will require the crossover and ramp gradients to comply with the design standard.
- 7.11 Engineering – ‘Accessway aisle width in front of car spaces 8 to 17 at Basement One car park must be 6400mm. Accessway aisle width in front of car spaces 8 to 16 at Basement Two car park must be 6400mm’
- 7.12 The submitted traffic report includes turning diagrams showing that whilst the 6.4 metre width as set out in the standard was not met, the proposed 6.3 metre width shown was adequate for the spaces to be accessible. On this basis, it is not considered necessary to increase the width of the accessway by 100mm to meet the design standard.
- Engineering – ‘Pedestrian access link is proposed to the existing footpath of Nirvana Crescent over the Council’s land. The Applicant will require reducing the width of this footpath connection to maximum 1.4m. The proposed 3.4m width is not allowed within the Council’s land. This footpath needs to be constructed in accordance with Council’s Standard drawing for footpaths’*
- 7.13 The use of a 3.4 metre wide entry path from back of footpath to building entry would be an appropriate design technique to allow for good identification of the entry and good access for people of limited mobility.
- 7.14 The footpath area goes partly through the embankment on the nature strip. While the Applicant has been in discussions with Council in relation to purchasing this area of Council land, to date, no agreement has been reached.
- 7.15 As discussed above, whilst this is not ideal, it is considered in this case, this is acceptable. If this embankment area is purchased and included on title, the Council footpath standards would not apply and Council would not be responsible for future maintenance of the entry path. However, in the event that it is not purchased, a condition will require the footpath width to be reduced to 1.4 metres and for the footpath design (longitudinal and cross-section) to be approved by Council prior to construction commencing.

## 8 NOTIFICATION

- 8.1 Notice of the originally submitted application was required to be given under Section 52 of the Planning & Environment Act 1987, by sending notices to adjoining and nearby landowners/occupiers and by displaying notices on the land for a 3 week period. Four (4) notices were displayed on site.
- 8.2 Council received 19 objections, including one multi-signatory objection with 5 signatures.
- 8.3 Details are as follows:

Address
1, 2, 2B, 3, 3A, 6A, 7, 8, 10, 12, 14, 16 Nirvana Crescent, Bulleen
112, 4/131 Manningham Road, Bulleen

**Address**

1/60 Ayr Street, Doncaster

- 8.4 The grounds of objection can be summarised as follows:
- Lack of policy support in the Scheme under the zone and the overlay requirements *for the height and site coverage*
  - Design – scale and design is out of character with the area (which includes single dwellings)
  - Off-site amenity – overlooking / loss of privacy, visual bulk, overshadowing, residential noise resulting from the roof terrace
  - Traffic - *driveway should be on Manningham Road, on-street parking and traffic will increase*
  - *Other - adverse impact on drainage system and construction noise*
- 8.5 A response to the above grounds is provided in the following paragraphs:  
*Lack of policy support in Scheme under the zone and overlay requirements for the height and site coverage*
- 8.6 There is clear support for development of the land in the Scheme in terms of urban consolidation and a proposed increase in residential density. The proposed development supports the key vision objectives which encourage a higher density and innovative contemporary design by providing residential development within a building in a location that is highly accessible to the community. In that regard it is consistent with policy.
- 8.7 Notwithstanding that, it is not development at any cost and policy sets out design parameters including a maximum site coverage of 60 percent and a requirement that higher developments on the perimeter of the Main Road sub-precinct are designed so that the height and form are sufficiently stepped down, so that the scale and form complements the interface which in this case is the southern interface with dwellings in Nirvana Crescent.
- 8.8 Subject to permit conditions on any permit issued, requiring design changes to the southern side of the development, the articulation, height transitioning and relationship to the south will provide a more acceptable interface which is envisaged under the DDO8.  
*Design – scale and design is out of character with the area (which includes single dwellings)*
- 8.9 A full assessment of the building design, neighbourhood character and landscaping is provided in the DDO8 assessment and Res Code assessment in this report.
- 8.10 In summary, the subject site is located within the Residential Growth Zone is located in the DDO8-1 “sub precinct Main Road”. Policy supports housing developments that will respect existing neighbourhood character. It is acknowledged that the scale, form and age of existing housing in the area is predominately 1970s (single-storey) with a substantial amount of development dating between the late 1980s and 1990s (double and in some instances 3-storey) with minimal unit development. However, Council through its policy statements and the DDO8 has created a planning

mechanism that will over time alter the present neighbourhood character along Mitcham Road. Through policy, Council's 'preference' is for higher density, multi-unit developments which may include apartment-style buildings, especially on larger lots, and the resultant built form will have a more intense and less 'suburban' character.

8.11 This higher density housing theme represents the 'preferred neighbourhood character' and guidance as to the ultimate form of development is provided through the Design Elements contained within the DDO8 provisions. To accommodate Manningham's projected population growth, policy objectives (at Clause 21.05-2 Housing) within the Scheme supports a higher density of housing along main roads, and anticipates and supports an incremental level of change along main roads.

8.12 As discussed earlier in the report, the building is reasonably well articulated and modulated and has been designed to limit perceptions of visual bulk. As discussed, design changes will be required by condition to alter some of the southern facade and subject to these changes, the bulk and mass of the building are considered acceptable within this area identified for increased residential development.

*Off-site amenity – overlooking / loss of privacy, visual bulk, overshadowing, residential noise resulting from the roof terrace*

8.13 Relevant concern is raised in relation to the impact of the proposed development on south adjoining properties, in particular due to the different residential zoning (the subject site is within the RGZ and the south adjoining dwellings are within the GRZ) and their residential amenity expectations given the proposal is for a 4-storey built form immediately to the north.

8.14 The design of the proposed building on the southern side is acceptable subject to design changes that will be required by way of conditions (relocated balconies, increased setbacks of southern walls).

8.15 A full assessment against all Res Code standards and objectives and the DDO8 requirements which require appropriate height transitioning, is provided in this report. Subject to conditions, the proposal will present a reasonable level of off-site amenity impact to existing adjoining dwellings, including those located to the south and within the GRZ.

8.16 In relation to residential noise the consideration of this planning application is confined to the construction of the development. The residential use of the subject site does not require a planning permit under the zone and is therefore not a planning matter and cannot be considered in this assessment. Residential noise associated with a dwelling is considered normal and reasonable in an urban setting. Residential noise would be subject to standard EPA guidelines and any future amenity issues, should they arise, can only be pursued as a civil matter.

8.17 Overlooking from windows and balconies has been discussed in the assessment against Clause 55.04-6 of the Scheme. Permit conditions will require some additional screening to balconies and habitable room windows that allow direct views within a 9 metre radius and require them to be designed to meet the policy objective.

8.18 Overshadowing has been assessed against Clause 55.04-5 of the Scheme. The shadows cast by the development will only cover a limited portion of the west and east secluded private open spaces and will not exceed the

requirement in the standard and meets the policy objective which is to limit any unreasonable amenity impacts on adjoining properties.

*Traffic - driveway should be on Manningham Road, on-street parking and traffic will increase*

- 8.19 The car parking requirements of the Scheme is at Clause 52.06-1 (Car Parking) of the Scheme and a full assessment against the requirements of Clause 52.06 is provided in this report.
- 8.20 While the submitted proposal has a shortfall of two (2) on-site car parking spaces, the basements could be re-designed to provide for this shortfall. A re-design of the third floor and roof terrace in particular will be required to meet the setback changes envisaged under the DDO8 and improve the transitioning down to the southern interface so that the development does not present as 4-storeys from the south. This will inevitably reduce floor area and most likely reduce the number of apartments within the building and re-calculate the car parking requirement prescribed under Clause 52.06 of the Scheme. Regardless, a condition on permit will require amended plans to demonstrate that the number of visitor and residents spaces provided on-site meet the requirements of Clause 52.06 of the Scheme.
- 8.21 Existing on-street parking problems in the area cannot be addressed through the current application, nor should the burden of relieving these existing problems be imposed on the developer of the subject site.
- 8.22 In terms of traffic generation, it is a generally accepted principle in many Victorian municipalities that multi-dwelling developments generally create an average of 4-8 vehicle movements per day per dwelling, or less where there is good access to public transport. This is consistent with the "NSW RTA guide to Traffic Generating Developments 2002", which identifies a rate of 4-5 movements daily for 2 bedroom dwellings and 5-6 movements daily per 3 bedroom dwelling. The applicant has submitted a traffic report which references the NSW RTA document and highlights that based on the traffic generation rates usually expected for developments of this sort, the development is likely to generate 18 vehicle trips per hour in peak hours, with 14 outbound and 4 inbound trips during AM peak hour and 5 outbound and 13 inbound trips during PM peak hour.
- 8.23 Whilst it is acknowledged that there is some congestion in Nirvana Crescent during school drop off and pick up times, based on the likely traffic movements generated by the development, it is not considered there will be any unacceptable impacts to traffic flow in and out of Nirvana Crescent as a result of the development.
- 8.24 In relation to the suggestion that the vehicle driveway be on Manningham road, the subject site has access to a main road controlled by VicRoads and a side street. It is normal practice for sites with two accesses such as this to remove the access from the main road and provide access from the side street. This is generally the preference of VicRoads as it improves traffic safety by allowing less private property access to a main road and instead provides access to a main road from other public streets.
- 8.25 Council's traffic engineering unit and VicRoads as the appropriate referral authority support the proposed development.

*Other - adverse impact on drainage system and construction noise*

- 8.26 The site will have 33.4% of surfaces with permeable surfaces, which meets the standard at Clause 55.03-4 of the Scheme. Council's Traffic Engineers raised no concern subject to the installation of an on-site storm water detention system which will be required by way of permit condition.
- 8.27 Noise disturbance during construction works is a common objector concern. Some noise and other disturbance is inevitable when any construction occurs and the developer will be required to meet relevant Local Law and EPA regulations regarding construction practices to ensure these impacts are mitigated. In addition to these requirements, a condition will require the submission of a Construction Management Plan (CMP) which will require the applicant to submit details of the construction, for approval.

## 9 CONCLUSION

- 9.1 It is considered appropriate to support the application subject to some design changes to the building and the inclusion of suitable management plan conditions.
- 9.2 The proposed development, subject to some minor changes that will be required by way of permit conditions, is considered appropriate for the zone and the DDO8 provisions. The design is consistent with the preferred neighbourhood character, achieves a good level of internal amenity for future residents and will have a reasonable impact on the amenity of adjoining properties subject to minor changes to the southern interface that will be required by way of permit conditions.
- 9.3 The construction of a well designed and visually interesting apartment style building is consistent with the vision of the Scheme, in particular Clause 21.05 Residential, Schedule 8 to the Design and Development Overlay (DDO8) and Clause 55 (Res Code). It will allow an increase in housing density and diversity in a location that has good access to services.
- 9.4 The relevant referral authorities have been notified of this application for Planning Permit, and the conditions as required by the referral authority, and agreed to by Manningham City Council, have been included on the Notice of Decision to Grant a Planning Permit.

## RECOMMENDATION

- (A) That having considered all objections, A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL15/025340 in accordance with endorsed plans and subject to the following conditions:**
- 1. Before the development starts, two (2) copies of amended plans, uncoloured, drawn to a scale of 1:100 and dimensioned must be submitted to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Cornetta Partners, Revision E, dated July 2016), but modified to show the following:**
    - 1.1. At third floor, the setback from the southern site boundary increased to 12.5 metres minimum, resulting in the internal reconfiguration of all third floor apartments and roof terraces, to**

- provide more stepping down of the building and more appropriate height transition of the building to the southern interface.
- 1.2. A car parking allocation schedule to demonstrate that the on-site car parking required under Clause 52.06 (resident and visitor spaces) of the Manningham Planning Scheme is met.
  - 1.3. At first floor, the setback of balconies (balcony edges) of Apartments 11, 12 and 13 increased to 3.6 metres so that they are in line with the southern wall of the bathroom and bedroom of Apartment 10, and any resulting internal configuration of these apartments. Balconies must remain at least 8 square metres or greater in size. Planter boxes should be retained but painted a contrasting colour to the southern walls of Apartments 10 and 13 (located on either side) in order to reduce their visual bulk, or another balcony screen type provided in lieu.
  - 1.4. Details of balcony screens and south-facing windows of Apartments 11, 12 and 13 to comply with the objective of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
  - 1.5. Details (including a 1:50 elevation) of screen measures proposed to the south-facing window of Apartment 21 and balconies of Apartment 22 and Apartment 29 to comply with the objectives of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
  - 1.6. At second floor, the setback of the southern edge of the balcony to Apartment 21 increased to 7.8m in line with the southern wall of the kitchen of that apartment, and screened to comply with the objective of clause 55.04-6 (Overlooking) of the Manningham Planning Scheme. The then exposed kitchen window to Apartment 21 must also screened to comply with the objective of Clause 55.04-6 (Overlooking) of the Manningham Planning Scheme.
  - 1.7. Plan notations to confirm that:
    - 1.7.1. a minimum of 2.2m headroom, clear of any overhead obstructions such as pipes, beams, signs and light fittings is provided for the entire basement 1 access aisle; and
    - 1.7.2. a minimum 2.35m headroom clear of any overhead obstructions will be maintained in the vicinity of the lower ramp transition.
  - 1.8. In accordance with Design Standards for car parking at Clause 52.06-8 of the Manningham Planning Scheme, either:
    - 1.8.1. the reshaping of the embankment areas on the north and south sides of the vehicle accessway, to allow vehicle sight triangles of 2.0 metres by 2.5 metres with landscaping no higher than 900m, and modified grades for the vehicle accessway to comply with Design Standard 3 at Clause 52.06 (Car Parking) of the Manningham Planning Scheme, with details of the footpaths submitted (including a longitudinal section and cross-section); or
    - 1.8.2. in the event that nature strip is not acquired pursuant to Condition 6 of this permit, the proposal amended to show vehicle accessway grades, vehicle crossover and

embankment design to Council's satisfaction, and the pedestrian footpath width reduced to 1.4 metres with details submitted (including but not limited to a longitudinal section and cross-section).

- 1.9. Clotheslines / external clothes drying facilities for each dwelling shown on plan, with clothes-drying racks or line systems located on balconies to be same height or lower than the balustrade of the balcony to limit visibility of clothes drying from the street and adjoining dwellings.
- 1.10. A separate palette sheet (colour schedule) depicting the range of finishes/textures, colours and materials to all externals of the buildings, including balcony and terrace balustrade/screens and roof-top plant screen, and paving finishes (including balconies and terraces, stairs and ramps).
- 1.11. Details for any mechanical ventilation of the basement car park, with any external flues designed and integrated into the building design.
- 1.12. Details for screening to:
  - 1.12.1. roof plant and equipment (appropriately screened so that it integrates into the building design and has limited views from adjoining lots and the street);
  - 1.12.2. all air conditioning units; and
  - 1.12.3. the services box fronting the street (appropriately screened so that it has limited limit views from the public domain).
- 1.13. Additional landscaping as required by the Landscaping Plan required by condition 15 on this permit.
- 1.14. Any relevant changes as a result of the endorsed Waste Management Plan required by condition 13 on this permit.
- 1.15. Any relevant changes as a result of the endorsed Sustainability Management Plan required by condition 8 on this permit and a schedule listing the minimum sustainability features applicable to the development, as described in the Sustainability Management Plan.
- 1.16. Plan notation to confirm that *noise protection measures to all apartments will be undertaken as per the requirements of the Noise Assessment Report prepared by SLR dated 8 September 2015 submitted with the application.*
- 1.17. Plan notation to confirm that the basement levels will be provided with convex mirrors and other requirements of the ML Traffic Engineering Report submitted with the application.
- 1.18. Any changes required by VicRoads (condition 46 on this permit).
- 1.19. All storage spaces to be 6 cubic metres (minimum), located internally or externally.

Endorsed Plans



2. **The layout of the site and the size of buildings and works shown on the approved plans must not be modified for any reason, without the prior written consent of the Responsible Authority.**
3. **Floor levels shown on the endorsed plans must not be altered or modified. Any alterations must be approved in writing by the Responsible Authority.**
4. **Privacy screens to balconies as required in accordance with the endorsed plans must be installed prior to occupation of the dwellings to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.**
5. **Obscure glazing must be installed prior to occupation of the building, to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.**

#### **Consolidation and Acquisition of Land**

6. **Prior to the endorsement of Condition 1 plans, the permit holder must either:**
  - 6.1. **acquire all or part of the nature strip adjacent the east boundary of 120 Manningham Road, between the title boundary and back of existing footpath to the satisfaction of Council, and make design changes generally in accordance with the requirements of condition 1.7 of this permit; or**
  - 6.2. **amend the design to show vehicle accessway grades, vehicle crossover and embankment design to comply with Design Standard 3 at Clause 52.06 (Car Parking) of the Manningham Planning Scheme, and the pedestrian footpath width reduced to 1.4 metres with details submitted (including but not limited to a longitudinal section and cross-section) to the satisfaction of Council.**
7. **Prior to commencement of works, the land in certificate of title Volume 08461 Folio 567 and Volume 08461 Folio 146 must be consolidated into one title.**

#### **Sustainability Management Plan**

8. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of an amended Sustainability Management Plan (SMP) must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the submitted plan (prepared by Frater Energy Assessor), but modified to include the recommendations of Council's ESD adviser in their memo dated 18 November 2015, and include, but not limited to:**
  - 8.1. **Inclusion of page numbers and numbered sections.**
  - 8.2. **Amend the Artificial lighting section to delete reference to compact fluorescent.**

- 8.3. Include a section that clotheslines will be provided to avoid reliance on electric dryers.
- 8.4. Include a Glazing section and specify details of glazing which must be low-e, and incorporate uPVC framing
- 8.5. Specify roof area harvested for rainwater storage and connected to all toilets.

The recommendations of the plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.

#### **Construction Management Plan**

9. Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will form part of the permit. The plan must address, but not be limited to, the following:
  - 9.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
  - 9.2. Hours of construction;
  - 9.3. Delivery and unloading points and expected frequency;
  - 9.4. On-site facilities for vehicle washing;
  - 9.5. Parking facilities/locations for construction workers;
  - 9.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
  - 9.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
  - 9.8. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
  - 9.9. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
  - 9.10. The measures to minimise the amount of waste construction materials, including details how the commitment to reduce or reuse 50% of construction waste going to landfill outlined in the SMP is achieved;
  - 9.11. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours;
  - 9.12. Details for footpath re-construction (including cross-sections and longitudinal section) and any works to Council assets and on Council land; and
  - 9.13. Adequate environmental awareness training for all on-site contractors and sub-contractors.

10. In the event of damage to an existing boundary fence (as a result of construction activity), the owner of the development site must at their cost, promptly repair or replace the affected fencing to the satisfaction of the Responsible Authority.
11. The endorsed Construction Management Plan must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority
12. During construction, the following must occur:
  - 12.1. any stormwater discharged into the stormwater drainage system to comply with EPA guidelines;
  - 12.2. stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the premises enters the stormwater drainage system;
  - 12.3. vehicle borne material must not accumulate on the roads abutting the site;
  - 12.4. the cleaning of machinery and equipment must take place on site and not on adjacent footpaths or roads;
  - 12.5. all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly; and
  - 12.6. all site operations must comply with the EPA Publication TG302/92.

#### **Waste Management Plan**

13. Before the development starts, two copies of a Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The Plan must be generally in accordance with the plan submitted by Frater Energy assessor but modified to show:
  - 13.1. Use of bins no greater than 660 litres (to accommodate on-site pick up by a Wastewise mini rear loader or similar vehicle) within basement car park areas.
  - 13.2. Twice weekly collection for general waste.
  - 13.3. Twice weekly collection for co-mingled recyclables.
  - 13.4. The accessway to the basement car park, including the height clearance, is sufficient for the proposed waste collection vehicle;
  - 13.5. Details on how best practice standards are achieved based on the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers.

#### **Management Plans**

14. The Management Plans approved under Conditions of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

#### **Landscaping**

15. Before the development starts, a landscaping plan must be prepared by a landscape architect showing species, locations, approximate height and spread of proposed planting, and must be submitted to the Responsible Authority for approval. The plan must be generally in accordance with the concept landscaping plan prepared by Hansen Partnership dated 7/9/15, including the balcony planter box design and specifications, but amended to show:
  - 15.1. Reshaping of the embankment areas north and south of the vehicle accessway to allow vehicle sight triangles of 2.0m by 2.5 metres with landscaping no higher than 900mm.
  - 15.2. Terrace and surface treatments areas that correspond to the development plans.
  - 15.3. Details of site and soil preparation, mulching and maintenance.
  - 15.4. Screen planting along the southern and western boundary to be a minimum height of 1.5 metres at the time of planting.
  - 15.5. Details of an automatic watering system built into the development for the vertical garden / green wall, to be managed by the owners corporation.
  - 15.6. A minimum of one (1) canopy tree within the private open space of each ground level dwelling to be a minimum height of 1.5 metres at the time of planting and capable of growing to a height of 8m at maturity.
  - 15.7. Tree protection measures for trees on adjoining lots during the construction phase.
  - 15.8. Provision of more screen planting along the length of the western site boundary, including setback of retaining wall along this boundary and grass in lieu of pavers where appropriate, to provide more in-ground planting.
16. Before the release of the approved plan under Condition 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.
17. Landscaping must be carried out in accordance with the endorsed Landscape Plan and maintained to the satisfaction of the Responsible Authority.
18. The site must be landscaped prior to the occupation of any dwelling allowed by this permit.

#### **Drainage**

19. The owner must provide on site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:

- 19.1. Be designed for a 1 in 5 year storm; and
- 19.2. Storage must be designed for 1 in 10 year storm.
- 19.3. Be maintained by the owner in accordance with construction plans approved by the Responsible Authority.
20. Before the development starts, a construction plan for the system required by Condition No. 20 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.
21. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.
22. The whole of the subject land, including landscaped and paved areas, must be graded and drained to the satisfaction of the Responsible Authority, to prevent ponding and to minimise overland flows onto adjoining properties.
23. The permit holder must at the subdivision stage enter into a legal agreement (pursuant to section 173 of the *Planning & Environment Act 1987*) requiring all future owners of the dwellings to maintain the proposed on-site stormwater detention system and the primary drainage lines associated with the on-site stormwater detention system.
24. No works are to take place within any easement and all excavation work must be managed and supervised, so as to ensure that the area within any easement is not adversely impacted upon, to the satisfaction of the Responsible Authority.

#### Access and Car Parking

25. Before the occupation of the approved dwellings, the vehicular crossing must be constructed in accordance with the approved plans to the satisfaction of the Responsible Authority.
26. Before the occupation of the approved dwellings, redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
27. Before the occupation of the approved dwellings, all basement parking spaces must be line-marked, numbered and signposted to provide allocation to each dwelling and visitors to the satisfaction of the Responsible Authority.
28. Visitor parking spaces must not be used for any other purpose to the satisfaction of the Responsible Authority.
29. The costs of all of road infrastructure reinstatements and rectification works associated with utility service provision and building works must be borne by the developer.
30. Any damaged road(s) and footpath(s) adjacent to the development site as a result of the development must be reinstated to the satisfaction of the Responsible Authority. All costs associated with these works must be borne by the permit holder.

31. **An intercom and an automatic basement door opening system (connected to each dwelling) must be installed, so as to facilitate convenient 24 hour access to the basement car park by visitors, to the satisfaction of the Responsible Authority.**
32. **Any security door/grille to the basement opening must maintain sufficient clearance when fully open to enable the convenient passage of rubbish collection vehicles which are required to enter the basement and such clearance must also be maintained in respect of sub-floor service installations throughout areas in which the rubbish truck is required to travel to the satisfaction of the Responsible Authority.**

#### **Site Services**

33. **Before the occupation of the approved dwellings, all fencing must be in a good condition to the satisfaction of the Responsible Authority.**
34. **All upper level service pipes (excluding stormwater downpipes) must be concealed and screened respectively to the satisfaction of the Responsible Authority.**
35. **All plant and equipment that is not installed within the building must otherwise be installed in the area of plant and equipment on the roof of the building, unless otherwise agreed in writing with the Responsible Authority.**
36. **No air-conditioning units are to be installed on any balcony or façade so that they are visible from outside the site.**
37. **Any clothes-drying rack or line system located on a balcony must be lower than the balustrade of the balcony and must not be visible from off the site to the satisfaction of the Responsible Authority.**
38. **A centralised TV antenna system must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.**
39. **No individual dish antennas may be installed on balconies, terraces or walls to the satisfaction of the Responsible Authority.**
40. **All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.**
41. **Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.**
42. **All retaining walls must be constructed and finished in a professional manner to ensure a neat presentation and longevity to the satisfaction of the Responsible Authority**

#### **Lighting**

43. **Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.**
44. **Prior to the occupation of the dwellings, lighting capable of illuminating access to each car parking space, store, rubbish bin, recycling bin, pedestrian walkways, stairwells, lift, dwelling entrances and entry foyer must be provided. Lighting must be located, directed, shielded and of**

limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

#### Noise

45. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

#### VicRoads (condition 46)

46. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the occupation of the buildings hereby approved.

#### Expiry

47. This permit will expire if one of the following circumstances apply:
- 47.1. The development is not started within two (2) years of the date of the issue of this permit; and
- 47.2. The development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing by the owner or occupier either before the permit expires or in accordance with Section 69 of the *Planning & Environment Act 1987*.

#### NOTES

The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

It is the developer's responsibility to coordinate and manage the service authorities and their works associated with underground utility provision and connections to the subject development. Trenches or areas of excavation made as result of laying underground services to the development will require the full width reinstatement of footpath, road pavement and the replacement of damaged kerb and channel to the satisfaction of Council's Engineering Services unit.

Under Section 69 of the *Planning and Environment Act 1987* the owner or occupier of the land may apply to extend a permit either:

- before it expires; or
- within 6 months of the expiry if the permit has not been acted on; or
- within 12 months of the expiry of the permit if the development was started lawfully before the permit expired.

The Responsible Authority (Statutory Planning Unit) must be advised when all construction and works (including nature strip restoration and on-site landscaping) are fully completed to enable the site to be inspected for compliance with the approved permit and plans.

Before the construction or modification of any vehicular crossing, a Miscellaneous Works Permit must be obtained from the Responsible Authority. Approved vehicular crossings must be constructed under the Responsible Authority's supervision, for which 24 hours notice is required.

Plans submitted for approval for the on-site storm water detention system should be forwarded to Council's Engineering and Technical Services Unit. For any queries in relation to these plans please contact Engineering and Technical Services on 9846 0563.

The location and design of mail boxes must accord with Australia Post guidelines found at [www.auspost.com.au/media/documents/Appendix\\_02\\_Aug13.pdf](http://www.auspost.com.au/media/documents/Appendix_02_Aug13.pdf). Developers seeking additional information regarding this should call Australia Post Customer Service on 13 13 18. Manningham City Council is the Responsible authority for the allocation of all new property addressing. For information or advice regarding the allocation of new addresses please contact Council's Property Services team on 9840 9242.

No filling/excavation works to occur over the easement. Consent in the form of a written "Build Over Easement" consent/permit from the relevant service authority must be obtained before any works occur over an easement which is located on the subject land. For any queries in relation to these plans please contact Engineering and Technical Services Unit on 9846 0542.

MOVED: O'BRIEN  
SECONDED: HAYNES

That the Recommendation be adopted.

CARRIED

Procedure Motion

MOVED: GOUGH  
SECONDED: GRIVOKOSTOPOULOS

That Standing Orders 8.11 and 8.12 be suspended to remove the requirement to take speakers for and against in alternate sequence for this item only.

CARRIED

When all Councillors who wanted to speak had done so the Motion was then PUT and CARRIED

"Refer Attachments"

\* \* \* \* \*



**THE SUBJECT SITE & SURROUNDS**

**SUBJECT SITE**

The subject site is located at 100-100 Warrigami Road, East Boro, in the Shire of Mansfield. The site is bounded by Warrigami Road to the north and east, and a residential board to the south. The site is currently vacant and is proposed for development as a residential board.

**LEGEND**

- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- EXISTING PARKING
- PROPOSED PARKING
- EXISTING TREES
- PROPOSED TREES
- EXISTING LANDSCAPING
- PROPOSED LANDSCAPING

**TOWN PLANNING APPLICATION**

DATE: 13/08/16  
 DRAWN BY: JAC  
 CHECKED BY: JAC  
 APPROVED BY: JAC

**100-100 WARRIGAMI ROAD**  
**BULLEN**  
 SHEET NO: 100-100 WARRIGAMI ROAD SITE & SUBDIVISION PLAN

**REV. E**

**TP01**

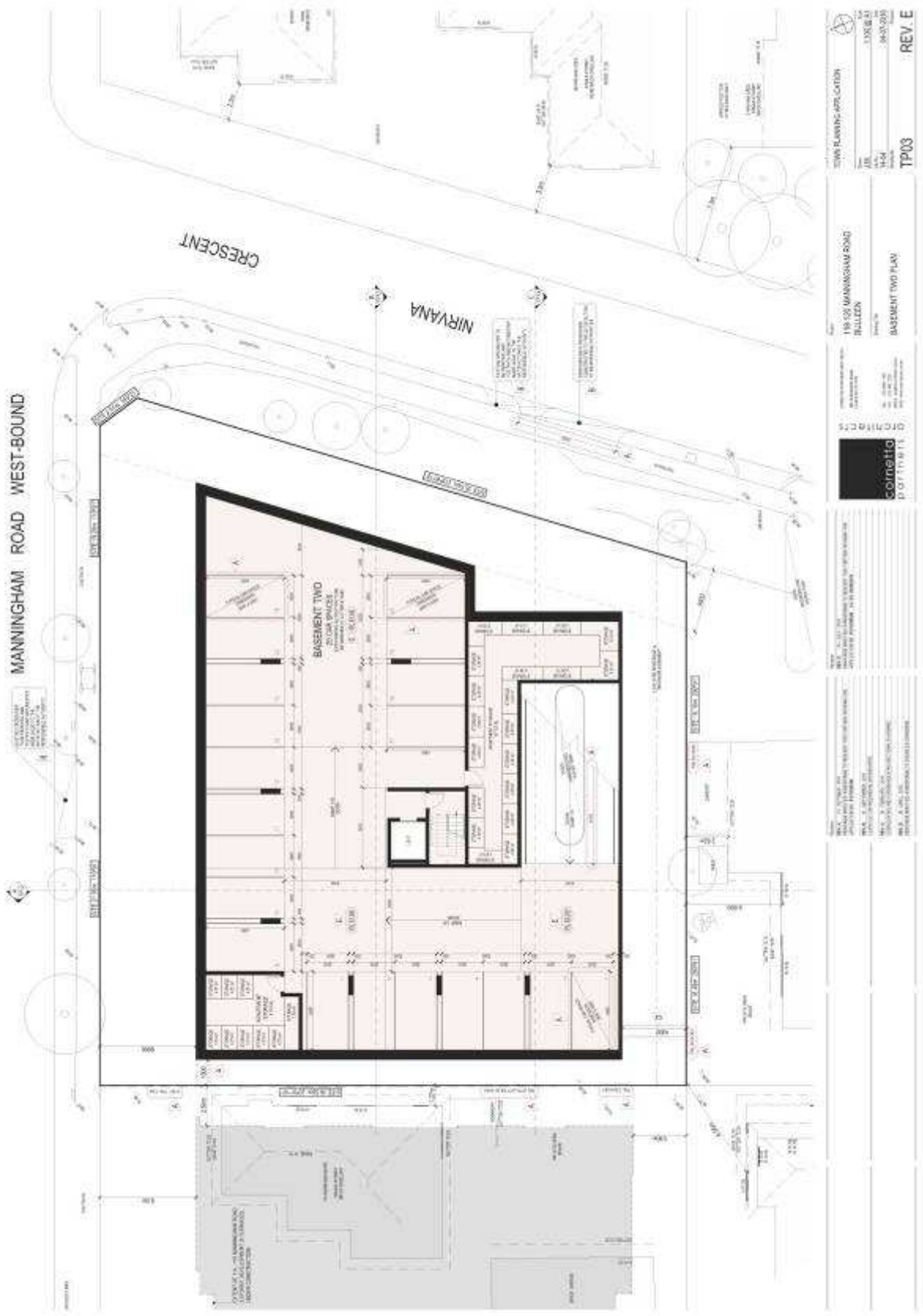
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 CONSULTING ENGINEERS

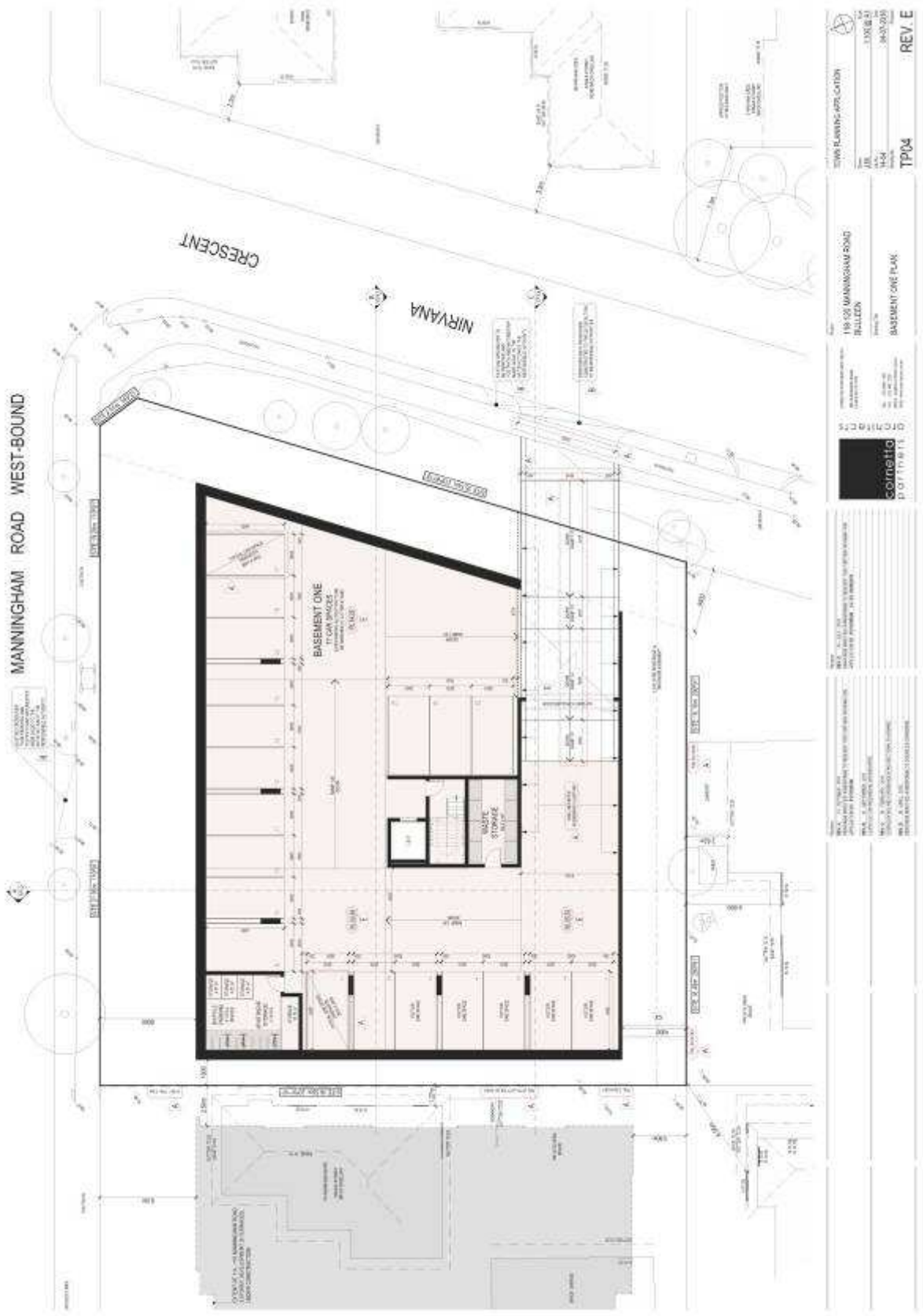
**100-100 WARRIGAMI ROAD**  
 BULLEN  
 SHEET NO: 100-100 WARRIGAMI ROAD SITE & SUBDIVISION PLAN

**REV. E**

**TP01**







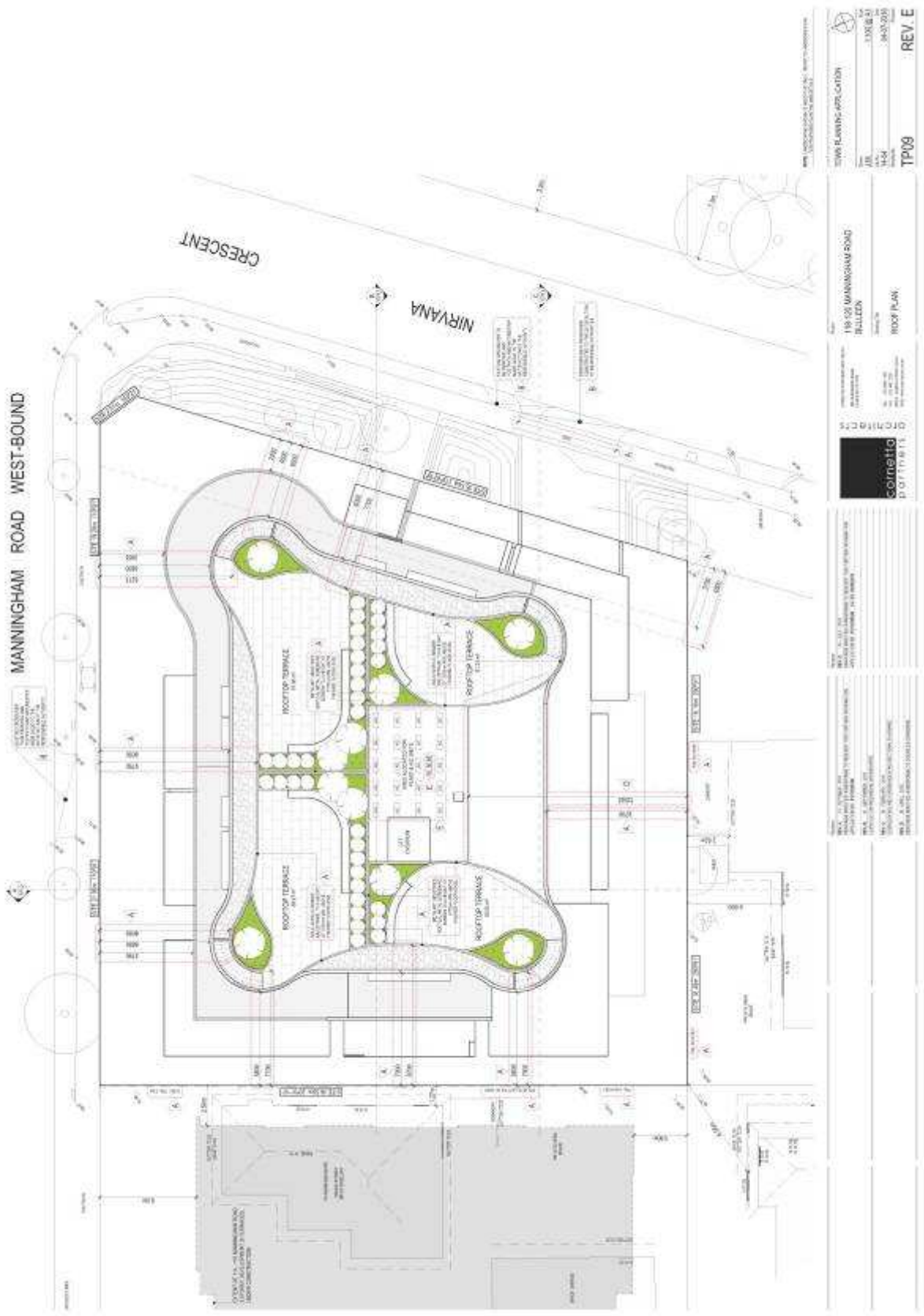




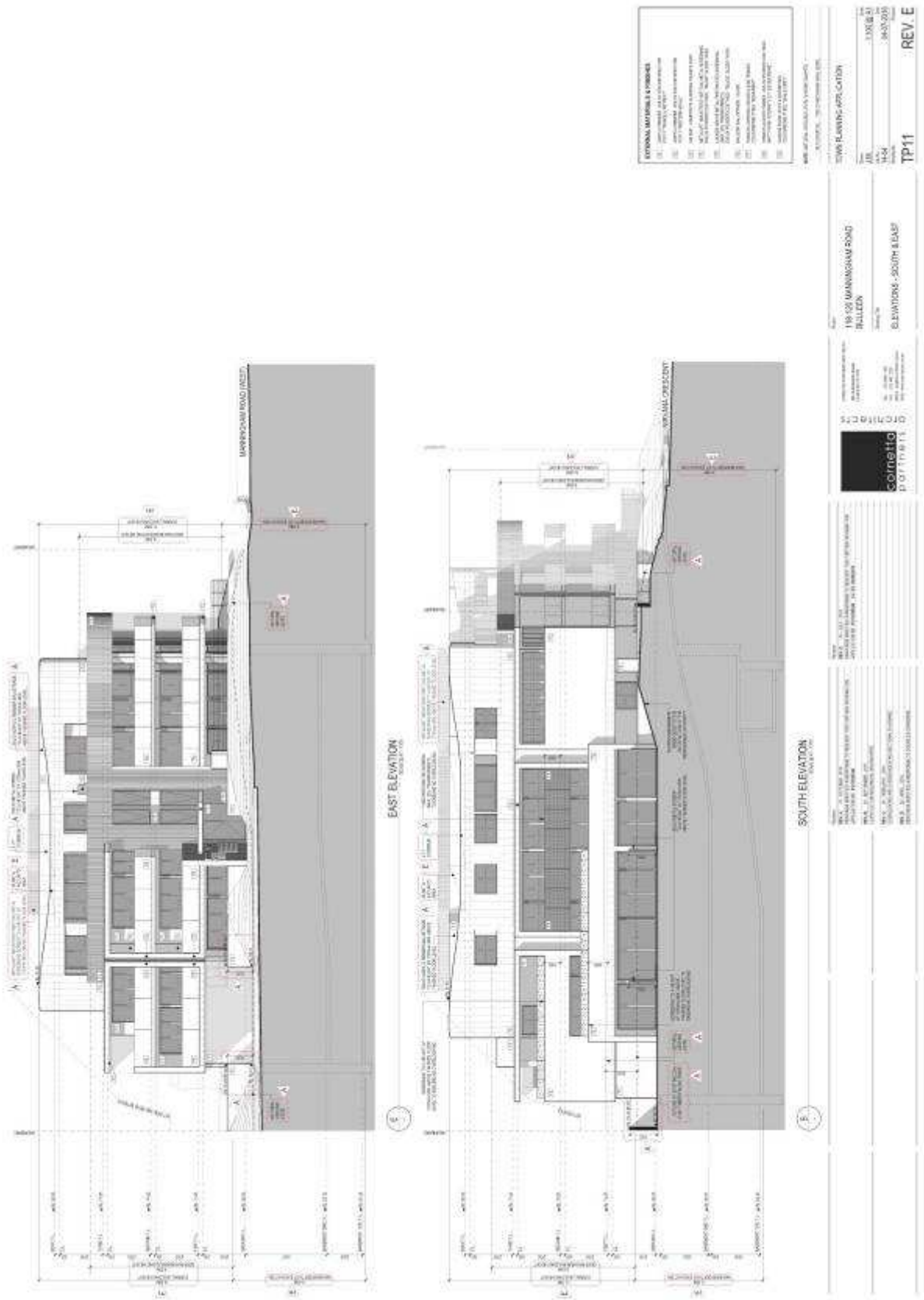


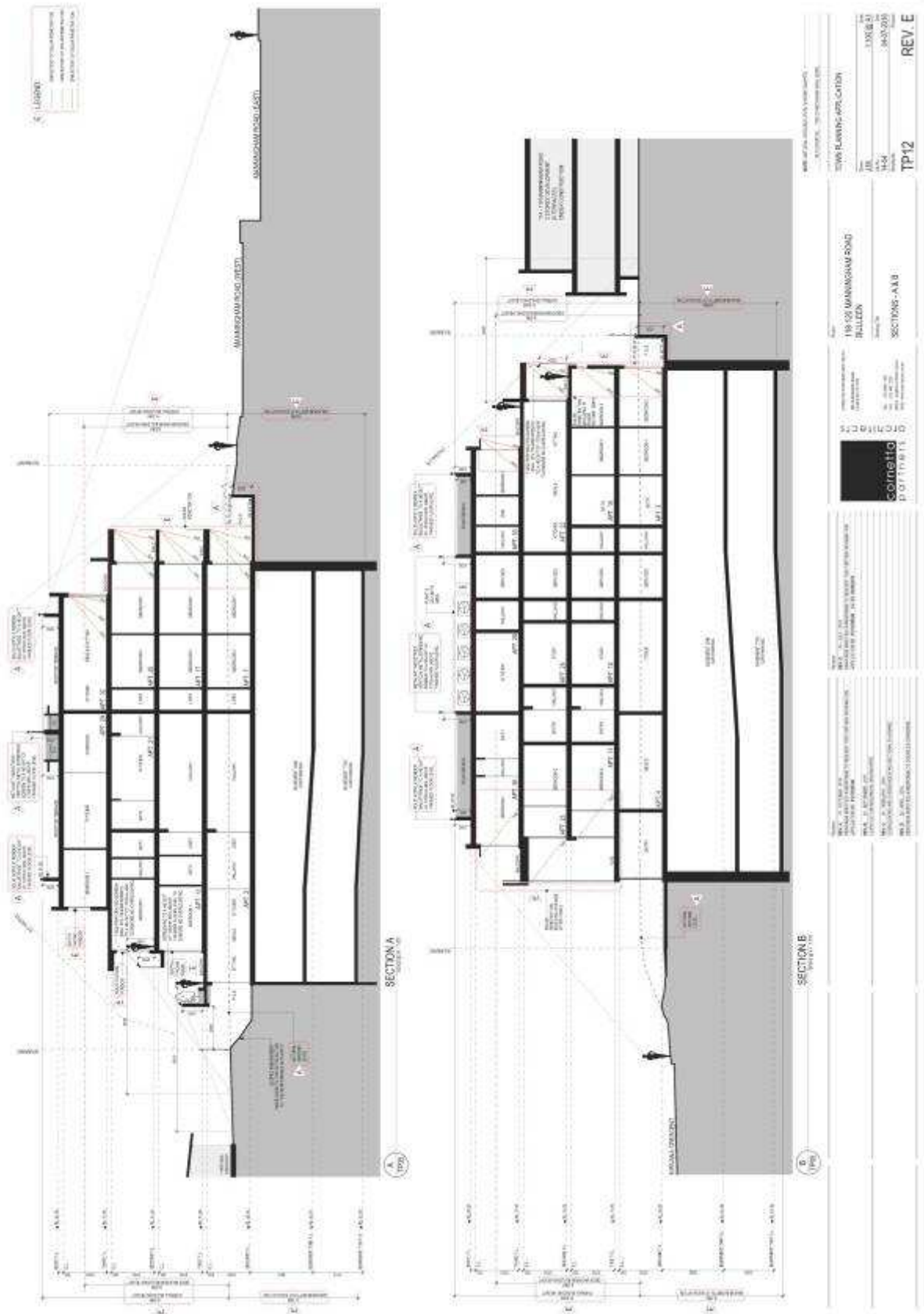




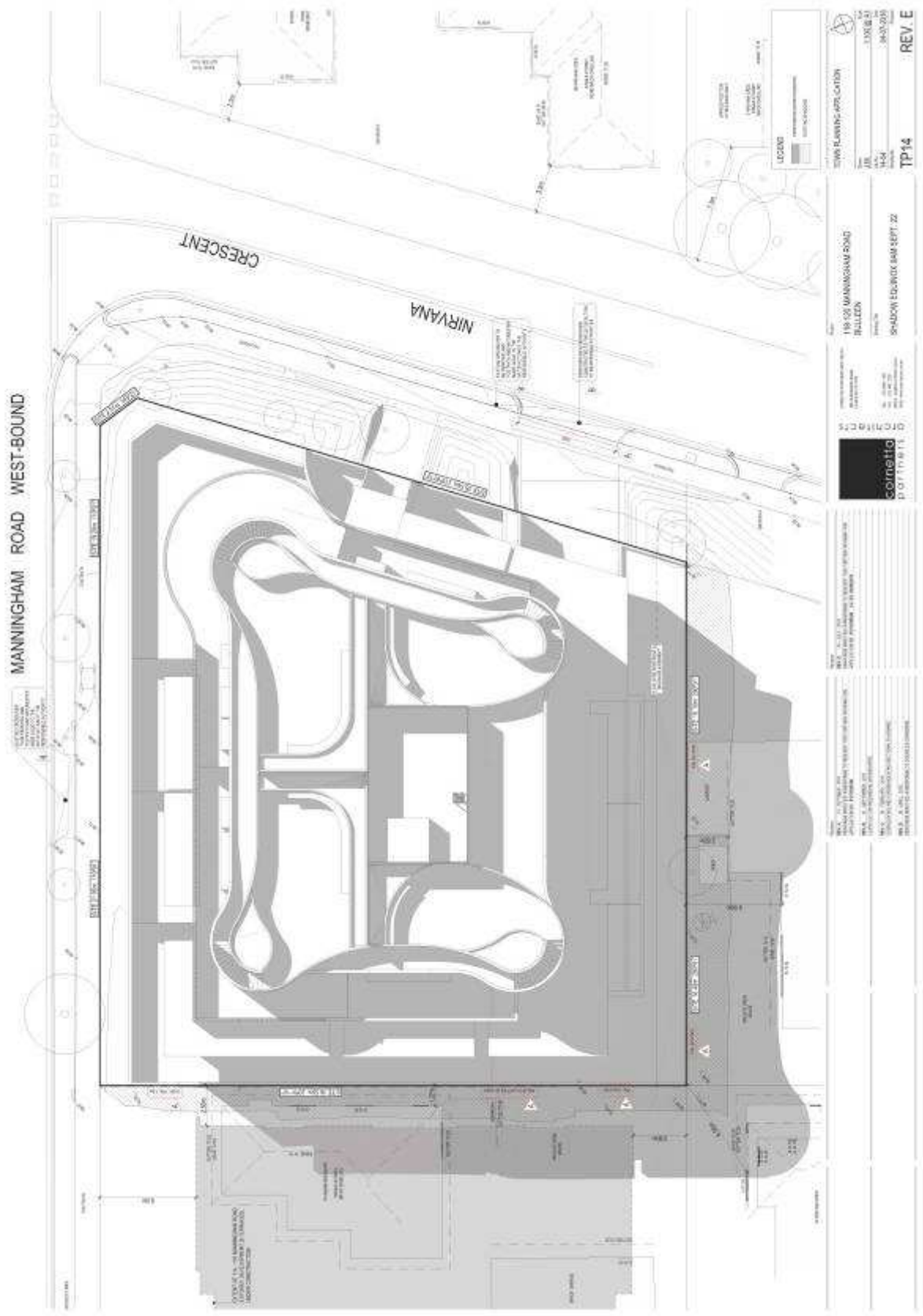




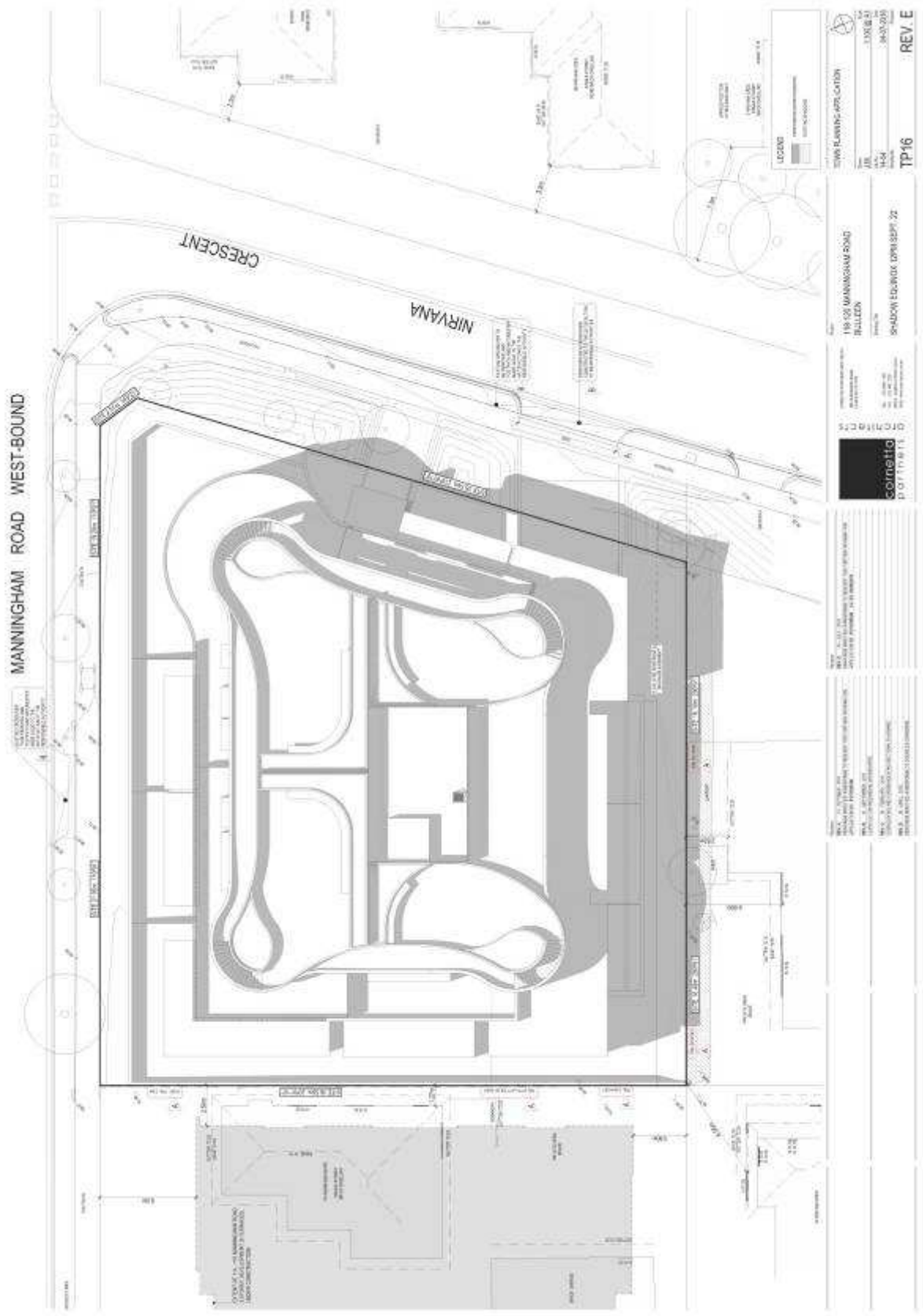






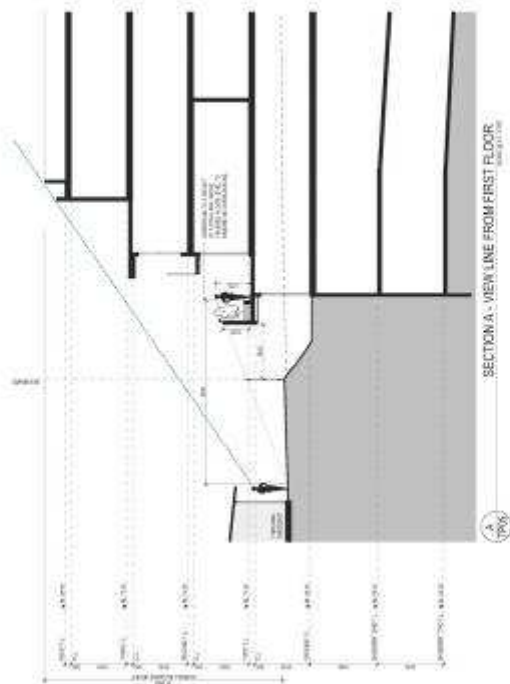
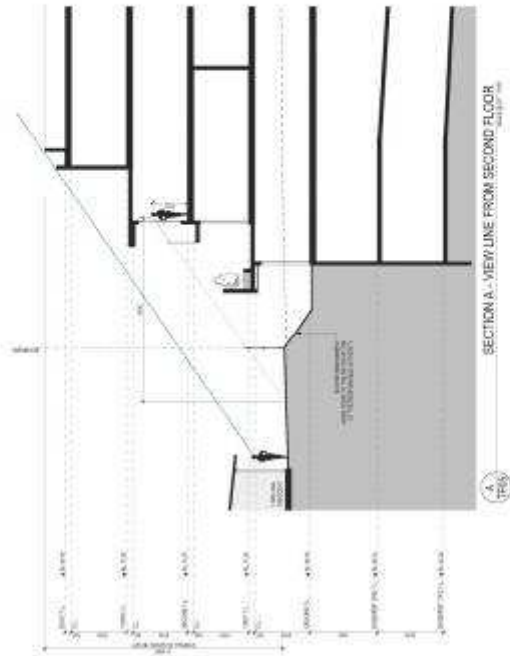












LEGEND  
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 - - - - - FINISHED FLOOR  
 - - - - - FINISHED CEILING

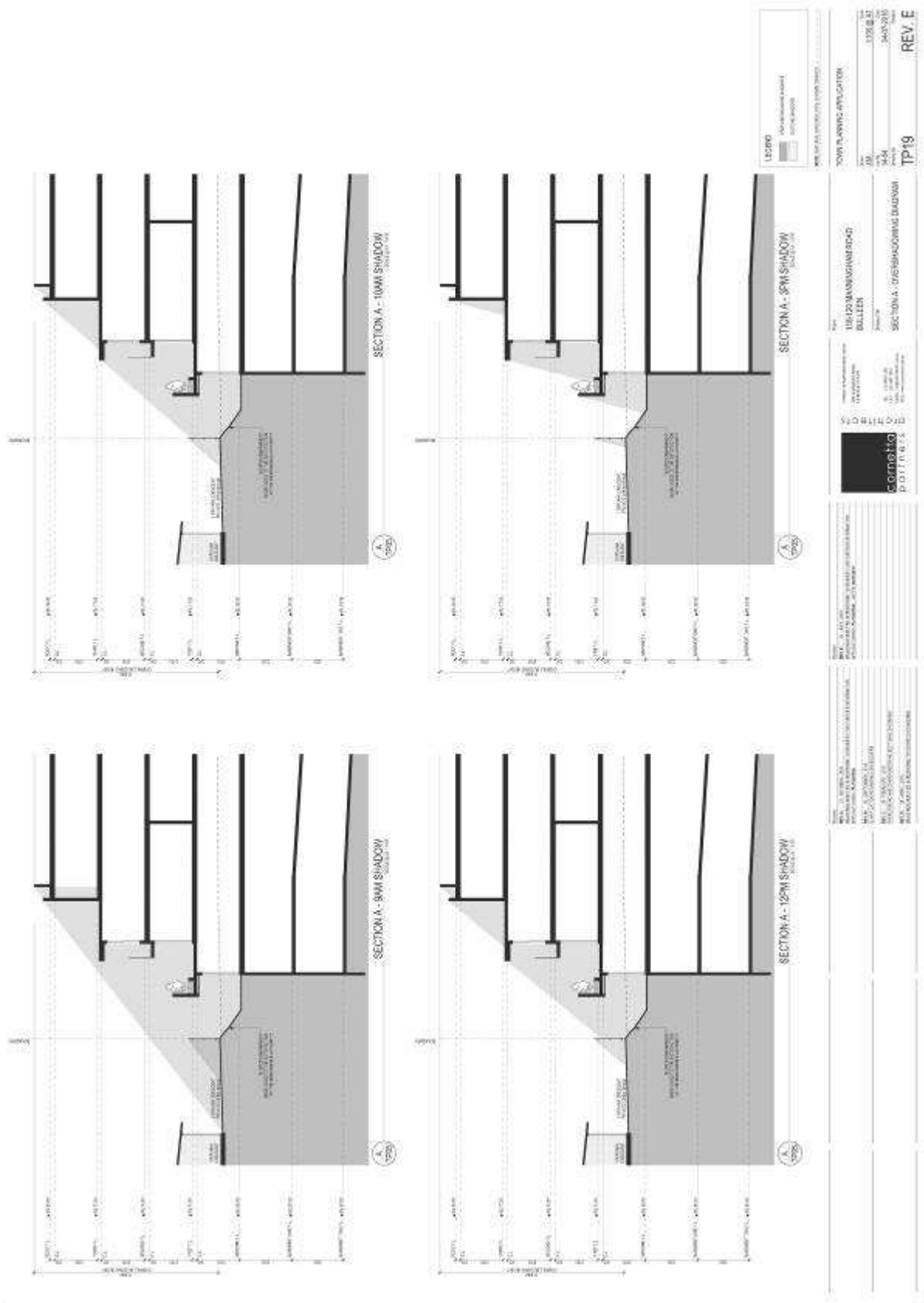
TP18 REV. E  
 DATE: 13/08/16  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

118/122 WARRINGHAM ROAD  
 BULLZEN  
 SECTION A - DRENCHING DIAGRAM



118/122 WARRINGHAM ROAD  
 BULLZEN  
 SECTION A - DRENCHING DIAGRAM

118/122 WARRINGHAM ROAD  
 BULLZEN  
 SECTION A - DRENCHING DIAGRAM





PROJECT:  
14-04  
CORNETTA PARTNERS ARCHITECTS  
281 HENDERSON ROAD  
HAWTHORN VIC 3176  
TEL: 051 486 084  
FAX: 051 486 100  
EMAIL: [info@cornetta.com.au](mailto:info@cornetta.com.au)  
WEB: [www.cornetta.com.au](http://www.cornetta.com.au)

MANNINGHAM  
PERSPECTIVE IMAGE 1 - ALONG MANNINGHAM ROAD & NIRVANA CRESCENT  
118-120 MANNINGHAM ROAD BULLEEN



File No: 14-56



CORNETTA PARTNERS ARCHITECTS  
440 FIVE OAKS DRIVE  
FARMERSVILLE, NC 27534  
TEL: (919) 941-1299  
FAX: (919) 941-1200  
EMAIL: info@cornetta.com  
WEB: www.cornetta.com

MANNINGHAM ROAD  
118-120 MANNINGHAM ROAD BULLEEN



File No: 14-56

CORNETTA PARTNERS ARCHITECTS  
440 FIVE DECEMBER ROAD  
FAIRFIELD VIC 3008  
TEL: (03) 9481 1299  
FAX: (03) 9481 1300  
EMAIL: info@cornetta.com.au  
WEB: www.cornetta.com.au

PERSPECTIVE IMAGE 3 - ALONG MANNINGHAM ROAD & NIRVANA CRESCENT  
118-120 MANNINGHAM ROAD BULLEEN



Floor 4/4  
 14-56  
 CORNETTA PARTNERS ARCHITECTS  
 440 H.T. DE LESTER ROAD  
 FAIRFIELD VIC 3008  
 TEL: (07) 5461 1299  
 FAX: (07) 5461 1300  
 EMAIL: info@cornetta.com.au  
 WEB: www.cornetta.com.au

MANNINGHAM PARTNERS  
 PERSPECTIVE IMAGE 4 - ALONG NIRVANA CRESCENT  
 118-120 MANNINGHAM ROAD BULLEEN



PROJECT:  
14-04  
CORNETTA PARTNERS ARCHITECTS  
381 HERRINGSDALE  
MARRIAGEBUSH VIC 3171  
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FAX: 051 486 100  
EMAIL: info@cornetta.com.au  
WEB: www.cornetta.com.au

MANNINGHAM  
118-120 MANNINGHAM ROAD BULLEEN

PERSPECTIVE IMAGE 5 - ALONG NIRVANA CRESCENT



## 9.2 Planning Application PL16/026099 - 67-73 King Street and 1 Tuckers Road, Templestowe - Construction of a 117 Bed Aged Care Facility

Responsible Director: Director Planning & Environment

File No. T16/176

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

**Land:** 67-73 King Street and 1 Tuckers Road, Templestowe  
**Zone** Low Density Residential  
**Applicant:** James Weight  
**Ward:** Heide  
**Melway Reference:** 33E10  
**Time to consider:** 28 August 2016

### SUMMARY

*It is proposed to use and develop the land for the purpose of a residential aged care facility. The development involves the construction of a purpose built, part single, part 2-storey building comprising 117 beds for residents, in addition to associated communal and servicing amenities. The building will have a single storey presentation addressing King Street, with a basement level car park beneath and staff amenity area within a lower ground level towards the rear. A total of 63 car spaces are accommodated on site. The application includes the creation of access onto King Street (within a Road Zone Category 1) and the variation of the restrictive covenant affecting each land Title to enable the erection of an aged care facility on the site.*

*The application was advertised and ten (10) objections were received. Grounds of objection mainly relate to traffic, neighbourhood character and amenity impacts.*

*It is considered that the application constitutes a well conceived development which is responsive to the site and surrounding context. The proposal is generally consistent with the relevant State and Local Planning Policy Framework and is sited and designed to limit off-site amenity impacts on adjoining properties, whilst achieving a high level of internal amenity for future residents.*

*VicRoads and Public Transport Victoria have no objections to the proposal, subject to the inclusion of conditions on any permit issued.*

*It is recommended that the application be supported subject to conditions.*

### 1 BACKGROUND

1.1 The site is located on the north-west corner of the King Street and Tuckers Road intersection. The site consists of three residential allotments (separately titled) known 67-69 King Street, 71-73 King Street, and 1 Tuckers Road. Together, the site is generally regular in shape with a total frontage of 117m to King Street, a depth of 65m, and a combined site area in excess of 12,000sqm.

- 1.2 The three allotments are currently developed for residential purposes, containing single storey dwellings centrally sited on each. The dwellings at No. 67-69 and 71-73 King Street contain swimming pools to their rear. Landscaping is generally confined to the periphery of each parcel and consists of scattered trees and dense shrubbery, with a more substantial canopy tree coverage on No. 1 Tuckers Road.
- 1.3 The land falls away some 3.5m toward the north, with a more gradual cross-fall in the order of 2.0m from east to west. A 3.05m wide easement traverses the northern boundary.
- 1.4 There are three points of vehicle access along King Street (crossovers servicing each dwelling), and one further vehicular crossing along Tuckers Road.
- 1.5 Solid brick fencing encloses the frontage of the central allotment, with the frontage of the remaining two defined by post and ringlock fencing and dense planting.
- 1.6 The site has abuttals with seven (7) residential properties. Surrounding development is described as follows:

Direction	Address	Description
North	No. 1, 2 and 3 Beavis Court	These properties each share their rear boundaries with the subject site. The properties are similarly developed with single dwellings located over 35.0m distance from the shared boundary, oriented to Beavis Court. Tennis courts are located south of the dwellings within the rear private open spaces, in proximity to the subject site. Post and rail mesh fencing defines the length of the southern site boundaries, with screen planting along parts.
West	65 King Street 101 Greenridge Avenue 17 and 18 Noral Court	No. 65 King Street adjoins the southern portion of the sites western boundary. The dwelling is setback 7.6m from King Street and 2.0m from the shared boundary. The dwelling has a number of habitable room windows and an alfresco facing toward the site, with its primary open space located to the rear of the dwelling. The remaining adjoining properties share their rear boundaries with the subject site. The dwellings are located between 6.8m and 23m from the

Direction	Address	Description
		shared boundary with the site, with secluded private open space occupying the intervening areas.

- 1.7 Land to the east, on the opposite corner of the intersection at No. 79 King Street, is quite a large block (approximately 2000sqm) developed with a two storey dwelling, with dense vegetation lining the boundaries. It is noted that a Planning Application (PL16/026150) was lodged in April, proposing the construction of ten two-storey dwellings on the land. The application is yet to be advertised or determined, as Council is currently awaiting the submission of further information.
- 1.8 Land opposite on the south side of King Street contains single and double storey homes on average blocks, including some multi-unit development.
- 1.9 The Low Density Residential Zone applies to the subject site, and the land to the north (along the west side and Tuckers Road and Serpells Road beyond). Land within this zoning on the west side of Tuckers Road is distinctly characterised by larger land parcels, generally an acre in size, developed with larger single and double storey homes. Many contain swimming pools and tennis courts amongst a landscaped setting. No overlays affect these properties, given that vegetation is generally a subordinate feature.
- 1.10 Serpell Primary School is located some 300m to the north of the site and accessed via Tuckers Road. St. Charles Borromeo Primary School is accessed via Serpells Road, further beyond to the north-east. The land in front of the school at No. 222 Serpells Road, contains a 'Bupa' residential aged care facility which was approved by Council at its meeting in July 2010 and completed in 2014. The facility contains 143 beds (approximately 8,000sqm site area) within a two storeys building, set above a basement car park. It is located approximately 800m away from the subject site (by road). It is understood that there is a waiting list for beds at this facility.
- 1.11 Land immediately adjoining the subject site to the west, on the south side of King Street and east side of Tuckers Road, is zoned General Residential 1. These properties are characterised by a more typical urban setting, generally being standard sized lots developed with either single homes or multi unit development. Double storey housing is the more dominant form, with many frontages enclosed by high solid fencing.
- 1.12 There are some mature trees located within front gardens along King Street and Tuckers Road which provide some canopy contribution to the landscape character, however the built form is the more dominant element.
- 1.13 King Street is currently a VicRoads controlled arterial road generally aligned in an east-west direction between Williamsons Road and Blackburn Road. Note that King Street is soon to be placed into the jurisdiction of Council. At the frontage of the site, King Street provides a single traffic lane and an on-road bicycle lane in each direction. The road widens to provide a line-marked median and right turn lane into Tuckers Road. No stopping restrictions apply along both sides. The road is sealed without formal kerb and channelling, and the road reserve contains an unmade, gravel pedestrian path adjacent to the site's southern boundary.

- 1.14 Tuckers Road is a council controlled collector road extending north from its intersection with King Street for approximately 700m, before curving west and continuing as Serpells Road. It provides a single traffic lane in each direction (with a 50km/h speed limit) and no stopping restrictions along both kerbs. The intersection of Tuckers Road and King Street is controlled by a stop sign, with priority afforded to traffic along King Street. The gravel pedestrian path from King Street continues within the road reserve to the west of the street.
- 1.15 There is a general absence of planting within the road reserves. A bus stop is located in front of No. 67-69 King Street (at the western-most end of the frontage).

#### **Planning History**

N/A

## **2 PROPOSAL**

- 2.1 It is proposed to use and develop the land for residential aged care facility providing 117 beds. Two new access points are proposed along King Street, which falls a Road Zone Category 1. Variation to the restrictive covenants affecting each Title is proposed to permit the development of an aged care facility on the land (currently single dwelling covenant restriction).

#### **Use**

- 2.2 The facility is intended to provide both low and high level care for elderly persons within the community. Rooms will range in size, however each provide for a bed, sitting area and separate ensuite bathroom.
- 2.3 Rooms have an outlook to either the surrounding landscaped space, or the internal and external courtyards.
- 2.4 The facility incorporates a number of recreational and dining facilities for exclusive resident use. In addition are activity rooms, meetings rooms, a theatre, hairdresser, central foyer/meeting place with small coffee/gift shop, and five large internal courtyard spaces with landscaping and seating for passive recreation.
- 2.5 All meals are served to residents in small dining areas that are spread across the facility. These areas generally cater for between 16-20 people. Residents can also hold family functions in dedicated private dining rooms.
- 2.6 Smaller, informal lounge areas are also spread throughout the facility for use by residents and visitors.
- 2.7 The beds are contained within a single ground level footprint, with the lower level basement level supporting car parking, waste management/loading, catering, storage and staff amenities.
- 2.8 Staffing is required to provide for personal care, administration and catering at all times to support the residents. Across the 24 hour period, staffing numbers will vary, however will not exceed 25 at any one time, which is expected to peak in the morning period.
- 2.9 The main entry to the building will be via a centrally sited porte-cocher fronting King Street, with an internal access link provided from the basement car park.

- 2.10 The facility will be owned and managed by “Arcare”, a current provider of residential aged care and community care services in Victoria and Queensland.

### **Built Form**

- 2.11 As viewed from King Street, the building will present as a single storey form. The rear elevation presents a two-storey form, with the north-ward slope of the land allowing for the provision of a lower-ground level and basement beneath the main footprint. A classic/residential style of architecture is proposed, incorporating rendered and limestone cladding, a prominent tiled and hipped roof form, and a proportionate level of glazing and balconies around the perimeter.
- 2.12 The building will be setback a minimum of 10.2m from King Street, and 9.7m from Tuckers Road. The front porte-cocher will extend into the front setback area (setback 2.28m to King Street) to provide a sheltered entry and pick up/drop off transitional space. A 1.8m high front fence is proposed to extend across both street frontages, constructed of rendered brick pillars and base with steel picket infills. The plans indicate that a dense hedge will be established to cover the steel infills.
- 2.13 The building is setback a minimum of 8.6 from the northern boundary, however balconies extend across the length of this façade, generally projecting 2.5m into this setback. The intervening space supports the accessway to the basement car park at the eastern end, with a landscaped garden area for the remainder. A new 2.5m high fence is proposed along the length of the northern boundary, with the section adjacent to the accessway to be acoustically rated.
- 2.14 From the western boundary the building is setback a minimum of 6.1m, with two larger communal balconies projecting up to 4.6m into the setback. A 2.5m tall high fence is proposed along the length of the western boundary.
- 2.15 The overall building height reaches 9.9m towards the rear (due to the land slope).
- 2.16 A site coverage of 52.05% is proposed, with a permeable area of 26.91%
- 2.17 There are five internal courtyards within the building footprint. These courtyards are substantially sized, ranging between 230 and 450sqm in area. These courtyards offer a direct light source to both private and communal areas of the building.

### **Car Parking and Access**

- 2.18 A total of 63 spaces are provided on site. The basement car park will provide 58 spaces for staff and visitor parking. The car park will be accessed via a proposed double-width crossover at the northern end of the Tuckers Road frontage.
- 2.19 Two new 6.4m wide crossings are proposed along King Street to support a one-way circular drive within the front setback area. The creation of these crossovers is a permit consideration of this application (being Road Zone Category 1). The porte-cocher defines the main entrance of the building in order to provide a convenient pick up/drop off point for use of visitors, taxis, ambulance vehicles and community transport vehicles. Flanking either side of the circular drive are 5 further short-term visitor car spaces.

- 2.20 The collection of waste and any loading/unloading requirements will be undertaken at the rear of the building via the Tuckers Road entrance located in the far north-east corner of the site. A turning bay is provided for directly adjacent to the crossover to enable loading vehicles to exit in a forward direction. Waste collection will occur up to three times per week, and will be undertaken by a private collection service.

#### **Vegetation removal**

- 2.21 In order to accommodate the development, most vegetation on site will be removed (no planning permit required), with the exception of three trees along the site's perimeter.
- 2.22 The Arborsit Report submitted with the application assesses the retention value and development impacts of vegetation on site and on adjoining properties. The twenty-six trees proposed for removal consist of native and exotic trees of low to moderate retention value. Trees 7, 4 and 29 are proposed for retention and consist of a 6m tall Blackwood, a 19m tall Tasmanian Blue Gum and a 7m tall Pear tree.
- 2.23 The proposed building envelope is outside of the tree protection zone (TPZ) of all trees to be retained on site and on neighbouring properties.
- 2.24 The Arborist report provides written evidence to demonstrate that all native vegetation proposed for removal has been planted for aesthetic or amenity purposes and therefore exempt from the requirements of Cause 52.17 (Native Vegetation) of the Scheme.

#### **Restrictive Covenant Variation**

- 2.25 A restrictive covenant burdens each title of the subject site, requiring that the proprietor not erect any building other than a single dwelling house and the usual outbuildings on the land.
- 2.26 It is proposed to vary the wording of the covenant contained in instrument of transfer No's F933627, F687990 and F909625 (on each of the three titles) to permit an aged care facility. The covenant is proposed to generally read as follows: "...*any building other than a single dwelling house or an aged care facility and the usual outbuildings...*"
- 2.27 There are 10 properties (in addition to the site) which benefit from the covenant. Beneficiaries include all properties within the Plan of Subdivision, including those within Beavis Court and Burleigh Drive, and with Serpell Primary School.

### **3 PRIORITY/TIMING**

- 3.1 The statutory time for considering a planning application is 60 days. Allowing for the time taken to advertise the application, the statutory time lapses on 26 August 2016.

### **4 RELEVANT LEGISLATION**

- 4.1 The *Planning and Environment Act 1987 (the Act)* is the relevant legislation governing planning in Victoria. The Act identifies subordinate legislation in the form of Planning Schemes to guide future land use and development.

- 4.2 Section 60 of the Act outlines what matters a Responsible Authority must consider in the determination of an application. The Responsible Authority is required to consider:
- the relevant planning scheme; and
  - the objectives of planning in Victoria; and
  - all objections and other submissions which it has received and which have not been withdrawn; and
  - any decision and comments of a referral authority which it has received; and
  - any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development; and
  - any significant social effects and economic effects which the responsible authority may consider the use or development may have.
- 4.3 Section 61(4) of the Act makes specific reference to covenants. The subject site is affected by restrictive covenants which prevent the erection of any building other than a single dwelling and the usual outbuildings on the land.
- 4.4 If the grant of a permit would authorise anything which would result in a breach of a registered restrictive covenant, the responsible authority must refuse to grant the permit unless a permit has been issued, or a decision made to grant a permit, to allow the removal or variation of the covenant.
- 4.5 Section 60(5) of Act stipulates that responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that—
- the owner of any land benefited by the restriction (other than an owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of the permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction; and
  - if that owner has objected to the grant of the permit, the objection is vexatious or not made in good faith.
- 4.6 Variation to the restrictive covenants affecting the land has been sought in conjunction with the development application in order to allow for the erection of a residential aged care facility.

## **5 MANNINGHAM PLANNING SCHEME**

### **Zoning**

- 5.1 The site is located in the Low Density Residential Zone (LDRZ) under the provisions of the Manningham Planning Scheme.
- 5.2 In the LDRZ, accommodation is a Section 2 use for which a planning permit is required (residential aged care facility falls within the land use definition of

accommodation). A permit is also required to construct or carry out works associated with a Section 2 use.

- 5.3 The purpose of the Low Density Residential Zone is:
- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
  - *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

#### **State Planning Policy Framework**

- 5.4 Clause 11.02 (Supply of Urban Land) aims to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational and other community uses.
- 5.5 Other broad objectives seek to reinforce various activity centres (Principal, Major and Neighbourhood) for 'significant' housing development and to facilitate targeted redevelopment to increase levels of housing and employment in established areas close to where people reside.
- 5.6 Clause 15.01-1 (Urban Design) seeks to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity. Strategies towards achieving this are identified as follows:
- *Promote good urban design to make the environment more liveable and attractive.*
  - *Ensure new development or redevelopment contributes to community and cultural life by improving safety, diversity and choice, the quality of living and working environments, accessibility and inclusiveness and environmental sustainability.*
  - *Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.*
  - *Ensure sensitive landscape areas are protected and that development does not detract from their natural quality.*
  - *Encourage retention of existing vegetation or revegetation as part of subdivision and development proposals.*
- 5.7 Clause 15.01-4 (Design for Safety) seeks to improve community safety and encourage neighbourhood design that makes people feel safe. The strategy identified to achieve this objective is to ensure the design of buildings, public spaces and the mix of activities contribute to safety and perceptions of safety.
- 5.8 Clause 15.01-5 (Cultural Identity and Neighbourhood Character) seeks to recognise and protect cultural identity, neighbourhood character and sense of place. The clause emphasises the importance of neighbourhood character and the identity of neighbourhoods and their sense of place. Strategies towards achieving this are identified as follows:



- *Ensure development responds and contributes to existing sense of place and cultural identity.*
  - *Ensure development recognises distinctive urban forms and layout and their relationship to landscape and vegetation.*
  - *Ensure development responds to its context and reinforces special characteristics of local environment and place.*
- 5.9 Clause 15.02-1 (Energy and Resource Efficiency) seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- 5.10 Clause 16.02-3 (Residential Aged Care Facilities) includes the objective to *facilitate the timely development of residential aged care facilities to meet existing and future needs*. Strategies to achieve this include:
- *Ensure local housing strategies, precinct structure plans, and activity centre structure plans provide for residential aged care facilities.*
  - *Encourage planning for housing that:*
    - *Delivers an adequate supply of land or redevelopment opportunities for residential aged care facilities.*
    - *Enables older people to live in appropriate housing in their local community.*
- 5.11 Clause 18.01-1 (Land Use and Transport Planning) includes the strategy to *plan urban development to make jobs and community services more accessible by ensuring access is provided to development in accordance with forecast demand, taking advantage of all available modes of transport and to minimise adverse impacts on existing transport networks and the amenity of surrounding residents*.
- 5.12 Clause 18.02-5 (Car parking) seeks to ensure an adequate supply of car parking that is appropriately designed and located.

**Local Planning Policy Framework  
Municipal Strategic Statement (Clause 21) MSS**

- 5.13 Clause 21.05 (Residential) seeks to provide a range of housing densities in locations with convenient access to services, facilities, and public transport. This Clause also states that accommodation should reflect the diverse needs, expectations and aspirations of people in the community and assist them to 'age in place' and that accommodation should be located, designed and operated to provide a safe and pleasant environment while maintaining the amenity of the neighbourhood setting.
- 5.14 Clause 21.10 (Ecologically Sustainable Development) highlights Council's commitment to ESD and outlines a number of ESD principles to which regard must be given. These include building energy management, water sensitive design, external environmental amenity, waste management, quality of public and private realm and transport.
- 5.15 Clause 21.14 (Community Health and Well-being) seeks to ensure residential accommodation responds to the diverse lifestyles of people, taking into consideration their health, safety, and wellbeing.

**Local Planning Policy**

- 5.16 Clause 22.04 (Residential Accommodation) applies to residential buildings (which includes Residential Aged Care Facilities) and includes the following objectives:
- *To ensure that group accommodation, residential buildings, residential villages and retirement villages are appropriately located close to activity centres, main roads, community facilities and public transport networks, to optimise convenient access to these services and facilities.*
  - *To ensure that safe and convenient vehicle and pedestrian access is provided within, to and from the site.*
  - *To ensure that adequate provision is made for on-site car parking.*
  - *To ensure that siting takes account of traffic generated on the street and effects on traffic flow and road safety.*
  - *To ensure that the location of the use does not adversely affect the role and function of the road network and that adequate provision is made for on-site car parking.*
  - *To ensure that adequate provision is made for utility services.*
  - *To ensure that the design, scale, visual bulk and appearance of development minimises the impact on neighbourhood character and the streetscape.*
  - *To ensure that these facilities minimise the impact on land with identified environmental and/or landscape values.*
  - *To ensure that the amenity of the locality is not detrimentally affected by way of the operation of these uses, including the effects of noise, car parking and traffic.*
  - *To ensure that the location and design of these facilities promotes a high level of amenity and accessibility for all users of the facility.*
  - *To ensure that developers/operators provide a suitable level of support services and facilities for residents.*
- 5.17 The control outlines policies under the headings of Location, Design and built form, Open space and landscaping and Car parking and access.
- 5.18 Clause 22.08 (Safety Through Urban Design Policy) seeks to provide and maintain a safer physical environment for those who live in, work in or visit the City of Manningham.
- 5.19 Clause 22.09 (Access for disabled people policy) seeks to ensure that people with a disability have the same level of access to buildings, services and facilities as any other person.

#### **Particular Provisions**

- 5.20 Clause 52.06 Car parking requires car parking to be provided for new uses and development in accordance with the rates specified in Table 1 to Clause 52.06-5. The proposal generates a requirement of 0.3 spaces per lodging room, which equates to 35 on-site car parking spaces.
- 5.21 The proposed amount of car parking (63 spaces) exceeds the statutory provision (35 spaces).

- 5.22 Clause 52.17 Native Vegetation requires a permit for the removal of native vegetation (due to the site being greater than 0.4ha in area), however as outlined above, the application is exempt from this requirement having demonstrated that the vegetation which has been planted is for aesthetic or amenity purposes .
- 5.23 Clause 52.29 Land Adjacent to a Road in a Road Zone includes a permit trigger to create and alter access to King Street, which is currently under the jurisdiction of the Roads Authority (VicRoads).
- 5.24 Clause 52.34 Bicycle Parking outlines a requirement for bicycle parking in a nursing home, specifying a rate of 1 to each 7 beds for residents/employees and 1 to each 60 beds for visitors. The proposed provision for 20 bicycle spaces exceeds the statutory requirement for 19 spaces.
- 5.25 Clause 55 Two or More Dwellings on a Lot and Residential Buildings apply to residential buildings, however is not applicable to land within the Low Density Residential Zone.
- 5.26 Clause 52.36 (Integrated Public Transport Planning) is also relevant to this application. The Clause provides Public Transport Victoria a statutory opportunity to condition or reject major development applications based on their impacts on the operation of public transport.

#### **General Provisions**

- 5.27 Clause 65 Decision Guidelines outlines that before deciding on an application, the responsible authority must consider, as appropriate:
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
  - The purpose of the zone, overlay or other provision.
  - The orderly planning of the area.
  - The effect on the amenity of the area.

## **6 ASSESSMENT**

- 6.1 Section 5 of this report has outlined the overarching objectives and policy ambitions in the Scheme which are of relevance to the proposal. These form the key considerations in assessing the overall strategic support for the proposed use and development. Additional considerations of the application include car parking and site services, and the permit triggers relating to the creation of access in a Road Zone Category 1, and variation of the restrictive covenant.

#### **Policy Considerations**

- 6.2 Broadly, the proposal is supported by State Policy, providing for further opportunity for older people to live in appropriate housing within their local community. Council's MSS identifies that the greatest change in Manningham's age structure will be the increase in the ageing population. It is projected that by 2036, 28% of its population will be aged 60 years or over. Clause 16.02-3 seeks to ensure that the timely development of residential aged care facilities be facilitated to meet existing and future needs.
- 6.3 There are a number of aged care facilities already established in the general area, however the planning submission accompanying the application

suggests that there is a significant undersupply, with only 10 beds available across the six facilities within the surrounding suburbs.

- 6.4 Clause 22.04 provides more prescriptive policy directions specifically relevant to residential accommodation within the Municipality. The following assessment considers the key policy considerations of this Clause.

***Location***

- 6.5 Whilst land within the Low Density Residential Zoning (LDRZ) is not identified as a 'preferred' location for residential accommodation, the context of the site and surrounds is an important consideration in this case.
- 6.6 The subject site in terms of its location, is somewhat of an anomaly, as it differs quite substantially from the standard description of land within the LDRZ. Typically, land within this zone is defined by a less urban character, often with additional landscape or environmental values. They generally form a buffer between the green wedge/Yarra River and developed urban areas, with the majority remaining unsewered.
- 6.7 One of the objectives of the LDRZ is to *provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater*. The subject site and the land to the north in this particular low density pocket in Templestowe is sewered, and therefore housing tends to be far more substantial in its size and footprint.
- 6.8 Furthermore, all land surrounding the site which fronts onto King Street falls within a General Residential Zoning, characterised by typical residential homes and land sizes in a standard urban setting. The policy intentions relating to the LDRZ is directed more toward areas that are characterised by the typical, predominant landscape features of other low density areas within the Municipality, and therefore the location criteria of Clause 22.04 should be applied more subjectively in this case.
- 6.9 Despite this, it can be said that the criteria for land within the LDRZ has been largely met, being located on a main road and on a public transport route (particularly beneficial for staff). The site is serviced by reticulated sewerage, is not constrained by significant slope, vegetation cover or drainage lines. There is negligible cross-fall which facilitates a single level floor plan without great need for earthworks, with the northward slope of benefit in enabling car parking to be concealed from street view within a basement footprint.
- 6.10 It has the added benefit of providing a frontage well in excess of 15m, and will rely upon both a main and collector road for its primary points of access. Whilst not within an Activity Centre, the site enjoys good access to sustainable transport modes, with numerous bus routes operating along King Street. An eastbound stop is located at the sites western boundary, and a west-bound stop directly opposite. Three bus routes connect passengers to Westfield Doncaster, and two to The Pines Shopping Centre. The site is also located in proximity to the two local primary schools, supporting a clustering of facilities that service the community.
- 6.11 Both King Street and Tuckers Road are single lane roads, however they are relatively wide and not like the more typical narrow and unmade roads which can be commonly found within the LDRZ areas. Being arterial and collector roads mean they have the capacity to absorb the current and additional

traffic movements created by the proposal (discussed in greater detail below).

- 6.12 The substantial land size, prominent main road positioning and predominant zoning of the surrounds make the subject site an appropriate choice to locate a residential aged care facility.

#### ***Design and Built Form***

- 6.13 The overall design response for the site creates a building that reflects the residential character of the broader streetscape. The building will present its primary facade to King Street, being the main frontage. The design reflects the common architectural styling of nearby development, incorporating well articulated facades, finished in rendered and limestone claddings, and prominent tiled and hipped roofing.
- 6.14 Due to the large width of the frontage, the portion of built form will be much larger than that of the neighbouring single houses. The design has cleverly mitigated the appearance of an excessively long and continuous built form by applying a multiple fronted façade, which incorporates two distinct recesses to break the building up into what appears to be three distinct modules. The roof form accentuates this, by capping each of the three modules with a distinct roof pitch on each.
- 6.15 Whilst proportionately greater, it can be said that it will appropriately appear as a residential style building within a residential zone.

#### Setbacks

- 6.16 The building is setback at least 10.0m from King Street, being in excess of the required 7.6m setback required to match the setback of the adjoining property. The recessed elements are setback over 20m from the frontage, and are glazed to enhance the sense depth and distinction from the main façade components.
- 6.17 From Tuckers Road, the building is setback over 10.0m. The eastern façade is not as substantial in length, however is well articulated with varied setbacks. The proposed front fencing will be complemented by a dense hedge, which will eventually produce a green screen to effectively soften much of the building walls from a streetscape perspective.
- 6.18 The building will present a two storey scale to the north and west in part. The building is setback at least 9.0m from the north boundary, and 7.3m from the east, with balconies projecting into these setbacks. The tallest wall element reaches 8m in the north-western corner. The recommendations of Clause 22.04 require a setback in the order of 3.1m. The proposed side and rear setbacks exceed the requirements substantially.

#### Height

- 6.19 A reasonable building height is maintained, reaching 10.0m at its highest point. The tall pitch of the roof does contribute to this height, however this is considered a positive element, as the roof provides a 'capping' effect, and brings the tallest element away from the boundaries and more centrally into the ridge of the roof as a receding element.
- 6.20 The building height will be relative to the single and double storey scales of the neighbouring houses. The generous side and rear boundary setbacks

will provide for a substantial landscape theme along the periphery, incorporating screen planting and canopy trees. Once established, much of the built form will be screened or softened in appearance, ensuring visual and amenity impacts are minimised.

- 6.21 Balconies are proposed to extend within the setbacks to the north and west boundaries. Whilst ResCode is not applicable to this application, it provides a useful tool in assessing potential overlooking impacts. The balconies to the north are allocated to independent rooms and are setback over 6.0m from the boundary. They incorporate a planters along the balustrade edge. When applying the requirements of Standard B22, the proposed 2.5m boundary fencing would suitably screen views of any adjoining SPOS within the 9m viewing arc. There are no habitable room windows in proximity to consider.
- 6.22 The planter boxes, proposed landscaping, and boundary fencing will together maintain a satisfactory level of privacy for the adjoining dwellings. It is noted that all three properties to the north contain tennis courts in the vicinity of the shared boundary, with the dwellings setback quite a substantial distance away.
- 6.23 Two communal balconies will extend into the western boundary setback. Both will be suitably screened with a fixed metal screen with no more than 25% transparency, and up to a height of 1.7m. This is an appropriate response to maintain neighbouring amenity and privacy. Overlooking implications associated with the bedroom windows facing west will be screened by the boundary fencing. It is noted the windows toward the northern end of this elevation are requisite raised, however their 6.0m minimum boundary setback combined with the 2.5m high boundary fencing would prevent downward views into the adjoining SPOS.

#### Overshadowing

- 6.24 Overshadowing implications are limited to a slight impact upon the properties to the west at 9am. The shadow will extend less than 4m into these properties, only marginally affecting their total SPOS areas, and being completely removed by 10am. The size of the SPOS areas of the west adjoining properties, generous boundary setbacks proposed and beneficial site orientation ensure excessive overshadowing is avoided.

#### Amenity Impacts

- 6.25 Further amenity considerations are the impact of the noise, lighting and plant equipment. Traffic movement and deliveries occurring via the Tuckers Road accessway is the most anticipated cause of any increased noise associated with the use. Siting the accessway in the vicinity of the northern boundary is an appropriate design response, as associated amenity impacts will be least on these adjoining dwellings, which are located over 30m away. Despite this a 2.5m acoustic fence is proposed along the northern boundary, for the length of the accessway. Noise associated with vehicle movements and truck deliveries should be suitably muted with this measure. As a precaution, the restriction of any deliveries to within specific hours will be imposed to ensure they do not occur at unreasonable hours (refer condition 39).
- 6.26 Lighting details are not indicated on the plans, however it can be assumed that lighting will be provided more intensely within the front entry area, and around the perimeter of the property for security. A condition will require that

external lighting be designed so as to limit loss of amenity to adjoining residents (refer Condition 42).

- 6.27 Most plant equipment is sited within central roof platforms, with screening devices proposed around them. An evaporative cooler vent has been indicated outside of the service platform, in potential view of adjoining properties to the north. A condition will require that it be relocated to within the service platform, or other suitably concealed location (refer Condition 1.4).
- 6.28 The overall façade presentation provides a coherent and contemporary design that complements the landscape character of the site and surrounds. The overall form is non-intrusive, and incorporates proportions and fine grain detailing which suitably engage a pedestrian/human scale.

***Open space and landscaping***

- 6.29 The landscape plan submitted with the application indicates that the residential interfaces will be densely screened with evergreen trees reaching 8.0m in height. A combination of large and narrow deciduous trees will be heavily planted throughout the front setback areas, within the internal courtyards, and sporadically along the north and west boundaries. Treatment within the side and rear setback incorporates a grade circulation path around the buildings perimeter, amongst a garden setting.
- 6.30 Understorey planting, hedges and lawn will extend throughout the boundary setback areas to complement the screening and canopy trees.
- 6.31 The plan presents a well conceived landscape theme overall, appropriately placing evergreen and deciduous trees where either screening or sunlight needs to be considered. The plan does not indicate the plant numbers or sizes, which will therefore require detailing by way of condition (refer condition 8).
- 6.32 The requirement for advanced planting where screen planting is imminent will also be required to ensure that visual impact is softened more rapidly along the sensitive residential interfaces. Advanced canopy tree planting will also be necessary within front setbacks areas to establish a contributory front garden setting.
- 6.33 The design incorporates five large internal courtyards, which will be treated with a combination of grass, trees, paving, seating and tables. These courtyards are substantially sized (between 2232sqm and 456sqm and totalling an area of 1,419sqm). The generous dimensions will enable canopy trees to be established within each of these spaces. It is understood that raised planters will be incorporated within the courtyards that are located above the basement, however further detailing regarding the design and treatment is required to ensure root establishment is accounted for (refer Condition 1.4).
- 6.34 These spaces provide for a sheltered courtyard area for residents and visitors to undertake in passive recreation. They also contribute to the overall internal amenity and design philosophy of the building. Rooms are generally designed to flank either side of a circulation corridor. The outer rooms have outlooks either to a private balcony or landscape garden setting, and the rooms along the inner side of the corridor are given outlook onto one of the

internal courtyards. The courtyard dimensions are suitably sized to ensure ample light filtration into these rooms.

- 6.35 Overall, the landscape response is consistent with the policy requirements of Clause 22.04, ensuring the landscaping softens visual impact and assists with integration into streetscapes, and incorporates high quality communal open spaces for outlook and recreation.

**Car Parking and access**

- 6.36 In accordance with policy at Clause 22.04 and the design requirements of Clause 52.06 the proposal is provided *safe and convenient vehicle access* as well as *adequate provision for on-site car parking*.
- 6.37 Tuckers Road will provide the primary access point for staff and visitors, and therefore will be the most utilised. The roadway and car parking access follows the northern boundary, with the lands topography providing opportunity for the car park to be in a basement form beneath the main building footprint. This arrangement allows for car parking facilities to be largely hidden from external view, as encouraged by policy. Landscaping further softens any views of the accessway, incorporating a garden bed well in excess of 1.5m in width along the north boundary.
- 6.38 The provision of a drop-off/pick up point adjacent to the main entry off King Street achieves objectives to provide convenient access, and requires a one-way circulation which ensures a forward exit onto the abutting road. Whilst this space needs to be inevitably shared with the primary pedestrian entry point, the designated pedestrian crossing will ensure pedestrian movements and safety are prioritised.
- 6.39 Council's Engineers have indicated that the car park is designed appropriately. It includes lift foyers, bicycle parking and at-grade storage.

**Further car parking and traffic considerations.**

- 6.40 Pursuant to Clause 52.06 – Car Parking, a 117-bed aged care facility generates a statutory requirement of 35 car parking spaces (calculated at a rate of 0.3 spaces per lodging room).
- 6.41 The development provides provision for 58 car spaces within the basement, and a further 5 at-grade spaces for short term parking or pick up and drop offs (two of which are for disabled persons). This is a total of 63 spaces, which well exceeds the statutory requirement.
- 6.42 A notation on the basement floor plan makes reference to 'basement staff parking'. This is likely a printing error as such allocations are not referenced in the supporting Traffic Impact Assessment. The Planning Submission also identifies that a maximum of 25 staff will be on-site at any one time.
- 6.43 To ensure car parking allocation is appropriately distributed between staff and visitors, a condition will require a parking management plan be provided (refer Condition 18) to specify the minimum allocation of car parking for visitor and staff parking. Due consideration to the location of these also needs to be given to ensure that visitor parking is conveniently located to the basement entry and lift access points.
- 6.44 The proposal is generally consistent with the requirements of the Design Standards of Clause 52.06, with a minor non-compliance relating to the location of car parking spaces within 6m of the King Street frontage. Given it



is for a short-term visitor space (and less utilised than the primary basement car park) it is not envisaged to hinder traffic flow or create safety issues. The wide crossover and aisle width should also enable vehicles to directly enter the space without need for several turning movements.

- 6.45 There is also question as to whether pedestrian sight lines are adequately achieved in accordance with Design Standard 1. A condition will require that this be demonstrated on the plans (refer to Condition 1.1). The dimensioning of the car spaces accessed via King Street should be notated on the plans to ensure they are constructed appropriately (refer to Condition 1.2)
- 6.46 The Traffic Impact Report submitted (prepared by One Mile Grid Traffic Engineering) indicates that the proposal could be expected to generate up to 24 traffic movements per hour, or slightly more than one vehicle movement every three minutes during the road network peak hours. Traffic generation may be greater during staff changeover periods, however unlikely to affect queues given traffic volumes would be generally lower during these times (anticipated between 2.00-300pm).
- 6.47 It is acknowledged that The Tuckers Road/King Street intersection generates higher traffic volumes surrounding the starting and finish times of the two primary schools nearby. To ensure that the development does not unnecessarily add to congestion during these times, the parking management plan (as required above) will also be required to demonstrate management of staffing numbers/ peak times /changeover periods to avoid conflict with traffic associated with the school peak hours, to the satisfaction of the Responsible Authority. This requirement will ensure any unnecessary traffic congestion is prevented.

#### **Site services, infrastructure and deliveries**

- 6.48 The proposal is not required to provide loading facilities in accordance with the requirements of Clause 52.07 of the Scheme, however makes provision for a delivery bay and waste collection area/truck turning bay. The delivery bay is located at the end of the access aisle accessed via Tuckers Road, and measures in excess of 3.6m in width and 8m in depth to enable loading and unloading for deliveries. A secondary truck turning area/waste collection bay is provided immediately adjacent to the crossover (within the Tuckers Road setback) and can accommodate vehicles up to 10.3m in length.
- 6.49 A designated waste storage area is located adjacent to the collection bay and car park entry. It is to be screened with sliding screen enclosure to conceal views of bins from street view. Collection will be undertaken via private contractors in accordance with an approved Waste Management Plan (refer to Condition 5)
- 6.50 The potential location for a substation is shown within the front setback to Tuckers Road. Albeit that the front fence would provide some screening of the substation, it is unclear as to whether it would be sufficiently screened from the public realm. A condition will require that the details of the substation be included on both plan and elevation, and that it be suitably located and screened to the satisfaction of the Responsible Authority. Similarly a condition will ensure all other building services, including meters, fire pumps etc be appropriately screened and positioned (refer to Condition 1.6).
- 6.51 The location of mail boxes are not shown and will form a condition of permit (Condition 1.7)

**Creation of Access to King Street**

- 6.52 The permit trigger here is Clause 52.29 – Access to a road in a Road Zone. The control seeks to manage access onto main roads so they are safe. VicRoads is the key Statutory Authority in relation to this.
- 6.53 This development proposes an intensification of the current residential uses and the creation of new entry/exit point centrally along the King Street frontage.
- 6.54 The three existing crossovers along King Street will be removed and reinstated with kerb and channel, and two new 6.4m wide crossovers will be created. These are intended to service the pick-up/drop-off component of the use within the porte-cochere at the buildings main entry. The access points provide an entry-only/exit-only arrangement serviced by a circular drive.
- 6.55 These access points are centrally sited along the frontage, with appropriate clearance from the nearest intersection of Tuckers Road. Their proposed width and splay design ensures vehicles, and particularly larger ambulance/emergency vehicles, can enter the site efficiently to avoid hindrance to traffic flow. VicRoads and Council's Engineers have not raised concerns with the design or location of these access points. It is noted that King Street is soon to be placed into the jurisdiction of Council.

**Variation of Restrictive Covenants**

- 6.56 Variation to the restrictive covenants affecting each the subject site is proposed. The current wording of the covenants restricts the erection of any building other than a single dwelling house and the usual outbuildings. The proposal seeks to alter the wording to allow for the erection of residential aged care facility.
- 6.57 In addition to the subject site, there are ten beneficiaries to the covenants affecting each title. These are:
- 8 Burleigh Drive and 11-13 Tuckers Road, Templestowe
  - 1 Burleigh Drive, Templestowe
  - 3 Burleigh Drive, Templestowe
  - 5 Burleigh Drive, Templestowe
  - 1 Beavis Court, Templestowe
  - 2 Beavis Court, Templestowe
  - 3 Beavis Court, Templestowe
  - 4 Beavis Court, Templestowe
  - 5 Beavis Court, Templestowe
  - 6 Beavis Court, Templestowe
- 6.58 Following the notification of the application (via letters, notices on the land and a notice in the local Leader newspaper) no objections were received from any of the above-mentioned beneficiaries. Council can therefore be satisfied that the requirements of Section 60(5) have been met, and that the variation of the covenant can be supported to ensure that the approval of the proposed development does not result in a breach as per Section 61(4) of the Act. Condition 46 will require that the permit does not come into effect until the covenant is varied.

## 7 REFERRALS

### External

- 7.1 VicRoads is a statutory referral authority under the Manningham Planning Scheme.
- 7.2 In correspondence dated 8 June 2016, VicRoads advised that they had assessed the application and have no objection to the proposal, given that King Street is due to be placed into Council's jurisdiction within the near future. It was therefore deemed appropriate that issues relating to access to and from King Street be addressed by Council.
- 7.3 VicRoads in their response also suggested that consideration be given to providing residents of the facility with appropriate access to local community facilities. Noting that a bus stop is located opposite the proposed development, it was recommended the consideration be given to providing safe access to vulnerable road users to this and other local community facilities.
- 7.4 In response to this comment, it is noted that there is a pedestrian crossing approximately 80m to the west of the site along King Street, which is supervised during peak morning and afternoon periods when traffic is at a peak. Given the care requirements of many residents, most off-site trips are anticipated to be facilitated by the operators (Arcare). The safety of residents overall is also a facet that can be reasonably expected to be a responsibility of the staff operations.
- 7.5 Public Transport Victoria (PTV) is also statutory referral authority under the Manningham Planning Scheme.
- 7.6 In correspondence dated 26 May 2016, PTV advised that they did not object to the proposal, subject to conditions to prevent disturbance of the adjacent bus stop and bus operations during construction (see Conditions 47 and 48).

### Internal

- 7.7 The application was referred to a number of Service Units within Council and the following table summarises their responses:

Service Unit	Comments
Engineering and Technical Services (Drainage)	<ul style="list-style-type: none"> <li>An outfall drainage system is required to be constructed as there is no point of discharge available to the site. An outfall drain is required to be constructed (Condition 15) along the easement of the northern boundary of No. 17 Noral Court and connect in the existing Council drainage line within the road reserve in front of 17 Noral Court. Alternative alignment solutions may be considered subject to the approval of the Responsible Authority.</li> <li>An on-site stormwater detention system is required to be provided (Condition 13).</li> </ul>
Engineering and Technical Services	<ul style="list-style-type: none"> <li>Sufficient car parking provided on site, however clarification required regarding nomination of</li> </ul>

Service Unit	Comments
(Traffic and Parking)	<p>basement of staff parking.</p> <ul style="list-style-type: none"> <li>• Loading bay and visitor spaces to be signed and directed.</li> <li>• Adequate sight lines required adjacent to driveways (Condition 1.1)</li> <li>• It is not anticipated that traffic will be adversely impacted by the development.</li> </ul>
Engineering and Technical Services (Infrastructure)	<ul style="list-style-type: none"> <li>• Levels at property boundary for the two proposed crossovers along King Street are to match the levels nominated in the engineering design plans prepared by Council for the Reconstruction of King Street, Templestowe/Doncaster East, Drawing No. A1/4046. The developer or his appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the vehicle crossovers in King Street. The vehicle crossovers must be designed and constructed to the satisfaction of the Responsible Authority (Condition 24).</li> <li>• The developer is to design and construct at no cost to Council, a 1.5metre wide concrete path in Tuckers Road, along the full length of the eastern property boundary of the site. The developer or their appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the path in Tuckers Road. The path must be designed and constructed in accordance with Council Standards and to the satisfaction of the Responsible Authority (Condition 25).</li> </ul>
Engineering and Technical Services (Waste Services)	<ul style="list-style-type: none"> <li>• Waste Management Plan to be submitted and approved to the satisfaction of the Responsible Authority.</li> </ul>
Strategic Sustainability Planner	<ul style="list-style-type: none"> <li>• SMP amended to include changes relating to provision of clotheslines, alternative sleeper material, roof area for 3x21,500l rainwater storages connected to toilets, and increased bicycle parking in frontage.</li> </ul>

- 7.8 In relation to the recommendation for increased bicycle parking, this recommendation was made on the assumption that the basement car park would not be closed beyond regular business hours. As the car park will not be closed at any time, the need for increased bicycle spaces is not necessary.

## 8 CONSULTATION

- 8.1 The application was advertised and ten (10) objections (from nine properties) were received. Details are as follows:

Affected properties
5 Elm Court TEMPLESTOWE
70 King Street DONCASTER EAST
72 King Street DONCASTER EAST
76-78 King Street DONCASTER EAST
2/82 King Street DONCASTER EAST
1/82 King Street DONCASTER EAST
84 King Street DONCASTER EAST
94A King Street DONCASTER EAST
8 Tolstoy Court DONCASTER EAST

- 8.2 The grounds of objection can be summarised as follows:

### Grounds:

- Inconsistent with neighbourhood character/ preferred location of Clause 22.04
- Increased traffic congestion/safety
- Visual bulk
- Oversupply of aged care facilities
- Amenity impacts associated with noise (traffic/visitors/deliveries) and light spill
- Inadequate storm water drainage
- Property devaluation

- 8.3 A response to the objector concerns is outlined below:

### **Inconsistent with neighbourhood character/ preferred location of Clause 22.04**

- 8.4 Reference is made to the proposed use being inappropriate within a residential setting. The aged care facility is a residential use and necessary to accommodate an ageing population. Policy does not exclude the location of such facilities from residential areas. The building footprint is larger than what typically characterises the built form of surrounding housing, however the design adopts a modulated form to break up the building mass. Furthermore, the residential style of architecture incorporates materials and proportions which reflect the common characteristics of the neighbourhood character. As discussed in the assessment section above, compliance with the location requirements of Clause 22.04 is considered met in this instance, particularly considering the suburban context of the site and surrounds and main road location.
- 8.5 Reference has been made to the site coverage exceeding 60% of the site area. The proposal has a site coverage of 52.05%, which is a reasonable

and modest figure which demonstrates that a balance between built form and landscaping has been achieved.

**Increased traffic congestion/safety**

- 8.6 The application was supported by a Traffic Impact Assessment and reviewed by Council's Engineering Service Unit. No safety concerns have been identified with the proposed access arrangement, or with the ability for King Street or Tuckers Road to absorb increased traffic movements generated by the proposed use.
- 8.7 Conflict with traffic generation from the local schools was raised as a primary concern. The implementation of a parking management plan will be required by way of permit condition to ensure that staffing numbers/ shift changeover times are managed to not conflict with peak traffic times associated with school start/finish times.
- 8.8 In terms of traffic generation from visitors to the facility, this is likely to occur on weekends (outside of school or business hours) and is generally spaced throughout the course of a day.

**Visual bulk**

- 8.9 Visual bulk as viewed from the King Street perspective has been raised. The single storey form of the development, coupled with the generous setbacks to both street frontages will result in a subdued built form, with landscape softening provided by canopy tree planting and hedging likely to screen much of the façade from street view.

**Oversupply of aged care facilities**

- 8.10 It is acknowledged that there are similar facilities already existing in the area, however the MSS identifies Manningham's ageing population which is expected to increase. There are no specific requirements which cap or restrict the number of aged care accommodation within any particular area, but rather policy guidelines which identify suitable locations for such facilities. The subject site has been identified as a suitable location for the proposed use, as discussed within the policy assessment above.

**Amenity impacts associated with noise and light spill**

- 8.11 It is not anticipated that noise associated with trucks and deliveries will be undertaken outside of business hours. However this will be managed via a condition which requires that they do not occur outside of the hours of 7am and 6pm to ensure amenity is not detrimentally affected (see Condition 39). Acoustic fencing is also proposed along the northern boundary adjacent to the access aisle to limit noise emissions beyond the site (Condition 43 requires this to be constructed prior to the use commencing).
- 8.12 The required Waste management Plan will similarly determine designated days and times for waste collection to occur, ensuring amenity is considered (condition 5).
- 8.13 Due to the nature of the proposed use and activity associated with it, the noise associated with staff and visitors for a 17 bed home are not expected to create amenity issues, as the car park is concealed within the basement footprint and arrival departure times will vary throughout the course of the day.

- 8.14 Whilst some external lighting will be required for security, it will be required that such lighting be designed so as to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority (see condition 42).

**Inadequate storm water drainage**

- 8.15 The provision of an on-site storm water detention storage will be required to support on-site stormwater filtration. A point of discharge will also need to be created for all runoff to be directed to.
- 8.16 On-site drainage will need to be designed and managed to the satisfaction of Council's Engineering unit.

**Property devaluation**

- 8.17 The Victorian Civil and Administrative Tribunal and its predecessors have generally found claims that a proposal will reduce property values are difficult, if not impossible to gauge and of no assistance to the determination of a planning permit application. It is considered the impacts of a proposal are best assessed through an assessment of the amenity implications rather than any impacts upon property values. This report appropriately provides a detailed assessment of the amenity impact of the proposed development

## **9 CONCLUSION**

- 9.1 The proposal is designed in a sensitive manner that is both attractive when viewed from the public and private realms, and causes minimal amenity impacts due to generous setbacks and subsequent landscaping opportunities. As demonstrated by the assessment in this report, the proposal achieves general compliance with the relevant policies of the State and Local Planning Policy Framework, as expressed in the Manningham Planning Scheme. As such, it is recommended that the proposal be supported subject to conditions.

## **RECOMMENDATION**

**That having considered all objections A NOTICE OF DECISION TO GRANT A PERMIT be issued in relation to Planning Application No. PL16/026099 for the use and development of the land for a residential aged care facility (117 beds), the creation of access to a road in a Road Zone Category 1, and variation to the restrictive covenant contained in Instrument of Transfer No. F933627, F687990 and F909625 to enable an aged care facility to be erected on the land in accordance with the endorsed plans at No. 67-73 King Street and 1 Tuckers Road, Templestowe, and subject to the following conditions:**

**Amended Plans**

- 1. Before the development starts, two copies of amended plans drawn to scale and dimensioned, must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Demaine Partnership dated March 2016), but modified to show:**

- 1.1. **Demonstration that the access points achieve clear sight distance to pedestrians for exiting vehicles in accordance with Design Standard 1 of Clause 52.06 of the Planning Scheme;**
- 1.2. **The car parking spaces accessed via King Street to be dimensioned to demonstrate compliance with Clause 52.06 of the Planning Scheme;**
- 1.3. **Removal of reference to 'basement staff parking' from basement floor plan. Any allocation of staff car parking is conform with the parking management plan required by condition 18;**
- 1.4. **Additional plans/sections detailing the internal courtyard design, including further detailing to demonstrate how canopy tree planting will be established where located above the basement level.**
- 1.5. **The relocation of the evaporative cooler unit to within the service platform, or other suitably concealed location;**
- 1.6. **Details to demonstrate how all fire services, gas installations and electrical cabinets (including existing substations) will be integrated into the architectural design, so as not to present as visually dominating elements.**
- 1.7. **Details of the design and location of any letterboxes.**
- 1.8. **A staging plan should the project be constructed in stages.**
- 1.9. **A separate palette sheet depicting the range of finishes/textures, colours and materials to the externals of the building, including balcony and terrace balustrading/screens and any roof-top plant screen;**

#### **Endorsed Plan**

2. **The layout of the site, the size of buildings and use of all specific areas nominated on the approved plans must not be modified for any reason, without the written consent of the Responsible Authority.**

#### **Sustainability Management Plan**

3. **Before the development starts or the issue of a building permit for the development, whichever is the sooner, two copies of a Sustainability Management Plan (SMP), prepared by a suitably qualified environmental engineer or equivalent must submitted to and approved by the Responsible Authority. When approved the SMP will form part of the permit.**

**The recommendations of the SMP must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling.**

#### **Construction Management Plan**

4. **Before the development starts, two copies of a Construction Management Plan must be submitted to and approved by the Responsible Authority. When approved the Plan will form part of the**



planning permit. The Plan must address, but not be limited to the following:

- 4.1. A liaison officer for contact by residents and the responsible authority in the event of relevant queries or problems experienced;
- 4.2. Hours of construction;
- 4.3. Delivery and unloading points and expected frequency;
- 4.4. On-site facilities for vehicle washing;
- 4.5. Parking facilities/locations for construction workers;
- 4.6. Other measures to minimise the impact of construction vehicles arriving at and departing from the land;
- 4.7. Methods to contain dust, dirt and mud within the site, and the method and frequency of clean up procedures;
- 4.8. Measures to prevent disruption to the bus stop and bus services along King Street, in accordance with Conditions 42 and 4 of this Permit;
- 4.9. The measures for prevention of the unintended movement of building waste and other hazardous materials and pollutants on or off the site, whether by air, water or other means;
- 4.10. An outline of requests to occupy public footpaths or roads, and anticipated disruptions to local services;
- 4.11. The measures to minimise noise and other amenity impacts from mechanical equipment/construction activities, especially outside of daytime hours; and
- 4.12. Adequate environmental awareness training for all on-site contractors and sub-contractors.

#### **Waste Management Plan**

5. Before the development starts (excluding demolition, bulk excavation, site preparation, soil removal, site remediation, retention works, piling, footings, ground beams and ground slab), two copies of a Waste Management Plan (WMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit.

The Plan must be generally in accordance with the WMP prepared by One Mile Grid dated March 2016 but amended to show:

- 5.1. Confirmation of the hours and frequency of pick-up for general and recyclable waste, with regard to potential noise impacts to the surrounding neighbourhood.

#### **Management Plan Implementation/compliance**

6. The Management Plans approved under Conditions 3, 4 and 5 of this permit must be implemented and complied with at all times to the satisfaction of the Responsible Authority unless with the further written approval of the Responsible Authority.

7. **Prior to the occupation of the approved building, a report from the author of the SMP report (as approved pursuant to this permit), or similarly qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that the sustainable design features/initiatives specified in the SMP have been implemented in accordance with the approved Plan.**

#### **Landscaping**

8. **Before the occupation of the dwellings, a landscaping plan prepared by a landscape architect or person of approved competence must be submitted to the Responsible Authority for approval. Such plan must be generally in accordance with the concept landscape plan submitted with this application and plan approved under Condition 1 of this permit, and must show:**
  - 8.1. **Species, locations, approximate height and spread of proposed planting and the retention of existing trees and shrubs, where appropriate or as directed by any other condition of this Permit;**
  - 8.2. **Details of soil preparation and mulch depth for garden beds and surface preparation for grassed areas;**
  - 8.3. **Fixed edge strips for separation between grassed and garden areas and/or to contain mulch on batters;**
  - 8.4. **A sectional detail of the canopy tree planting method which includes support staking and the use of durable ties;**
  - 8.5. **All canopy trees to a minimum height of 1.5 metres at the time of planting;**
  - 8.6. **Screen planting along the north and west boundaries to be minimum height of 1.5 metres at the time of planting;**
  - 8.7. **Planting within 2 metres along the frontage from the edge of the driveway(s) and 2.5 metres along the driveway(s) from the frontage to be no greater than 900mm in height at maturity.**
9. **Before the release of the approved plan under Condition No. 1, a \$10,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.**
10. **An in-ground, automatic watering system linked to the rainwater tanks must be installed to all garden areas to the satisfaction of the Responsible Authority.**

#### **Vegetation Retention**

11. **Before the development starts (including any demolition, excavations, tree removal, delivery of building/construction materials and/or temporary buildings) vegetation protection fencing must be erected to the satisfaction of the Responsible Authority to establish a tree protection**

zone around the neighbouring trees and trees to be retained on site identified in TreeLogic Arborist Report dated 4 February 2016. The fence is to follow the tree protection zone identified in the report and be maintained in good condition until the completion of the construction works on the site.

12. The following actions must not be undertaken in any Tree Protection Zone of vegetation to the satisfaction of the Responsible Authority:
  - 12.1. Materials or equipment stored within the zone;
  - 12.2. Nothing is to be attached to any tree (including temporary service wires, nails, screws or any other fixing device);
  - 12.3. Open cut trenching or excavation works (whether or not for laying of services) undertaken within the zone;
  - 12.4. Changes to the soil grade level within the zone.

#### Drainage

13. The owner must provide on site stormwater detention storage or other suitable system (which may include but is not limited to the re-use of stormwater using rainwater tanks), to limit the Permissible Site Discharge (PSD) to that applicable to the site coverage of 35 percent of hard surface or the pre existing hard surface if it is greater than 35 percent. The PSD must meet the following requirements:
  - 13.1. Be designed for a 1 in 5 year storm; and
  - 13.2. Storage must be designed for 1 in 10 year storm.
14. Before the development starts, a construction plan for the system required by Condition No. 13 of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.
15. Before the development is completed, outfall drainage works must be constructed between the site and the nominated Council drain (within the road reserve in front of 17 Noral Court), in accordance with an engineering construction plan approved by the Responsible Authority. Before the works start:
  - 1.1 a supervision fee equal to 2.5% of the cost of construction of the drainage works must be paid to the Responsible Authority;
  - 1.2 a plan-checking fee equal to 0.75% of the cost of construction of the drainage works must be paid to the Responsible Authority;
  - 1.3 a maintenance deposit equal to 5% of the cost of construction of the drainage works must be lodged with the Responsible Authority and retained thereafter for a minimum of three months; and
  - 1.4 a schedule of costs for the construction of drainage works must be submitted to the Responsible Authority.
16. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor.

17. The whole of the land, including landscaped and paved areas must be graded and drained to the satisfaction of the responsible authority, to prevent ponding and to minimise overland flows onto adjoining properties.

**Car Parking, Access and Infrastructure**

18. Before the building is occupied, a car parking management plan must be submitted to, and approved by, the Responsible Authority. The Plan is to outline:
  - 18.1. The allocation of any parking space to staff and visitors.
  - 18.2. How users will be directed to the allocated areas including details of directional signage and linemarking.
  - 18.3. The proposed management of staffing numbers/ peak times /changeover periods to avoid conflict with traffic associated with the school peak hours, to the satisfaction of the Responsible Authority.
19. Before the approved use commences, the area set aside for the parking of vehicles and access lanes as shown on the approved plan must be:
  - 19.1. Constructed and formed to approved levels;
  - 19.2. surfaced with an all weather-seal coat;
  - 19.3. drained;
  - 19.4. line marked to indicate each car space; and
  - 19.5. marked to show the direction of traffic along access lanes and driveways;
  - 19.6. marked to show a car space for a person with a disability designed to the relevant Australian Standard;  
to the satisfaction of the Responsible Authority.
20. Parking areas and access lanes must be kept available for these purposes at all times and must be maintained to the satisfaction of the Responsible Authority.
21. A directional sign(s) to the satisfaction of the responsible authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.3 square metres in area.
22. The operator must ensure that 24 hour access to the basement car park is provided to all staff and visitors.
23. Redundant vehicle crossovers must be removed and the footpath, nature strip and kerbing reinstated to the satisfaction of the Responsible Authority.
24. Levels at property boundary for the two proposed crossovers along King Street are to match the levels nominated in the engineering design plans prepared by Council for the Reconstruction of King Street, Templestowe/Doncaster East, Drawing No. A1/4046. The developer or his appointed design consultant is required to contact Council's Design Engineers in the Technical Services unit when designing the vehicle

crossovers in King Street. The vehicle crossovers must be designed and constructed to the satisfaction of the Responsible Authority.

25. The developer shall design and construct a 1.5 metre wide concrete path in Tuckers Road, along the full length of the eastern property boundary of the site, at no cost to Council and in accordance with construction plans submitted to and approved by Responsible Authority.

#### Completion

26. Privacy screens and obscure glazing as required in accordance with the approved plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained thereafter to the satisfaction of the Responsible Authority.
27. All upper level service pipes must be concealed and screened respectively to the satisfaction of the Responsible Authority.
28. All roof-top plant must be installed in appropriately screened areas unless otherwise agreed in writing with the Responsible Authority.
29. Any air-conditioning unit installed on a balcony or terrace must stand at floor level and be positioned to minimise visibility from off the site. No air-conditioning unit may be erected on an external wall to the satisfaction of the Responsible Authority.
30. Any clothes-drying rack or line system located on a balcony or terrace must not be visible from off the site to the satisfaction of the Responsible Authority.
31. No individual dish antennas may be installed on balconies, terraces, roofs or walls to the satisfaction of the Responsible Authority.
32. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.
33. All hot water units must be installed within the subject building or within cupboards on balconies, unless otherwise agreed in writing with the Responsible Authority.
34. Buildings, paved areas, drainage and landscaping must be maintained to the satisfaction of the Responsible Authority.
35. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

#### Lighting

36. Communal lighting must be connected to reticulated mains electricity and be operated by a time switch, movement sensors or a daylight sensor to the satisfaction of the Responsible Authority.

#### Noise

37. All noise emanating from any mechanical plant must comply with the relevant State noise control legislation and in particular, any basement exhaust duct/unit must be positioned, so as to minimise noise impacts

on residents of the subject building and adjacent properties to the satisfaction of the Responsible Authority.

**Loading and Unloading Operations**

38. All loading and unloading, including waste collection, must at all times be carried out within the loading areas shown on plan to the satisfaction of the Responsible Authority.

**Amenity**

39. Except with the prior written consent of the Responsible Authority, unloading and loading of goods for the permitted use must only be carried out between the hours of 7.00am and 6.00pm, to the satisfaction of the Responsible Authority.
40. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:
- 40.1. Transport of materials, goods or commodities to or from the land;
  - 40.2. Storage of goods and wastes;
  - 40.3. Appearance of any building, works or materials;
  - 40.4. Emission of noise, light, vibration, odour & dust.
41. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
42. External lighting must be designed so to limit loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.
43. Before the use commences, acoustic fencing must be erected along the northern boundaries where adjacent to the accessway to a minimum height of 2.5m above natural ground level. The design of the fences must be in accordance with the relevant Australian Standard to the satisfaction of the Responsible Authority.

**Restrictive Covenant**

44. A plan of variation of a restriction must be submitted for Certification by the Responsible Authority
45. The certified plan must be lodged with the Land Titles Office for registration
46. This permit does not come into effect until the covenant contained in Instrument of Transfer No. F933627, F687990 and F909625 in the Register of Titles is *varied* so as to read “...***any building other than a single dwelling house or a residential aged care facility and the usual outbuildings....***”

**Public Transport Victoria (Conditions 47 and 48)**

47. The existing bus stop and associated infrastructure on King Street must not be altered without the prior consent of Public Transport Victoria. Any alterations including temporary works or damage during

construction must be rectified to the satisfaction of Public Transport Victoria.

48. The permit holder must take all reasonable steps to ensure that disruption to bus operation along King Street is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measure must be communicated to Public Transport Victoria fourteen days (14) prior.

**Expiry**

49. This permit will expire if one of the following circumstances applies:
- 49.1. The development is not started within two (2) years of the date of the issue of this permit;
  - 49.2. The development is not completed within four (4) years of the date of this permit;
  - 49.3. The use is not commenced within two (2) years of the completion of the development.
  - 49.4. The plan of variation of restriction is not certified within two (2) years of the date of this permit.

The Responsible Authority may extend these times if a request is made in writing before the permit expires or within three months afterwards.

**Note:** Plans submitted for approval for the on site storm water detention system should be forwarded to Council's Engineering Services Unit. For any queries in relation to these plans please contact Engineering Services on Ph.9846 9563.

**Note:** Except with the prior consent of the responsible authority, the existing street trees must not be removed or damaged. Please contact Council's Parks and Recreation Department on 9846 0512 to arrange amenity value payment for Council to undertake the removal and replacement of the street tree from Pinewood Drive.

**Note:** Before the construction of any vehicular crossings, a Miscellaneous Works Permit must be obtained from the responsible authority for all vehicular crossings. These must be constructed under the responsible authority's supervision, for which 24 hours notice is required.

**Note:** The Waste Management Plan must comply with the Manningham City Council – Waste Collection for Residential Developments in Manningham – Guidelines for Developers. If the development is within Doncaster Hill precinct, the Waste Management Plan must also comply with the Sustainability Guidelines for Doncaster Hill.

**Note: The premises is to comply with the Health Act 1958, as amended. Premises to be used for the sale or storage of food in any manner are to be registered under the Food Act and Council's Health and Local Laws Unit should be contacted before the use starts.**

**Note: No works are permitted within the easement unless consent from the relevant service authorities are obtained prior.**

**Note: Except where no permit is required under the provisions of the Manningham Planning Scheme, no advertisement or sign may be erected on the site without the prior written consent of the Responsible Authority.**

**MOVED: GOUGH  
SECONDED: O'BRIEN**

**That the Recommendation be adopted.**

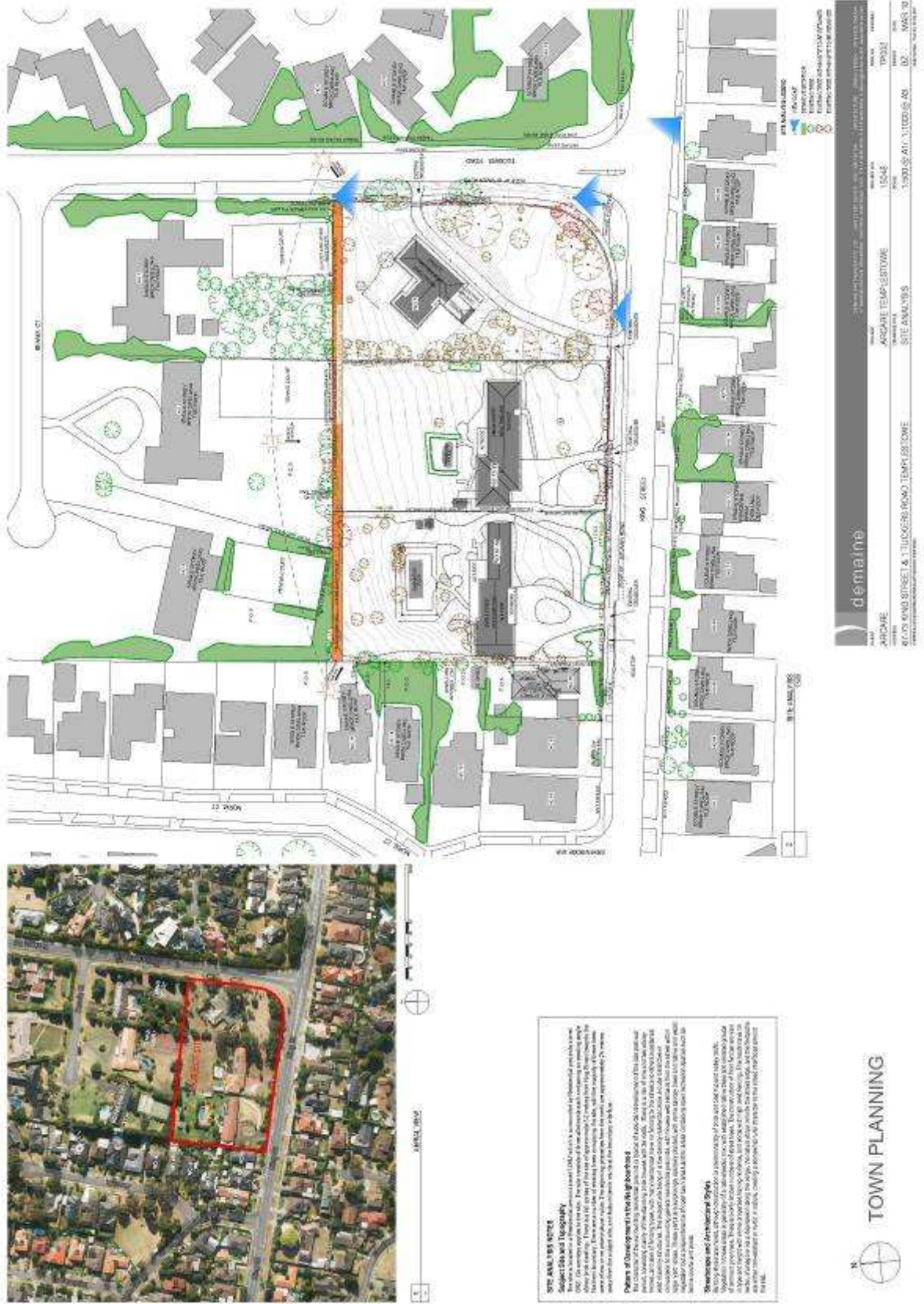
**CARRIED**

"Refer Attachments"

\* \* \* \* \*







**SITE ANALYSIS NOTICE**  
 Subject Sites and Topography  
 The information contained in this report is based on a visual inspection of the site and surrounding area. It is not intended to be a substitute for a professional site analysis or a site plan. The information is provided for informational purposes only and should not be used as a basis for any legal or financial decisions. The information is provided as a service to the client and is not intended to be a substitute for a professional site analysis or a site plan. The information is provided as a service to the client and is not intended to be a substitute for a professional site analysis or a site plan.

**Patterns of Development in the Neighborhood**  
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**Neighborhood Characteristics**  
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**DESIGN RESPONSE NOTE**

**A. Design response to King Street Interface**

1. The building form and height are designed to respond to the street level interface. The building form is designed to be a mix of heights and setbacks to create a varied streetscape. The building height is designed to be a mix of heights and setbacks to create a varied streetscape. The building height is designed to be a mix of heights and setbacks to create a varied streetscape.

**B. Design response to Tuckers Road Interface**

1. The building form and height are designed to respond to the street level interface. The building form is designed to be a mix of heights and setbacks to create a varied streetscape. The building height is designed to be a mix of heights and setbacks to create a varied streetscape. The building height is designed to be a mix of heights and setbacks to create a varied streetscape.

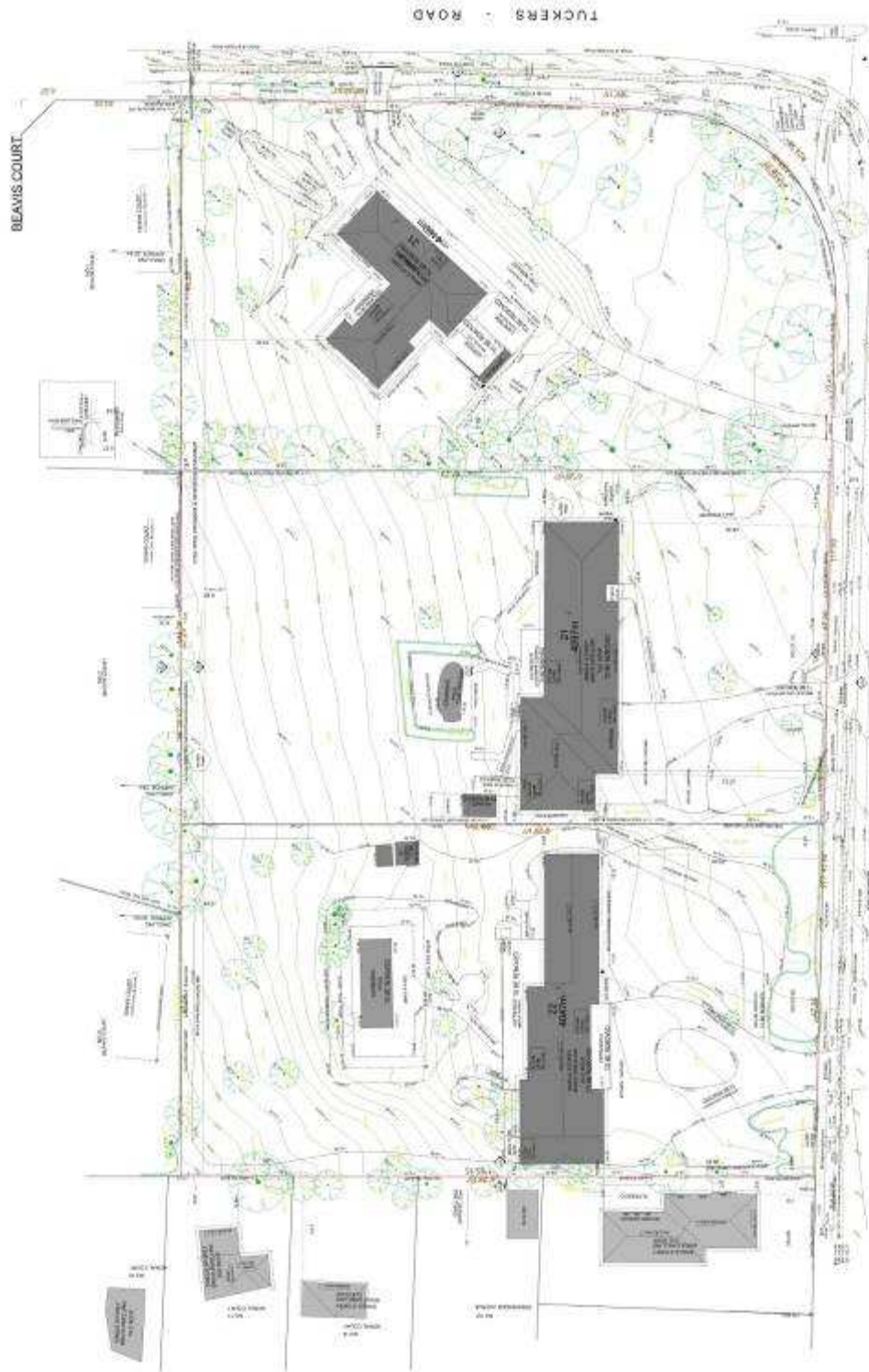
**C. Design response to existing site plan**

1. The building form and height are designed to respond to the street level interface. The building form is designed to be a mix of heights and setbacks to create a varied streetscape. The building height is designed to be a mix of heights and setbacks to create a varied streetscape. The building height is designed to be a mix of heights and setbacks to create a varied streetscape.

- DESIGN RESPONSE LEGEND**
- 1. BUILDING FORM AND HEIGHT
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  - 3. BUILDING HEIGHT
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  - 100. BUILDING SETBACKS

PROJECT NAME	ARCANE TEMPLESTONE	PROJECT NO.	10-041
PROJECT ADDRESS	60-10 KING STREET & TUCKERS ROAD TEMPLESTONE	DESIGN RESPONSE	AS SHOWN
DATE	10/11/16	SCALE	BL
DRAWN BY	BL	CHECKED BY	BL
DATE	10/11/16	DATE	10/11/16

**TOWN PLANNING**



SCALE: 1:500



TOWN PLANNING

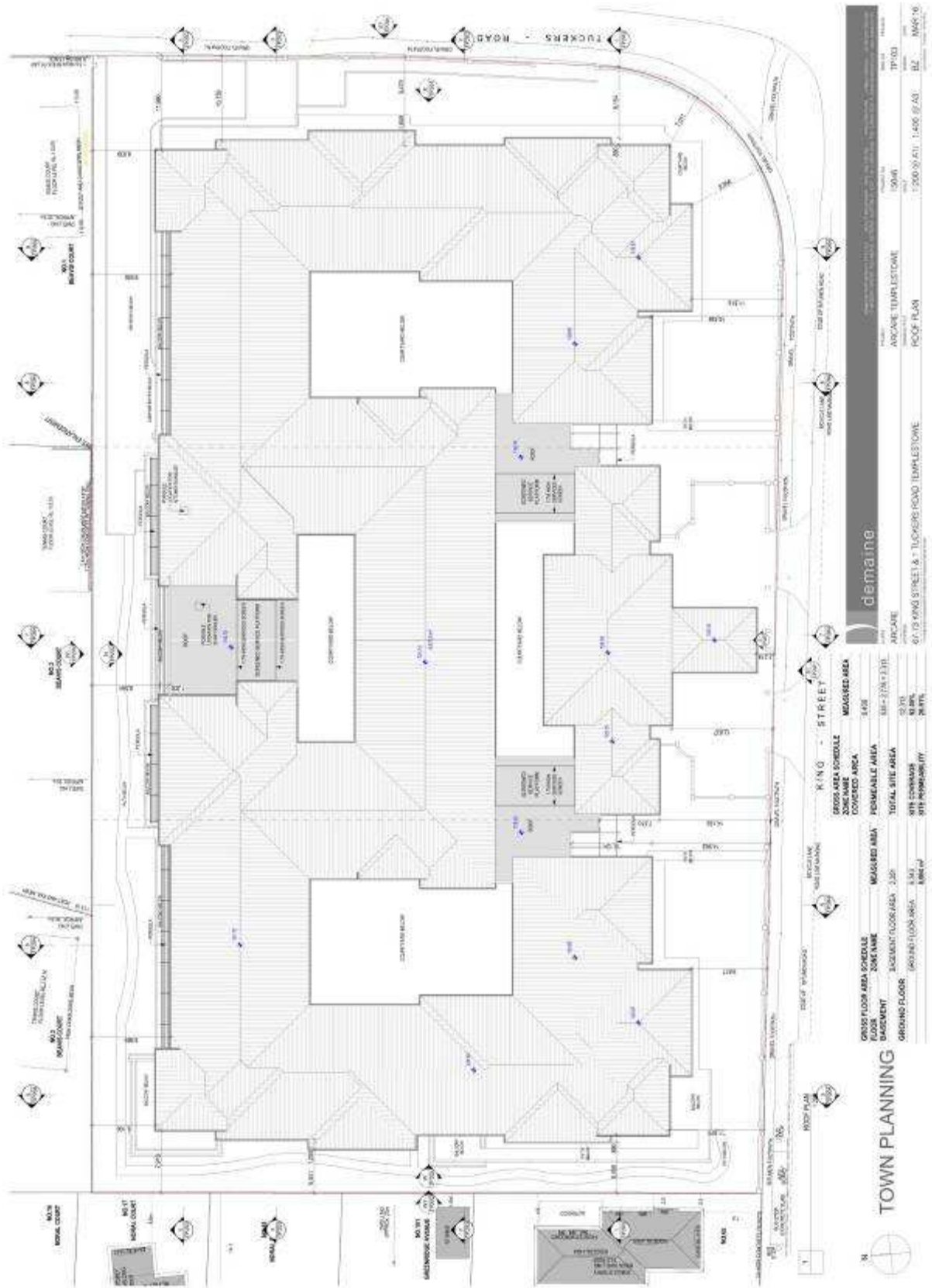
**demaing**

PROJECT: ARCADE TEMPLESTONE  
DATE: 10/04/16  
DRAWN BY: TMS/ST  
CHECKED BY: BLZ  
DATE: MAY '16

EXISTING SURVEY DEMOLITION PLAN 1:500 @ A3



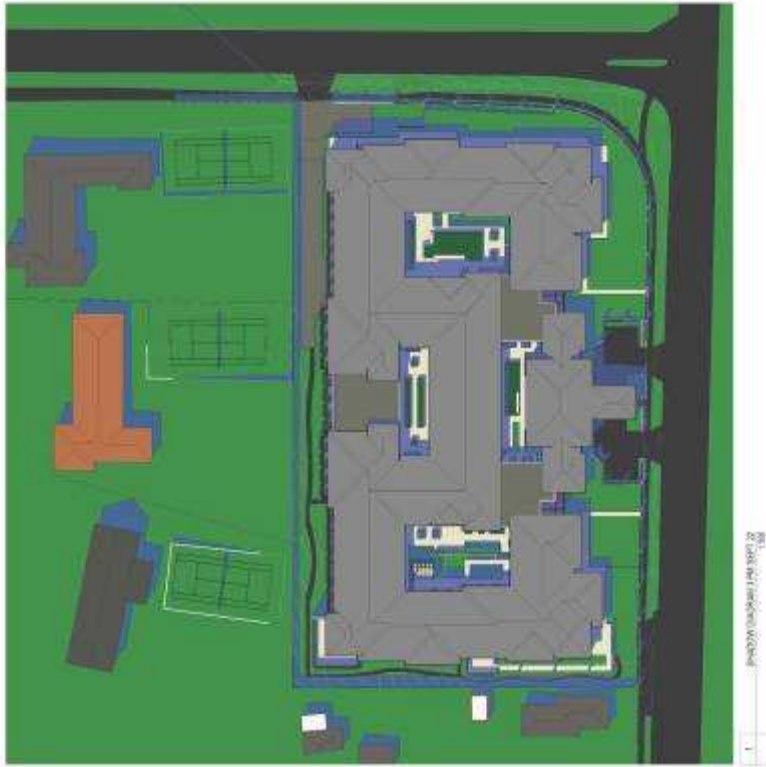










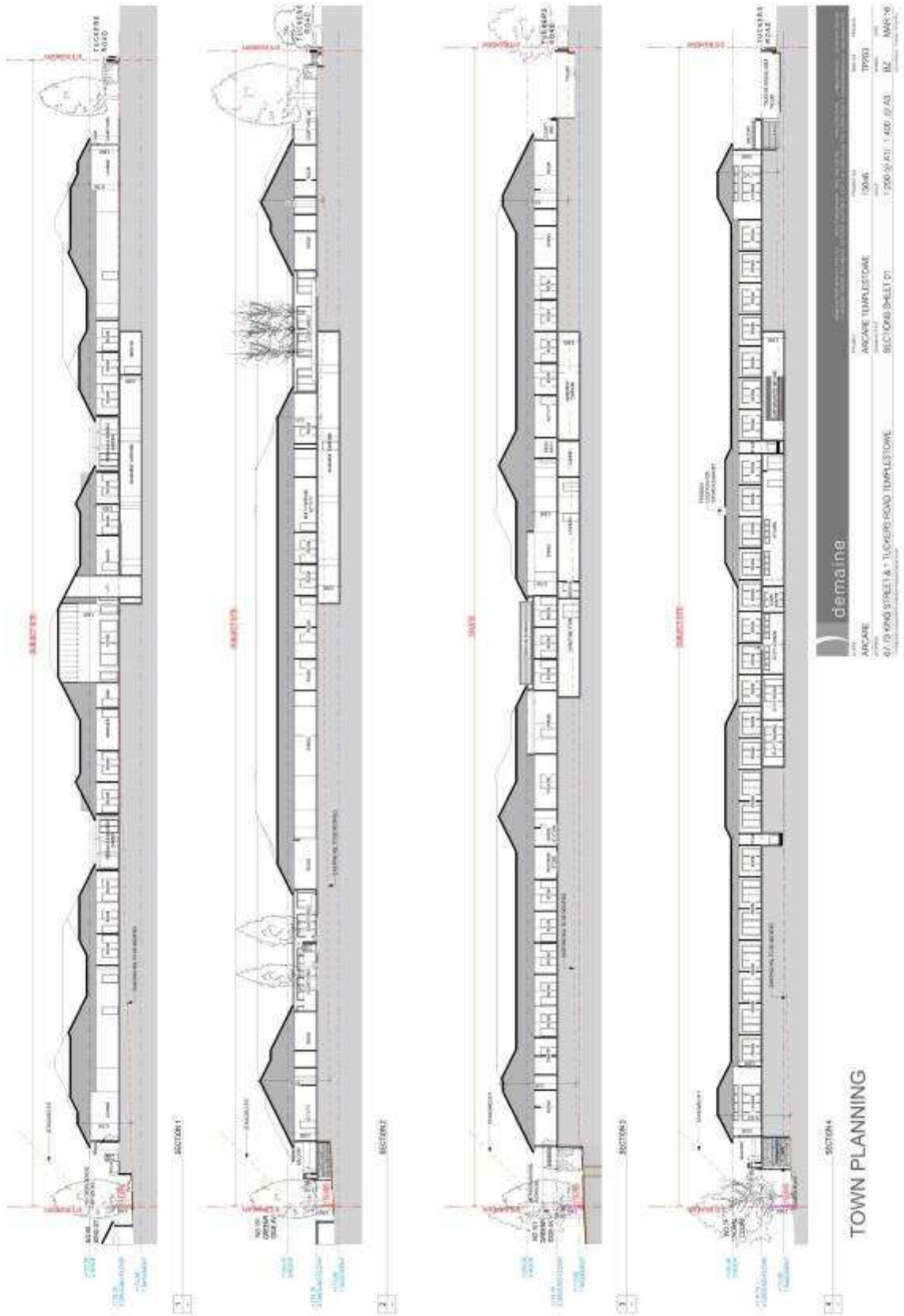


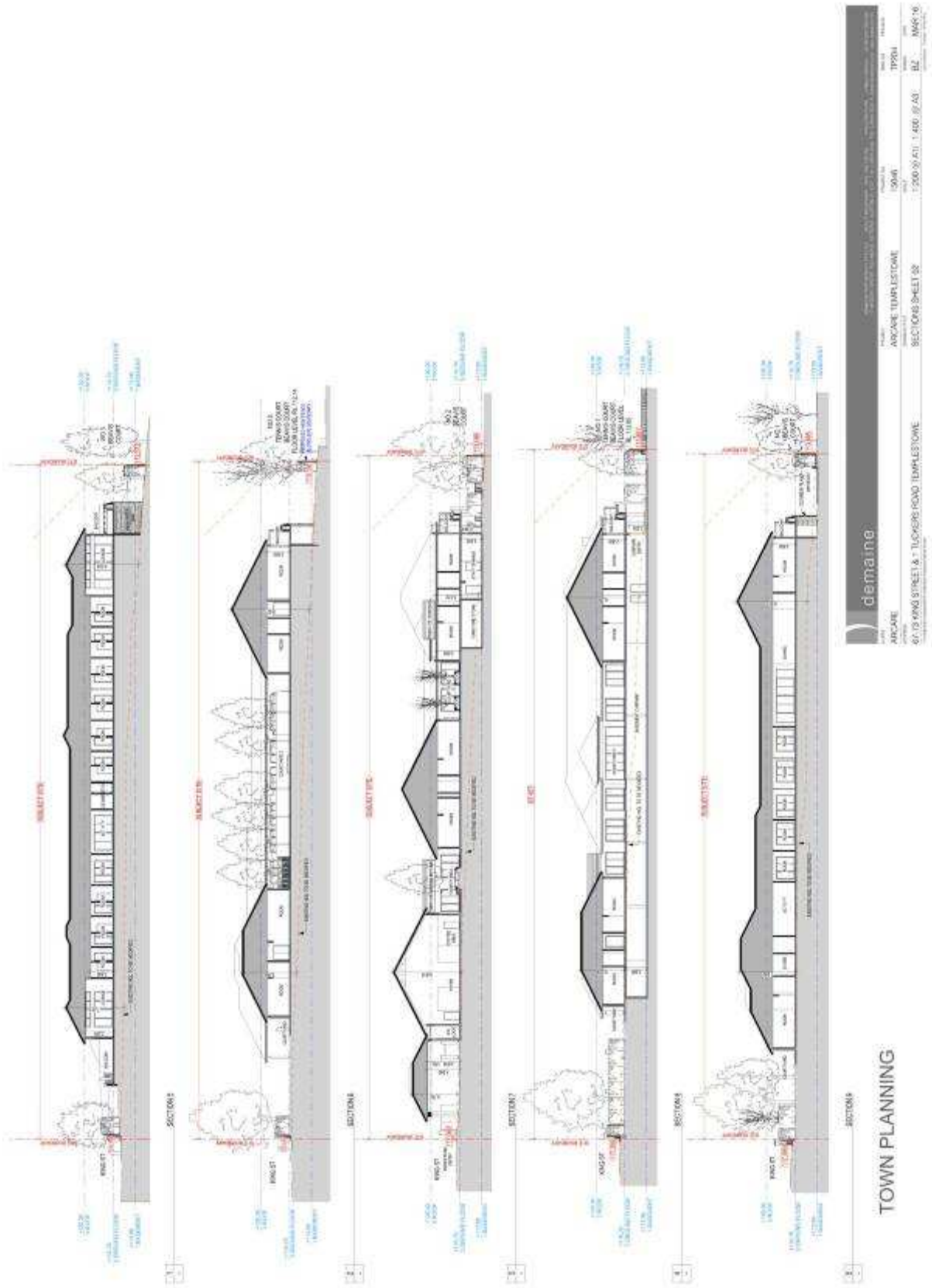
**demaing**

PROJECT: ARCADE TEMPLESTONE (2014)      DRAWING: BRNDON/DAG99/AM/3194      SCALE: 1:500 (S.A.1)      DATE: MAR '16

CLIENT: 60-12 KING STREET & TUCKER ROAD TEMPLESTONE      SHEET: 1500 (S.A.1) - 1:500 (S.A.1)      DRAWN BY: [Signature]









**demaine**

CLIENT: ARCARE  
ADDRESS: 67-73 KING STREET & 1 TUCKERS ROAD TEMPESTOWE  
PROJECT NO.: 2015-02 PROJECT NO.: 2015-02 PROJECT NO.: 2015-02  
PROJECT NAME: TEMPESTOWE LEGAL LEGAL LEGAL  
DRAWING TITLE: VIEW FROM STREET TO MAIN ENTRY SCALE: 1:500 DATE: MAR 16  
DRAWN BY: BC  
CHECKED BY: MAR 16  
DATE: MAR 16  
PROJECT NO.: 2015-02 PROJECT NO.: 2015-02 PROJECT NO.: 2015-02

TOWN PLANNING





**demaine**

CLIENT: ARCADE  
ADDRESS: 67-73 KING STREET & 1 TUCKERS ROAD TEMPLESTONE  
V.P. 100/100A/100B/100C/100D/100E/100F/100G/100H/100I/100J/100K/100L/100M/100N/100O/100P/100Q/100R/100S/100T/100U/100V/100W/100X/100Y/100Z/100AA/100AB/100AC/100AD/100AE/100AF/100AG/100AH/100AI/100AJ/100AK/100AL/100AM/100AN/100AO/100AP/100AQ/100AR/100AS/100AT/100AU/100AV/100AW/100AX/100AY/100AZ/100BA/100BB/100BB/100BC/100BD/100BE/100BF/100BG/100BH/100BI/100BJ/100BK/100BL/100BM/100BN/100BO/100BP/100BQ/100BR/100BS/100BT/100BU/100BV/100BW/100BX/100BY/100BZ/100CA/100CB/100CC/100CD/100CE/100CF/100CG/100CH/100CI/100CJ/100CK/100CL/100CM/100CN/100CO/100CP/100CQ/100CR/100CS/100CT/100CU/100CV/100CW/100CX/100CY/100CZ/100DA/100DB/100DB/100DC/100DD/100DE/100DF/100DG/100DH/100DI/100DJ/100DK/100DL/100DM/100DN/100DO/100DP/100DQ/100DR/100DS/100DT/100DU/100DV/100DW/100DX/100DY/100DZ/100EA/100EB/100EB/100EC/100ED/100EE/100EF/100EG/100EH/100EI/100EJ/100EK/100EL/100EM/100EN/100EO/100EP/100EQ/100ER/100ES/100ET/100EU/100EV/100EW/100EX/100EY/100EZ/100FA/100FB/100FB/100FC/100FD/100FE/100FF/100FG/100FH/100FI/100FJ/100FK/100FL/100FM/100FN/100FO/100FP/100FQ/100FR/100FS/100FT/100FU/100FV/100FW/100FX/100FY/100FZ/100GA/100GB/100GB/100GC/100GD/100GE/100GF/100GG/100GH/100GI/100GJ/100GK/100GL/100GM/100GN/100GO/100GP/100GQ/100GR/100GS/100GT/100GU/100GV/100GW/100GX/100GY/100GZ/100HA/100HB/100HB/100HC/100HD/100HE/100HF/100HG/100HH/100HI/100HJ/100HK/100HL/100HM/100HN/100HO/100HP/100HQ/100HR/100HS/100HT/100HU/100HV/100HW/100HX/100HY/100HZ/100IA/100IB/100IB/100IC/100ID/100IE/100IF/100IG/100IH/100II/100IJ/100IK/100IL/100IM/100IN/100IO/100IP/100IQ/100IR/100IS/100IT/100IU/100IV/100IW/100IX/100IY/100IZ/100JA/100JB/100JB/100JC/100JD/100JE/100JF/100JG/100JH/100JI/100JJ/100JK/100JL/100JM/100JN/100JO/100JP/100JQ/100JR/100JS/100JT/100JU/100JV/100JW/100JX/100JY/100JZ/100KA/100KB/100KB/100KC/100KD/100KE/100KF/100KG/100KH/100KI/100KJ/100KK/100KL/100KM/100KN/100KO/100KP/100KQ/100KR/100KS/100KT/100KU/100KV/100KW/100KX/100KY/100KZ/100LA/100LB/100LB/100LC/100LD/100LE/100LF/100LG/100LH/100LI/100LJ/100LK/100LL/100LM/100LN/100LO/100LP/100LQ/100LR/100LS/100LT/100LU/100LV/100LW/100LX/100LY/100LZ/100MA/100MB/100MB/100MC/100MD/100ME/100MF/100MG/100MH/100MI/100MJ/100MK/100ML/100MM/100MN/100MO/100MP/100MQ/100MR/100MS/100MT/100MU/100MV/100MW/100MX/100MY/100MZ/100NA/100NB/100NB/100NC/100ND/100NE/100NF/100NG/100NH/100NI/100NJ/100NK/100NL/100NM/100NN/100NO/100NP/100NQ/100NR/100NS/100NT/100NU/100NV/100NW/100NX/100NY/100NZ/100OA/100OB/100OB/100OC/100OD/100OE/100OF/100OG/100OH/100OI/100OJ/100OK/100OL/100OM/100ON/100OO/100OP/100OQ/100OR/100OS/100OT/100OU/100OV/100OW/100OX/100OY/100OZ/100PA/100PB/100PB/100PC/100PD/100PE/100PF/100PG/100PH/100PI/100PJ/100PK/100PL/100PM/100PN/100PO/100PP/100PQ/100PR/100PS/100PT/100PU/100PV/100PW/100PX/100PY/100PZ/100QA/100QB/100QB/100QC/100QD/100QE/100QF/100QG/100QH/100QI/100QJ/100QK/100QL/100QM/100QN/100QO/100QP/100QQ/100QR/100QS/100QT/100QU/100QV/100QW/100QX/100QY/100QZ/100RA/100RB/100RB/100RC/100RD/100RE/100RF/100RG/100RH/100RI/100RJ/100RK/100RL/100RM/100RN/100RO/100RP/100RQ/100RR/100RS/100RT/100RU/100RV/100RW/100RX/100RY/100RZ/100SA/100SB/100SB/100SC/100SD/100SE/100SF/100SG/100SH/100SI/100SJ/100SK/100SL/100SM/100SN/100SO/100SP/100SQ/100SR/100SS/100ST/100SU/100SV/100SW/100SX/100SY/100SZ/100TA/100TB/100TB/100TC/100TD/100TE/100TF/100TG/100TH/100TI/100TJ/100TK/100TL/100TM/100TN/100TO/100TP/100TQ/100TR/100TS/100TT/100TU/100TV/100TW/100TX/100TY/100TZ/100UA/100UB/100UB/100UC/100UD/100UE/100UF/100UG/100UH/100UI/100UJ/100UK/100UL/100UM/100UN/100UO/100UP/100UQ/100UR/100US/100UT/100UU/100UV/100UW/100UX/100UY/100UZ/100VA/100VB/100VB/100VC/100VD/100VE/100VF/100VG/100VH/100VI/100VJ/100VK/100VL/100VM/100VN/100VO/100VP/100VQ/100VR/100VS/100VT/100VU/100VV/100VW/100VX/100VY/100VZ/100WA/100WB/100WB/100WC/100WD/100WE/100WF/100WG/100WH/100WI/100WJ/100WK/100WL/100WM/100WN/100WO/100WP/100WQ/100WR/100WS/100WT/100WU/100WV/100WW/100WX/100WY/100WZ/100XA/100XB/100XB/100XC/100XD/100XE/100XF/100XG/100XH/100XI/100XJ/100XK/100XL/100XM/100XN/100XO/100XP/100XQ/100XR/100XS/100XT/100XU/100XV/100XW/100XX/100XY/100XZ/100YA/100YB/100YB/100YC/100YD/100YE/100YF/100YG/100YH/100YI/100YJ/100YK/100YL/100YM/100YN/100YO/100YP/100YQ/100YR/100YS/100YT/100YU/100YV/100YW/100YX/100YY/100YZ/100ZA/100ZB/100ZB/100ZC/100ZD/100ZE/100ZF/100ZG/100ZH/100ZI/100ZJ/100ZK/100ZL/100ZM/100ZN/100ZO/100ZP/100ZQ/100ZR/100ZS/100ZT/100ZU/100ZV/100ZW/100ZX/100ZY/100ZZ

TOWN PLANNING

**ARCARE TEMPLESTONE DEVELOPMENT COLOUR SCHEDULE**

**EXTERIOR FINISHES:**

- 1 REN - RENDERED MASONRY  
COLOUR: FULUX CHINA WHITE
- 2 P - RENDER FINISH  
COLOUR: WHITE SWAN
- 3 SF - LIMESTONE CLAPPING
- 4 RT - ROOF: FLAT TERRACOTTA  
TILE WITH DARK MET
- 5 BAL SC - DARK COLOUR METAL  
BALUSTRADE
- 6 WF - WINDOW FRAME  
COLOUR: FULLA WHITE SWAN

1	3	5
2	4	6

**demaine**

CLIENT: ARCARE  
 PROJECT NO: 260149 - Templestone  
 PROJECT NAME: ARCARE TEMPLESTONE  
 PROJECT DATE: 15/06/16  
 PROJECT LOCATION: 17-73 KING STREET & TUCKERS ROAD TEMPLESTONE  
 DRAWING NO: 10/16-01  
 DRAWING TITLE: MATERIALS COLOURS SCHEDULE  
 DRAWING DATE: 08/08/16  
 DRAWING SCALE: 1:1  
 DRAWING BY: MMF/HT  
 DRAWING CHECKED: [Signature]  
 DRAWING APPROVED: [Signature]

TOWN PLANNING



## 10. PLANNING & ENVIRONMENT

### 10.1 Amendment C113 - Heritage Overlay Amendments; including Warrandyte South Hall - Request for Ministerial Authorisation to Exhibit

Responsible Director: Director Planning & Environment

File No. T16/169

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*The purpose of this report is to consider the preparation of an amendment to the Manningham Planning Scheme to:*

- 1. Vary the schedule to the Heritage Overlay which applies to land at 66-68 Hall Road, Warrandyte South (occupied by the South Warrandyte Hall) to enable prohibited uses to be considered; and*
- 2. Correct a number of minor errors and anomalies in the schedule to the Heritage Overlay and some mapping of the Overlay.*

*This report seeks Council's support to request the Minister for Planning to authorise Council to prepare and exhibit Amendment C113 to the Manningham Planning Scheme*

#### BACKGROUND

##### South Warrandyte Hall

- 1.1 The first aspect of the Amendment applies to land at 66-68 Hall Road, Warrandyte South. The land is occupied by the South Warrandyte Hall. The land has an area of approximately 2,048m<sup>2</sup>, as shown on the attached map. (**Attachment 1**)
- 1.2 The South Warrandyte Hall has been identified in the *Manningham Heritage Study* as being of local significance as a community meeting place recreated through community efforts after the 1939 bushfires.
- 1.3 The exterior of the Hall is intact to its original 1939 design and the building has been identified by Council's Heritage Advisor as being of local significance for its architectural integrity.
- 1.4 The Hall constructed in 1939 is one of 6 individual community halls in Manningham and is cited in the 1991 Heritage Study as of local historical and social significance. Council's Heritage advisor noted the need to preserve the hall as a heritage asset and for providing a use compatible with its significance as a large volume, publicly accessible space. Further, Council's Heritage Advisor has assessed the heritage impact of the use of this historic building and identified compatible uses. This includes retail premises such as antiques shops, a communal office building set up with small office spaces, and an art

gallery/cafe. Alternative uses such as a multi-purpose area for exercise classes and performance, and events such as books and antique fairs, computer swap meet or community garage sales could also be considered.

- 1.5 The Hall has been closed to the public since May 2015 due to building maintenance and public safety issues. The Hall was purchased by Council in 1974 and was run by a Committee of Management made up of local residents until 1998, at which time Council took over its management.
- 1.6 Hall hire has not proved to be a successful operating model with this venue and prior to its closure the Hall had very low usage rates. This is partly due to its condition but also due the restricted uses permitted in the Rural Conservation Zone and the Green Wedge more broadly noting also that the land is not serviced with reticulated sewerage.
- 1.7 In relation to the condition of the building, a tender has been advertised for a refurbishment of the building involving replacement of some external timber cladding, windows, doors and flooring, installation of new toilet and shower facilities, electrical works, kitchen improvements, painting and provision for universal access.
- 1.8 The ongoing use of an existing building has been recognised as an important part of conserving a heritage place. The uses permitted under the Rural Conservation Zone are quite limited due to the nature of the zone. Clause 35.06 sets out the table of uses for the RCZ. Currently permissible (Section 1 and 2) uses that might be relevant for this site include:
  - Landscape gardening supplies
  - Market - Land used to sell goods, including foodstuffs, from stalls.
  - Primary produce sales - Land used to display and sell primary produce, grown on the land or adjacent land. It may include processed goods made substantially from the primary produce.
  - Primary school
  - Restaurant - Land used to prepare and sell food and drink, for consumption on the premises
  - Rural store
  - Secondary school
  - Winery.
- 1.9 Section 3 of Clause 35.06 sets out the prohibited uses for the RCZ. Of relevance for use of this building could be:
  - Child care centre
  - Education centre
  - Office
  - Leisure and recreation
  - Place of assembly (other than carnival and circus). Whilst this was the nature of the original use of the Hall it is now a prohibited use given that the original use was not continuous.
  - Retail premises.

- 1.10 Given the site constraints, many of these are not practically possible.
- 1.11 One of the avenues to enable the consideration of prohibited uses on the land is an amendment to the Schedule to the Heritage Overlay by inserting “yes” in the “prohibited use may be permitted” column. As recognised by the Panel in Greater Bendigo Planning Scheme Amendment C201 Panel Report 15 July 2015 “there is an opportunity to use the schedule to the heritage overlay to broaden the potential for uses otherwise not allowed within the Zone prohibited uses.”
- 1.12 However, the Heritage Overlay is designed in such a way that the permissible uses of the heritage place can be broadened to maximise the opportunity for its ongoing protection by increasing the building’s functionality and supporting its continued use.
- 1.13 An amendment to the Schedule to the Heritage Overlay is required to allow a prohibited use to be permitted on the land, subject to the approval of a planning permit.

### **Corrections to Current Heritage Overlay**

- 1.14 The following mapping errors relating to the Heritage Overlay have also been identified through the day to day operation of the Planning Scheme, as well as errors in the property description of some heritage places:
- HO203 Menlo- 17-25 Atkinson Street, Templestowe
  - HO191 Warrandyte Township Heritage Precinct – 111 Yarra Street, Warrandyte
  - HO43 Former Eastern Golf Course “Tullamore” and stables- 463 Doncaster Road, Doncaster
  - HO155 House- 47-49 Smiths Road, Templestowe
  - HO85 Windrush- Homestead Road, Templestowe
  - HO212 Monterey Cypress - 333, 339, 344 & 360 High Street, Doncaster
  - HO108 House- 2 McLeod Street, Doncaster.

These are described in more detail under Proposal/Issue below.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed to make the following changes in relation to the Heritage Overlay in the Manningham Planning Scheme as Amendment C113.

### **Part 1 – Warrandyte South Hall**

- 2.1.1 Amendment C113 proposes to change the Schedule to the Heritage Overlay HO74 by permitting prohibited uses on the land at 66-68 Hall Road, Warrandyte South. A planning permit would still be required to facilitate any prohibited uses.
- 2.1.2 By amending the Schedule of the Heritage Overlay to allow for a prohibited use to be considered, the long term conservation of the building is likely to be improved.
- 2.1.3 The proposed amendment to the Schedule is not likely to result in a significant change on the nature of the possible future uses for the land as it is intended that future uses should maintain or respect the use of the hall for public purposes. Council, as the

landowner, will be able to ensure that only approved uses for the site are permitted.

- 2.1.4 The proposed amendment to the Scheme is consistent with the principles of the Burra Charter in that a paramount consideration for the retention of the heritage value of this place is the retention of the public access to the site by encouraging either a community use or commercial use. This objective is consistent with the need to retain associations and meaning in that the significant associations between people and place should be respected.

**Part 2 – Corrections to Current Heritage Overlay**

- 2.1.5 It is also proposed to correct several anomalies and errors in relation to other properties currently affected by the Heritage Overlay in order to more accurately reflect the current circumstances. The proposed changes are as follows:
- Delete the Heritage Overlay (HO108 House- 2 McLeod Street Doncaster). The land has been subdivided and is currently described as Units 1, 2, 6, 7 of 2 McLeod Street, Doncaster. These properties do not have heritage significance.
  - Amend the Schedule to Clause 43.01 - Heritage Overlay 203, to replace the word “No” with the words “Yes, VHR H2294” in the column “Included on the Victorian Heritage Register under the Heritage Act 1995”.
  - Amend the schedule to Clause 43.01 - Heritage Overlay HO191, by inserting reference to the Blacksmith Hut. The portable (mobile) Blacksmith’s Hut is a rare (possibly unique) example of a travelling blacksmith’s wagon in Victoria as there are no other examples recorded in current heritage databases. In 2015 the Warrandyte Historical Society successfully organised the relocation of the portable blacksmith hut from a private residence in Warrandyte to the Historical Society’s grounds. The proposed change will identify this heritage asset. The Amendment will change the column “outbuildings or fences which are not exempt under Clause 43.01-3” by deleting the word “No” and replacing it with “Yes, Blacksmith Hut at 111 Yarra Street Warrandyte.”
  - Amend Map 2 HO155 to correct the boundary to Heritage Overlay (HO155 House –47-49 Smiths Road, Templestowe). The extent of the Heritage Overlay needs to be corrected to reflect the subdivision and redevelopment of the land known as 3 Aumann Drive; 1/5 Aumann Drive; 2/5 Aumann Drive; 3/5 Aumann Drive; and 4/5 Aumann Drive, Templestowe.
  - Amend Map 3 HO85 to correct the extent of the heritage overlay that has been incorrectly mapped as it currently excludes a section of Windrush- 15- 17 Homestead Road, Templestowe.
  - Amend the Schedule to the Heritage Overlay 43 -463 Doncaster Road Doncaster. It is proposed to avoid repetition by deleting in the “Heritage Place” column the words “The

Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the "Conservation Analysis and Policy " Meredith Gould Architects Pty Ltd (2011) as shown on the heritage overlay map." The same statement will remain in the column "where tree controls apply?".

- Amend the Schedule to Clause 43.01 -Heritage Overlay HO212 –Monterey Cypresses at 333, 339, 344 & 360 High Street Doncaster to correct the property address by replacing the suburb Doncaster with Templestowe Lower.

2.2 It is proposed that Council seek authorisation from the Minister for Planning to prepare and exhibit Amendment C113 as detailed in the attached documentation (**Attachment 2**), to facilitate the proposed changes described in this report.

### **3 PRIORITY/TIMING**

- 3.1 The draft amendment documentation has been prepared and Council officers will seek authorisation from the Minister for Planning once Council has endorsed such action.
- 3.2 Following authorisation, it is anticipated that the amendment will be placed on exhibition for a period of one month after the notice is given in the Government Gazette as required by section 19(4)(b) of the Planning and Environment Act 1987.

### **4 POLICY/PRECEDENT IMPLICATIONS**

#### State Planning Policy Framework

- 4.1 The Amendment is consistent with and supports the following elements of the State Planning Policy Framework (SPPF):
- Clause 15 - Built Environment and Heritage identifies the need for planning to protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. In more specific terms the SPPF notes in Clause 15.03 the need to ensure the conservation of places of heritage significance. One of the strategies identified relates to the need to support adaptive reuse of heritage buildings whose use has become redundant.

#### Local Planning Policies

- 4.2 The Amendment is consistent with the following provisions of the Local Planning Policy Framework, including the Municipal Strategic Statement (MSS):
- Clause 21.11 (Heritage) of the MSS notes that Council is committed to preserving and enhancing cultural heritage places in the municipality. Some of the relevant strategies include the need "to encourage the retention of the heritage fabric in development proposals, and consider the preparation of amendments to the heritage overlay schedule to allow prohibited uses where the use is unlikely to have a detrimental impact on adjoining land and which may assist with the ongoing preservation of the heritage building."

- Clause 22.03 (Cultural Heritage Policy) identifies the need to recognise, protect, conserve, manage and enhance identified cultural heritage places. It further notes the need to encourage the retention of cultural heritage places and ensure that these places are recognised and afforded appropriate protection to enrich the character, identity and heritage of the municipality.
  - It is policy that the partial or complete demolition and/or removal of any building, structure or feature of identified cultural heritage significance will be strongly discouraged, in order to conserve the range and quality of cultural heritage places in the municipality.
- 4.3 It is considered that the current planning controls restrict the use of the heritage building and could result in the building falling into a state of disrepair.
- 4.4 Planning Practice Note 1 (PPN01) "Applying the Heritage Overlay" sets out the application of heritage overlay provisions in the planning scheme. The Practice Note specifies that allowing prohibited uses "should not be applied to significant areas because it might result in the de facto rezoning of a large area. The provision should be applied to specific places, where it is considered that the normally available range of permissible uses is insufficient to provide for the future conservation of the building.
- 4.5 The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.
- 4.6 The Amendment also meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.
- 4.7 It is also consistent with Ministerial Direction 9 Metropolitan Strategy. The Metropolitan Strategy (Plan Melbourne: Metropolitan Planning Strategy 2014) in particular Direction 4.7 Respect our heritage as we build for the future.

## **5 BEST VALUE**

- 5.1 The proposed amendment will safeguard the retention of the heritage fabric of the building at 66-68 Hall Road Warrandyte South, whilst broadening the range of possible uses for the site.

## **6 CUSTOMER/COMMUNITY IMPACT**

- 6.1 Individual owners of affected properties will be notified of the proposed amendment.
- 6.2 The Amendment will provide certainty in relation to the Heritage Overlay controls.

## **7 FINANCIAL RESOURCE IMPLICATIONS**

- 7.1 Planning scheme amendments are prepared and administered by the Economic and Environmental Planning Unit. Any costs incurred as part of the amendment process, including any panel hearing will be covered through the Unit's operational budget.

**8 SUSTAINABILITY**

- 8.1 The proposed change to the Heritage Overlay Schedule in relation to the South Warrandyte Hall is intended to better ensure the conservation of the heritage place and to make its future use more sustainable.

**9 CONSULTATION**

- 9.1 As part of the planning scheme amendment process, any persons deemed to be affected by the amendment will be given notice of the amendment and hence the opportunity to make a submission. The amendment will be placed on exhibition for a minimum of one month.

**10 COMMUNICATIONS STRATEGY**

- 10.1 Subject to the authorisation of the Minister for Planning the proposed amendment would be placed on exhibition for a period of one month.
- 10.2 The exhibition of the amendment would include:
- advertisement in the local newspaper and Government Gazette;
  - direct notification of adjoining and nearby properties; and
  - notices to statutory authorities and prescribed Ministers.

**11 CONCLUSION**

- 11.1 Proposed Amendment C113 will assist with the long term conservation of the South Warrandyte Hall at 66-68 Hall Road Warrandyte by enabling the consideration of prohibited uses on the land.
- 11.2 The Amendment will also correct a number of errors and anomalies which have been identified in the day to day use of the Manningham Planning Scheme and thereby clarify and update heritage provisions in the Scheme.

**OFFICER'S RECOMMENDATION**

That Council:

- (A) **Seeks authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare and exhibit Amendment C113 to the Manningham Planning Scheme to make the following changes generally in accordance with Attachment 2:**

**Warrandyte South Hall**

- **Amend the Schedule to the Heritage Overlay HO74 by replacing "No" with "Yes" in the "prohibited uses may be permitted" column.**

**Corrections to Heritage Overlay**

- **Amend Map 6 HO108 to delete the Heritage Overlay from 2 McLeod Street, Doncaster.**
- **Amend the Schedule to the Heritage Overlay HO203, to replace the word "No" with the words "Yes, VHR H2294" in the column "Included on the Victorian Heritage Register under the Heritage Act 1995".**

- Amend the Schedule to the Heritage Overlay HO191, in the column “outbuildings or fences which are not exempt under Clause 43.01-3” by deleting the word “No” and replace it with “Yes, Blacksmith Hut at 111 Yarra Street, Warrandyte.”
- Amend Map 2 HO155 to delete the Heritage Overlay from part of the site currently known as 3 Aumann Drive; 1/5 Aumann Drive; 2/5 Aumann Drive; 3/5 Aumann Drive; and 4/5 Aumann Drive, Templestowe.
- Amend Map 3 HO85 to apply the Heritage Overlay to part of the site currently known as 15-17 Homestead Road, Templestowe.
- Amend the Schedule to the Heritage Overlay 43 - 463 Doncaster Road, Doncaster by deleting the following words from the “Heritage Place” column “The Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the “Conservation Analysis and Policy ” Meredith Gould Architects Pty Ltd (2011) as shown on the heritage overlay map”.
- Amend the Schedule to the Heritage Overlay HO212 –Monterey Cypresses at 333, 339, 344 & 360 High Street, Doncaster to correct the property address by replacing the suburb name Doncaster with Templestowe Lower.

**MOVED: DOWNIE**  
**SECONDED: GALBALLY**

That the Recommendation be adopted.

**CARRIED**

Attachments

**Attachment 1: Site Map 66-68 Hall Road, Warrandyte South**  
**Attachment 2: Draft Explanatory Report and Schedule to the Heritage Overlay for Amendment C113**

\* \* \* \* \*



Attachment 1

66-68 Hall Road, Warrandyte South



**ATTACHMENT 2**

*Planning and Environment Act 1987*

**MANNINGHAM PLANNING SCHEME****AMENDMENT C113****EXPLANATORY REPORT****Who is the planning authority?**

This amendment has been prepared by the Manningham City Council, which is the planning authority for this amendment.

The Amendment has been made at the request of Manningham City Council.

**Land affected by the Amendment**

The Amendment applies to the following land:

- Part 1 Land at 66-68 Hall Road, Warrandyte South. The land is occupied by the South Warrandyte Hall. It has an area of approximately 2,048m<sup>2</sup>. The land is zoned Rural Conservation Zone, Schedule 3 (RCZ3).

It is also affected by a Environmental Significance Overlay Schedule 3 (ESO3). A Heritage Overlay, HO 74 also applies over the site.  
The amendment does not require any changes to the map for this site.

- Part 2 The amendment also applies to seven heritage places currently included within the Heritage Overlay of the Manningham Planning Scheme including:

- HO203 Menlo - 17-25 Atkinson Street, Templestowe
- HO191 Warrandyte Township Heritage Precinct – 111 Yarra Street Warrandyte
- HO43 Former Eastern Golf Course "Tullamore" and stable- 463 Doncaster Road, Doncaster
- HO155 House - 47-49 Smiths Road, Templestowe
- HO48 City of Manningham Municipal Office- 699 Doncaster Road, Doncaster
- HO212 Monterey Cypresses -333, 339, 344 & 360 High Street, Doncaster
- HO108 House - 2 McLeod Street, Doncaster.

**What the amendment does**

In relation to 66-68 Hall Road, Warrandyte South the Amendment proposes to amend the schedule to the Heritage Overlay HO74 by permitting prohibited uses on the land. In more specific terms, the amendment proposes to:

- Amend the Schedule to the Heritage Overlay HO74 contained within the Manningham City Council Planning Scheme by replacing "No" with "Yes" in the "prohibited uses may be permitted" column.

In relation to the seven other heritage places, the amendment proposes to correct errors and anomalies in the current schedule to the Overlay on Planning Scheme maps. The changes are as follows:

- Amend Map 6 HO108 to delete the Heritage Overlay from 2 McLeod Street, Doncaster.
- Amend the Schedule to Clause 43.01 - Heritage Overlay 203, to replace the word "No" with the words "Yes, VHR H2294" in the column "Included on the Victorian Heritage Register under the Heritage Act 1995".

- Amend the Schedule to Clause 43.01 - Heritage Overlay 191, in the column "outbuildings or fences which are not exempt under Clause 43.01-3" by deleting the word "No" and replacing it with "Yes, Blacksmith Hut at 111 Yarra Street, Warrandyte."
- Amend Map 2 HO155 to delete the Heritage Overlay from 3 Aumann Drive; 1/5 Aumann Drive; 2/5 Aumann Drive; 3/5 Aumann Drive; and 4/5 Aumann Drive, Templestowe.
- Amend the Schedule to Clause 43.01 - Heritage Overlay 48 City of Manningham Municipal Offices-699 Doncaster Road Doncaster by deleting the words "yes-artworks –fountains" in the column "outbuildings or fences which are not exempt under Clause 43.01-3". Further, replace the words "Yes" with "No" in the column "Tree controls apply".
- Amend the Schedule to the Heritage Overlay 43 -463 Doncaster Road Doncaster by deleting the words "The Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the "Conservation Analysis and Policy" Meredith Gould Architects Pty Ltd (2011) as shown on the heritage overlay map" in the "Heritage Place column.
- Amend the Schedule to Clause 43.01 -Heritage Overlay HO212 –Monterey Cypresses at 333, 339,344 & 360 High Street, Doncaster to correct the property address by replacing the suburb name Doncaster with Templestowe Lower.

#### **Strategic assessment of the Amendment**

##### **Why is the Amendment required?**

The South Warrandyte Hall has been identified in the *Manningham Heritage Study* as being of local significance as a community meeting place recreated through community efforts after the 1939 bushfires.

The exterior of the Hall is intact to its original 1939 design and the building has been identified by Council's Heritage Advisor as being of local significance for its architectural integrity.

The Hall has been used by the local community as a meeting place. The Hall was purchased by Council in 1974 and was run by a Committee of Management comprising local residents until 1988 when Council took over its management.

The Heritage Overlay applying over the site does not allow for a prohibited use to be considered. Accordingly, the amendment to the Schedule to the Heritage Overlay is required to allow prohibited uses, to be permitted on the land, subject to the approval of a planning permit.

The Hall has been closed to the public due to building maintenance and public safety issues. The heritage significance of the building warrants the retention of the heritage controls and the reinstatement of building as useable facility. The amendment will facilitate an improvement to the building's condition and functionality by enabling prohibited uses and ensuring continued use of the heritage place, and associated maintenance.

It is considered that the proposed change in the heritage overlay schedule will assist with the conservation of the heritage place.

With reference to the seven corrections to the Heritage Overlay, the amendment is required to correct errors and anomalies in the Schedule to the Heritage Overlay or map that have been identified through the day-to-day operation of the scheme.

- Delete the Heritage Overlay (HO108 House- 2 McLeod Street Doncaster). The land has been subdivided and is currently described as Units 1, 2, 6, 7 of 2 McLeod Street, Doncaster. These properties do not have heritage significance.
- Amend the Schedule to Clause 43.01 - Heritage Overlay 203, to replace the word "No" with the words "Yes, VHR H2294" in the column "Included on the Victorian Heritage Register under the Heritage Act 1995".
- Amend the schedule to Clause 43.01 - Heritage Overlay HO191, by inserting reference to the Blacksmith Hut. The portable (mobile) Blacksmith's Hut is a rare (possibly unique) example of a travelling blacksmith's wagon in Victoria as there are no other examples recorded in current heritage databases. In 2015 the Warrandyte Historical Society successfully organised the relocation of the portable blacksmith hut from a private residence in Warrandyte to the Historical Society's grounds. The proposed change will identify this heritage asset. The Amendment will change the column "outbuildings or fences which are not exempt under Clause 43.01-3" by deleting the word "No" and replacing it with "Yes, Blacksmith Hut at 111 Yarra Street Warrandyte."
- Amend Map 2 HO155 to correct the boundary to Heritage Overlay (HO155 House –47-49 Smiths Road, Templestowe). The extent of the Heritage Overlay needs to be corrected to reflect the subdivision and redevelopment of the land known as 3 Aumann Drive; 1/5 Aumann Drive; 2/5 Aumann Drive; 3/5 Aumann Drive; and 4/5 Aumann Drive, Templestowe.
- Amend the Schedule to Clause 43.01 - Heritage Overlay 48 City of Manningham Municipal Offices- 699 Doncaster Road, Doncaster. The artworks and fountains referred to in the overlay no longer exist and as such the Schedule needs to reflect the current features of the site. The Amendment proposes to correct the inconsistencies by deleting the words "yes-artworks –fountains" in the column "outbuildings or fences which are not exempt under Clause 43.01-3". Further, the two trees identified in the heritage citation also no longer exist. As such, it is recommended to replace the words "Yes" with "No" in the column "Tree controls apply".
- Amend the Schedule to the Heritage Overlay 43 -463 Doncaster Road Doncaster. It is proposed to avoid repetition by deleting in the "Heritage Place" column the words "The Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the "Conservation Analysis and Policy" Meredith Gould Architects Pty Ltd (2011) as shown on the heritage overlay map." The same statement will remain in the column "where tree controls apply?".
- Amend the Schedule to Clause 43.01 -Heritage Overlay HO212 –Monterey Cypresses at 333, 339, 344 & 360 High Street Doncaster to correct the property address by replacing the suburb Doncaster with Templestowe Lower.

#### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the following objectives of planning in Victoria:

- to provide for the fair, orderly, economic and sustainable use, and development of land: Section 4 (1)(a);
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria: Section 4(1)(c); and
- to balance the present and future interests of all Victorians: Section 4 (1)(g).

#### **How does the Amendment address any environmental, social and economic effects?**

*Social, Economic and Environmental Effects*

The amendment will have positive social effects by assisting in the protection of a place of historical significance for the benefit of current and future generations and facilitating its ongoing use.

The amendment will have a positive economic impact, as the proposed change to the schedule will facilitate potential uses which retain the public access to the site and are for a purpose which respect the purpose for which the building was originally constructed or used. Council, as the landowner, will be able to ensure that only appropriate uses for the site are permitted.

In relation to the heritage corrections, the Amendment is expected to have positive social and economic implications by correcting errors and anomalies in the controls applying to privately owned land. It will provide greater clarity for landowners and will enable the land to be used and developed in an appropriate manner, particularly by removing the HO from land with no identified heritage values.

**Does the Amendment address relevant bushfire risk?**

The amendment does not impact on any considerations of bushfire risk.

**Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The Amendment meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.

The Amendment is consistent with Ministerial Direction 9 Metropolitan Strategy. The Metropolitan Strategy (Plan Melbourne: Metropolitan Planning Strategy 2014) includes a number of Outcomes, Objectives and Directions which have implications for the proposed Amendment.

**How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment is consistent with and supports the following elements of the State Planning Policy Framework (SPPF):

- Clause 15 Built Environment and Heritage identifies the need for planning to protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. In more specific terms the SPPF notes in Clause 15.03 the need to ensure the conservation of places of heritage significance. One of the strategies identified relates to the need to support adaptive reuse of heritage buildings whose use has become redundant.

**How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

The Amendment is consistent with the Local Planning Policy Framework including the Municipal Strategic Statement (MSS) of the Manningham Planning Scheme which encourages the protection of heritage places:

- Clause 21.11 (Heritage) of the MSS notes:  
Council is committed to preserving and enhancing cultural heritage places in the municipality. Some of the relevant strategies include the need *"to encourage the retention of the heritage fabric in development proposals, and consider the preparation of amendments to the heritage overlay schedule to allow prohibited uses where the use is unlikely to have a detrimental impact on adjoining land and which may assist with the ongoing preservation of the heritage building."*

4

- The Local Policy at Clause 22.03 'Cultural Heritage Policy' identifies the need to recognise, protect, conserve, manage and enhance identified cultural heritage places. It further notes the need to encourage the retention of cultural heritage places and ensure that these places are recognised and afforded appropriate protection to enrich the character, identify and heritage of the municipality.

*It is policy that the partial or complete demolition and/or removal of any building, structure or feature of identified cultural heritage significance will be strongly discouraged, in order to conserve the range and quality of cultural heritage places in the municipality.*

It is considered that the current planning controls restrict the use of the heritage building and could result in the building falling into a state of disrepair. By amending the schedule of the Heritage Overlay to allow for a prohibited use to be considered, the likelihood of the long term conservation of the building is likely to be increased.

#### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment has been prepared in accordance with State Government Practice Notes – *Writing a Local Planning Policy and Strategic Assessment Guidelines: for planning scheme amendments*.

In particular the Amendment makes proper use of the Victoria Planning provisions as it seeks to amend the existing Heritage Overlay Schedule and the maps to reflect heritage conditions. The amendment is consistent with *Planning Practice Note 1, Applying the Heritage Overlay* in particular as it relates to allowing a prohibited use of a heritage place.

- Liveable Communities and neighbourhoods: *Create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*
  - Direction 4.7: Respect our heritage as we build for the future. It is noted that Plan Melbourne refers to the fact that "the government recognises that, in some instances, public benefits flow from private-sector developments that involve significant heritage assets. This can include the conservation and adaptive reuse of heritage assets that would otherwise deteriorate and cease to contribute to Melbourne's economic development." The importance of adaptive reuse of heritage assets is the primary justification for the first part of this amendment relating to the Warrandyte South Hall site.

#### **How does the Amendment address the views of any relevant agency?**

The Amendment will be referred to the relevant agencies as part of the exhibition and notice of the Amendment.

#### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment has regard to the relevant requirements of the *Transport Integration Act 2010*.

The amendment will not have a significant impact on the transport system, as defined in the Act, as it would not in itself result in any increase in demand on the transport system.

### Resource and administrative costs

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not anticipated that the Amendment will have a significant impact on the resources and administrative costs of the responsible authority.

The Amendment will not result in an increase number of permit applications. Rectifying the anomalies may actually decrease the number of permit applications. It will provide further guidance on the type of information requirements. This is not considered likely to generate a significance increase in resources to Council.

### Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

- during office hours, at the office of the planning authority, Manningham City Council, 699 Doncaster Road, Doncaster
- at the Manningham website at [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au)
- Manningham Libraries

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

### Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert submissions due date]**.

A submission must be sent to:

Manager Economic and Environmental Planning  
Manningham City Council  
PO Box 1  
DONCASTER VIC 3108  
or submitted online at [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au).

### Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: **[insert directions hearing date]**
- panel hearing: **[insert panel hearing date]**

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO74	South Warrandyte Hall - 66-68 Hall Road, South Warrandyte	No	No	No	No	No	Yes/No	-	No
HO75	Tod Park & Parkinson property - 18-20 Hartley Road and 114-116 Jumping Creek Road, Wonga Park	No	No	Yes	Yes - tea rooms, cottage and office	No	No	-	No
HO76	Wyndover - 26 Hartley Road (Cnr. Moser Road), Wonga Park	No	No	Yes	Yes - fence remnant	No	No	-	No
HO77	Hartley Cottage - 30 Hartley Road, Wonga Park	No	No	Yes	Yes - fence remnant	No	No	-	No
HO78	Pavillion - 72 Hartley Road, Wonga Park	No	No	No	No	No	No	-	No
HO79	Warrandyte High School - 241 Heidelberg-Warrandyte Road, Warrandyte	Yes	No	No	No	No	No	-	No
HO80	House - 298 Heidelberg-Warrandyte Road, Warrandyte	No	No	No	No	No	No	-	No
HO81	Jenkins Homestead - 23 Hemingway Ave., Templestowe	Yes	No	No	No	No	No	-	No
HO211	Monterey Pines at 126, 128, 130, 132 & 138 High Street, Doncaster.	No	No	Yes	No	No	No	-	No
HO82	House - 131 High Street, Doncaster	Yes	No	Yes	No	No	No	-	No
HO83	Winter Park Heritage Precinct - 137, 137A, 139, 139A, 141, 141A and 143-149 High Street & 6-14, 9, 11, 11A, 15 and 17 Timber Ridge, Doncaster	-	-	-	-	Yes - Ref. No H1345	Yes	-	No

HERITAGE OVERLAY - SCHEDULE

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MANNINGHAM PLANNING SCHEME

SCHEDULE TO THE HERITAGE OVERLAY

11/12/2014  
C101

The requirements of this overlay apply to both the heritage place and its associated land.

PS Msp Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO1	Archaeological sites - Alexander Road, Warrandyte	No	No	Yes	No	No	No	-	Yes
HO2	"Nilija" - Alexander Road, Warrandyte	No	No	Yes	Yes - garage	No	No	-	No
HO3	House "Glenferm" - 10 Amberley Court, Bulleen	No	No	Yes	No	No	No	-	No
HO4	Templestowe Primary School No. 1395 (former) - 1-9 Anderson Street, Templestowe	Yes	No	No	No	No	No	-	No
HO5	Templestowe Memorial Hall - 11-13 Anderson Street, Templestowe	Yes	Yes	Yes	No	No	No	-	No
HO6	East Doncaster Hall - Andersons Creek Road, Doncaster East	Yes	No	Yes	No	No	No	-	No
HO7	Milgate Park Estate - Andersons Creek Road, Doncaster East	No	No	Yes	No	No	No	-	No
HO8	Coolibah - 13 Arunga Drive, Wonga Park	No	No	Yes	Yes - outbuildings, windmill/bore	No	No	-	No
HO203	Merlo - 17-25 Atkinson Street, Templestowe	No	No	Yes	No	No/Yes VHR H2294	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO43	Former Eastern Golf Club "Tullamore" and stables - 463 Doncaster Road, Doncaster <i>The Tree Protection Zone of Tree numbers 4, 27 and 82 as identified in the Conservation Analysis and Policy? Meredith-Gould Architects Pty Ltd (2011) as shown on the heritage overlay map.</i>	Yes	No	Yes Tree numbers 4, 27 and 82 as identified in the "Conservation Analysis and Policy" Meredith Gould Architects Pty Ltd (2011).	Yes - stables	No	No	-	No
HO44	Shire Offices (fmr) - 673 Doncaster Road, Doncaster	Yes	No	No	No	No	No	-	No
HO45	Doncaster Primary School No. 197 - 675-683 Doncaster Road, Doncaster	Yes	No	Yes - Algerian Oaks only	No	No	No	-	No
HO46	Church of Christ - 680 Doncaster Road, Doncaster	Yes	Yes	No	No	No	No	-	No
HO47	Clarke Hopkins & Clarke Office (former) - 694 Doncaster Road, Doncaster	Yes	No	Yes	No	No	No	-	No

HERITAGE OVERLAY - SCHEDULE

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MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1993?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO48	City of Manningham Municipal Offices - 699 Doncaster Road, Doncaster	No	No	Yes/No	No/Yes - artworks, fence/chain	No	No	-	No
HO215	House - 724 Doncaster Road, Doncaster	Yes	No	No	No	No	No	-	No
HO49	House - 763 Doncaster Road, Doncaster	Yes	No	No	Yes - timber outbuilding	No	No	-	No
HO50	"Plassey" - 891-893 Doncaster Road, Doncaster East	Yes	No	No	Yes - basework of conservatory	No	No	-	No
HO51	Inge & Grahame King House - 18 Drysdale Road, Warrandyte	-	-	-	-	Yes - Ref. No. H1313	Yes	-	No
HO52	Wonga Park Primary School No. 3241, Residence & Algerian Oak - 41 Dudley Rd, Wonga Park	No	No	Yes	No	No	No	-	No
HO53	Red Box tree - 4 Dudley Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO55	Allen Property - 42 Dudley Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO56	House - 61A (59) Dudley Road, Wonga Park	No	No	No	No	No	No	-	No
HO57	House - 9 Dundas Court, East Doncaster	No	Yes	No	No	No	No	-	No
HO58	Tiffany Heights - 9-11 Edgar Avenue, Wonga Park	No	No	Yes	No	No	No	-	No
HO216	House - 29 Edwin Road, Templestowe	No	No	No	No	No	No	-	No

MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO106	Adit Cold Mine - Part Reserve PS414269V and part 1A McIntyres Road, Park Orchards	No	No	No	No	No	No	-	No
HO107	Archaeological site - 69-129 McIntyres Road, Park Orchards	No	No	Yes	No	No	No	-	Yes
HO108	<del>House - 2 Melwood Street, Dandenong</del>	No	No	Yes	No	No	No	-	No
HO109	John & Val Reid House - 72 Macedon Road, Lower Templestowe	No	No	Yes	No	No	No	-	No
HO110	Alwyn Seir House - 74 Macedon Rd., Lwr. Templestowe	No	No	Yes	No	No	No	-	No
HO111	House - 12 Mahoneys Court, Warrandyte	No	No	No	No	No	No	-	No
HO113	A. H. Snelleman House (former) - 42 Melbourne Hill Road, Warrandyte	No	No	No	Yes - carport	No	No	-	No
HO114	Petty & Auslins Orchards - Monckton & Homestead Roads, Templestowe	No	No	Yes	Yes - packing shed	No	No	Plan No. 1 Incorporated under Clause 43.01-2 of the Manningham Planning Scheme, April 2008	No
HO115	'Caringa' - 1 Monckton Road, Templestowe	No	No	Yes	Yes - front fence, gate	No	No	-	No
HO116	Pontville & Monckton Gateposts - 6 Monckton Road, Templestowe	Yes	No	No	No	No	No	-	No

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MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO191	Warrandyte Township Heritage Precinct - Yarra & Brackenbury Streets, Russell and Mullens Roads, Warrandyte	No	No	Yes - English Oak at 77 Yarra Street & Pepper Tree at 111 Yarra Street only	No/Yes Blacksmith Hut 111 Yarra Street Warrandyte	No	Yes - applies to 95, 103 - 109, 163, 165, 167, 183 - 187, 189, 193 - 197 & 207 Yarra St only	-	No
HO192	'Yarra Lodge' (fmr. Hemsworth House) - 18 Yarra Street, Warrandyte	No	No	No	Yes - outbuildings	No	No	-	No
HO193	Shop & Residence - 36-38 Yarra Street, Warrandyte	No	No	No	No	No	No	-	No
HO194	Warrandyte Police Station (fmr) - 71 Yarra St., Warrandyte	Yes	No	No	No	No	No	-	No
HO195	Grand Hotel - 112 Yarra Street, Warrandyte	Yes	Yes	No	No	No	No	-	No
HO196	Diary Tree - 141 Yarra Street, Warrandyte	No	No	Yes	No	No	No	-	No
HO197	Warrandyte Mechanics Institute - 180-186 Yarra St., Warrandyte	No	Yes	No	No	No	No	-	No
HO198	Warrandyte Fire Station (fmr) - Cnr. Yarra Street & Mitchell Ave, Warrandyte	Yes	No	No	Yes - steel tower	No	No	-	No
HO199	Wine Hall (fmr) - 232-236 Yarra St., Warrandyte	-	-	-	-	Yes - Ref. No. H1150	Yes	-	No

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MANNINGHAM PLANNING SCHEME

PS Map Ref	Heritage Place	External Paint Controls Apply?	Internal Alteration Controls Apply?	Tree Controls Apply?	Outbuildings or fences which are not exempt under Clause 43.01-3	Included on the Victorian Heritage Register under the Heritage Act 1995?	Prohibited uses may be permitted?	Name of Incorporated Plan under Clause 43.01-2	Aboriginal heritage place?
HO212	Monterey Cypressess at 333, 339, 344 & 360 High Street, <del>Domester</del> Templestowe Lower	No	No	Yes	No	No	No	-	No
HO84	Mines - Great Southern' 27-41 Hodson Road, Warrandyte	No	No	No	No	No	No	-	No
HO85	Windrush - Homestead Road, Templestowe	Yes	No	No	No	No	No	-	No
HO86	Newman Grave Sites - Homestead Road & Wattles Lane, Templestowe	No	No	Yes	No	No	No	-	No
HO87	Homestead Boarding Kennels and Cartery - 12 Homestead Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO88	House - 97-99 Homestead Road, Wonga Park	Yes	No	No	No	No	No	-	No
HO89	Collage - 1 Hooper Road, Wonga Park	No	No	No	No	No	No	-	No
HO90	Hooper Cottage - 19 Hooper Road, Wonga Park	No	No	Yes	No	No	No	-	No
HO91	Former Naughton House and Rifle Factory - 7-11 and 13-15 Hutchinson Avenue, Warrandyte	-	-	-	-	Yes - Ref. No. H1314	Yes	-	No
HO204	House - 103 James Street, Templestowe	No	No	No	No	No	No	-	No
HO92	Motor Garage (Motor Body Works) - 133 James Street, Templestowe	Yes	No	No	No	No	No	-	No
HO94	Marshall's Post Office (former) - 76-78 Jumping Creek Road, Wonga Park	No	No	No	No	No	No	-	No

HERITAGE OVERLAY - SCHEDULE

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## 10.2 Planning Scheme Amendment GC42 - Environmentally Sustainable Development Policy - Consideration of Panel Report

Responsible Director: Director Planning & Environment

File No. T16/164

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*This report presents the findings of, and officers' response, to the Panel report which considered submissions to Amendment GC42 to the Darebin and Manningham Planning Scheme.*

*The exhibited Amendment proposes to change the Manningham Planning Scheme by:*

- *Introducing a new Clause 22.12 (Environmentally Sustainable Development) Policy into the Local Planning Policy Framework (LPPF) of the Manningham Planning Scheme;*
- *Changing Clause 21.10 (Ecologically Sustainable Development) to reflect the introduction of Clause 22.12; and*
- *Amending Clause 21.16 (Key References), to update recent reviews of documents.*

*The Councils jointly prepared the public notification of the Amendment. The Amendment was placed on public exhibition between 11 February 2016 and 15 March 2016. A total of eleven (11) submissions were received to the Amendment.*

*On 26 April 2016 Manningham Council resolved to request the Minister for Planning to appoint an Independent Panel to consider the submissions received in relation to the Amendment. A Panel hearing was held on 6 June 2016.*

*The Panel Report (See Attachment 1) recommends that Amendment GC42 to the Darebin and Manningham Planning Scheme be adopted as exhibited, subject to a number of minor changes relating to the inclusion of a sunset clause in the Manningham policy, amending a reference document and amending Darebin proposed clause 21.02.*

*Pursuant to section 27 of the Planning and Environment Act 1987, Council must consider the panel report before deciding whether or not to adopt the Amendment (with or without changes), or to abandon all or part of the Amendment.*

*It is recommended that Council adopts Amendment GC42 with changes as identified in Attachment 2 (responses to Panel recommendations) and reflected in Attachment 3 (Adoption Documents), and forward the Amendment as adopted to the Minister for Planning for approval in accordance with section 31 of the Act.*

## 1 BACKGROUND

- 1.1 Amendment GC42, proposes to change the Manningham Planning Scheme by:
- Introducing a new Clause 22.12 (Environmentally Sustainable Development) Policy into the Local Planning Policy Framework (LPPF) of the Manningham Planning Scheme;
  - Changing Clause 21.10 (Ecologically Sustainable Development) to reflect the introduction of Clause 22.12; and
  - Amending Clause 21.16 (Key References), to update recent reviews of documents.
- 1.2 The Amendment has been undertaken with Darebin City Council, as a second round of Councils to go through this process. The first round of Councils was known as the 'Joint Councils'.
- 1.3 Central to the Amendment is the introduction of Clause 22.12 (Environmentally Sustainable Development) into the Schemes, which strengthens the ability for the two Councils to consider Environmentally Sustainable Development (ESD) in their respective Local Planning Policy Framework (LPPFs).
- 1.4 The introduction of an ESD Policy will address a gap in the local planning policy framework to ensure that environmental performance is considered in the assessment of development proposals.
- 1.5 On 19 January 2016, the Minister for Planning authorised the preparation of Amendment GC42 subject to the following conditions:
- The prescribed information submitted for authorisation is combined into one amendment package referencing changes to both the Darebin and Manningham Planning Schemes.
  - Amend wording within the proposed Darebin Clause 22.12 to be consistent with the proposed Manningham Clause 22.12.
  - References to the Sustainable Design Assessment in the Planning Process (SDAPP) program are to be removed.
- 1.6 The Amendment was exhibited between 11 February 2016 and 15 March 2016. During the exhibition a total of 11 (eleven) submissions were received to the Amendment. Letters of support were received from 6 local Councils, including 3 of the Joint Councils (the Cities of Stonnington, Moreland and Yarra). Two letters of support were received from Municipal Association Victoria (MAV) and Council Alliance for a Sustainable Built Environment (CASBE). Two further submissions were received from Sustainability Victoria which supported the amendment with changes, and another submission from Urbis on behalf of Mirvac provided commentary.
- 1.7 The HIA made the only objecting submission. The main issues raised by HIA are as follows:
- *The Clause*
    - *overlaps and contravenes the role of the National Construction Code (NCC) for buildings;*



- *goes against decisions made at VCAT regarding what is reasonable for local government to require as part of a planning permit ;*
  - *has not been tested through a rigorous and comprehensive cost benefit analysis;*
  - *disregards the realities of the building process and that certain changes in construction detail may occur but should not be bound by the planning permit. Changes in construction detail are commonplace given changes to the availability or cost of materials, new technologies coming into the market affecting material choice and changes to the economic situation or budget constraints; and*
  - *would create enforcement issues and difficulties for the Relevant Building Surveyor;*
- *Housing affordability impacts have not been adequately considered.*
  - *Alternatives to additional planning scheme policies or permit requirements have not been adequately considered such as building product or design awards, demonstration projects, rebates, community events and expos, training and education programs for industry and consumers.*
- 1.8 The submissions were reported to the Council meeting on 26 April 2016, where Council resolved to request the Minister for Planning to appoint a Independent Panel under Part 8 of the *Planning and Environment Act 1987*, to consider the submissions in relation to Amendment.
- 1.9 On 27 April 2016, Council requested the Minister for Planning to appoint a Panel.
- 1.10 Following the Council resolution on 26 April 2016, a Panel was appointed on to consider Amendment GC42 to the Manningham Planning Scheme on 29 April 2016.
- 1.11 A Directions Hearing was held on 9 May 2016 to set the timetable for the hearing and to consider preliminary matters.
- 1.12 The Hearing was held on 6 June 2016. Council was represented by Maddocks Lawyers.
- 1.13 The report of the Panel is included as Attachment 1.

## **2 PROPOSAL/ISSUE**

- 2.1 Under section 27 (1) of the Act, Council must consider the Panel report before deciding whether or not to adopt the Amendment, with or without changes, or to abandon all or part of the Amendment.
- 2.2 The Panel has found that, with only minor changes, the changes proposed by the Amendment, are appropriate.
- 2.3 In summary, the Panel concluded that “the amendment is both sound and strategically justified.” It further noted that: “the issues raised by the HIA were comprehensively considered by the EEDAC (Environmental Efficiency Design Advisory Committee). The HIA has not introduced any new arguments or evidence that has persuaded the Panel to divert from the findings of the EEDAC report and the approach adopted by similar amendments which were ultimately approved by the Minister.”

- 2.4 The Panel was of the view that the Amendment is supported by, and implements the relevant sections of the State and local planning policy framework.
- 2.5 In more specific terms, the Panel considered all written submissions and it dealt with the following issues:
- Strategic planning context
  - HIA concerns
  - Suggested changes to the policy
- 2.6 The Panel discussed the concern raised by HIA as to whether the policies are necessary or appropriate. The main objection by HIA was an in principle objection as to the use of policies in planning schemes that will impose another layer of assessment and control that is not warranted in the development approval process. The Panel noted that the issues raised by HIA at the hearing were comprehensively considered by the EEDAC and introduce nothing that justifies diverting from the findings of the EEDAC report. In addressing the objection by HIA which criticised Councils for not undertaking any original or sufficient analysis of other development regulations, the Panel indicated that HIA itself has not introduced any new information, evidence or arguments to suggest the policies should not be supported.
- 2.7 The Panel highlighted the key findings of the EEDAC report:
- *There is a strong legislative and policy framework that supports the need for sustainable development and which recognises that both planning and building have a significant role to play in achieving it.*
  - *There is a role and a statutory obligation for planning to advance sustainability.*
  - *Whilst the existing State Planning Policy Framework and Victoria Planning Provisions provide a good starting point for the inclusion of sustainability, there are clear areas for improvement.*
  - *The role of planning in achieving sustainability is limited by the fact that it can only influence development that requires a planning permit.*
  - *A Statewide approach to sustainability in planning would be the most effective way to achieve the greatest sustainability outcomes; however, there is still a potential role for local policies to play in achieving greater local sustainability outcomes.*
  - *Any local approach should include a sunset clause that would enable the review of these policies upon the introduction of any Statewide approach.*
  - *The fact that the building regulatory system is generally not involved at the initial design stage of a development, when the orientation and internal layout of buildings is determined, can result in a less desirable design outcome, even though the minimum thermal; energy rating is met.*
  - *The involvement of planning at the initial site planning stage enables the orientation, internal layouts and sites development to be dealt with in a manner that may assist at the building approval stage in achieving the*

*best design outcome in achieving the minimum or even a higher thermal energy rating of the building.*

- *The approach to sustainability in planning schemes be further reviewed to provide a more coherent, strengthened approach to implementation. This should be based on a Statewide approach and include stronger, higher guidance in the State Planning Policy Framework and Clause 65, as a minimum, with consideration of a range of options.*

- 2.8 The Panel has supported the position adopted by the EEDAC and has re-emphasised that until a statewide approach is adopted, it is appropriate for the policies such as these be included in local planning policies. It further noted that the Minister for Planning supported the findings of the EEDAC and subsequently approved the six amendments (for the first round Joint Councils) thus creating a clear precedence for the merit of including ESD policies into the planning schemes.
- 2.9 The Panel indicated that until such time as a statewide approach is announced, for the sake of consistency, a sunset clause should be included in the Manningham policy. The Panel concluded that there is a strong policy support for the inclusion of the proposed ESD policies within the local planning policy framework. Refer Section 3.1 of Panel Report (Attachment 1).
- 2.10 In addressing the objection by HIA that the proposed policy contravenes the National Construction Code (NCC), the Panel concluded that the proposed policies will not contravene the NCC, but rather build upon them. The Panel highlighted the key findings of the EEDAC report:
- *All built form can incorporate elements of sustainability but there are divergent opinions as to when and how this is to be achieved and to what extent.*
  - *The fact that the building regulatory system is generally not involved at the initial design stage of a development, when the orientation and internal layout of buildings is determined, can result in a less desirable design outcome, even though the minimum thermal energy rating is met.*
  - *The involvement of planning at the initial site planning stage enables the orientation, internal layouts and site development to be dealt with in a manner that may assist at the building approval stage in achieving the best design outcome in achieving the minimum or even higher thermal energy rating of the building.*
  - *There is a clear need for an integrated planning and building approach to achieve sustainable outcomes.*
- 2.11 A further ground of objection raised by the HIA, which was discussed by the Panel was the extent of consistency with VCAT decisions and previous Panels. The HIA submission indicated that the proposed policies go against decisions made at VCAT regarding what is reasonable for local government to require as part of planning permits. The Panel noted that the HIA did not refer to any decision to support the submission made, and further did not introduce any new information or evidence that persuaded the Panel to divert from the findings of the EEDAC report. The Panel commented in the approach taken by VCAT: *“VCAT decisions have consistently supported the principle of sustainability and incorporating energy efficiency in development.*

*There has been variation on the decisions about how this is achieved, how far it should go and whether it should be a planning or building approval matter.”*

2.12 A further issue raised in HIA's submission is whether the policies have been tested through a rigorous and comprehensive cost benefit analysis and will impact on housing affordability. The Panel confirmed that the HIA had not introduced any new information, evidence or arguments to suggest the policies will have a negative cost benefit impact or that they will have a negative impact on housing affordability. The Panel referred to the key findings in the EEDAC report:

- *There are clear positive economic, social and environmental benefits to be gained through improved sustainable development outcomes in planning.*
- *The proposed Local Policies are unlikely to impose an unreasonable impost on the resources and administration costs of participating Councils.*
- *The consideration of ‘affordability’ should extend beyond construction and consider ongoing servicing costs.*
- *The Panel supports the findings of the EEDAC report.*

2.13 A further issue considered in the Panel report was whether there are alternatives to the planning approach to achieve sustainability. The Panel confirmed the previous findings of the EEDAC report which noted that other “initiatives are an important component in achieving sustainability development outcomes, however they need to be part of a package of measures supported by a strong and clear planning and building regulatory framework.”

2.14 HIA also raised the issue that the proposed policies create enforcement issues and difficulties for Building Surveyors. The Panel agreed with Council's submission that going forward there will be a need to develop a mechanism to ensure that ESD features committed to in planning permit are in fact implemented and incorporated in the buildings. The Panel noted that it did not see this as a reason why the policies should not be supported. The Panel further indicated that the issue was acknowledged by the EEDAC:

*“One of the benefits of the planning system is that where sustainability measures are proposed or required as conditions of a planning permit, there is the scope to enforce these approved developments to ensure the sustainability measures are implemented. What is required is a mechanism to facilitate this. This would normally involve an inspection of the completed development, which would require resourcing. An alternative may be for an applicant, or its consultant, to certify the required work has been undertaken.”*

2.15 The Panel considered HIA's suggested changes to the policy. In response to the objection by HIA that the statement relating to application requirements that “A sustainable design assessment will usually not need to be prepared by a suitably qualified professional”, the Panel noted that it did not consider the policy as written suggests there will never be the need for professional assistance in the preparation of an assessment. The Panel indicated that it is satisfied, based on the submissions of Council, that if such assistance is

required, and particularly for smaller projects which may not have professional design assistance, that the Councils can assist builders/developers through in house ESD support without having to engage in an independent ESD expert. For larger projects, which involve a variety of design professionals, the need to address ESD principles should not be onerous task for these professions. Consequently no change was recommended to the amendment in this matter.

- 2.16 A further issue considered by the Panel (refer Section 4.2, Attachment 1) was whether a specific reference document should be amended. The Panel agreed that the policy should reference the most relevant and up to date reference documents, and for that reason supported the proposed amendment to the policy. The Panel comments specifically related to the initial reference made in the policy to *Guide for Best Practice for Waste Management in Multi-Unit Developments* (Sustainability Victoria, 2010) as a reference document. Sustainability Victoria recommended that the reference be removed as the guide is no longer supported by Sustainability Victoria and has been removed from circulation. Sustainability Victoria also advised that the Metropolitan Waste and resource recovery Group is currently running the Improving Resource Recovery in Multi Unit Developments Program, to provide practical tools to help responsible authorities and applicants improve planning for waste management in multi unit developments. The Panel recommended that the Policy at Clause 22.12 be amended to replace reference to Guide for best Practice for Waste Management in Multi Unit developments with Improving Resource Recovery in Multi Unit Developments. This Panel recommendation is supported only in part by the deleting reference to the *Guide for Best Practice for Waste Management in Multi-Unit Developments* (Sustainability Victoria, 2010). The second part of the Panel recommendation is not supported in light of the advice received from Sustainability Victoria, as they have confirmed that it was never their intention that *Improving resource Recovery in Multi Unit Developments* be referenced in the Planning Scheme. Sustainability Victoria officers noted that the program is not complete and as such it is not designed as a guidance document.
- 2.17 The final issues addressed by the Panel related to the Eastern Golf Club site. It addressed Urbis's submission that although it was generally supportive of the amendment it sought clarification as to the extent of sustainability efforts required. The Panel agreed with Council's submission as to the advice that was provided in response to Urbis' queries, namely that not every criterion will be required for every development, ESD changes are unlikely to result in cost prohibited measures, and initiatives will be developed to minimise delays in the planning process. The Panel was satisfied that the concerns raised by Urbis were adequately addressed.
- 2.18 Further post exhibition changes identified by Darebin were discussed, however these changes specifically related to the Darebin MSS provisions.
- 2.19 The Panel's recommendations do not result in any major policy shift in respect to the planning controls, but rather seek to refine and clarify the controls.

**3 PRIORITY/TIMING**

- 3.1 Ministerial Direction No. 15 sets out the timeframe for completing the various stages in the planning scheme amendment process.
- 3.2 The *Planning and Environment Act 1987* requires Council to release the Panel Report to the public within twenty eight days of its receipt on 17 June 2016. Council released the report on 4 July 2016, well within the required time. Ministerial Direction 15 also requires Council to make a decision regarding whether or not to adopt an amendment within 40 business days of the date it receives the Panel's report.
- 3.3 Given that the Panel report was received on 17 June 2016, a decision regarding Amendment was required to be made by 12 August 2016.
- 3.4 In order to allow sufficient time to consider the Panel's recommendations and having regard to Manningham and Darebin Council meeting schedule, officers requested an extension of the time required to consider the Amendment.
- 3.5 If Council resolves to adopt Amendment, then Council must submit an adopted amendment under section 31 of the Act within 10 business days of the date the Amendment was adopted.

**4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 The proposed Amendment supports and implements many of the policies of the State Planning Policy Framework, specifically
  - Clauses 11: Settlement
  - Clause 12: Environment and Landscape Values
  - Clause 14: Natural resource Management
  - Clause 15: Built Environment and heritage
  - Clause 16: Housing
  - Clause 18: Transport
  - Clause 19: Infrastructure
- 4.2 The Amendment will also assist in implementing the policy directions outlined in the LPPF and the Municipal Strategic Statement in particular Clause 21.10 Ecologically Sustainable Development; Clause 21.12 Infrastructure; Clause 22.17 Eastern Golf Course Key Redevelopment Site Policy.
- 4.3 The proposed policy will assist in providing certainty to applicants in relation to application requirements for medium to large scale developments in relation to environmental sustainability. The policy is aimed at achieving best practice in environmentally sustainable development from the design stage through to construction and operation.
- 4.4 In addition the policy will provide planning certainty in relation to ESD by addressing the Building Code of Australia energy efficiency requirements at the early stages of the process.

**5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 All submitters to Amendment GC42 will continue to be kept informed about the status of the amendment as part of the amendment process.

**6 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION**

- 6.1 The ESD Policy is a specific initiative 4.1 in Council's Strategic Resource Plan 2015/2016 and responds to Strategic Objective 4-planning for where we live in the Council Plan 2013-2017.

**7 FINANCIAL RESOURCE IMPLICATIONS**

- 7.1 Planning scheme amendments are prepared and administered by the Economic and Environmental Planning Unit.
- 7.2 As noted in Council report on 26 April 2016, undertaking this amendment with Darebin City Council has reduced the overall advertising and Panel costs.

**8 SUSTAINABILITY**

- 8.1 Darebin and Manningham Councils have been advocates for sustainable development within their respective municipalities.
- 8.2 The Panel report makes reference to recent Tribunal decision, and the fact that the ESD policy is modelled on the joint Councils policies, which includes BESS as an assessment tool and reference document.
- 8.3 The achievement of sustainable development outcomes is likely to result in significant economic, social and environmental benefits. As noted in the EEDAC report and referred to the Panel report for GC42 "*there is a clear need for an integrated planning and building approach to achieve sustainable outcomes.*"

**9 REGIONAL/STRATEGIC IMPLICATIONS**

- 9.1 Both Councils are participating Councils in the Council Alliance for a Sustainable Built Environment (CASBE) Group. Manningham Council has supported the SDAPP (Sustainable Design Assessment in the Planning Process – the framework which supports BESS framework) and related assessment tools.
- 9.2 The amendment represents the second group of metropolitan Councils proposing to introduce an ESD Policy. The amendment for the first round of Councils was gazetted on 19 November 2015.
- 9.3 The Panel report highlights that, until a statewide approach is adopted, it is appropriate for ESD policies to be included in the local planning policies.

**10 CONSULTATION**

- 10.1 Darebin and Manningham Councils jointly prepared the public notification of the Amendment.
- 10.2 The Amendment was exhibited between 11 February 2016 and 15 March 2016.
- 10.3 A notice was placed in the Government Gazette on 11 February 2016.

- 10.4 A notice of the Amendment was placed in the Manningham Leader on 8 February 2016.
- 10.5 Amendment documentation was available at the Council office, City of Manningham corporate website and the Your Say Manningham website.
- 10.6 An information session was held at Manningham Council on Thursday 3 March 2016 from 6pm – 8pm at the Manningham Civic Centre. There were no attendees at that session.
- 10.7 In response to the exhibition of the Amendment, a total of 11 submissions were received. Of those submissions:
- 8 supported the Amendment;
  - 1 supported the Amendment with changes (Sustainability Victoria);
  - 1 provided commentary on the Amendment but did not amount to an objection) (Urbis on behalf of Mirvac); and
  - 1 objected to the Amendment (HIA).

## 11 COMMUNICATIONS STRATEGY

- 11.1 All submitters have been advised that the Panel Report is available and that the matter will be reported to Council. As noted previously, all submitters will continue to be kept informed about the progress of the Amendment.

## 12 CONCLUSION

- 12.1 The Panel has recommended that Amendment GC42 to the Manningham Planning Scheme should be adopted, subject to a number of minor changes. These include the addition of a 12 month sunset clause in the Manningham Policy in Clause 22.12 Environmentally Sustainable development (See Attachment 2); and amendment of Clause 22.12 to replace reference to *Guide for Best Practice for Waste Management in Multi Unit Developments* (Sustainability Victoria, 2010) with *Improving Resource Recovery in Multi Unit Developments*.
- 12.2 These changes are considered reasonable and appropriate to include in the version of the Amendment adopted by Council for submission to the Minister for Planning for approval.

## OFFICER'S RECOMMENDATION

That Council:

- (A) **Notes the content of the Panel report for Amendment GC42 to the Manningham Planning Scheme, as shown in Attachment 1.**
- (B) **Endorses the officers' recommendations in response to the Panel Report for GC42, as outlined in Attachment 2.**
- (C) **Pursuant to section 29 of the *Planning and Environment Act 1987* adopts Amendment GC42 generally in accordance with Attachment 3 and pursuant to Section 35 of that Act requests the Minister for Planning to approve that Amendment.**



**MOVED: HAYNES**  
**SECONDED: GALBALLY**

**That the Recommendation be adopted.**

**CARRIED**

“Refer Attachments”

Attachment 1 – Panel Report – Amendment GC42

Attachment 2 – Summary of Panel’s recommendation and Council officers’ response

Attachment 3 – Amendment GC42 documentation for adoption

\* \* \* \* \*

**ATTACHMENT 1**

*Planning and Environment Act 1987*

**Panel Report**

**Darebin and Manningham Planning Schemes  
Amendment GC42  
Environmentally Sustainable Development Policy**

**16 June 2016**



*Planning and Environment Act 1987*

Panel Report pursuant to Section 25 of the Act

Darebin and Manningham Planning Schemes  
Amendment GC42

Environmentally Sustainable Development Policy

16 June 2016

A handwritten signature in black ink, appearing to read 'Sue Porter', is written over a light grey rectangular background.

Sue Porter, Chair

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## List of Abbreviations

BESS	Built Environment Sustainable Scorecard
DELWP	Department of Environment, Land, Water and Planning
EEDAC	Environmental Efficiency Design Advisory Committee
ESD	Environmentally Sustainable Development
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
NCC	National Construction Code
SDA	Sustainable Design Assessment
SDAPP	Sustainable Design Assessment in the Planning Process
SMP	Sustainability Management Plan
SPPF	State Planning Policy Framework

## Executive Summary

### (i) Summary

Darebin and Manningham Planning Schemes Amendment GC42 (the Amendment) was prepared by the Darebin and Manningham Councils as Planning Authorities. As exhibited, the Amendment proposes to:

#### Darebin Planning scheme

- Introduce a new Clause 22.12 *Environmentally Sustainable Development* into the Local Planning Policy Framework
- Update Clause 21.02 *Environment* and Clause 21.03 *Housing* to reflect the introduction of Clause 22.12.

#### Manningham Planning Scheme

- Introduce a new Clause 22.12 *Environmentally Sustainable Development* into the Local Planning Policy Framework
- Update Clause 21.10 – *Reference Documents* to reflect the introduction of Clause 22.12
- Amend Clause 21.16 – *Key References* to update recent review of documents.

The proposed Amendment builds on the overarching environmentally sustainable development (ESD) objectives of the State Planning Policy Framework (SPPF), the Municipal Strategic Statements (MSS) and local policies contained within both the Darebin and Manningham Planning Schemes.

The policy seeks to ensure that all development that requires a planning permit achieves best practice across a wide range of ESD principles including energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

The purpose of the Amendment is to provide statutory weight to the current voluntary approach adopted for applications under the Sustainable Design Assessment in the Planning Process (SDAPP) program, setting policy objectives and application requirements for residential, mixed use and non-residential development.

This Amendment seeks to build on the collaborative Amendment process undertaken by the Cities of Banyule (C73), Moreland (C71), Port Phillip (C97), Stonnington (C177), Whitehorse (C130) and Yarra (C133) which introduced an ESD policy into their respective Planning Schemes.

An Advisory Committee/Panel was appointed by the Minister for Planning in June 2013 to consider these Amendments and to provide advice on the applicability and suitability of including environmental sustainability requirements in planning schemes. Whilst the Committee found that a Statewide approach incorporating both planning and building approval systems would be the best way to facilitate an increased focus on sustainability, it supported the Amendments until such time as a Statewide approach was prepared. The Minister ultimately approved the Amendments, with modifications.

Of the eleven submissions received to this Amendment, eight were in support, one provided commentary, one recommended changes and one objected. The objecting submission was from the Housing Industry Association (HIA).

The submission from the HIA was an in-principle objection which sought to reiterate many of the concerns raised by the Association during the EEDAC process. These issues were extensively considered by the EEDAC. The HIA did not raise any new issues and it did not present any new evidence to the Panel.

This report deals with the issues under the following headings:

- Strategic planning context
- HIA concerns; and
- Suggested changes to the policy.

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in those submissions, the Panel has been assisted by the information provided to it.

The Panel concludes that the Amendment is both sound and strategically justified. The issues raised by the HIA were comprehensively considered by the EEDAC. The HIA has not introduced any new arguments or evidence that has persuaded the Panel to divert from the findings of the EEDAC Report and the approach adopted in the similar Amendments which were ultimately approved by the Minister.

Based on the reasons set out in this Report, the Panel recommends:

**Darebin and Manningham Planning Schemes Amendment GC42 be adopted as exhibited subject to the following:**

1. **Include a 12 month sunset clause in the Manningham policy.**
2. **Amend both Clause 22.12 to replace reference to *Guide for Best Practice for Waste Management in Multi-Unit Developments* (Sustainability Victoria, 2010) with *Improving Resource Recovery in Multi-Unit Developments*.**
3. **Amend Darebin proposed Clause 21.02 in accordance with the changes identified in Appendix B.**

## 1 Introduction

### 1.1 Panel process

Darebin and Manningham Planning Schemes Amendment GC42 (the Amendment) was prepared by the Darebin and Manningham Councils as Planning Authority. As exhibited, the Amendment proposes to:

#### Darebin Planning scheme

- Introduce a new Clause 22.12 *Environmentally Sustainable Development* into the Local Planning Policy Framework; and
- Update Clause 21.02 *Environment* and Clause 21.03 *Housing* to reflect the introduction of Clause 22.12.

#### Manningham Planning Scheme

- Introduce a new Clause 22.12 *Environmentally Sustainable Development* into the Local Planning Policy Framework
- Update Clause 21.10 – *Reference Documents* to reflect the introduction of Clause 22.12; and
- Amend Clause 21.16 – *Key References* to update recent reviews of documents.

The Amendment was authorised by the Department of Environment, Land, Water and Planning (DELWP) on 28 April 2016.

The Amendment was placed on public exhibition between 11 February – 15 March 2016, with one opposing submission received.

At their meetings of 18<sup>th</sup> April 2016 and 26 April 2016, the Darebin and Manningham Councils respectively resolved to refer the submissions to a Panel. As a result, a Panel to consider the Amendment was appointed under delegation from the Minister for Planning on 28 April 2016 and comprised Sue Porter (Chair).

A Directions Hearing was held in relation to the Amendment on 9 May 2016.

The Panel then met in the offices of PPV on 6 June 2016 to hear submissions about the Amendment. Those in attendance at the Panel Hearing are listed in Table 1.

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Darebin and Manningham City Councils	Ms Christine Richardson, Planning Appeals Advocate assisted by Ms Melissa Thyer – Senior Strategic Planner - Darebin City Council and Ms Christine Rivero – Senior Strategic Planner – Manningham City Council
Housing Industry Association	Mr Michael Hermon, Assistant Director, Housing Industry Association (HIA)



## 1.2 The proposal

The Amendment proposes to:

### Darebin Planning scheme

- Introduce a new Clause 22.12 *Environmentally Sustainable Development* into the Local Planning Policy Framework; and
- Update Clause 21.02 *Environment* and Clause 21.03 *Housing* to reflect the introduction of Clause 22.12.

### Manningham Planning Scheme

- Introduce a new Clause 22.12 *Environmentally Sustainable Development* into the Local Planning Policy Framework
- Update Clause 21.10 – *Reference Documents* to reflect the introduction of Clause 22.12; and
- Amend Clause 21.16 – *Key References* to update recent review of documents.

#### (i) Purpose of the Amendment

The Amendment builds on the overarching environmentally sustainable development (ESD) objectives of the State Planning Policy Framework (SPPF), the Municipal Strategic Statements (MSS) and local policies contained within both the Darebin and Manningham Planning Schemes.

The policy seeks to ensure that all development that requires a planning permit achieves best practice across a wide range of ESD principles including energy efficiency, water resources, indoor environment quality, stormwater management, transport, waste management and urban ecology.

The purpose of the Amendment is to provide statutory weight to the current voluntary approach adopted for applications under the Sustainable Design Assessment in the Planning Process (SDAPP) program, setting policy objectives and application requirements for residential, mixed use and non-residential development.

## 1.3 Background to the proposal

Both Councils have a strong commitment towards achieving sustainable development, supported by their planning schemes and the implementation of the SDAPP program for many years.

SDAPP has however, been a voluntary program. Both Councils are seeking to provide statutory weight to this voluntary approach through the implementation of these policies.

This Amendment seeks to build on the collaborative Amendment process undertaken by the Cities of Banyule (C73), Moreland (C71), Port Phillip (C97), Stonnington (C177), Whitehorse (C130) and Yarra (C133) which introduced an ESD policy into their respective Planning Schemes.

An Advisory Committee/Panel was appointed by the Minister in June 2013 to consider these Amendments and to provide advice to the Minister for Planning on the applicability and suitability of including environmental sustainability requirements in planning schemes.

Whilst the Committee found that a Statewide approach incorporating both planning and building approval systems would be the best way to facilitate an increased focus on sustainability, it supported the Amendments until such time as a Statewide approach was prepared. The Minister ultimately approved the Amendments, with modifications.

#### **1.4 Issues dealt with in this report**

The Panel considered all written submissions, as well as submissions presented to it during the Hearing. In addressing the issues raised in submissions, the Panel has been assisted by the information provided to it.

The Panel notes that of the 11 submissions received, eight were in support, one provided commentary, one recommended changes; and one objected. The objecting submission was from the Housing Industry Association (HIA).

This report deals with the issues under the following headings:

- Strategic planning context
- HIA concerns; and
- Suggested changes to the policy.

## 2 Strategic planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed the policy context of the Amendment and made a brief appraisal of the relevant policy other relevant planning strategies.

### 2.1 Policy framework

#### (i) State Planning Policy Framework

Councils submitted that the Amendment is supported by the following clauses in the SPPF:

- **Clause 11.04-4 – Settlement – Liveable communities and neighbourhoods** – seeks to create healthy and active neighbourhoods and maintain Melbourne’s identity as one of the world’s most liveable cities. A strategy aims to achieve and promote design excellence.
- **Clause 11.04-5 – Settlement – Environment and Water** – seeks to protect natural assets and better plan our water, energy and waste management systems to create a sustainable city.
- **Clause 12 – Environment and Landscape values - Protection of biodiversity** – seeks to assist in the protection and conservation of Victoria’s biodiversity, including important habitat for Victoria’s flora and fauna and other strategically valuable biodiversity sites.
- **Clause 14.02 & 3 – Water – Water quality & Water conservation** – seek to protect water quality and ensure that water resources are managed in a sustainable way.
- **Clause 15.02-1 – Built Environment and Heritage - Sustainable development – Energy and Resource Efficiency** – seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.
- **Clause 16.01-1 – Residential development - Integrated housing** – seeks to promote a housing market that meets community needs, and in particular encourages housing that is both water and energy efficient.
- **Clause 16.01-4 – Residential development – Housing Diversity** – seeks to provide for a range of housing types to meet increasingly diverse needs; with a strategy being to encourage development of well-designed medium density housing which improves energy efficiency.
- **Clause 16.01-5 – Residential development – Housing Affordability** – seeks to promote the delivery of more affordable housing closer to jobs, transport and services; with a strategy being to promote good housing and urban design to minimise negative environmental impacts and keep costs down for residents and the wider community.

- **Clause 17 – Economic development** – seeks to facilitate development to consider risk averse measures for impacts such as climate change, recognising that minimising built form energy use also contributes to reducing peak load and strains on energy infrastructure and makes energy available to be used elsewhere in the supply system.
- **Clause 18.01-1 – Integrated transport – Land Use and Transport Planning** – seeks to create safe and sustainable transport system by integrating land use and transport.
- **Clause 18.02-1 – Integrated transport – Sustainable personal transport** – seeks to promote the use of sustainable personal transport; with one strategy being to ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport.
- **Clause 18.02-2 – Integrated transport – Cycling** – seeks to integrate planning for cycling with land use and development planning and encourage it as an alternative mode of travel.
- **Clause 19.01-1 – Infrastructure – Provision of renewable energy** – seeks to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.
- **Clause 19.03-2 – Infrastructure – Water supply, sewerage and drainage** – seeks to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.
- **Clause 19.03-3 – Infrastructure – Stormwater** – seeks to reduce the impact of stormwater on bays and catchments.

(ii) **Local Planning Policy Framework**

**Darebin Local Planning Policy Framework**

Council submitted that the Amendment supports the following local planning objectives:

- **Clause 21.01** – identifies sustainability as being central to the Council's missions that contains a goal of *"Sustainable and resilient neighbourhoods as part of achieving rapid transition to an environmentally sustainable city."*
- **Clause 21.02-3 – Environment – Built Environment** – seeks to promote and facilitate best practice environmentally sustainable design and promote sustainable living and business practices. It also encourages the preparation of Sustainable Design Assessments and Sustainability Management Plans for residential, mixed use, industrial and commercial developments as part of the planning permit approval process; and by providing specific local guidance and policy thresholds where the policy would apply.
- **Clause 21.03 – Housing** – seeks to encourage the preparation of Sustainable Design Assessments and Sustainability Management Plans for residential, mixed use, industrial and commercial developments as part of the planning permit approval process.

- **Clause 21.05 – Transport** – seeks to facilitate an integrated approach to transport and land use planning, which amongst other things, seeks to encourage sustainable transport modes to reduce parking demand.
- **Clause 21.05-3 – Physical and Community Infrastructure** - seeks to establish suitable approaches to both short and long term infrastructure needs as the City experiences new and more intensive development, including stormwater management.
- **Clause 22.06-3.1 – Multi-Residential and Mixed Use Development - Sustainability Objectives** – seeks to facilitate development that demonstrates the application of environmentally sustainable design principles, and in particular, to achieve highly energy and water efficient development; and to achieve sustainable development with a high level of internal amenity.

#### **Manningham Local Planning Policy Framework**

Council submitted the Amendment supports the following local planning objectives:

- **Clause 21.10– Ecologically Sustainable Development** – identifies the need to investigate the appropriateness of a Local Planning Policy to guide sustainable development for the municipality as further strategic work. It identifies energy conservation, water conservation, protecting human health, protecting and enhancing the built, natural and cultural environments as key ESD principles.
- **Clause 21.12 – Infrastructure** – notes an over-reliance on car based transport is an environmental and social concern and seeks to increase the usage of public transport, integrate the capture and re-use of water within developments and encourage the use of recycled water.
- **Clause 22.17 – Eastern Golf Course Key Redevelopment Site Policy** – reinforces the need for future development to respond to sustainable development principles and provide guidance in achieving sustainability in the most efficient way.

#### **(iii) Other planning strategies or policies used in formulating the Amendment**

##### **Darebin Housing Strategy 2013**

Seeks to support and facilitate residential development that responds to best practice environmental design guidelines and promote housing development on sites that exhibit good access to public transport infrastructure.

## **2.2 Planning scheme provisions**

Whilst not referred to by the Councils, the Panel notes the following particular provisions are also relevant.

Many of these were also identified by Mr Hermon in his submission on behalf of the HIA.

#### **(i) Particular provisions**

**Clause 52.34 Bicycle facilities** – This clause seeks to encourage cycling as a mode of transport and to provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities. The Clause specifies the bicycle facilities required to

be provided for a range of the uses, including a 'Dwelling' in developments of four or more storeys and commercial and industrial developments, as well as a range of community uses.

**Clause 54 – One Dwelling on a lot** – This clause seeks to implement the SPPF and the LPPF. In doing so, it also seeks to achieve residential development that provides reasonable standards of amenity for existing and new residents.

Specifically, Clause 54.01-1 *Neighbourhood and Site Description* requires a range of information be provided with an application, one of which is solar access to the site and surrounding properties. Clause 54.01-2 *Design response* specifies the design response must explain how the design responds to the site description and achieves the objectives of Clause 54. This Clause includes a number of specific objectives which relate to elements relevant to energy efficiency and these include the following:

- **Clause 54.03-4 – Permeability objective** – seeks to reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration. Standard A6 specifies a minimum area that should be covered by pervious surfaces, as well as a range of decision guidelines.
- **Clause 54.03-5 – Energy efficiency protection objective** – seeks to achieve and protect energy efficient dwellings and ensure the orientation and layout of development reduces fossil fuel energy use and makes appropriate use of daylight and solar energy. Standard A7 specifies dwellings should be oriented to make appropriate use of solar energy with specific reference to the location of windows and living spaces, emphasising developments should be designed so as not to unreasonably reduce the energy efficiency of existing dwellings on adjoining lots.
- **Clause 54.04-3 – Daylight to existing windows objective** – seeks to allow adequate daylight into existing habitable room windows and specifies a standard for how this is to be achieved.
- **Clause 54.04-4 – North-facing window objective** – seeks to allow adequate solar access to existing north facing habitable room windows and specifies a standard for how this is to be achieved.
- **Clause 54.05-1 – Daylight to new windows objective** – seeks to allow adequate daylight into new habitable room windows and specifies a standard for how this is to be achieved.
- **Clause 54.05-3 – Solar access to open space objective** – seeks to allow solar access into the secluded private open space of a new dwelling and specifies a standard for how this is to be achieved.

It needs to be recognised these only applies to single dwellings where a permit is triggered and does not apply to all single dwelling developments.

**Clause 55 Two or more dwellings on a lot and Residential Buildings** – This clause seeks to implement the SPPF and the LPPF. In doing so, it also seeks to achieve residential development that provides reasonable standards of amenity for existing and new residents (amongst others). Clause 55.01-1 – *Neighbourhood and Site Description* - requires a range of information be provided with an application, one of which is solar access to the site and surrounding properties. Clause 55.01-2 – *Design response* – specifies the design response must explain how the proposed design responds to the site description and achieves the

objectives of the Clause 54. This Clause includes a number of specific objectives which relate to energy efficiency including:

- **Clause 55.03-4 – Permeability objectives** – seeks to reduce the impact of increased stormwater run-off on the drainage system and to facilitate on-site stormwater infiltration. Standard B9 specifies a minimum area that should be covered by pervious surfaces, which can be varied in the Schedule to the zone.
- **Clause 55.03-5 – Energy efficiency protection objectives** – seeks to achieve and protect energy efficient dwellings and to ensure the orientation and layout of development reduce fossil fuel energy use and makes appropriate use of daylight and solar energy. Standard B10 specifies dwellings should be oriented to make appropriate use of solar energy with specific reference to the location of windows and living spaces emphasising developments should be designed so as not to unreasonably reduce the energy efficiency of existing dwellings on adjoining lots.
- **Clause 55.04-3 – Daylight to existing windows objective** – seeks to allow adequate daylight into existing habitable room windows and specifies a standard for how this is to be achieved.
- **Clause 55.04-4 – North-facing window objectives** – seeks to allow adequate solar access to existing north facing habitable room windows and specifies a standard for how this is to be achieved.
- **Clause 55.04-5 – Overshadowing open space objective** – seeks to ensure buildings do not significantly overshadow secluded private open space and specifies a standard for how this is to be achieved.
- **Clause 55.05-3 – Daylight to new windows objective** – seeks to allow adequate daylight into new habitable room windows and specifies a standard for how this is to be achieved.
- **Clause 55.05-5 – Solar access to open space** – seeks to allow solar access into the secluded private open space of a new dwelling and specifies a standard for how this is to be achieved.

### 2.3 Ministerial Directions

Council submitted the Amendment meets the relevant requirements of the following Ministerial Directions:

#### ***The Form and Content of Planning Schemes (s7(5))***

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

#### ***Ministerial Direction No 9 – Metropolitan Strategy***

The Amendment is consistent with the Ministerial Direction 9 (Metropolitan Strategy)

#### ***Ministerial Direction No 11 - Strategic Assessment of Amendments***

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments).

## **2.4 Discussion**

The Panel concludes the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework.

The Panel concludes that the Amendment is well founded and strategically justified subject to addressing the more specific issues raised in submissions as discussed in the following chapters.



### 3 HIA concerns

#### 3.1 Are these policies necessary or appropriate?

(i) **The issue**

Whether these ESD local policies are required or appropriate given the range of other policy and regulation that already exists?

(ii) **Evidence and submissions**

Mr Hermon on behalf of the HIA submitted it is not against incorporating ESD measures into development, but has a principle objection to the use of policies in planning schemes (as they apply to residential properties) that will impose another layer of assessment and control that is not warranted in the development approval process. Mr Hermon submitted that builders and developers are already required to obtain numerous approvals when building a house including building approval, approval for connection to water and drainage/sewerage requirements; and through these approvals, development is already meeting appropriate environmental design standards.

Mr Hermon submitted that four of the seven objectives in the proposed policies are already adequately addressed by the National Construction Code (NCC), these being Energy Efficiency, Water Resources, Indoor Environment Quality and Stormwater Management; and repeating them will only serve to create regulatory duplication which is contrary to the creation of more efficient local government system.

Mr Hermon also submitted that because the remaining three objectives, including Transport, Waste Management and Urban Ecology are already adequately dealt with through the SPPF and other particular provisions, they should not also be included in local policies. He submitted the policies, which require an application be accompanied by a Sustainability Management Plan (SMP) or a Sustainable Design Assessment (SDA), are premature and unnecessary, as often not all of the technical detail has been resolved and it is unreasonable to impose such requirements at this early stage. He submitted builders need flexibility in choosing producers and incorporating design amendment later in the design process and therefore this is not practical.

In support of his submission, Mr Hermon provided a table which cross referenced the proposed Clause 22.12 objectives and the other existing regulatory mechanisms, policy and guidelines.

Mr Hermon also submitted that in preparing this Amendment, the Councils have not undertaken any original or sufficient analysis of other development regulations and have just relied on the work of other Council's and EEDAC.

The Boroondara City Council supports the proposed Amendment, however, identifies its preference for these requirements to be included within the SPPF and the Building Regulations to ensure the same standards apply to all development, not just those subject to a planning permit. It was submitted that *"Our Council believe the introduction of standardised ESD requirements through the SPPF and/or Building Regulations would help*

*formalise this process and ensure there is consistency and certainty across Councils as to what is expected from applicants. This will help to expedite the planning permit process as the expectations and requirements will be clear and the need for further information requests reduced."*

**(iii) Discussion**

The Panel notes that whilst Mr Hermon criticised Councils for not undertaking any original or sufficient analysis of other development regulations in support of these Amendments, relying on the work of other Council's, the Panel notes the HIA itself has not introduced any new information, evidence or arguments to suggest the policies should not be supported. The arguments presented to this Panel are almost identical to those presented to and considered extensively by both EEDAC Hearing process; and Monash Amendment C113.

Whilst the HIA made it clear its objection relates to the principle of the Amendment, the issues it raised at this Hearing were comprehensively considered by the EEDAC and introduce nothing that justifies diverting from the findings of the EEDAC report.

The submissions also raised by Boroondara City Council were considered by EEDAC.

This Panel does not intend to repeat the EEDAC findings in detail, rather referring the reader to that report, but it will address some of the key finding, which included:<sup>1</sup>

- *There is a strong legislative and policy framework that supports the need for sustainable development and which recognises that both planning and building have a significant role to play in achieving it.*
- *There is a role and a statutory obligation for planning to advance sustainability.*
- *Whilst the existing State Planning Policy Framework and Victoria Planning Provisions provide a good starting point for the inclusion of sustainability, there are clear areas for improvement.*
- *The role of planning in achieving sustainability is limited by the fact that it can only influence development that requires a planning permit.*
- *A Statewide approach to sustainability in planning would be the most effective way to achieve the greatest sustainability outcomes; however, there is still a potential role for local policies to play in achieving greater local sustainability outcomes.*
- *Any local approach should include a sunset clause that would enable the review of these policies upon the introduction of any Statewide approach.*
- *The fact that the building regulatory system is generally not involved at the initial design stage of a development, when the orientation and internal layout of buildings is determined, can result in a less desirable design outcome, even though the minimum thermal/energy rating is met.*
- *The involvement of planning at the initial site planning stage enables the orientation, internal layouts and sites development to be dealt with in a manner that may assist at the building approval stage in achieving the best*

<sup>1</sup> Chapter 15.1

*design outcome in achieving the minimum or even a higher thermal energy rating of the building.*

- *The approach to sustainability in planning schemes be further reviewed to provide a more coherent, strengthened approach to implementation. This should be based on a Statewide approach and include stronger, higher guidance in the State Planning Policy Framework and Clause 65, as a minimum, with consideration of a range of options.*

The Panel supports the position adopted by EEDAC and re-emphasises that until such time as a consistent Statewide approach is adopted, it is appropriate for policies such as these to be included in local planning policies.

It is noted the Minister for Planning supported the findings of the EEDAC and subsequently approved the six Amendments; thus creating a clear precedence for the merit of including ESD policies into the planning schemes.

Nothing in the HIA submission has persuaded the Panel that it should adopt a different approach to this Amendment.

One area of difference relates to sunset clauses. The Panel notes the EEDAC recommended sunset clauses for the various policies, which were ultimately included in the policies approved by the Minister. Whilst the proposed Darebin policy has a sunset clause, the proposed Manningham Policy does not. At the Hearing, Ms Rivero on behalf of the Manningham Council, advised that the sunset clause was omitted based on the advice of DELWP as Council understood that an announcement about a Statewide approach to the ESD was imminent and therefore the sunset clause was not warranted.

Whilst a Statewide approach may be imminent, this Panel is not aware of anything being announced or any imminent release of a Statewide approach. Until such time as one is announced, for the sake of consistency, the Panel considers a sunset clause should be included within the Manningham policy.

#### **(iv) Conclusions and recommendation**

The Panel concludes there is strong policy support for the inclusion of the proposed ESD policies within the local planning policy framework and supports them.

The Panel recommends:

1. **Include a 12 month sunset clause in the Manningham policy.**

### **3.2 Contravenes the role of the National Construction Code**

#### **(i) The issue**

Whether the proposed policies will contravene the National Construction Code (NCC)?

#### **(ii) Submissions**

The HIA submitted that the proposed policies will overlap and contravene the role of the NCC for buildings.

Ms Richardson submitted the policy does not overlap or contravene the role of the NCC. She submitted the NCC only seeks to achieve minimum compliance, whereas considering and incorporating ESD at the planning stage allows an opportunity to exceed minimum compliance through using basic passive design principles which is best done at the project conception stage. She submitted the NCC does not cover passive design, water use reduction (except for class 1 buildings), stormwater pollution, materials, waste, bike parking and urban ecology which all need to be considered early to create a sustainable building. She submitted they do not necessarily add to the cost of a development, but rather require careful planning and design as if left to the building permit stage, many cannot be incorporated without costly changes and amendments to the planning permit.

Ms Richardson also made reference to the EEDAC report which addressed this issue and stated<sup>2</sup>:

*The Committee considers that there is little disagreement on this point; that is the minimum standards approach in the NCC is the 'bottom line' on this issue. The Committee does not consider this precludes, or should preclude, those Councils wishing to achieve a better outcome, provided it is not done via a mandatory control which imposes standards inconsistent with the NCC.*

and

*Whilst concern was raised the policies seek to achieve 'best practice' and this will lead to conflict with the objective of the NCC which seeks to prevent 'worst practice', in the Committee's opinion this need not be the case. Where planning consent is required for buildings and works, based on the objectives of the Planning and Environment Act 1987 and SPPF, it is reasonable to require an application to include an assessment that identifies the environmental targets and performance of a building.*

*As presently drafted, the SDAPP Fact Sheets recommend that design exceed the DTS provisions of the BCA. This is clearly the expressed outcome sought by Councils using the SDAPP process. The BCA sets the minimum standard, and the planning system through the SDAPP process encourages applicants to go further.*

*While this encouragement to achieve higher standards is of a non-compulsory nature, the Committee does not have significant concern that the planning system is usurping, rather than complementing, the building system. The fact that the SDAPP Fact Sheets are proposed to be reference documents in the local policies, should ensure that the 'encouragement' focus is retained, rather than a compulsory set of alternative standards ...*

*The Committee considers the development of a Statewide approach should specifically consider the role of building and how the planning system can complement it.*

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<sup>2</sup> Page 30

**(iii) Discussion**

The issues raised by the HIA were comprehensively considered by the EEDAC and the HIA has not introduced any new information or evidence that has persuaded this Panel to divert from the findings of the EEDAC report.

This Panel does not intend to repeat the EEDAC findings in detail, but rather refer the reader to Chapters 5, 6 and 7 of that report, but it will address some of the key finding, which included:<sup>3</sup>

- *All built form can incorporate elements of sustainability but there are divergent opinions as to when and how this is to be achieved and to what extent.*
- *The fact that the building regulatory system is generally not involved at the initial design stage of a development, when the orientation and internal layout of buildings is determined, can result in a less desirable design outcome, even though the minimum thermal energy rating is met,*
- *The involvement of planning at the initial site planning stage enables the orientation, internal layouts and site development to be dealt with in a manner that may assist at the building approval stage in achieving the best design outcome in achieving the minimum or even higher thermal energy rating of the building.*
- *There is a clear need for an integrated planning and building approach to achieve sustainable outcomes.*

The Panel supports the findings of the EEDAC report.

**(iv) Conclusions**

The Panel concludes the proposed policies will not contravene the NCC, but rather build upon them.

**3.3 Consistency with VCAT decisions and previous Panels****(i) The issue**

Are the proposed policies are consistent with the approach adopted by VCAT?

**(ii) Submissions**

The HIA submitted that the proposed policies go against decisions made at VCAT regarding what is reasonable for local governments to require as part of planning permits.

Mr Hermon submitted the HIA is aware of the various VCAT cases since 2003 which have considered whether it is appropriate that environmental sustainability should be dealt with through the planning or some other regulatory/development approval system. He submitted that what has come to light through these VCAT hearings and Panel reports is *“that planning approval is not a stand-alone approval that can or should attempt to provide all the solutions to all possibilities. Obtaining planning approval is the first statutory*

<sup>3</sup> Chapter 15.1

*approvals process when embarking on a development approvals process, the planning approval is vitally important as it establishes an in principle approval for a proposal to proceed along the development approvals process which include a range of private and public matters to be considered; securing further finance, building approval, agreements and contributions with servicing authorities, marketing strategies etc”.*

Ms Richardson referred to the substantial body of VCAT decisions identified in the EEDAC report which supported the need to incorporate ESD design into developments, and at an early stage. She also specifically referred to a recent VCAT - Red Dot decision in the matter of *G3 Projects Pty Ltd v Yarra CC & Anor* [2016] VCAT 373, dated 9 March 2016, which reviewed a decision by the Yarra Council to refuse a proposal for a 10 storey building on the grounds that it did not meet the ESD objectives in relation to adequate daylight contained within the recently introduced ESD policy. Ms Richardson submitted this decision emphasises that the policy calls for ‘best practice’, not acceptable or minimum ESD outcomes and that the use of BESS is one of the ways this is measured. She submitted this decision demonstrates continued support for the incorporation of ESD design features above and beyond minimum standards through the planning process.

**(iii) Discussion and conclusion**

The Panel notes that whilst Mr Hermon submitted the proposed policies go against decisions made at VCAT, he did not refer to any specific decisions in support of his submission.

The approach adopted by VCAT towards the issue of sustainability was comprehensively considered by the EEDAC, which stated:

*VCAT decisions have consistently supported the principle of sustainability and incorporating energy efficiency in development. There has been variation in the decisions about how this is achieved, how far it should go and whether it should be a planning or building approval matter.*

Chapter 5.3 of that report outlines the most relevant decisions. Rather than repeat them, the Panel refers the reader to that report.

Mr Hermon did not introduce any new information or evidence that persuaded this Panel to divert from the findings of the EEDAC report.

The Panel supports the findings of the EEDAC report and concludes that there should be no change to the Amendment.

### **3.4 Cost benefit analysis and housing affordability**

**(i) The issue**

Whether the policies have been tested through a rigorous and comprehensive cost benefit analysis and will impact on housing affordability?

**(ii) Submissions**

The HIA submitted that the proposed policies have not been tested through a rigorous and comprehensive cost benefit analysis and that there should have been a *“more analytical and*

*detailed response provided*” rather than relying on the work undertaken by EEDAC and the associated six Council’s that have policies in place.

Mr Hermon submitted the economic effects associated with this Amendment are negative and far reaching as the duplicated regulation will introduce added cost to the front end of development approvals process, which must then be passed on to the end purchaser, thereby impacting on housing affordability.

He also questioned whether Councils have the resources to properly implement the policies or whether assessments would need to be outsourced adding to processing delays and increased costs to the builder/developer.

Ms Richardson submitted the issue of cost benefit analysis was considered by EEDAC which found there are clear positive economic, social and environmental benefits to be gained through improved sustainable development outcomes in planning and quoted the EEDAC report stating:

*The proposed Local Policies are unlikely to impose an unreasonable impost on the resources and administrative costs of participating Councils.*

*The proposed Local Policies are unlikely to impose an unreasonable regulatory cost burden on applicants.*

She submitted that whilst EEDAC considered evidence in relation to cost benefit analysis, which was subject to cross-examination, the Committee identified that no other parties called evidence to refute the expert witnesses fundamental findings that *“For all the development types, including single dwellings, there is a significant positive cost benefit ratio.”*

Ms Richardson submitted the key benefit of including the proposed ESD policies in the planning scheme is that sustainable design can be cost effectively incorporated at the initial planning stage with little additional upfront cost and can minimise ongoing servicing and operating costs.

In response to Mr Hermon’s submission that the policies would have a negative impact on housing affordability, Ms Richardson referred to the EEDAC report<sup>4</sup> which stated:

*The Committee notes submissions that raise housing affordability as a reason for not implementing more effective sustainability outcomes. However, the Committee was not presented with evidence of this and numerous submitters suggested that improved life cycle costs over the life of the dwelling would more than negate higher capital costs, if indeed there are higher capital costs. In addition, the Committee agrees there is credence to the argument presented by Darebin City Council that affordability considerations need to go further than just construction cost, and should also consider ongoing servicing costs.*

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<sup>4</sup> Page 67

**(iii) Discussion**

The Panel notes that whilst Mr Hermon criticised Councils for not undertaking a rigorous and comprehensive cost benefit analysis, rather relying on the work of other Council's; the HIA has not introduced any new information, evidence or arguments to suggest the policies will have a negative cost benefit impact or that they will have a negative impact on housing affordability.

The Panel is aware these issues were comprehensively considered by the EEDAC. The Panel does not intend to repeat the EEDAC findings in detail, but rather refer the reader to Chapter 8 of that report, but it will refer to some of the key findings, which included:<sup>5</sup>

- *There are clear positive economic, social and environmental benefits to be gained through improved sustainable development outcomes in planning.*
- *The proposed Local Policies are unlikely to impose an unreasonable impost on the resources and administration costs of participating Councils.*
- *The consideration of 'affordability' should extend beyond construction and consider ongoing servicing costs.*

The Panel supports the findings of the EEDAC report.

The HIA has not introduced any new information or evidence that has persuaded the Panel to divert from the findings of the EEDAC report.

**(iv) Conclusions**

No change to the Amendment.

**3.5 Alternatives to a local policy have not been considered****(i) The issue**

Are alternatives to the planning approach to achieve sustainability?

**(ii) Submissions**

Mr Hermon submitted that the proposed ESD policies are not the most effective means to encourage the adoption of improved environmental buildings standards and innovation and that Councils could consider investing in capacity building educational and recognition programs, such as the HIA GreenSmart program.

Ms Richardson submitted that both the Darebin and Manningham Councils have been implementing SDAPP on a voluntary basis for many years now and provide support for builders and developers to assist with incorporating ESD features into developments. The introduction of these policies is intended to formalise an approach which is considered almost mainstream for residents and developers within the municipalities.

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<sup>5</sup> Chapter 15.1



**(iii) Discussion**

The Panel notes the effectiveness of the alternative approach identified by Mr Hermon was considered by EEDAC, which found *"Other initiatives are an important component of achieving sustainable development outcomes, however they need to be part of a package of measures supported by a strong and clear planning and building regulatory framework."*

This Panel supports this finding and refers the reader to the EEDAC report (Chapter 10) to read an analysis of a range of other initiatives which can be adopted to support sustainability. The Panel does not, however, see this as a reason to not support the Amendment.

**(iv) Conclusions**

No change to the Amendment.

**3.6 Enforcement issues and difficulties for a Building Surveyor****(i) The issue**

Whether the proposed policies create enforcement issues and difficulties for Building Surveyors?

**(ii) Submissions**

Whilst the HIA submitted the policies would create enforcement issues and difficulties for Building Surveyors in his initial submission to this Amendment, Mr Hermon did not discuss these issues at the Hearing.

**(iii) Discussion**

Despite being identified as issues by HIA, the Panel notes that Mr Hermon did not seek to make submissions relating to these issues at the Hearing. Through questioning, Mr Hermon withdrew any references to concerns in relation to enforcement.

In relation to difficulties experienced by the Building Surveyors, when questioned by the Panel, Mr Hermon advised the HIA had not received any complaints from Building Surveyors in relation to the implementation of the six existing policies approved by the Minister. He submitted the concern was raised by the Association Board in anticipation of the likely problems, rather than Building Surveyors themselves relating direct experience with the implementation of the policies.

The Panel asked similar questions of the Council and was advised the Council have not experienced any greater difficulties with/for Building Surveyors than usual. Darebin Council did acknowledge, however, that a potential issue relates to ensuring compliance with planning permits through to the building permit stage, ensuring ESD features are incorporated into the final built product. It was acknowledge this is an area where greater assurance of compliance and potentially enforcement will be required, and an area for process improvement. The Panel agrees with Council's submission that going forward there will be a need to develop a mechanism to ensure that ESD features committed to in a

planning permit are in fact implemented and incorporated in the building. The Panel does not, however, see this as a reason why the policies should not be supported.

The Panel notes this issue was acknowledged by the EEDAC<sup>6</sup> when it said:

*One of the benefits of the planning system is that where sustainability measures are proposed or required as conditions of a planning permit, there is the scope to enforce these approved developments to ensure the sustainability measures are implemented. What is required is a mechanism to facilitate this. This would normally involve an inspection of the completed development, which would require resourcing. An alternative may be for an applicant, or its consultant, to certify the required work has been undertaken.*

**(iv) Conclusions**

No change to the Amendment.

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<sup>6</sup> Page 48

## 4 Suggested changes to the policy

### 4.1 HIA suggested changes to Clause 22.12

#### (i) The issue

Whether changes are required to Clause 22.12-4 – *Application Requirements*?

#### (ii) Submissions

Whilst the original submission by the HIA submitted the proposed Table 1 – ESD Application Requirements and the Example Tool proposed (BESS, STORM) should be amended, at the Hearing, Mr Hermon clarified the Association's concern relates to the emphasis of the *Application Requirements* which state "A Sustainable Design Assessment ***will usually not need*** to be prepared by a suitably qualified professional" (Panel emphasis). He submitted this statement is misleading as there is a component of an SDA that will always need to be completed by a suitably qualified professional, and the need to engage this person will come at an unwarranted cost or benefit to the overall cost of the planning application. He submitted it should read "*may be needed*" to more accurately reflect the likely potential need to engage professional assistance in the preparation of the SDA.

Ms Richardson submitted that most people proposing to undertake developments engage the services of an architect or a draftsman who are capable of preparing the SDAs. Similarly, she submitted the tools provided are interactive and user friendly and that Council provides assistance to people who may be having difficulty in preparing the assessments. She also submitted that Council has been implementing SDAPP on a voluntary basis for many years now, and for the Darebin community, preparation of these assessments as part of development proposals is "*just business as usual*."

For this reason, the Councils were not supportive of the recommended change to the wording.

#### (iii) Discussions

Whilst the Panel recognises Mr Hermon's submission related to emphasis and transparency, the Panel does not consider the policy as written suggests there will never be the need for professional assistance in the preparation of an assessment. It just emphasises that in most instances Council does not consider that will be the case.

The Panel is satisfied, based on the submissions of Council, that if such assistance is required, and particularly for smaller projects which may not have professional design assistance, that the Councils can assist builders/developers through in-house ESD support without having to engage an independent ESD expert. For larger projects, which involve a variety of design professionals, the need to address ESD principles should not be an onerous task for these professionals.

#### (iv) Conclusion

No change to the Amendment.

## 4.2 Waste management

### (i) The issue

Whether reference to a specific reference document should be amended?

### (ii) Submissions

Sustainability Victoria submitted the policies refer to the *Guide for Best Practice for Waste Management in Multi-Unit Developments* (Sustainability Victoria, 2010) as a Reference Document; however, this guide is no longer supported by Sustainability Victoria and has been withdrawn from circulation. It recommended this reference be removed.

Sustainability Victoria also advised that the Metropolitan Waste and Resource Recovery Group is currently running the *Improving Resource Recovery in Multi-Unit Developments* program, with a key objective to provide practical tools to help responsible authorities and applicants improve planning for waste management in multi-unit developments. It acknowledged that whilst it is not a like-for-like replacement for the guide, it may be a more useful reference.

Both Darebin and Manningham Councils confirmed they agree with the comments of Sustainability Victoria and propose to amend the policies accordingly.

### (iii) Discussions

The Panel agrees that the policy should reference the most relevant and up to date reference documents; and for that reason supports this proposed amendment to the policy.

### (iv) Conclusion

## 4.3 Recommendation

The Panel recommends:

2. Amend Clause 22.12 to replace reference to *Guide for Best Practice for Waste Management in Multi-Unit Developments* (Sustainability Victoria, 2010) with *Improving Resource Recovery in Multi-Unit Developments*.

## 4.4 Eastern Golf Club site

### (i) The issue

The need to clarify what sustainability criteria needs to be met in order to reach an acceptable level of sustainability.

### (ii) Submissions

Urbis submitted that whilst generally supportive of the Amendment, it seeks clarification around the extent of sustainability efforts required and that the policy should clearly state that developments are not required to embrace every listed element. Furthermore, that the sustainability benefits should be considered against the cost and that Council should not impose cost-prohibitive sustainability features on any development.

Urbis also submitted that implementation of this policy should be matched by a commitment by Council to provide the resources required in order to process applications; as the likely future workload will be significant and should not cause unnecessary delays.

Ms Rivero submitted that Manningham Council advised Urbis in writing that the Policy Basis in Clause 22.12-1 states that it does not prescribe performance outcomes, but rather requires developments to demonstrate how the relevant objectives are met, and whilst there are seven categories, BESS only requires compliance with four to ensure intended minimum compliance, and as such, not every criteria will be required for every development.

In response to Urbis concerns in relation to cost prohibitive measures, Ms Rivero also advised that Council informed Urbis that the policy decision guidelines also refer to the need to consider *“Whether the proposed environmentally sustainable development initiatives are reasonable having regard to the type and scale of the development and any site constraints”*, thereby demonstrating some flexibility. Ms Rivero also outlined the range of initiatives proposed by Council to assist in the implementation of the policy to ensure it does not create unnecessary delays in the approval process.

Based on these responses, Ms Rivero submitted Urbis was satisfied and had no objection to the proposal.

#### **(iii) Discussions**

Whilst Ms Rivero submitted Urbis had responded positively to advice provided by Council in writing and no longer objected, the Panel was not provided with a letter that expressly states that.

Despite this, the Panel agrees with the responses provided by the Council to Urbis.

For these reasons, the Panel is satisfied that the concerns raised by Urbis have been adequately addressed.

#### **(iv) Conclusion**

No change to the Amendment.

### **4.5 Post exhibition changes identified by Darebin Council**

#### **(i) The issue**

Whether post exhibition changes should be made to the proposed Darebin ESD policy?

#### **(ii) Submission**

Ms Richardson advised that since the Council resolution of 18 April 2016, Darebin City Council officers became aware of several other changes that should be made to the exhibited Amendment, prior to approval. These include:

- Clause 21.02 - remove references to redundant policies; correct an error in the title of a reference document.

These changes are shown in Appendix B.

Ms Richardson submitted the changes are minor in nature and consistent with the Amendment.

Ms Richardson also submitted that post exhibition, Darebin Council has identified that Clause 21.05 – *Transport and Infrastructure* should also have been amended to reflect the proposed introduction of the ESD policy; however this did not occur. She submitted the changes are minor in nature and consistent with the Amendment; and suggested they should be dealt with as part of this Amendment.

Ms Richardson identified the additional changes required to Clause 21.05 include introduction of:

- Policy Guidelines – Apply Clause 22.12 *Environmentally Sustainable Development* in considering applications for residential and non-residential development.
- Introduction of headings.
- Deletion of the Stormwater Management Plan Review, 2007 as a Reference Document.
- Introduction of *Watershed: Towards a Water Sensitive Darebin City Council Whole of Water Cycle Management Strategy 2015-2025* and *Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025* as Reference Documents.

**(iii) Discussion**

In relation to the changes to Clause 21.02, the Panel agrees the proposed post exhibition changes are minor in nature, consistent with the Amendment and are not transformative. For that reason, the Panel supports the proposed post exhibition changes.

In relation to the proposed changes to Clause 21.05, whilst the Panel accepts they are minor, consistent with the intent of the Amendment and appropriate to make, the Panel is aware that the exhibited Amendment did not propose any changes to Clause 21.05. For this reason, the Panel will not make specific recommendations to change to this Clause, but is supportive of the proposed changes.

**(iv) Conclusion**

The Panel recommends:

- 3. Amend Darebin proposed Clause 21.02 in accordance with the changes identified in Appendix B.**

## Appendix A Submitters to the Amendment

No.	Submitter
1	Bass Coast Shire Council
2	City of Moreland
3	Municipal Association of Victoria
4	Council Alliance for a Sustainable Built Environment (CASBE)
5	City of Yarra
6	City of Stonnington
7	City of Boroondara
8	Sustainability Victoria
9	Yarra Ranges Shire Council
10	Mirvac Pty Ltd
11	Housing Industry Association

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## **Appendix B Proposed Post exhibition changes – Darebin**

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**21.02 ENVIRONMENT**

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This Clause provides local content to support Clause 11.03 (Open Space), Clause 12 (Environmental and Landscape Values), Clause 13 (Environmental Risks), Clause 14 (Natural Resource Management) and Clause 15 (Built Environment and Heritage) of the State Planning Policy Framework.

**21.02-1 Strategic Environment Framework**

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'The environment' encompasses all the circumstances, objects or conditions that surround us as we live, work and recreate – from the climate, soil, water and other living things to open spaces, buildings, and urban streetscapes. In land use planning, 'natural' and 'built' environments are generally distinguished separately as they are in the objectives. However, they are interconnected in how they interface and collectively contribute to the experience of life in Darebin. Council supports an approach to natural and built environments that:

- Protects and enhances natural environmental assets, in particular creek and habitat corridors, and manages visual and physical impacts from land use and development in a way that does not preclude accessibility and, where appropriate, the physical and visual integration between urban and natural environments.
- Promotes urban environments and open spaces designed for liveability and environmental sustainability, and making a positive contribution to the health and wellbeing of Darebin residents, workers and visitors.
- Recognises and protects areas and sites of natural, cultural and built heritage value.

Objectives and strategies for these are set out in the clauses below.

**21.02-2 Natural Environment****Overview**

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Areas of natural environmental significance in Darebin include native grasslands at Central Creek Reservoir and Cherry Street Macleod; two major creek systems (Merri and Darebin); significant remnant vegetation (River Red Gums at Mount Cooper and Bundoora Park), and native habitat forest (Gresswell Forest and Hill, and La Trobe Wildlife Sanctuary) which also support significant native animal species.

The Merri and Darebin Creeks, Gresswell Habitat Link and Hurstbridge Rail Reserve provide a cohesive network of natural spaces and corridors. Appropriate landscape and water management on land adjoining this network can contribute to the protection of these habitats. Additionally, areas around Darebin and Merri Creeks that are popular for recreation, cycling and walking require planning to ensure they are safe spaces to access.

Refer to the Strategic Framework Plan at Clause 21.01-6 showing areas of natural environment significance.

**Key Issues**

- Protection of remnant natural areas in Darebin from the impacts of development.
- Pressure for redevelopment of residential creek-side lots.
- Impact of industrial development on creek-side environs with regard to location of storage areas, car parking and design of the built form.
- Maintaining long term protection of remnant native vegetation in estates such as Springthorpe in Macleod and Mt. Cooper and Lancaster Gate in Bundoora.
- Impacts of land use activities on local and regional waterways through substances released into the stormwater system, run-off from roads, and litter.

- Maintaining a cohesive network of linked natural spaces and corridors to provide havens and corridors for wildlife and enhance water quality in the creeks.
- Balancing the need for preserving a natural landscape feel with the need for passive surveillance at interfaces between natural and built environments.

#### **Objective 1 – Protect and Enhance**

To protect, maintain and enhance Darebin's natural environment including the major creek systems.

##### **Strategies**

- Ensure that remnant vegetation is identified and conserved.
- Ensure that places and areas of natural heritage significance are conserved and enhanced.
- Encourage the use of indigenous vegetation and planting on private and public land to increase biodiversity.
- Manage landscapes in ways that contribute to the creation of a more ecologically sustainable natural environment.
- Ensure development of urban areas maintains or improves river and wetland health, waterway protection and flood plain health through appropriate stormwater and overland flow management and integrated water management planning of precincts.
- Provide for a consistent and coordinated planning approach to protect, maintain and enhance the natural, landscape, cultural and built character of the Darebin and Merri Creek environs.

#### **Objective 2 – Interfaces**

To achieve a balance between the protection of the natural environment and the safety and surveillance objectives of recreational users of public open space.

##### **Strategies**

- Ensure that land use and development is compatible and appropriately integrated with areas of natural heritage and environmental significance.
- Ensure that development adjacent to the Darebin and Merri Creeks retains and enhances each creek's unique contribution to the community and wider ecology.
- Balance the need to ensure the aesthetic impact of development adjacent to creeks is sensitive to existing creek environs, view lines and landscape works with the need to provide passive surveillance over creek-side environs, particularly around access points to public land and along pedestrian and cycling pathways.
- Consider fencing strategies for development adjacent to parks and reserves, which ensures fencing not only defines the transition from public to private realm but promotes good surveillance.
- Ensure development of private land adjoining the perimeter of Bundocra Park is designed and orientated to provide frontage to the park and avoid high fencing and expanses of wall at the park interface. Development should provide visual and physical connections to the park (via active frontages with appropriate land uses at ground level, pedestrian paths and links, and windows, terraces/balconies orientated to overlook the park) wherever possible.

##### **Implementation**

The strategies in relation to natural environment will be implemented through the planning scheme as follows:

*Policy Guidelines*

Apply Clause 22.03 Darebin Creek – Adjacent Land Design and Development in considering applications for development or subdivision of land adjacent to Darebin Creek.

*Application of Zones and Overlays*

- Apply the Public Conservation and Resource Zone over the Gresswell Habitat Link, Gresswell Forest Nature Conservation Reserve and Central Creek Grasslands.
- Apply Vegetation Protection Overlays to provide for the long term preservation of significant vegetation on the Mount Cooper, Springthorpe and Lancaster Gate Estates and the former Kingsbury Centre.
- Apply Environmental Significance Overlays to protect remnant vegetation sites and other areas of identified environmental significance.
- Apply Design and Development Overlays over private and public land adjacent to the Darebin and Merri Creeks to manage the impact of development on and provide appropriate interfaces with creek-side areas.
- Apply the Urban Floodway Zone and Land Subject to Inundation Overlay provisions as appropriate around waterways to minimise flood-related soil erosion, sedimentation and silting and to protect water quality.

*Further Strategic Work*

- Review the application of the Urban Floodway Zone along parts of the Merri, Darebin and Edgars Creeks.
- Review the Environmental Significance Overlays along Darebin Creek and Merri Creek to ensure that the boundary of each overlay covers areas where development is likely to have an impact on the creek environs.
- Review the *Darebin Creek Design and Development Guidelines (2000)* to inform preparation of a Design and Development Overlay for land adjacent to Darebin Creek.
- Review the *Development Guidelines for Merri Creek (Merri Creek Management Committee, 2004)* to inform preparation of a Design and Development Overlay for land adjacent to Merri Creek.
- Include an integrated water management plan and ecological improvement initiatives for Darebin Creek in the formulation of the Northland Structure Plan.

**Reference Documents**

Bundoora Park Master Plan 2012

Central Creek Grassland 5 Year Management Plan 2011-2016

Darebin Creek, Design and Development Guidelines, City of Darebin, 2000

Darebin Litter Plan 2011-2013

Darebin Open Space Strategy, 2007-2017 (2008)

~~Darebin Stormwater Management Plan Review, 2007~~

Development Contributions Plan

Development Guidelines for Merri Creek, Merri Creek Management Committee, 2004

Lower Darebin Creek Concept Plan, Parks Victoria/Melbourne Water, 1996

Merri Creek and Environs Strategy 2009-2014, Merri Creek Management Committee, 2009

Springthorpe Conservation Plan, February 2001

Springthorpe Tree Conservation Plans

[Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025](#)

[Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025](#)

### 21.02-3 Built Environment

16/10/2016  
Proposed GC42  
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#### Overview

The design and quality of the built environment, including buildings, public spaces, infrastructure and streetscapes plays an important role in enhancing civic pride, liveability and social connectedness, and provides opportunities for creating a more sustainable city.

Good urban design acknowledges the collective impact of development both within and beyond the boundaries of individual sites and enables positive outcomes for the public realm that enhance people's wellbeing and experience of the built environment.

Darebin City Council is committed to environmental sustainability and actively encourages sustainably-designed buildings that reduce energy consumption and water use, encourage recycling and sustainable transport and that use recycled and sustainable materials.

#### Key Issues

- Achieving high-quality design in development across a variety of urban environments, including activity centres and industrial/employment precincts.
- Impacts of large-scale development on streetscape amenity and pedestrian experience, and increased reliance on the public realm in providing visual appeal and amenity.
- How design might improve the interface and interaction of new developments with the public realm (including parks and open spaces).
- Incorporating Environmentally Sustainable Design (ESD) principles in the design and development of built environments and strengthening requirements at planning permit stage.

Striking a balance between the understandable need for businesses to advertise and community expectations for an environment devoid of unattractive visual clutter.

#### Objective 1 – Urban Design Excellence

To ensure development in Darebin exhibits good urban design and provides distinctive, attractive and engaging places in which to reside, visit or work.

#### Strategies

- Encourage high quality design and buildings that respond to characteristics of the locality.
- Develop and implement detailed design guidelines for areas where substantial housing change and growth is encouraged.
- Ensure that important public views and vistas, where identified in a strategy or guideline adopted by Council, are recognised, protected and enhanced.
- Apply urban design principles when developing structure plans, land use strategies, and urban design guidelines.
- Promote land use and development in activity centres, strategic corridors and strategic development precincts in accordance with adopted Structure Plans, precinct plans or strategies.
- Ensure development in activity centres, strategic corridors and strategic development precincts:
  - is responsive to its environment with a high quality appearance

- promotes an urban scale and character that is appropriate to the role and function of the activity centre or strategic corridor precinct
- encourages consolidation of commercial areas along strategic corridors to create strong, vibrant hubs to serve the local community
- manages negative off-site impacts and interface issues with surrounding sensitive land uses
- promotes visual and physical improvements to the public realm
- encourages a safe and accessible environment for pedestrians, cyclists, public transport users and motorists.
- Ensure that development in industrial and commercial areas:
  - achieves a high standard of building design and provides for suitable landscaping and treatments to improve the visual character, function and layout of such areas
  - minimises the impact of traffic, noise and emissions from industrial land uses on the amenity of surrounding residential areas
  - reduces and minimises conflict between industrial and non-industrial land uses.
- Encourage streetscape upgrades and street tree planting, particularly in areas where Substantial Housing Change is envisaged.
- Collect development contributions from private development for streetscape upgrades.
- Undertake streetscape upgrades to Edwardes Street, Broadway and other streets in Reservoir Activity Centre

#### **Objective 2 – Safe Urban Environments**

To promote safety through well-designed and well-maintained urban environments.

##### **Strategies**

- Encourage designs that incorporate elements that promote safety, such as clear sightlines, safe movement, passive surveillance, good connections, good access, mixed use and activities that promote public use.
- Ensure that public spaces, access routes and areas in the vicinity are attractive, safe, uncluttered and work effectively for all.
- Ensure new retail and/or mixed use development incorporates verandahs over footpaths where appropriate.
- Ensure that buildings at ground level provide active frontages and a high level of pedestrian amenity.
- Encourage day and evening activity in activity centres, other precincts and key development.
- Consider the above strategies in assessments and when developing strategies and urban design guidelines.

#### **Objective 3 – Environmentally Sustainable Design**

To promote and facilitate development that incorporates best practice environmentally sustainable design and promotes sustainable living and business practices.

##### **Strategies**

- Encourage the adaptive reuse of buildings to reduce the amount of waste going to landfill.

- Encourage the design of new and retrofitted buildings and public spaces to incorporate high standards of energy efficient design, water sensitive urban design, sustainable transportation, waste reduction and protection of biodiversity.
- Promote the integration of land use and sustainable transport (walking, cycling and public transport) in accordance with the strategies in Clause 21.05-1.
- Encourage best practice industrial and commercial development to minimise amenity impacts and achieve long term environmental sustainability.
- ~~Encourage~~ Require the preparation of Sustainable Design Assessments and Sustainability Management Plans for residential, ~~mixed use, industrial and commercial non-residential~~ developments as part of the planning permit approval process.

#### Objective 4 - Signage

To ensure signage is integrated into development and streetscapes.

#### Strategies

- Minimise visual clutter and prevent the proliferation of signs, particularly along major gateways, road reservations, commercial/retail areas and industrial estates.
- Ensure that outdoor signage presents a coordinated and high quality image.
- Ensure outdoor signage is located on the land to which it relates.
- Encourage simple, clear, consistent and non-repetitive advertising that is displayed in appropriate locations and planned as an overall signage package for a site.
- Ensure outdoor advertising is appropriate with regard to the architectural design of buildings on which signs are displayed.

Incorporate outdoor advertising into the design of new buildings and major renovations and ensure signage is planned for at the beginning rather than at the end of development.

#### Implementation

The strategies in relation to built environment will be implemented through the planning scheme as follows:

#### Policy Guidelines

- Apply Clause 22.01 Junction Local Area Plan in considering applications for use and development in the Junction Strategic Development Precinct.
- Apply Clause 22.04 Industrial and Commercial Activity in considering applications for use and development in the Industrial 1, Industrial 3 and Commercial 2 Zones.
- Apply Clause 22.05 High Street Corridor Land Use and Urban Design in considering applications for use and development in the High Street corridor.
- Apply Clause 22.06 in considering applications for Residential or Mixed Use Development in a Residential Growth Zone, Mixed Use Zone, Commercial Zone, Priority Development Zone and, where considered relevant, General Residential Zone.
- Apply Clause 22.08 Northcote Activity Centre in considering applications for use and development in the Northcote Activity Centre.
- Apply Clause 22.09 Preston Central (Incremental Change) in considering applications development in residential precincts of the Preston Activity Centre.
- Apply Clause 22.12 Environmentally Sustainable Development in considering applications for residential and non-residential development.

*Application of Zones and Overlays*

- Apply the Activity Centre Zone to activity centres, incorporating urban design frameworks and guidelines.
- Apply the Design and Development Overlay to ensure that key public views and vistas are protected and enhanced.
- Apply the Design and Development Overlay to sites and precincts to achieve specific desired built form outcomes, design principles and treatment of interfaces (as required by structure plans, strategies, or site studies).
- Apply Design and Development Overlays along strategic corridors to achieve high quality development in accordance with relevant urban design frameworks.
- Apply the Development Plan Overlay to strategic redevelopment sites and precincts.

*Further Strategic Work*

- Develop an Environmentally Sustainable Development Strategy that will:
  - establish a framework to coordinate the various environmental policies of Council and provide strategic directions for energy efficiency, waste management and integrated water management.
  - set design guidelines for achieving sustainable development that minimises energy and water consumption and encourages reuse of water and waste: [ams](#)
  - ~~provide the basis for preparation of a local policy to set performance measures and guide decision-making~~
  - provide the basis for other planning measures such as overlays for achieving sustainable development at both site and precinct scale.
- Prepare and implement Urban Design Frameworks and guidelines for development in:
  - Northland Activity Centre
  - Reservoir Activity Centre
  - Fairfield Village and Miller-on-Gilbert Neighbourhood Centres
  - Heidelberg Road Corridor
  - The Junction and Oakover Village Strategic Redevelopment Precincts.
- Review the *Preston Structure Plan 2006 (as amended)* and *Northcote Structure Plan (2007)* to ensure the strategic directions in these plans address contemporary issues and reflect the broader strategic vision for municipal growth and change.
- Review the *High Street Urban Design Framework (2005)* and implement Design and Development Overlay controls for intermodal areas of High Street.
- Review the *Bell Street Corridor Strategy (2006)* and implement Design and Development Overlay controls to encourage high quality development along the Bell Street Corridor.
- Identify important public views and vistas in the municipality.
- Explore opportunities to incorporate public art elements in high profile developments.
- Identify and support the delivery of streetscape upgrades in Substantial Housing Change areas.

**Reference Documents**

Bell Street Corridor Strategy, Hansen Partnership, 2006  
 Climate Change and Peak Oil Adaptation Plan, 2009

Community Climate Change Action Plan 2009-2020  
 Community Health and Wellbeing Plan 2009-2013  
 Darebin Community Safety Strategy 2012-2016  
 Darebin Housing Strategy 2013  
[Darebin Waste and Litter Strategy 2015-2025](#)  
~~Darebin Stormwater Management Plan Review, 2007~~ Green Streets Strategy 2013  
 High Street Urban Design Framework and High Street Study Precinct Guidelines, 2005  
 Northcote Activity Centre Structure Plan, 2007, and Medium and Low Change Residential Areas Precinct Guidelines, 2008  
 Northland Residential Neighbourhood Precinct Structure Plan, 2014  
 Plenty Road Integrated Land Use and Transport Study, 2013  
 Plenty Road Urban Design Framework, 2013  
 Preston Central Structure Plan 2006 (as amended) and Urban Design Framework and Guidelines, 2006  
 Reservoir Structure Plan, 2012  
 Residential Built Form Guidelines, 2014  
 Safer Design Guidelines for Victoria, 2005  
 St Georges Road Urban Design Framework, 2013  
~~Sustainable Water Strategy 2007~~  
~~Sustainable Water Use Plan, 2005~~  
 Urban Design Charter for Victoria, 2010  
~~Waste Management Strategy 2007–2014~~  
[Watershed: Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025](#)  
[Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025](#)

**21.02-4**

[Proposed GC42  
 clause](#)

**Heritage****Overview**

Darebin municipality's rich and diverse natural heritage and history of human settlement, from pre-contact inhabitation, through European colonisation to the modern era, has created a heritage fabric characterised by many layers and types of significance.

The extensive stock of older buildings can provide opportunities for redevelopment that demonstrate principles of cultural and ecological sustainability, possibly through adaptive reuse, urban design and architectural excellence. Some heritage places have the potential to increase and enhance local and regional tourism opportunities.

**Key Issues**

- Providing a balance between conservation needs and capacity for new infill development within heritage precincts to deliver a good design outcome.
- Balancing diversity of experience and conservation of biodiversity values around natural heritage assets.



**Objective 1 – Heritage Places and Areas**

To ensure that places and areas of cultural and natural heritage significance are conserved and enhanced.

**Strategies**

- Encourage the retention of any significant original fabric in development proposals.
- Discourage demolition or relocation of locally significant heritage buildings.
- Encourage appropriate use of heritage places in keeping with heritage significance.
- Identify and protect sites of identified Aboriginal cultural heritage significance.
- Identify and protect sites of natural heritage significance.

**Objective 2 – Development and Heritage**

To promote sympathetic infill and redevelopment of heritage places and areas.

**Strategies**

- Ensure development within heritage areas is sympathetic with the heritage character of the area.
- Ensure that redevelopment of heritage buildings and areas is visually compatible with existing forms.
- Promote innovative responses that makes a positive contribution to the heritage places and areas.
- Facilitate designs that are sensitive to heritage and urban character.
- Require conservation management plans for key sites prior to approval and commencement of works.

**Implementation**

The strategies in relation to heritage will be implemented through the planning scheme as follows:

*Application of Zones and Overlays*

- Apply the Heritage Overlay to places of local, regional, State or national heritage significance.
- Apply the Environmental Significance Overlay to places of natural heritage significance and culturally significant landscapes, trees and/or vegetation.

*Further Strategic Work*

- Review the Darebin Heritage Strategy, which should include the development of design guidelines on demolition and redevelopment of heritage places, and provide the strategic basis for development of a local policy to guide decision making.
- Prepare a Natural Heritage Study to identify sites of natural heritage significance and form strategies for ongoing conservation and management.

**Reference Documents:**

City of Darebin Heritage Study: Volume 3, Key Findings & Recommendations, 2008  
City of Darebin Heritage Study: Volume 4a, Preston Central Heritage Assessment, Key Findings and Recommendations, 2008  
City of Darebin Heritage Study, Volume 4b, Preston Central Heritage Place Citations, 2008  
Darebin Heritage Review Volumes 1, 2, & 3, 2002  
Darebin Housing Strategy 2013

City of Darebin Citations for Individually Significant Buildings, 1996

21.02-5  
Proposed  
GC42 GC42

## Open Space

### Overview

*Access to and enjoyment of open space is a key contributor to quality of life and local amenity. Council aims to improve the quality of open space and encourage the use and development of waterways and linkages. Priorities for managing open space are guided by the Darebin Open Space Strategy 2007-2017, which identifies and categorises open spaces by state down to local role, and the range of functions each space should fulfil.*

### Key Issues

- Darebin is a developed municipality with limited opportunities for creating additional open space. Existing open space is highly valued by the community.
- Provision of sufficient open space, particularly in higher density living precincts where there is higher reliance on for communal facilities for outdoor activities and recreation.

### Objective

To provide a safe, accessible and high quality open space network that is equitably distributed across the municipality.

### Strategies

- Encourage opportunities for public and communal open spaces adjacent to the creek environs.
- Protect and enhance existing open spaces where possible.
- Encourage linear open space linkages along waterways including pedestrian and bicycle access.
- Include provision for acquisition and improvement of open space in Development Contributions Plans.
- Consider opportunities for 'greening' in areas of higher density development, including alternative to traditional ground level landscaping e.g. green roofs and walls.

### Implementation

The strategies will be implemented through the planning scheme as follows:

#### *Application of Zones and Overlays*

- Apply the Public Park and Recreation Zone to all municipal reserves.
- Apply the Public Conservation and Resource Zone to undeveloped municipal reserves which contain significant levels of indigenous vegetation or high biodiversity values.
- Apply the Heritage Overlay to open space of recognised cultural and social heritage value.

#### *Further Strategic Work*

- Review and rezone public open space in accordance with relevant strategies.
- Review the Environmental Significance Overlays along Darebin Creek and Merri Creek to ensure that the boundary of each overlay covers areas where development is likely to have an impact on the creek environs.
- Undertake an assessment of the heritage significance of the City's older reserves as a basis for conservation planning and management, including Oldis Gardens, Johnson Park, L.W. Williams Reserve, JS Grey Reserve, Adam Reserve, Batman Park, Penders Park and AG Davis Reserve.

**Reference Documents**

Bundoora Park Precinct Master Plan, 2012  
 Darebin Open Space Strategy, 2007-2017 (2008)  
 Development Contributions Plan  
 Leisure Strategy 2010-2020  
 Playspace Strategy 2010-2020

**21.02-6**

16/10/2016  
 Proposed  
 GC42 C138

**Environmental Risk****Overview**

Environmental risk in land use planning encompasses a broad range of issues, including the efficient management and protection of natural resources, dealing with contaminated land and developing resilience to impacts of climate change and peak oil.

**Key Issues**

- Consideration in planning strategies and permit assessments about potential environmental risks, such as land contamination, noise and air pollution, as well as the impacts of climate change including flooding, soil erosion, wildfire and heatwaves.
- Efficient management and protection of natural resources and ensuring risks of contamination, soil erosion, oil spill and industrial runoff into water bodies are considered in assessments.

**Objective**

To ensure appropriate development in areas prone to environmental risk.

**Strategies**

- Require assessment of environmental risk, and as appropriate require environmental audits be undertaken, where a sensitive use is proposed on potentially contaminated land.
- Assess risk prior to development in flood prone areas, in accordance with relevant flood management plans.

**Implementation**

The strategies in relation to environmental risk will be implemented through the planning scheme as follows:

*Application of Zones and Overlays*

- Apply the Environmental Audit Overlay to potentially contaminated land that may be used for sensitive uses in accordance with the requirements of *Ministerial Direction No.1 – Potentially Contaminated Land*.
- Apply the Special Building Overlay to land in urban areas liable to inundation by overland flows from the urban drainage system as determined by, or in consultation with, the floodplain management authority.

*Further Strategic Work*

- Compile a register of non-conforming industrial sites for which a change to a sensitive land use is likely, with a view to applying the Environmental Audit Overlay.
- Develop a local planning policy for consideration of use or development of land which has potential for contamination to ensure proposed uses and developments are suitable, and require remediation of contaminated land to a level that is compatible with the desired future uses of the site.

**Reference Documents**

Climate Change and Peak Oil Adaptation Plan, 2009  
 Ministerial Direction No.1 – Potentially Contaminated Land  
~~Stormwater Management Plan Review, 2007~~ [Watershed Towards a Water Sensitive Darebin, Darebin City Council Whole of Water Cycle Management Strategy 2015-2025](#)  
[Watershed: Towards a Water Sensitive Darebin, Implementation Plan 2015-2025](#)

## ATTACHMENT 2

**Table 1: Summary of Panel Report Recommended Changes and Officers' Recommendations**

Panel Recommendation	Officers' Recommendation
<b>Amendment CG42</b>	
<p><u>Amendment GC42:</u></p> <p>Include a 12 month sunset clause in the Manningham Policy in Clause 22.12 Environmentally Sustainable Development.</p>	<p>Support changes to Manningham policy. Refer Section 2.9 of this report.</p>
<p>Amend Clause 22.12 to replace reference to <i>Guide for Best Practice for Waste Management in Multi Unit Developments</i> (Sustainability Victoria, 2010) with <i>Improving Resource Recovery in Multi Unit Developments</i>.</p>	<p>Partially support recommended change to Clause 22.12 by deleting reference to <i>Guide for Best Practice for Waste Management in Multi Unit Developments</i> (Sustainability Victoria, 2010).</p> <p>The inclusion of reference to with <i>Improving Resource Recovery in Multi Unit Developments</i> is not supported as discussed in Section 2.16 of this report.</p>
<p>Amend Clause 21.02 in accordance in the Darebin Planning Scheme with the changes identified in Appendix B.</p>	<p>This aspect of the Panel recommendation is addressed by Darebin Council. No change is required to Manningham Planning Scheme in relation to this.</p>

## ATTACHMENT 3

*Planning and Environment Act 1987*

## DAREBIN PLANNING SCHEME

## MANNINGHAM PLANNING SCHEME

## AMENDMENT GC42

## EXPLANATORY REPORT

**Who is the planning authority?**

This amendment has been prepared by the Darebin City Council and Manningham City Council who is the planning authority for this amendment.

The Amendment has been made at the request of Darebin City Council and Manningham City Council.

**Land affected by the Amendment**

The Amendment applies to all land at:

- Darebin City Council; and
- Manningham City Council (except for land affected by the Activity Centre Zone (Schedule 1) that applies to Doncaster Hill).

**What the amendment does**

The Amendment introduces a Local Planning Policy to ensure that development achieves best practice in environmental sustainability, from the design stage through to construction and operation.

It seeks to build on the collaborative process undertaken by the Cities of Banyule, Moreland, Port Phillip, Stonnington, Whitehorse and Yarra where a single Panel was appointed to hear all submissions received by the six Councils simultaneously. The combined planning scheme amendment was recently gazetted on 19 November 2015.

Darebin City Council, together with Manningham City Council, is participating as a second round group of metropolitan Councils proposing to introduce ESD Policy provisions in their planning schemes.

Specifically, the amendment:

**Darebin Planning Scheme**

- Introduces a new Clause 22.12 Environmentally Sustainable Development (ESD) into the Local Planning Policy Framework of the Darebin Planning Scheme; and
- Updates Clause 21.02 Environment, ~~and~~ Clause 21.03 Housing and Clause 21.05 Transport and Infrastructure to reflect the introduction of Clause 22.12.

**Manningham Planning Scheme**

- Introduces a new Clause 22.12 Environmentally Sustainable Development Policy (ESD) into the Local Planning Policy Framework of the Manningham Planning Scheme; and
- Changes the Municipal Strategic Statement (MSS) at Clause 21.10 (MSS) to reflect the introduction of Clause 22.12.
- Amends the MSS at Clause 21.16 Key References, to update recent reviews of documents.

The Policy proposes to introduce the following objectives to be satisfied where applicable:

- Energy Performance
- Water Resources
- Indoor Environment Quality
- Stormwater Management
- Transport
- Waste Management
- Urban Ecology

The proposed policy also sets out application requirements and dependent on the scale of the development, an applicant needs to demonstrate how the relevant policy objectives will be achieved by completing either a Sustainable Design Assessment (SDA) or a Sustainability Management Plan (SMP).

The proposed Policy is consistent with the recommendations from the Advisory Committee and Panel report on Environmentally Efficient Design Local Policies (7 April 2014).

### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

The amendment is required to strengthen the ability for the Responsible Authority to consider environmentally sustainable development (ESD) in the Local Planning Policy Framework (LPPF).

The Advisory Committee and Panel Report on the Environmentally Efficient Design Local Policies (7 April 2014) for the first group of Councils noted that the basic objective in introducing the proposed local policies is....

*"that development should achieve best practice in environmentally sustainable development, including from the design stage through construction and operation. It also aims to encourage innovative technology, design and processes in all development, which positively influence the sustainability of buildings".*

#### Darebin City Council

Preparation of an ESD Local Policy has been identified as a piece of further strategic work in the recently adopted and gazetted MSS Amendment C138 and is an implementation action in the Darebin Housing Strategy 2013.

#### Manningham City Council

The need to address this policy gap was identified in the Manningham Planning Scheme Review 2014 (Action R7) and the Manningham Residential Strategy 2012 (action 2.7). This latter action refers to the need to review ESD Guidelines for medium density development and identify appropriate mechanisms for inclusion in the Manningham Planning Scheme.

There is currently no requirement to submit information on sustainable design for medium density or small scale developments outside of the Doncaster Hill ACZ.

#### **How does the Amendment implement the objectives of planning in Victoria?**

The Amendment implements the following objectives of planning in Victoria:

- to provide for the fair, orderly, economic and sustainable use, and development of land: Section 4 (1) (a);

- to provide for the protection of natural and manmade resources and the maintenance of ecological processes and genetic diversity: Section 4 (1) (b);
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria: Section 4(1)(c); and
- to balance the present and future interests of all Victorians: section 4 (1) (g).

**How does the Amendment address any environmental, social and economic effects?**

The introduction of the ESD local policy will implement sustainable design principles in the planning process, resulting in improved sustainable development outcomes.

The achievement of sustainable development outcomes is likely to result in significant economic, social and environmental benefits. These benefits were identified by the Advisory Committee:

- "resilience to warming climate with amenity and health benefits;
- higher thermal performance of buildings leading to reduced energy consumption,
- lower peak demand, and better consumer outcomes,
- reduced water consumption;
- at a broader planning level better designed suburbs and urban environments, with improved social, environmental and economic outcomes."

The amendment is expected to have a positive effect by:

Environmental Effects

- requiring new buildings and additions to achieve greater levels of energy and water efficiency, indoor environmental quality, stormwater management, sustainable transport, waste management and urban ecology will have far reaching environmental benefits.

Economic effects

- maximising sustainable design at the planning stage and minimising the costs associated with retrofit and poor design will provide cost savings on utilities.

Social effects

- facilitating sustainable built form which is more affordable over the life of the building for commercial and residential occupiers, as ongoing servicing costs will be reduced, thus having a positive net community benefit.

**Does the Amendment address relevant bushfire risk?**

The amendment does not impact on any considerations of bushfire risk.

**Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act.

The Amendment meets the requirements of Ministerial Direction No 11 Strategic Assessment of Amendments.

The Amendment is consistent with Ministerial Direction 9 Metropolitan Strategy. The Metropolitan Strategy (Plan Melbourne: Metropolitan Planning Strategy 2014) includes a number of Outcomes, Objectives and Directions which have implications for the proposed Amendment. Relevant outcomes and objectives include:

- Liveable Communities and neighbourhoods: *Create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities.*
  - Direction 4.3: Create neighbourhoods and communities that support healthy lifestyles.
- Environment and water: *Protect our natural assets and better plan our water, energy and waste management systems to create a sustainable city.*
  - Direction 5.5: Integrate whole of water cycle management to deliver sustainable resilient urban development.
  - Direction 5.7: Reduce energy consumption and transition to clean energy
  - Direction 5.8: Plan for better waste management and resource recovery

The Amendment is not affected by any of the other Minister's Directions under section 12 of the *Planning and Environment Act 1987*.

#### **How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?**

The Amendment is consistent with and supports the following elements of the State Planning Policy Framework:

- Clause 11- Settlement:
  - 11.04-4 Liveable communities and neighbourhoods: To create healthy and active neighbourhoods and maintain Melbourne's identity as one of the world's most liveable cities. In particular one of the strategies aims to achieve and promote design excellence.
  - 11.04-5 Environment and Water: This element identifies the need to "protect natural assets and better plan our water, energy and waste management systems to create a sustainable city."
- Clause 12- Environmental and Landscape Values:
  - 12.01-1: Protection of Biodiversity: The objective of this policy is to "assist the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites."
- Clause 14.02: Water
  - 14.02-2: Water quality: This sets out the objective of protecting water quality; and 14.02-3 water conservation which sets out the objective of ensuring that water resources are managed in a sustainable way.
- Clause 15.02 sustainable development
  - Clause 15.02-1 Energy and Resource Efficiency: The objective indicates the need to "*encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*"
- Clause 16.01 Residential development
  - 16.01-1 Integrated housing. This policy sets out the objective to promote a housing market that meets community needs. Of particular relevance is the strategy which sets out the need to encourage housing that is both water efficient and energy efficient.
  - 16.01-4 Housing Diversity: The objective of this policy is to provide for a range of housing types to meet increasingly diverse needs. One of the strategy notes the need to encourage development of well-designed medium-density housing which: "... improves energy efficiency of housing.
  - 16.01-5 Housing Affordability: The objective of this policy promotes the delivery of more affordable housing closer to jobs, transport and services. It is relevant to note that one of the strategies is the improvement of housing affordability by:



"Promoting good housing and urban design to minimise negative environmental impacts and keep down costs for residents and the wider community."

- **Clause 18.02 Integrated Transport**
  - 18.01-1 Land use and transport planning: This policy sets out the objective to create safe and sustainable transport system by integrating land use and transport.
  - 18.02-1 Sustainable personal transport: This policy sets out the objective of promoting the use of sustainable personal transport. One of the strategies specifically relating to new development indicates the need to "ensure development provides opportunities to create more sustainable transport options such as walking, cycling and public transport."
  - 18.02-2 Cycling: The objective of this policy is to "integrate planning for cycling with land use and development planning and encourage as alternative modes of travel."
- **Clause 19 Infrastructure**
  - Clause 19.01-1 Provision of renewable energy: The objective of this clause is to promote the provision of renewable energy in a manner that ensures appropriate siting and design considerations are met.
  - Clause 19.03-2 water supply, sewerage and drainage: The objective of this clause indicates the need "to plan for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment."
- **Clause 19.03-3 Stormwater:** The objective of this policy is "to reduce the impact of stormwater on bays and catchments."

#### **How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?**

##### Darebin

Council has demonstrated its commitment to the voluntary Sustainable Design Assessment in the Planning Process (SDAPP) program since 2008. This commitment is embodied within the Municipal Strategic Statement (MSS) and includes several sections relevant to this amendment which include:

- Environment (21.02)
- Housing (21.03)
- Transport and Infrastructure (21.05)

These policies are similar in direction to the SPPF and provide further strategic justification for the proposed amendment.

The proposed amendment responds to the vision, objectives and strategies in the LPPF as follows:

- The policy aims to incorporate a range of important measures that seek to "promote and facilitate best practice environmentally sustainable design and promote sustainable living and business practices" under Clause 21.02-3 Built Environment.
- The policy seeks to "Encourage the preparation of Sustainable Design Assessments and Sustainability Management Plans for residential, mixed use, industrial and commercial developments as part of the planning permit approval process," by providing specific local guidance and policy thresholds where the policy would apply under Clause 21.02-3 Built Environment.
- The policy also builds on actions and strategies in the Darebin Housing Strategy 2013, also adopted in September 2014, which seeks "to support and facilitate residential

*developments that respond to best practice environmental design guidelines and promote more intensive housing development in sites that exhibit good access to public transport infrastructure" (Objective 5).*

- The amendment gives effect to the LPPF by establishing a clear framework through which key sustainability objectives will be addressed in the development process.

It is important to note, that there may be minor changes made to the MSS in accordance with Amendment C137, in the event that it is approved, will support the new policy.

#### Manningham

Council supports and encourages land use planning and development, design and construction using ESD principles. This commitment is embodied in Clause 21.10 Ecologically Sustainable Development in the MSS. The current Clause 21.10 of the MSS identifies as further strategic work the need to "investigate the appropriateness of a Local Planning Policy to guide ecologically sustainable development for the municipality.

The key ESD principles set out in Clause 21.10 are consistent with the proposed local policy. These include energy conservation, water conservation, protecting human health, and protecting and enhancing the built, natural and cultural environments.

Clause 21.10 of the Planning Scheme noted that ESD initiatives should incorporate current best practice, emerging technology and continuous innovation. The proposed policy provides the framework to ESD principles which are considered in the planning permit process.

The Amendment does not change the objectives or strategies in the current MSS provision. It merely introduces a number of new provisions to establish a clear link between the MSS and the new policy.

The Amendment is consistent with other provisions in the MSS, in particular Clause 21.05 Residential; Clause 21.06 Low Density; Clause 21.07 Green Wedge & Yarra River Corridor; Clause 21.08 Industrial, Clause 21.12 Infrastructure.

The Amendment is also consistent with other policies in the Scheme, in particular Eastern Golf Course Key Redevelopment Site Policy Clause 22.17, as it reinforces the need for future development to respond to sustainable development principles and providing guidance in achieving sustainability in the most efficient way.

#### **Does the Amendment make proper use of the Victoria Planning Provisions?**

The Amendment has been prepared in accordance with State Government Practice Notes – *Writing a Local Planning Policy and Strategic Assessment Guidelines: for planning scheme amendments.*

In particular the Amendment makes proper use of the Victoria Planning provisions as:

- the MSS includes broad strategic support for the local policy position; and
- local planning policies are appropriate tools to guide decision making in relation to a specific discretion.

#### **How does the Amendment address the views of any relevant agency?**

The Amendment ~~was~~ will be referred to the relevant agencies as part of the statutory exhibition and notice of the Amendment.

Sustainability Victoria requested that the *Guide for Best Practice for Waste Management in Multi-Unit Developments (Sustainability Victoria 2010)* is removed as a reference document from the ESD Policy as it is no longer current, nor supported by Sustainability Victoria and has been withdrawn from circulation. This change is supported and the documents have been amended accordingly.

#### **Does the Amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment addresses the relevant requirements of the Transport Integration Act 2010.

The amendment will not have a significant impact on the transport system, as defined in the Act, as it would not in itself result in any increase in demand on the transport system.

The amendment is consistent with the transport system objectives of the Act, in particular those contained in Section 10 – Environmental Sustainability.

#### **Resource and administrative costs**

- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

It is not anticipated that the Amendment will have a significant impact on the resources and administrative costs of the responsible authority.

The Amendment is not considered likely to generate a significance increase in resources to Council as it will not result in an increased number of permit applications.

The policy will provide a transparent and consistent framework for decision-making, reducing resources currently required to negotiate planning outcomes.

#### **Where you may inspect this Amendment**

The Amendment is available for public inspection, free of charge, during office hours at the following places:

##### Darebin City Council

- Darebin City Council Office at 274 Gower Street, Preston.
- Preston Library, 266 Gower Street, Preston.
- Northcote Library at 32-38 Separation Street, Northcote.
- Reservoir Library at 17 -21 Ralph Street, Reservoir.

Darebin City Council's website:

- The amendment documentation maybe viewed at [www.darebin.vic.gov.au](http://www.darebin.vic.gov.au)
- Also visit Darebin's website 'What is Going On?' <http://www.darebin.vic.gov.au/Building-and-Business/Planning-and-development/Whats-Going-On>
- Alternatively visit Darebin's Planning Services Consultation website at [www.yoursaydarebin.com.au](http://www.yoursaydarebin.com.au)

##### Manningham City Council

- Manningham City Council Office, 699 Doncaster Road, Doncaster
- Manningham Libraries
- Manningham website [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au)

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.delwp.vic.gov.au/public-inspection](http://www.delwp.vic.gov.au/public-inspection).

#### **Submissions**

~~Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by Tuesday 15 March 2016.~~

~~A submission must be sent to:~~

~~Darebin City Council~~

~~Coordinator Strategic Planning  
Darebin City Council  
PO Box 94  
Preston Victoria 3072  
Or via email: [planningservices@darebin.vic.gov.au](mailto:planningservices@darebin.vic.gov.au)  
Fax: 8470 8877~~

~~Manningham City Council  
Manager Economic and Environmental Planning  
Manningham City Council  
PO Box 4  
DONCASTER VIC 3108  
or submitted online at [www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au)~~

~~**Panel hearing dates**~~

~~In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:~~

- ~~• directions hearing: To commence in the week of 2 May, 2016~~
  - ~~• panel hearing: To commence in the week of 30 May 2016~~
- ~~—~~

### 10.3 Heritage Restoration Fund 2016/2017 - Consideration of Applications

Responsible Director: Director Planning & Environment

File No. T16/175

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*The purpose of this report is for Council to consider applications for funding through Council's Heritage Restoration Fund 2016/2017.*

*There are two types of funding available. The Heritage Restoration Fund provides the owners of properties listed in the heritage provisions of the Manningham Planning Scheme with the opportunity to apply for a small grant to assist with the maintenance and restoration of significant heritage buildings and other places of interest. The Heritage Restoration Fund (Trees and Gardens) is intended to assist owners of properties with identified significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply to provide for the longevity of the identified tree(s) and/or garden.*

*Council allocated a total of \$35,000 to the Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) in its 2016/2017 budget. A total of sixteen (16) applications have been received. Of these, nine (9) applications relate to building restoration works and a further seven (7) applications relate to trees and gardens.*

*Council's Heritage Advisory Committee has considered and made recommendations to Council in relation to these applications for funding. This report recommends that Council endorses allocation of funds as follows:*

- *Heritage Restoration Fund: Nine (9) applications supported totalling \$29,722.40; and*
- *Heritage Restoration Fund (Trees and Gardens): Five (5) applications supported totalling \$ 4,728.00.*

#### 1 BACKGROUND

1.1 The Heritage Restoration Fund has now operated successfully for over twenty years. One funding round is held each year. There are two types of funding available:

- The *Heritage Restoration Fund* provides the owners of properties listed in the heritage provisions of the Manningham Planning Scheme with the opportunity to apply for a small grant to assist with the maintenance and restoration of significant heritage buildings and other places of interest.
- The *Heritage Restoration Fund (Trees and Gardens)* is intended to assist owners of identified significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply to provide for the longevity of the identified tree(s) and/or garden.

- 1.2 The owners of all existing heritage places with a Heritage Overlay under the Manningham Planning Scheme and those properties listed in the Vegetation Protection Overlay Schedule 5 (VPO5) were individually notified of the funding round by mail, with advice that this year's funding round would close on 1 July 2016 (Refer to Attachment 1). A copy of Council's 'Heritage Update' newsletter was also supplied to property owners (a total of 418 letters were mailed out).

## 2 PROPOSAL/ISSUE

- 2.1 A total of nine (9) applications have been received for the Heritage Restoration Fund (building restoration works) compared to (16) applications during 2015/2016. Seven (7) applications have been received for the Heritage Restoration Fund (Trees and Gardens) for 2016/2017 compared to twelve (12) applications in the 2015/2016 financial year.
- 2.2 At its meeting on 13 July 2016, Council's Heritage Advisory Committee (HAC) considered the applications for funding and made recommendations in relation to each application. Projects were assessed in line with Council's Heritage Restoration Fund 2016/2017 Policy and Guidelines (Refer Attachment 1). The Committee supported the allocation of funds to nine (9) of the Heritage Restoration Fund applications and five (5) of the Heritage Restoration Fund (Trees and Gardens) applications.
- 2.3 The applications for funding not supported by the HAC consist of two (2) applications under the Trees and Gardens funding as follows:
- 23 Old Warrandyte Road, Donvale
- 2.3.1 The application for funding relates to the removal of an elm tree that is likely to cause damage to the house as it is located within a verandah area and 1.5m from the house.
- 2.3.2 The property forms part of the Old Warrandyte Road Heritage Precinct. This precinct has historic significance as an example of orchard area where trees were planted as windbreaks. The aesthetic significance relates to the evocative nature of the cultural landscape, where the rural character is enhanced by the early fences and informal walking tracks. The most dominant characteristic of the precinct is the forest woodland character created by the mature pine trees. The elm tree subject of this proposal does not form part of the woodland character associated with the mature pine trees.
- 2.3.3 Most of the houses in the precinct are well set back and are not a significant visual element. The conservation of the house on the site is not referred in the Heritage Overlay.
- 2.3.4 The allocation for funding was not supported by the HAC as the conservation of the house is not referred to in the citation to the Heritage Overlay. No funding allocation is recommended for the non significant fabric of the house and the likely damage caused by the tree.
- 2.3.5 More particularly, the proposed works do not satisfy the assessment criteria specified in the related Policy and Guidelines, in particular (1); (4).

Winter Park Body Corporate, 141A High Street, Doncaster

- 2.3.6 This retrospective application for funding relates to the pruning of all trees in the common property area.
- 2.3.7 Also part of the Winter Park Estate, the site is of state architectural and historical significance as a pioneer cluster subdivision. It also has aesthetic significance for its outstanding landscape and architectural design qualities, which was designed by Ellis Stones.
- 2.3.8 The works, which were undertaken last year, were not identified as being of an urgent nature, so the proposed funding for the retrospective works is not supported.
- 2.3.9 In accordance with the assessment criteria (2) and the nominated assessment priorities (16), the allocation was not supported by the Committee.
- 2.4 The Heritage Restoration Fund and Policy Guidelines which guide the allocation of the funding, specify that no more than 50% of the total costs of the completed works are eligible for funding and include specific criteria for the assessment of applications. Having regard to the criteria, the HAC has recommended that nine (9) applications relating to conservation work be supported for up to 50% of the total cost of the works (refer to Attachment 2). The criteria used in allocating funding relate to matters such as the nature of the works, the heritage significance of the place, the materials proposed, the urgency of works and the demonstrated hardship arising from the conservation works.
- 2.5 With regard to the applications received under the Heritage Restoration Fund (Trees and Gardens), the Committee has recommended five (5) applications for funding of 50% of the total cost of the works (refer to Attachment 3).
- 2.6 A summary of the assessments for building and works is provided below:

29 Edwin Road, Templestowe

- 2.6.1 The site is significant for its former dairy buildings. They are rare surviving evidence of farming activities in a now suburban area.
- 2.6.2 The proposal meets the assessment criteria (1) due to the local and aesthetic significance; (2) as it is of an urgent nature and (3) as proposed works being carried out will be under the guidance of Council's Heritage Advisor.
- 2.6.3 Even though previous funding was allocated last year towards tree protection and the works as part of this application have commenced at the time of the HAC recommendation, the proposed works are considered appropriate as they are consistent with conservation principles and the significance of the site.

Warrandyte Primary School

- 2.6.4 The school located in Forbes Street is of local significance. Council's Heritage Advisor has indicated that the school shelter, erected in 1925 is significant for its picturesque appearance and as a unique and intact example of a school shelter in the municipality. Council's Heritage Advisor further indicated that of the 100 or more

heritage listed schools in Victoria, there are only about 14 surviving shelter sheds.

- 2.6.5 As the property is owned by the State Government, possible allocation of funding is dependent on whether there is surplus funding available.
- 2.6.6 As this year's round includes the maximum allocation of 50% for all eligible applications, the proposed works satisfy the criteria for allocation. Of particular relevance is the fact that the school and the proposed works to the historic shelter are highly visible. The extent of public access is identified as an assessment priority in the Policy and Guidelines.

23 Hemingway Avenue, Templestowe

- 2.6.7 The property is of regional historical significance as an early building associated with Richard Serpell, one of pioneering orchardists in the area. The property comprises a reduced allotment around a brick Italianate house built in 1875 for the Serpell family. It was later occupied by the Jenkins family who constructed a rear extension in the 1920s. The verandah has a cast iron post, a lace valance and brackets (the verandah was added after 1883).
- 2.6.8 The application for funding relates to a proposal to restore the external verandah by replacing all floorboards, columns and restoring the roof.
- 2.6.9 Council's HAC considered that the grant application should cover the repair of the existing historic verandah on the north and east side of the house but not the cost of building the new verandah on the south side of the building.
- 2.6.10 The repair and replacement works are being supervised by a conservation consultant. The quotes submitted and further information provided by the applicant confirmed that the application is for carpentry work only and the verandah reconstruction will be carried out with the correct replacement of missing/damaged columns. The cast iron frieze and curved roofing to be funded separately by the owner.
- 2.6.11 Despite the previous allocation of funding to this property in last year's round, the significance of the property, the type and urgency of the works, the importance of the restoration project and the visibility of the property were considered the Committee to justify allocation of funding.

54-52 Knees Road Park, Orchards

- 2.6.12 This building is of social and historical significance with associations with Camp Pell as a World War II Army Chapel.
- 2.6.13 The proposal meets the eligibility criteria, primarily (1), (5) and (11).



28 Rosco Drive, Templestowe

- 2.6.14 The property is one of the cited project houses with particular significance for their energy conservation characteristics. No 28. is of regional architectural significance.
- 2.6.15 The proposed works will be consistent with the assessment criteria (1), (3); and (5).

42 Melbourne Hill Road, Warrandyte

- 2.6.16 The property is the former AH Snellman House.
- 2.6.17 This timber house is of aesthetic and architectural significance as a representative example of John Reid's architectural work in Warrandyte. The garden is specifically referred to in the citation as a garden terraced extensively with bluestone ashlar embankments.
- 2.6.18 The proposal relates to the repair of the retaining wall along the driveway. The allocation is supported on the basis of criteria (5), (6) and (13).

23 Old Warrandyte Road, Donvale

- 2.6.19 As noted in paragraph 2.3.1, the most dominant characteristic of the precinct is the forest woodland character created by the mature pine trees.
- 2.6.20 Most of the houses in the precinct are well set back and are not a significant visual element.
- 2.6.21 The funding application seeks assistance to repair and construct the fence, to replace the driveway damaged by tree roots and to cut the stump of an elm tree inside the decking.
- 2.6.22 The repairs to the existing fence are not supported as they constitute replacement with a new fence. The existing fence is significant and should be repaired to the same details. The owner can seek heritage advice as to who is an expert in traditional post and rail fencing.
- 2.6.23 The repairs to the driveway are supported as they meet the assessment criteria (1), (5) and (13).

243-245 Tindals Road, Warrandyte

- 2.6.24 This property is of local significance as an intact building complex, comprising the house, garden and outbuilding, and for its associations with part of the Aumann family orchardists. The proposed works involve the replacement of weatherboards to the laundry and bathroom, and replacement of the corrugated iron roof. The repairs require urgent attention.
- 2.6.25 Although funding has been allocated in the previous year's round to restore the roof, the proposed works are consistent with the assessment criteria due to the significance of the site, the type and urgency of the work required, and the inclusion of the property in the Heritage Overlay.

141A High Street, Doncaster

- 2.6.26 The proposed works consist of retrospective works to the pergola.
  - 2.6.27 The site is of State architectural and historical significance as a pioneer cluster subdivision, and is of aesthetic significance for its outstanding landscape and architectural design qualities.
  - 2.6.28 The proposed works are consistent with the assessment criteria (1), (2) and (12). Funding was allocated to Winter Park in the 2015/2016 round relating to Trees and Gardens. The Committee supports the allocation of funding taking into account the significance of the heritage property; the urgency of the works and the sympathetic works being carried out.
- 2.7 The assessment for Trees and Gardens applications is as follows:

10 Dehnert Street, East Doncaster

- 2.7.1 The property is of local significance as a remaining orchard house, now within a suburban street.
- 2.7.2 The *Manningham Heritage Garden and Significant Tree Study* identifies the cedrus deodar as a tree of local significance for its aesthetic value and connection with the house. The proposal to prune the cedar tree is supported by the Committee.

10 Timber Ridge, Doncaster

- 2.7.3 The proposal relates to rebuilding a blue stone retaining wall.
- 2.7.4 The site is of State architectural and historical significance as a pioneer cluster subdivision, and aesthetic significance for its outstanding landscape and architectural design qualities. The landscape was designed by Ellis Stones.
- 2.7.5 The original retaining wall section has been damaged by tree roots.
- 2.7.6 The allocation is supported on the basis that the proposed works meet the assessment criteria (1), (2), (4) and (5). The funding allocated last year, although it related to the Winter Park Estate Body Corporate area, related to 137-149 High Street, a different section of the Park.

Milgate Park Landscape Drive, Doncaster East

- 2.7.7 The Milgate Park development is of State significance as a rare demonstration of the Radburn traffic separation idea and also because it comprises a very extensive parkland.
- 2.7.8 Although funding has been provided in previous years, due to the extensive area in the property, the proposed treatment is in a different stage and it relates to treatment of approximately 140 elm trees in the common area.
- 2.7.9 The proposed works satisfy the assessment criteria (1), (2) and (4).

243-245 Tindals Road, Warrandyte

- 2.7.10 The property is of local significance as an intact building complex, with associations to the Aumann family orchardists.
- 2.7.11 The cypress hedge is identified in the heritage citation. The pruning of the hedge is supported as it meets the criteria for assessment.

232 Greenslopes Drive, Templestowe Lower

- 2.7.12 The house and garden are both designed by Meg Henderson and are of local and aesthetic significance, and also of potential State significance, as an example innovative architecture in the post war period by a female architect.
  - 2.7.13 The current owner is also the original designer and confirmed that the tree seedlings are not part of the original garden design and are restricting views to the house.
  - 2.7.14 The proposal meets the assessment criteria (1), (2) and (11).
- 2.8 The proposed allocation of funds amounts to a total of \$34,450.40, made up of \$29,722.40 under the *Heritage Restoration Fund* and \$4,728.00 under the *Heritage Restoration Fund (Trees and Gardens)*.
  - 2.9 As noted in earlier reports, Council has previously agreed to share the cost of any applications for planning permits associated with the proposed works. The allocation towards the cost of a planning permit should be 50% of the cost of the application and is applied through a 50% reduction in the cost of the planning permit application fee.

**3 PRIORITY/TIMING**

- 3.1 Applicants will be notified of the outcome of the funding allocation within a week of Council's resolution in order to enable the completion of works and claiming of funds within the current financial year.

**4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 The Committee's recommendations in relation to the applications for funding have been made in accordance with the Heritage Restoration Fund 2016-2017 Policy and Guidelines (refer Attachment 1).

**5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 The funding will assist owners of heritage places to restore original features of their heritage places and owners of significant trees and gardens to undertake appropriate maintenance works or to obtain a suitable water supply, thereby maintaining the cultural and aesthetic values of the place and enjoyment it brings to the owners and wider community for years to come.

**6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 Council allocated a total of \$35,000 to the Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) in the 2016/2017 financial year. The Committee recommends that the full amount be allocated as part of this round.

- 6.2 Where works are not completed in their entirety, or where works are completed for an amount less than that specified on the application form, a smaller grant may be paid than that allocated. Where the total cost of the works is less than 50% of the funds allocated, the total amount claimed may only be for up to 50% of the actual total cost of the works.
- 6.3 In accordance with Council's decision on 27 September 2011, the Guidelines provide for instances where any residual funds are available. The Guidelines enable new late applications or additional works for approved applications to be considered for funds at a later stage.

## **7 SUSTAINABILITY**

- 7.1 The Heritage Restoration Fund has positive social, environmental and economic benefits. The grants program provides financial incentives for property owners to undertake appropriate conservation works.

## **8 CONSULTATION**

- 8.1 The owners of all existing heritage places listed in the Heritage Overlay and those properties listed in the Vegetation Protection Overlay Schedule 5 (VPO5) were individually notified of the funding round by mail.
- 8.2 The Heritage Advisory Committee has considered the applications for funding and has made the recommendations referred to in this report to Council.

## **9 COMMUNICATIONS STRATEGY**

- 9.1 All applicants seeking funding as part of the 2016/2017 *Heritage Restoration Fund* and *Heritage Restoration Fund (Trees and Gardens)* will be notified of the outcome of their applications.

## **10 CONCLUSION**

- 10.1 The 2016/2017 Heritage Restoration fund closed on 1 July 2016. In accordance with the Heritage Restoration Policy Guidelines, Council's Heritage Advisory Committee has considered the applications for funding and has made recommendations to Council regarding the allocation of all the available funds as shown in Attachments 2 and 3.

## **OFFICER'S RECOMMENDATION**

That Council:

- (A) **Notes the recommendations of the Heritage Advisory Committee in relation to the 2016/2017 applications for funding under the *Heritage Restoration Fund* and the *Heritage Restoration Fund (Trees and Gardens)* as shown in Attachments 2 and 3;**
- (B) **Endorses allocation of funding for the 2016/2017 Heritage Restoration Fund as follows:**
- a) ***Heritage Restoration Fund*: Nine (9) applications totalling \$29,722.40 (refer Attachment 2);**

- b) ***Heritage Restoration Fund (Trees and Gardens):*** Five (5) applications totalling \$4,728.00 (refer Attachment 3); and
- c) **Notes that no changes are proposed to the Heritage Restoration Fund 2016/2017 Policy and Guidelines and these will be used for the 2017/2018 funding round (Refer Attachment 1).**

**MOVED: GALBALLY**  
**SECONDED: KLEINERT**

**That the Recommendation be adopted.**

**CARRIED**

**Attachment 1:** Heritage Restoration Fund 2016/2017 Policy and Guidelines

**Attachment 2:** 2016/2017 Applications for Funding under the Heritage Restoration Fund

**Attachment 3:** 2016/2017 Applications for Funding under the *Heritage Restoration Fund (Trees and Gardens)*

\* \* \* \* \*



## ATTACHMENT 1

**HERITAGE RESTORATION FUND: 2016/2017****Policy and Guidelines****1. Introduction**

The Council of the City of Manningham recognises the value of assisting property owners to maintain buildings, places and sites of significance to the cultural heritage of the municipality.

The **Heritage Restoration Fund** aims to promote conservation of heritage buildings and to encourage and financially assist individuals, community groups, businesses or organisations in their endeavours to maintain items of heritage significance in the City.

**2. Funding Categories**

Two categories of funding are available: -

**Category A: Conservation Management Plans**

This category provides for small grants for the preparation of Conservation Management Plans for heritage sites. The Conservation Management Plans would include the recording of heritage fabric (including interiors if appropriate) and recommendations for future management.

**Category B: Conservation Work**

This category provides for restoration or reconstruction work to a building, structure or place within the municipality and that meets the eligibility requirements for assistance (refer to sections 3 and 4 below).

Funding within this category will be granted generally on a dollar for dollar basis and up to \$1000 in value. Each application for funding will be considered at the discretion of the Heritage Advisory Committee. Works would include those urgently needed to protect significant heritage fabric.

Please note that if works are not undertaken no funding will be paid to the applicant. If works are incomplete or the total cost of the completed works is less than the amount specified on the application form/quotation, Council may grant a lower amount than that originally allocated. Any funding paid to the applicant will be no more than 50% of the total cost of the completed works.

**3. Eligibility Criteria****(a) Ownership of Heritage Listed Properties**

Generally, all owners of properties listed in the heritage provisions of the Manningham Planning Scheme of local significance or greater are eligible to apply for funds.

**(b) Type of Work**

Only 'Approved Conservation Work' is to be undertaken.

Restoration and reconstruction works to a building, structure or place is eligible for assistance provided that:

- the proposed works are in accordance with Council's heritage guidelines;
- any reconstruction work is of original features only;
- the proposal must be supported by evidence that the work is of a reconstructive or restoration nature.



MANNINGHAM CITY COUNCIL

- the proposed work is considered appropriate by Council's Heritage Advisor and the Heritage Advisory Committee.

**(c) Works generally not Eligible for Funding**

The following work is generally not eligible for assistance from the Fund:

- Interior works and alterations to a building (unless the schedule to the Heritage Overlay identifies the heritage place as one where internal alteration controls apply).
- General maintenance works such as cleaning of the gutters, gardening works and pruning of plants (unless the schedule to the Heritage Overlay identifies the heritage place as one where tree controls apply).
- New additions or extensions (unless the reconstruction is of an original element).

**(d) Properties listed on State or National Registers**

Properties on State or National Heritage registers may be considered for funding.

**(e) Previous Assistance**

Generally, priority will be given to those applicants who have not received funding in the previous round of funding (ie 2015/2016). Each application for funding, however, will be assessed on its individual merits.

**4. Assessment Criteria**

Each application for funding will be evaluated against the following criteria:

- (i) the heritage significance of the site;
- (ii) the type and urgency of the work required;
- (iii) whether the proposed work accords with historic conservation principles of the Burra Charter;
- (iv) the importance of the restoration project to the heritage value of the area, in terms of overall community benefit;
- (v) the visibility/accessibility of the subject property and proposed works;
- (vi) the proposed estimated time of completion;
- (vii) the general financial standing of the applicant (i.e. whether the project would proceed without assistance, demonstrated hardship arising from the conservation work);
- (viii) the applicant or their agents ability to demonstrate technical and financial responsibility with regard to the project;
- (ix) whether the applicant is financially contributing to the project;
- (x) whether the applicant has outstanding monies owing to Council;
- (xi) the availability of assistance from other sources;
- (xii) whether there are any incomplete projects affecting the site from a previous Heritage Restoration Fund funding round;
- (xiii) whether the applicant has received assistance under previous funding rounds, and
- (xiv) whether the proposed works relate to a state owned place: Funding may be allocated to properties owned by the state government if there are surplus heritage restoration funds available.



## 5. Assessment Priorities

To assist in the evaluation of applications against the assessment criteria, specific priorities have been determined for the allocation of funds. Priorities for assistance in the 2016/2017 financial year will include:

- **projects able to be completed and funds claimed by 5 May 2017;**
- in the case of Category B grants, a funding priority will include projects where the costs of appropriate heritage materials exceeds the cost of alternative contemporary materials;
- the applicant did not receive funding in the previous year, i.e. 2015/2016 financial year;
- the heritage place is included on the Heritage Overlay (HO) of the Manningham Planning Scheme; and
- applications seeking funding for retrospective works will generally not be supported.
- priority will be given to privately owned properties over state owned properties. In considering applications relating to state owned properties further factors of consideration will include the extent of public access to state owned properties.

## 6. Making an Application

The application process is simple and requires the following information:

- a completed "**Application for Assistance**" form available from Council's Economic and Environmental Planning Unit or on the web at [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au)
- copies of quotations received (Category B grants);
- details of tradespeople undertaking various works;
- details of consultants undertaking the Conservation Management Plan (CMP) and approximate cost of the CMP (Category A Grants);
- A photograph(s) of the building, structure or place in its existing condition.

Completed application forms together with plans and quotes for work as applicable (Category B projects) should be submitted to the Manager, Economic and Environmental Planning.

**Closing date for the funding round will be Friday 1 July 2016**

All the applications will be individually considered and funding allocations made depending on the needs and availability of funds.

Funding allocations will be determined by Council, on the recommendation of the City of Manningham Heritage Advisory Committee. Council operational budget will allocate \$35,000 towards the Heritage Restoration Fund and Heritage Restoration Fund (Trees and Gardens) in the 2016/2017 financial year.





## 7. Funding Conditions

A "Funding Claim Form" must be filled out by the applicant, and the work inspected by the Heritage Adviser, in order to claim the final assistance.

**Assistance must be claimed by Friday 5 May 2017.**

Funding may be revoked at any time due to unsatisfactory work, failure to meet time schedule constraints, non-disclosure or misleading or false disclosure of information or blatant misuse of funds by the recipient, and moneys advanced repaid to the Council.

If works are not undertaken no funding will be paid to the applicant. If works are incomplete or the total cost of the completed works is less than the amount specified on the application form/quotation, Council may grant a lower amount than that originally allocated. Any funding paid to the applicant will be no more than 50% of the total cost of the completed works.

In the event that any residual funds are available due to the total costs of approved works being less than initially estimated or due to defaults or delays in carrying out the works, the Director of Planning and Environment may consider the allocation of unused funds as follows:

1. Allocation of funds for additional works to approved applications where the actual cost incurred exceeded the original costs;
2. Allocation of funds for late applications where these have been approved by the Heritage Advisor.

All necessary works approvals will be the responsibility of the applicant to obtain. It is a condition of any funding that Council may use videos, photographs or details of the works in its heritage promotional material.

## 8. Further Information

Those individuals, community groups or organisations interested in obtaining more information or discussing their proposals may contact:

**Cristina Rivero**  
Strategic Planner  
Phone: 9840 9121  
email: [cristina.rivero@manningham.vic.gov.au](mailto:cristina.rivero@manningham.vic.gov.au)

**Samantha Cimati**  
Administration Support Officer  
Phone: 9840 9129  
Fax: 9840 9465  
email: [samantha.cimati@manningham.vic.gov.au](mailto:samantha.cimati@manningham.vic.gov.au)

**or mail:** The Manager  
Economic and Environmental Planning Unit  
Manningham City Council  
PO Box 1  
DONCASTER 3108

Please note that all applications to the Heritage Restoration Fund will be assessed by the Heritage Advisory Committee in July 2016. The recommendations of the Committee will be reported to Council at its meeting on 30 August 2016. All applicants will be formally notified of Council's decision in early September 2016.

## ATTACHMENT 2

Property	Proposed Works	Comments	Amount Allocated	Fund Last Yr	Job cost	Criteria
1 29 Edwin Road TEMPLESTOWE VIC 3106	Urgent painting and repairs to west gable, and exterior woodwork including replacement of termite damaged timber. Works already commenced.	HO 216 Local Significance Manningham Heritage Study Review 2005 <b>Recommendation: Support 50%</b>	\$5,379.00	Yes	Trees \$10,758.00	1,2,3,19,15,17
2 Warrandyte Primary School Warrandyte VIC 3113 (Stated owned)	Repair and restoration works to historic shelter/shed. Renew rotting wood and repair in colours previously approved by heritage advisor.	HO 20 Local significance Note: Place is highly visible and accessible to the public. Doncaster & Templestowe Heritage Study 1991. <b>Recommendation: Support 50% allocation due to availability of surplus funding.</b>	\$2,136.20	No	\$4,272.40	1,3,4,14,17,19
3 23 Hemingway Ave TEMPLESTOWE VIC 3108	Restore external verandah by replacing all floor boards, columns and restoration of roof.	HO 81 Jenkins Homestead Regional Significance Doncaster & Templestowe Heritage Study 1991 Doncaster & Templestowe Additional Historical Research 1994 Conservation Analysis & Plan - R Peterson October 1994 <b>Recommendation: Support 50%</b>	\$12,655.00	Yes	\$25,310.00	1,2,3,4,5,15,17
4 54-52 Knees Road PARK ORCHARDS VIC 3114	Replacement of guttering and down pipes to Ark building.	Doncaster & Templestowe Heritage Study 1991 Doncaster & Templestowe Additional Historical Research 1994 <b>Recommendation: Support 50%</b>	\$1,067.00	No	\$2,134.00	1,2,4,5,11,13
5 28 Rosco Drive TEMPLESTOWE VIC 3106	Repair brick paving due to damage caused by tree root.	Heritage Study Additional Site Recommendation 1993 Local Significance <b>Recommendation: Support 50%</b>	\$1,227.50	No	\$2,455.00	2,5,13,17
6 42 Melbourne Hill Road WARRANDYTE VIC 3113	Repair of retaining wall along driveway.	HO 113 A H Swellman House (frm) Local Significance Doncaster & Templestowe Heritage Study 1991 <b>Recommendation: Support 50%</b>	\$1,369.50	No	\$2,739.00	1,5,6,13,17
7 23 Old Warrandyte Road DONVALE VIC 3113	Replace front fence and post. Replace driveway damaged by root.	HO 122 Local Significance Old Warrandyte Road Heritage Precinct Heritage Study Additional Site Recommendations 1993. <b>Recommendation: Support works to driveway, 50%</b>	\$2,500.00	No	\$5,000.00 (driveways repairs)	1,2,5,13,17
8 243-245 Tindals Road WARRANDYTE VIC 3113	Replace weatherboards, fascia, timber to gable end to wall of laundry and bathroom. Replace corrugated iron roof.	HO167 Tree controls apply. Local Significance Doncaster & Templestowe Heritage Study 1991 Doncaster & Templestowe Additional Historical Research 1994 <b>Recommendation: Support 50%</b>	\$2,748.20	Yes	\$5,496.43	1,2,17
9 141A High Street Doncaster VIC 3108	Proposed retrospective works to pergola consisting of replacement of rotten timber works. Cost includes painting, timber and construction.	HO 83 State Significance, Victorian Heritage Register H1345 Winter Park Heritage Precinct Doncaster & Templestowe Heritage Study 1991 <b>Recommendation: Support 50%</b>	\$640.00	No	\$1,280.00	1,2,3,4,5,17

## LEGEND

1. Heritage significance
2. The type and urgency
3. Consistency Historic
4. Overall community
5. The visibility/
6. Estimated time of completion
7. Financial standing of the applicant
8. Technical and financial responsibility
9. Financially
10. Outstanding monies

12. Incomplete projects from a previous funding round
  13. Whether the applicant has received assistance under previous funding rounds
  14. State owned place
- Assessment Priorities**
15. Cost of appropriate heritage materials exceed the cost of alternative contemporary materials.
  16. Funding in previous years
  17. Included in the Heritage Overlay (HO)
  18. Funding for retrospective works
  19. Priority to privately owned properties over state owned

ATTACHMENT 3

Property	Proposed Works-Trees and Gardens	Comments	Amount Allocated	Fund Last year	Job cost	Criteria
1 10 Dehnert Street EAST DONCASTER VIC 3109	Remedial pruning of significant tree (cedar).	HO 40 Tree controls apply Local Significance Doncaster & Temp Heritage Study 1991 Doncaster & Templestowe Additional Historical Research 1994 <b>Recommendation: Support 50%</b>	\$670.00	No	\$1,340.00	1,2,4,12, 14,15,17
2 10 Timber Ridge DONCASTER VIC 3108	Rebuild a 3m long blue stone retaining wall and non significant stump removal.	HO 83 Victorian Heritage Register H1345 State Significance Winter Park Heritage Precinct Doncaster & Templestowe Heritage Study 1991 <b>Recommendation: Support 50%</b>	\$1,200.00	Yes (Tress)	\$2400.00 (cost for retaining wall \$1140.00. Cost for tree \$1430.00)	1,2,4,5,18
3 23 Old Warrandyte Road DONVALE VIC 3111	Tree removal located at 1.5m from house.	HO 122 Local Significance Old Warrandyte Road Heritage Precinct Heritage Study Additional Site Recommendations 1993. <b>Recommendation: Not Supported</b>	\$0.00	No	\$1,800.00	
4 Milgate Park Landscape Drive DONCASTER EAST VIC 3109	Treatment of 1/3 of the trees for elm leaf beetle using soil injection.	HO7 Milgate Park Estate. Tree controls apply State Significance. Doncaster & Templestowe Heritage Study 1991. <b>Recommendation: Support 50%</b>	\$800.00	Yes	\$1,600.00	1,2,4,7,14,15,18
5 243-245 Tindals Road WARRANDYTE VIC 3113	Trimming/ maintenance of hedge.	HO167 Tree controls apply Local Significance Doncaster & Templestowe Heritage Study 1991 Doncaster & Templestowe Additional Historical Research 1994 <b>Recommendation: Support 50%</b>	\$600.00	Yes (building no grant for hedge)	\$1,200.00	1,2,4,12,14,15,17
6 232 Greenslopes Drive TEMPLESTOWE LOWER VIC 3107	Remove 6 native trees: 5 dead eucalyptas and 1 angophora costata and planning permit fees.	HO 73 Doncaster & Templestowe Heritage Study 1991. State Significance <b>Recommendation: Support 50%</b>	\$1,458.00	No	\$2,916.00	1,2,4,14,15,17.
7 Winter Park Body Corporate 3591 141A High Street DONCASTER VIC 3108	Tree pruning in Body Corporate area.	HO 83 State Significance. Victorian Heritage Register H1345 Winter Park Heritage Precinct 700.00 Doncaster & Templestowe Heritage Study 1991 <b>Recommendation: Not Supported</b>	\$0.00	Yes	\$3,260.00	1, 4, 14, 15.

LEGEND

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>1. Significance of the vegetation;</li> <li>2. The type and urgency</li> <li>3. Historic conservation principles</li> <li>4. The visibility/ accessibility</li> <li>5. Estimated time of completion</li> <li>6. Financial standing of the applicant</li> <li>7. Technical and financial responsibility with regard to the project</li> <li>8. Financially contributing to the project</li> <li>9. Outstanding monies owing to Council</li> <li>10. The availability of assistance from other sources</li> </ul> | <ul style="list-style-type: none"> <li>11. Incomplete projects from a previous funding round</li> <li>12. Whether the applicant has received assistance under previous funding rounds</li> <li>13. State owned place</li> <li><b>Assessment priorities</b></li> <li>14. Included in the Heritage Overlay (HO) or the Vegetation Protection Overlay</li> <li>15. Specific trees identified as being of significance and listed in the schedule to the Heritage Overlay</li> <li>16. Funding for retrospective works.</li> <li>17. Funding in the previous year</li> <li>18. State owned properties/ the extent of public access to state owned properties</li> </ul> |
|--|---|

## 10.4 Draft Lawford Reserve Plan - Consideration of Submissions

Responsible Director: Director Planning & Environment

File No. T16/163

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*The purpose of this report is to consider submissions received during public consultation on the draft Lawford Reserve Plan.*

*In 2015, local resident and wider community input was sought into future planning for the Reserve and a draft Plan was subsequently prepared taking into consideration the community feedback received.*

*The draft Plan proposed major earthworks to create more useable areas, shared paths, secondary paths, a new district playspace, paved multiuse space, public toilets, picnic and barbecue facilities, shelter, public art, signage, landscape development and other open space improvements.*

*The draft Plan was on exhibition from 6 May and 14 June 2016, and 22 submissions were received during that time. Responses were a mixture of general support, objections to specific elements and requests for additional features to be included.*

*This report recommends Council's endorsement of the draft Lawford Reserve Plan with the changes listed in Attachment 2.*

*Implementation of the Plan is proposed to take place over a number of financial years after its endorsement by Council, commencing with the major earthworks and shared path connection to ensure the physical linking of Lawford Reserve with the public open space planned for the Tullamore Estate.*

### 1 BACKGROUND

- 1.1 Lawford Reserve is located on the eastern side of former Eastern Golf Course (now the Tullamore Estate) just outside the Doncaster Hill precinct and is surrounded by medium density housing. It has been identified in the *Doncaster Hill Strategy* (2002) and *Doncaster Hill Urban Master Plan* (2003) as an important focus for the provision of informal recreation opportunities for Doncaster Hill's future residents.
- 1.2 This large reserve (2.1 hectares) currently connects to four residential streets and is also used by local residents as a thoroughfare to Williamsons Road and Westfield Doncaster. The Reserve also has a drainage function and works have been carried out in the gully area over the years to improve local drainage.
- 1.3 Major upgrading of Lawford Reserve has been previously endorsed by Council through specific recommendations in the *Doncaster Hill Strategy* (2002; revised 2004), *Doncaster Hill Urban Masterplan* (2003), *Doncaster Hill Public Art Masterplan* (2003), *Manningham Open Space Strategy* (2014),

*Manningham Bicycle Strategy* (2013) and the endorsed plans for the Tullamore Estate development.

- 1.4 Lawford Reserve is a large reserve, but as its usage increases in association with the development of the Tullamore Estate and Doncaster Hill, further open space facilities are needed.
- 1.5 Facilities currently include a play space (2-7 years), basketball ring, cricket pitch, seating, drinking fountains and an extensive path network. Recommendations for Lawford Reserve from the *Doncaster Hill Urban Masterplan* (2003) include further play and picnic facilities, more space for ball games, skateable areas, a dog park, public toilets and public art.
- 1.6 As it abuts the Tullamore Estate, Lawford Reserve will also have further linkages when that site is redeveloped. The east-west gully which dissects the Reserve continues through Tullamore and will become an important linear park including shared paths and recreation facilities.
- 1.7 20% of the Tullamore Estate will become public open space but the primary function of the majority of that space is to protect trees and significant bushland, and to provide for local play and informal recreation. Consequently, the additional 2,500+ residents that will live on the site will also use adjoining existing Council open space, particularly Lawford Reserve, for some of their recreation needs.
- 1.8 The projected public use of Lawford Reserve will now be higher than that anticipated in the *Doncaster Hill Strategy* (2004). The Tullamore Estate Development Plan also includes a shared path connection through Lawford Reserve joining the Tullamore Estate to Westfield Doncaster.
- 1.9 Mirvac's Tullamore Estate development at the former Eastern Golf Course site has commenced construction, with the southern portion of the future Council open space within Tullamore (continuous with Lawford Reserve) to be completed in early 2017. Accordingly, it is imperative that Lawford Reserve be planned for and the initial capital improvements undertaken at the same time, in order that the new open space can be properly integrated with Lawford Reserve.
- 1.10 \$375,000 has been allocated in the 2016/17 capital works budget to commence works at Lawford Reserve.
- 1.11 The development of Doncaster Hill open space (and the purchase of additional open space) is funded through open space developer contributions. Over the last five years, an average of \$460,000 per annum has been received for the purchase and development of Doncaster Hill open space. The development of Lawford Reserve will be fully funded from developer contributions.
- 1.12 Planning for the Reserve has commenced, and community input has been sought at two stages as part of this process.
- 1.13 Initial community input was sought between 18 September and 23 October 2015, via:
  - A flyer posted to over 1100 households surrounding the Reserve
  - Flyers distributed to visitors to MC<sup>2</sup> civic plaza as part of the launch of the Plaza Park project
  - On site signage

- Council's website
- Social media
- YMCA youth services contacts
- An onsite community drop in session on Saturday 10 October.

1.14 The numbers of responses were as follows:

- 122 visits to the web page
- 14 online surveys completed
- Six contributions to the four online forum topics
- 22 attendees at the drop in session
- Five visits to the Council offices in person
- Seven letters and emails
- Four phone conversations

1.15 Those interested were invited to complete a short survey to identify their priorities for Lawford Reserve, specifically in relation to the five general, play space and multipurpose space elements (from a suggestion list with an option to specify Other) that they would like to see in Lawford Reserve.

1.16 The most popular requests for the Reserve were:

Seating areas	18
More canopy trees	15
Multiuse: Basketball half court	13
Play: Natural landscapes	11
More planting beds	10
Lighting	10
Toilet facilities	10
Play: Swings	10
Formal tree planting	9
Picnic areas (e.g. shelters and barbecue facilities)	8

At the same time, some objections or concerns were raised as follows:

Toilet facilities	6
Multiuse: Skateable elements	5
Public art	5
Barbecue	2
Car parking	1
Sandpits	1
Mass shrub planting will result in encouraging drug use	1
Lighting	1
Noise	1
Littering	

1.17 Several elements received mixed responses:

	For	Against
Toilet facilities	10	6
Lighting	10	1
Barbecue	8	2
Car parking	6	1
Multiuse: Skate	3	5
Play: Sand	3	1
Public art	3	5

1.18 A draft plan was prepared, incorporating popular elements listed in 1.17 above. Items in 1.18 with more support than concerns were also included.

1.19 Two items (skateable space and public art) had more negative responses than positive (three 'fors' and five 'againsts' each). In consultation with Council's Cultural Services Executive Officer, the public art component was not included in the draft Plan in favour of the incorporation of some quality design elements. Given the low response rate to initial feedback and the reasons below, the skateable space was retained in the draft Plan for the following reasons:

- This site has been earmarked as an appropriate location for skate provision in the *Doncaster Hill Urban Masterplan* since 2002.
- Locations near activity centres and public transport are strategically desirable for skate facilities.
- Young people are legitimate users of public open space and it is appropriate to provide for them.
- Paved areas, such as 'urban' themed skateable spaces, are also valuable facilities for other recreational uses such as ball play, scooters and learning to ride for all ages.
- Lawford Reserve is a large reserve and the skateable area will represent less than 2% of the area. Any change in character and use will be localised.

1.20 Council endorsed the draft Plan for public exhibition on 26 April 2016, for the period 6 May – 6 June. The consultation period was subsequently extended until 14 June, resulting in a total consultation period of nearly 6 weeks.

## 2 PROPOSAL/ISSUE

2.1 Council sought community feedback on the draft Plan for Lawford Reserve between 6 May and 14 June 2016. This was publicised to the community via:

- A flyer posted to over 1100 households surrounding the Reserve
- On site signage
- Council's website
- Social media
- YMCA youth services contacts

The flyer, incorporating the draft Plan, is included as Attachment 1.

2.2 Feedback was received from 22 parties as follows:

- On-line survey (16)
- Post (3)
- Email (1)
- Phone conversations (2)

This represents a 2% response rate to the posted flyers.

2.3 Submissions and officer responses are detailed in Attachment 2, and are summarised as follows:

- Six respondents have expressed objections to the plan overall, citing overdevelopment related to elements such as toilets, barbecue, and/or skate facilities.
- Four respondents have expressed concerns regarding the provision of one or two specific elements, but were otherwise supportive or silent on the rest of the Plan. Concerns are as follows:
  - toilets
  - lemon scented gums, and bicycles on shared paths
  - provision of paved multiuse space
  - location of paved multiuse space (relocate to eastern end).
- Eight respondents have expressed general support for the design.
- Eight respondents (including three supporters and one objector) have requested additional recreational facilities or specific design of proposed elements, as follows:
  - netball ring
  - fitness equipment
  - skate area (exclusive not multiuse area requested)
  - skate area (provide skate bowl along length of existing gully)
  - skate area (please ensure at least as large as Bulleen Bowl)
  - indoor walking facilities
  - cinema stage and function events centre
  - water feature.

2.4 The key issues raised by submitters related to the provision of toilets, picnic shelters, barbecues and skate facilities.

2.5 The draft Plan proposes new public toilets facilities with accessible connecting paths at the eastern end of the Reserve close to the parking area on Lawford Street.

2.6 Toilet facilities were supported by the majority of respondents during the initial consultation phase. They are particularly needed for our oldest and youngest residents and to enable local park users who live further from the park to stay longer. They are also appropriate in a district level reserve. The detailed design will follow *Crime Prevention Through Environmental Design* principle and Council will also liaise with local police on design. The toilets will be locked overnight.

2.7 The draft Plan proposes provision for a barbecue, picnic shelter, seating walls and picnic settings in the south east corner of the Reserve. Picnic



shelters and barbecues were also supported by the majority of respondents during the initial consultation. They are considered appropriate in a reserve of this size, especially in an area with high numbers of apartments where residents will have limited private open space. Despite some locals feeling this is a small reserve, it is some 21,000m<sup>2</sup>, more than ten times the area Council seeks for a viable neighbourhood park, and is classified as a District Reserve. Additional facilities are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community. The population of the area is also forecast to increase along with usage of the park and provision of these facilities is proposed to ensure that the Reserve can provide opportunities for all who wish to use it.

- 2.8 Views in relation to the provision of skate facilities varied from opposition to dissatisfaction with the small size of the facility. The draft Plan proposes a new paved multiuse space with skateable elements, scooter and bike play area and rebound area for ball play in the middle of the Reserve towards slightly towards its western end. It is not proposed to provide a skateable space the scale of that at Bulleen. In order to complement the Warrandyte and Bulleen skate parks, this space will have a different, urban character, and it is estimated that it will be approximately 300m<sup>2</sup>, though this area will adjoin the basketball half court.
- 2.9 In response to community feedback, the following changes to the Plan are proposed:
1. Annotation to indicate provision of bins.
  2. Inclusion of a netball ring at the basketball half court.
  3. Annotation to indicate provision of sensory planting around the play area.
  4. Annotation to indicate provision of drinking fountains, including dog water bowls.
  5. Annotation to indicate time restrictions for the proposed car park.
  6. Annotation to indicate inclusion of goal posts.

### **3 PRIORITY/TIMING**

- 3.1 Mirvac's Tullamore Estate development at the former Eastern Golf Course site has commenced construction, with the southern portion of the future Council open space within Tullamore (continuous with Lawford Reserve) to be completed in early 2017.
- 3.2 \$375,000 has been allocated in the current capital works budget to commence works at Lawford Reserve, to link with these works.

**4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 A major upgrade of Lawford Reserve has previously been endorsed by Council through specific recommendations in *Doncaster Hill Strategy* (2002; revised 2004), *Doncaster Hill Urban Masterplan* (2003), *Doncaster Hill Public Art Masterplan* (2003), *Manningham Open Space Strategy* (2014), *Manningham Bicycle Strategy* (2013) and the endorsed plans for the Tullamore Estate development.

**5 BEST VALUE**

- 5.1 This project aligns to the Best Value provisions in sections 208(A) to (J) of the *Local Government Act 1989* as follows:
- 5.2 *Services being responsive to the needs of the community:*
- 5.2.1 The major upgrade to Lawford Reserve is required to meet the additional local population growth through both the Doncaster Hill residential development and the Tullamore development. It will deliver community expectations from the various strategies and plans for Doncaster Hill and Tullamore.
- 5.2.2 The upgrade is a specific response to the changing local demographics and planning for recreation and open space needs in higher density areas.
- 5.2.3 Quality facilities in open space are critical to community health and wellbeing, and are regularly used as places to socialise and connect with neighbours and the wider community. With the future development of this area of Doncaster Hill and Tullamore, Lawford Reserve has the potential to become one of the most highly used local parks in Manningham and, given the connection to Westfield Doncaster, a community meeting point.
- 5.3 *Services being accessible to those for whom they are intended:*
- 5.3.1 Lawford Reserve is a district level reserve and is well serviced by public transport on nearby major roads.
- 5.3.2 The upgrade includes provision of disabled parking and an accessible toilet, which will increase opportunities for people with disabilities and mobility issues to benefit from outdoor recreation.
- 5.4 *Regular consultation with the community on the services provided:*
- 5.4.1 The extent of consultation associated with the preliminary stages of development of this plan was increased due the size and strategic significance of this Reserve. Prior to preparation of a draft plan, the community was asked for feedback around the recommendations of the relevant strategies, and their views regarding the Reserve.
- 5.4.2 A second round of consultation has now been completed, and informs this report.
- 5.5 *Quality and Cost of Services:*
- 5.5.1 The development of Doncaster Hill open space (and the purchase of additional open space) is funded through open space developer contributions. Over the last five years, an average of \$460,000 per annum has been received for the purchase and development of

Doncaster Hill open space, with contributions in 2015/16 being significantly higher and they will also be significantly higher in 2016/17. The development of Lawford Reserve will be fully funded from developer contributions.

## **6 CUSTOMER/COMMUNITY IMPACT**

- 6.1 The upgrade to Lawford Reserve will not only provide for local residents but, together with the Tullamore Estate open space, will provide an important linkage to a much broader catchment.
- 6.2 Through the initial consultation phase, several long-term residents have expressed concern in relation to any change to the character of the park, and more specifically the impact of any facilities for skaters or young people.
- 6.3 The most common concerns raised during the initial community consultation were regarding the provision of public toilets, skateable spaces and public art. Council officers consider it is important to include the provision of toilets and skate facilities in the plan, but public art was not included in the draft Plan based on resident feedback.
- 6.4 Visitors to the reserve will be temporarily inconvenienced during the construction phase.

## **7 FINANCIAL RESOURCE IMPLICATIONS**

- 7.1 An initial estimate of the total cost of implementing the Plan is \$1,165,000. The draft *Indicative 10 Year Capital Works Program* includes expenditure in relation to Lawford Reserve as \$375,000 in 2016/2017 and \$395,000 in both 2017/2018 and 2018/2019.
- 7.2 The capital works business case will be updated when the final plan is endorsed by Council.

## **8 SUSTAINABILITY**

- 8.1 Lawford Reserve, as does the adjoining Tullamore Estate open space, contains a major gully and overland flow path that will be integrated into the landscape design of the open space.
- 8.2 Where possible, products and materials will be selected with consideration for environmental impacts and embodied energy.
- 8.3 The upgrade of Lawford Reserve will be critical to the social sustainability of this rapidly changing urban area.
- 8.4 The works will be fully funded from developer open space contributions.

## **9 REGIONAL/STRATEGIC IMPLICATIONS**

- 9.1 The major upgrade of Lawford Reserve has been endorsed by Council through specific recommendations in the *Doncaster Hill Urban Masterplan*, *Doncaster Hill Public Art Masterplan (2003)*, *Manningham Open Space Strategy (2014)*, *Manningham Bicycle Strategy (2013)* and the endorsed plans for the Tullamore Estate development.
- 9.2 The *Doncaster Hill Urban Masterplan* states: 'It is highly desirable that each of the four residential quadrants formed by the main intersection on Doncaster Hill has ready access to a high quality green urban park in near proximity, which is strongly linked with the surrounding area. It is intended

that the urban parks be developed as tranquil, treed, predominantly green open spaces which offer quality play opportunities, sheltered seating and other forms of passive recreation in well lit, safe environments.'

## **10 CONSULTATION**

- 10.1 The preliminary consultation, during which the community was invited to suggest ideas for elements to be included in the Reserve, ran from 18 September to 23 October 2015. Contributions were made via 14 online surveys, six contributions to online forums, seven letters and emails, four phone conversations, five conversations in person, and 22 attendees to the onsite drop in session.
- 10.2 The second round of consultation was conducted between 6 May and 14 June 2016 to seek feedback on the draft Plan for the Reserve. Twenty-two (22) submissions have been received.

## **11 COMMUNICATIONS STRATEGY**

- 11.1 Residents who have indicated they wish to be kept informed will be advised of the outcome of the Council meeting via email or post.
- 11.2 On-site signage will provide information regarding the nature and timing of any construction works.

## **12 CONCLUSION**

- 12.1 The timely upgrading of Lawford Reserve is important in responding to the recreation and open space needs of existing and future residents in both Doncaster Hill and the Tullamore Estate.
- 12.2 Community feedback has been modest and only minor amendments to draft are proposed in finalisation of the Plan.
- 12.3 Implementation of the Plan will commence this financial year and is likely to include earthworks, upgraded and new paths and terracing, subject to costings.

## **OFFICER'S RECOMMENDATION**

**That Council:**

- (A) Notes the submissions received to the Draft Lawford Reserve Plan.**
- (B) Endorses the Lawford Reserve Plan (refer Attachment 3) with the following changes to the draft Plan:**
- 1. Annotation to indicate provision of bins.**
  - 2. Inclusion of a netball ring at the basketball half court.**
  - 3. Annotation to indicate provision of sensory planting around the play area.**
  - 4. Annotation to indicate provision of drinking fountains, including dog water bowls.**
  - 5. Annotation to indicate time restrictions for the proposed car park.**
  - 6. Annotation to indicate inclusion of goal posts.**

**MOVED: O'BRIEN**  
**SECONDED: HAYNES**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

**Attachment 1 – Draft Lawford Reserve Plan Flyer**

**Attachment 2 – Summary of Submissions**

**Attachment 3 – Lawford Reserve Plan, indicating proposed changes**

\* \* \* \* \*

**ATTACHMENT 1**

**your say**  
manningham

Have your say about your city

## Draft Lawford Reserve Plan

**Council has prepared a draft plan for Lawford Reserve in Doncaster and is inviting comments from the community.**

Located between Vireolite Doncaster and the Villamere Estate, Lawford Reserve in Doncaster is a district reserve that has been highlighted for improvement in a number of key Council plans, including the Doncaster Hill Urban Neighbourhood Plan, Open Space Strategy, Manningham Beyond Strategy and the Doncaster Hill Public Art Master Plan.

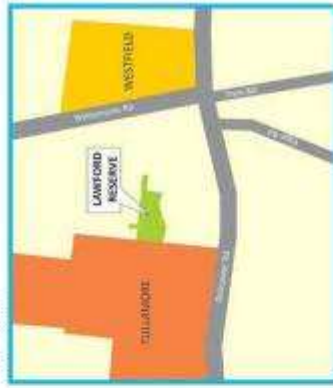
The draft plan has been based on feedback received from the community during 2015 on what they value in open spaces and would like to see at Lawford Reserve. The feedback showed that local residents and visitors loved large trees and green open spaces for walking, exercise, ball play and dogs.

Some of the highlights of the draft plan include:

- Earth shaping and terracing to create more level useable areas within the reserve
  - Increased on street parking including disabled parking spaces
  - New shared path for pedestrians and cyclists
  - Avenue planting and upgrades around the existing circuit path
  - Two additional entrance paths from the new street interchange along the western boundary (near Villamere Estate)
  - Reconfiguring the play space to the east of the existing play equipment and upgrading it to include climbing nets, swings and natural elements such as sand, water, rocks and planting
  - A new paved multi-use space incorporating relocated basketball half court, skaterable elements, scooter and bike play area and a rebound wall for ball play
  - New public toilets
  - Public art elements
  - Lots of seating and additional planting
- Please note: no changes are proposed to the existing off-leash dog control which Lawford Reserve occupies with an 15 metres of the proposed barbecue area.

Feedback received in relation to the draft plan will help inform the final plan for Lawford Reserve.

Construction works are expected to start during the 2016/17 financial year and Council has allocated funds as part of its Capital Works Program over the next three years for this major upgrade.



## Have your say

**Submissions on the Lawford Reserve Plan must be made in writing either:**

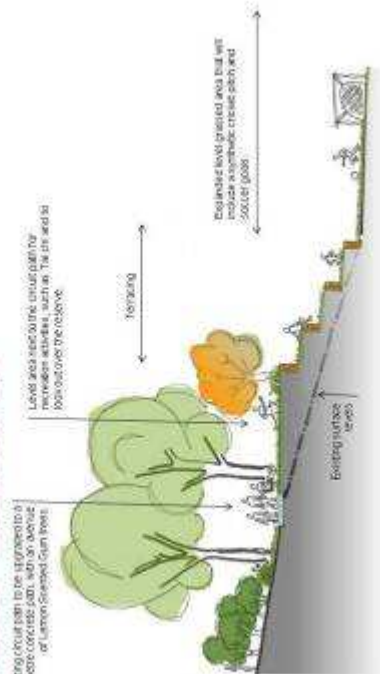
- Online at [www.yoursaymanningham.com.au/lawford-reserve](http://www.yoursaymanningham.com.au/lawford-reserve)
- By mail to: Wiven Williamson, Manager, Economic and Environmental Planning, PO Box 1, Doncaster VIC 3108

**Submissions close on Monday 6 June 2016.**

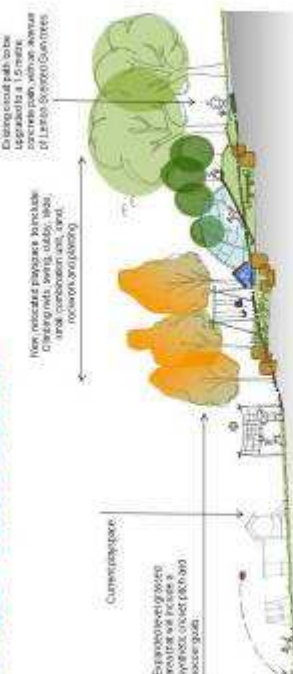
Please turn over

## Lawford Reserve

### TERRACING – CROSS SECTION



### PLAYSPACE – CROSS SECTION



**For more information and to have your say on the draft Lawford Reserve Plan, visit [www.yoursaymanningham.com.au/lawford-reserve](http://www.yoursaymanningham.com.au/lawford-reserve)**  
Submissions close on Monday 6 June 2016.

**Enquiries to:**  
Anna Bunbury, Senior Open Space Planner  
Manningham City Council, 699 Doncaster Road,  
Doncaster  
p 9840 9323

**Interpreter services**  
9840 9355

**Draft Lawford Reserve Plan**



Lawford Reserve Plan SUMMARY OF SUBMISSIONS		ATTACHMENT 2	
No.	Comment	Council Officer Response	Recommended change
1.	<p>I use the existing path in the reserve to cycle from Rathmullen Quad through the reserve to Bayley Grove (and back again) twice or three times a week on my way to the Main Yarra Trail.</p> <p>Please schedule the works so that this path is always open in at least one direction throughout the period of the works.</p> <p>When the new path from the reserve through the golf course to Golf Course Avenue is complete this will improve my ride. Please prioritise this path; otherwise, as I am 73 years old, I shall likely be decrepit or dead before I can enjoy it.</p> <p>Having seen the updated Lawford reserve plan there seems to have been no change from the initial proposal so not sure why we are being asked again if no-one is looking at the feedback. To Anna's credit the mowing has been far better as is the repaired bridge.</p> <p>The idea of art installations has luckily fallen off the draft.</p> <p>Just to go through the motions again. Toilet block, picnic shelter and BBQs will only add to the rubbish that is always at this end of the park. Unless the upkeep of the park is dramatically increased these proposals would be significantly detrimental to the park and the surrounding neighborhood. I believe they are totally inappropriate for a park of this size.</p>	<p>The shared path will be a priority; this request is noted and we will endeavour to keep paths and sections of the park open for use throughout construction if possible.</p> <p>Less than 40 suggestions or objections were received in the initial consultation, so major changes to a plan sent to over 2000 households were not warranted. It is also important to note that Council frequently receives conflicting comments, so it is not always possible to address all feedback.</p> <p>The initial consultation indicated a lack of interest or support for public art; in response this component was removed from the plan. Funds will instead be invested in quality design elements such as custom seating or paving details.</p> <p>Toilet facilities were supported by the majority of respondents to the initial consultation. Picnic shelters and barbecues were supported by the majority of respondents to the initial consultation. They are appropriate in a reserve of this size, especially in an area with high numbers of apartments meaning residents will have limited private open space. Despite some locals feeling this is a small reserve, it is some 21,000m<sup>2</sup>, more than ten times the area Council seeks for a viable neighbourhood park, and is classified as a District</p>	<p>No change to draft Plan. Request re scheduling of works will be accommodated if possible at the construction phase.</p>
2.			<p>No change.</p>



Lawford Reserve Plan SUMMARY OF SUBMISSIONS		ATTACHMENT 2	
No.	Comment	Council Officer Response	Recommended change
	<p>if the paths are 1.5 metres wide and concrete surely this is sufficient biking and skating area without reducing the size of the free play space and introducing yet another area for rubbish to collect.</p> <p>There is only 1 rubbish bin in the existing park. Are there plans for more?</p> <p>Near the existing children's play area the drain grate is unbolted and a real danger to small children if bumped.</p> <p>The pine trees on the western boundary need to be removed (in Tullamore Estate). Since the original draft a large tree has fallen and another few are dead and will fall shortly. The tree took over a month to be removed. There are dead branches hanging up in these trees after the last fall so yet another potential danger to increased patronage.</p> <p>Can the terracing area be mowed? Are they going to be sufficiently low that they are not a danger to small children.</p> <p>Any tree especially along the southern boundary has had its crown broken out. Any planting needs to be such that it is not easily vandalized or damaged.</p>	<p>Reserve. Additional facilities are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community.</p> <p>1.5m width paths are for pedestrians only (and cyclists under 12 years old). Shared paths for pedestrians and cyclists are 2.5m width, in accordance with VicRoads standards. Council does not support skate use of urban facilities, so dedicated areas need to be provided for this activity.</p> <p>Bins will be provided.</p> <p>This has been repaired.</p> <p>Pine trees will be removed in the Tullamore Estate.</p> <p>Terracing will be mowable grass or, if this not possible, an alternative planted surface will be provided. Terracing heights will comply with Australian standards for acceptable fall heights.</p> <p>Council's arborist conducts regular inspections and the situation will be thoroughly reviewed when landscape works commence. The final planting design will also plan for planting succession as existing trees age or structural issues arise.</p>	<p><b>Proposed Change A</b> Annotations to indicate provision of bins</p>

Lawford Reserve Plan SUMMARY OF SUBMISSIONS		ATTACHMENT 2	
No.	Comment	Council Officer Response	Recommended change
	<p>Lawford street is not a collection point for shopping trolleys dumped from Shopping town as people make their way home. This is especially bad just opposite the old gym, the start of Rathmullen Quadrant and next to the park itself. The shopping centre needs to be help more responsible for collecting these.</p> <p>The park is used extensively for dog walking both on and off lead. With toilets, bbqs and a skate area at each extremity of the park you are significantly reducing area where dogs can safely be let off the lead away from people.</p>	<p>Westfield has been contacted and advised their tenants.</p> <p>Dog controls will only change minimally - on lead within 15 metres of the new barbecue.</p>	
3.	<p>The skate area is a much needed in the area. Hopefully it will be at least as big as Bulleen bowl</p>	<p>Support noted.</p> <p>It is not proposed to provide a skateable space the scale of that at Bulleen. To complement Warrandyte and Bulleen skate parks, this space will have a different, urban character, and at this stage it is estimated that it will be approximately 300m<sup>2</sup>, though this area will adjoin the basketball half court.</p>	No change.
4.	<p>We support the development proposed by council for the Lawford Reserve.</p> <p>We do however have the following comments related to the development.</p> <p>Our first concern is the location of the toilet facility at the end of Lawford Street. Lawford Reserve has operated without a toilet for the 47 years that our family has owned its property in Rathmullen Quadrant. Why is a toilet required now ?</p> <p>If there has to be a toilet why locate it at the Lawford Street back end of the park which will ultimately connect to the larger recreational space in the Mirvac development.</p> <p>Why locate a toilet in an area close to the Shoppingtown Hotel and close to existing public housing when there is a likelihood of it being vandalised and used for drug related activities?</p> <p>What protection is offered for local residents against misuse of</p>	<p>Support noted.</p> <p>Toilets were supported by the majority of respondents in the initial consultation on this project; they are particularly needed for our oldest and youngest residents, and enable local park users who live further from the park to stay longer. They are also appropriate in a district-level reserve and are responding to changing levels of private open space. Design will follow <i>Crime Prevention Through Environmental Design</i> principles; we also liaise with local police on design. The toilets will be locked overnight.</p>	No change.

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	<p>the facility for example safety lighting, CCTV monitoring? What protection will ensure that the toilet is not vandalised and that it cannot be accessed outside daylight hours ? I am also concerned about the maintenance of the toilet. At Ashburton shopping centre, the toilet is constantly blocked. In Balwyn Village the public toilet is locked shut after requiring maintenance and, after many months, is yet to reopen. Admittedly this is a different council however the problems remain the same. Lawford street is a quiet park so far, after the recent incident in Elgar park, I feel any public toilet should be located where there is a high volume of car traffic such as close to the Service station in Bayley Grove not in a situation backing on to residents properties where there is ample opportunity for illegal activities in and behind the structure. Many of the properties in this location have very young children and this location results in a serious threat to children playing in the park. Every public toilet attracts a number of undesirables and the lack of foot or car/ traffic means that this building will be a problem for families whose homes back on to the park. I urge Manningham Council to reconsider the location of this facility.</p> <p>My second concern is the lack of sun protection awnings or shade provided around the children's play equipment. This year we have seen longer, hotter seasons and as many people from the Tullamore Development and from the extensive flat developments on Doncaster Hill will no doubt use the newly improved park facilities, it seems there is little or no provision for shade. It would seem that good protection from the high UV we now experience should be paramount to any play development planned for this area.</p> <p>I must reiterate how wonderful it is to see Manningham Council</p>	<p>It has not yet been determined whether this will be an automated toilet or manually maintained; options will be reviewed to deliver the most suitable result.</p> <p>Shade will be provided at the picnic shelter, and natural shade will be designed via planting, though this will take some years to reach maturity. Grants for shade provision are periodically available and this site will be considered a priority should this opportunity arise.</p> <p>Support noted.</p>	

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	actively redeveloping this increasingly important green wedge of Doncaster Hill.		
5.	Looks very good. Get underway as soon as you can.	Support noted.	No change.
6.	It looks wonderful - I can't wait! Many thanks. :)	Support noted.	No change.
7.	The proposed plans look great. We have lived in the area for over 30 years. We have used the reserve a great deal, when we had young children. It has served us well, but the update is fine. Well done. Generally very good. I would like to suggest you also include a NETBALL circle and ring at the park. This would encourage more girls to get exercise. I'm sure the basketball ring will be constantly busy predominantly with boys, so to have an activity more suited to girls would be a great asset. As you can imagine, girls would be intimidated if they tried to use the basketball ring at the same time as boys. Thankyou.	Support noted. A netball ring is a good and affordable suggestion and inclusion is supported.	<b>Proposed Change B</b> Inclusion of a netball ring at the basketball half court.
8.	Just by viewing the map / plan of the redevelopment, I can already see some concerning aspects. I ask that you strongly reconsider the plans for the proposed redevelopment with a greater emphasis on safety and security elements to the park and the surrounding homes. I made a prior submission in the previous stage and I raised the point, that this park is a small and quiet park for locals, rather than a large park that one drives to, like Ruffey Lake Park. Firstly, those attending the park live in the surrounding streets and so do not need public toilets and these might attract antisocial behaviour - especially after dark.	The Reserve has an area of some 21,000m <sup>2</sup> , more than ten times the area Council seeks for a viable neighbourhood park, and is classified as a District Reserve. Additional facilities are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community.  Toilet facilities were supported by the majority of respondents to the initial consultation. They are also important from an equity perspective: they are needed particularly for our oldest and youngest residents, and enable park users who live further from the park to stay longer.  Design of all elements will follow <i>Crime Prevention Through Environmental Design</i> principles; Council also	

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	<p>I do not think it wise to put a 'patch' of shrubs around an entry / exit point with a narrow pathway and limited visibility (point 10) as I think that walking through bushy areas invites problems.</p> <p>There is not lighting or mood lighting or safety and security features proposed and that is the major concern for myself and my neighbours. I would not dare walk close to the park in its current state after dark.</p> <p>Please don't waste precious money on tacky C-grade public 'art'. That money could be better used to benefit the users of the park, rather than a clique of 'artists'. Children don't come to a park to look at 'installation' art. They come to get fresh air, play, and exercise. Adults come to walk and might come to rest or read a book. After seeing 'artwork' once, it gets ignored and it then loses its value to those frequenting the park. Please do not waste money on tacky murals or some other 'community art'. For those of us interested in art, we go to the NGV or any of the galleries in Melbourne to appreciate genuine art - not the local neighbourhood park.</p> <p>The homes closest to the public toilet block might not appreciate the smells and other impacts of such amenities on a small neighbourhood park.</p> <p>Historically, the car parks currently available have been used by those parking to walk up the street to Doncaster Shoppingtown,</p>	<p>liaises with local police on design. Toilets will be locked overnight. It has not yet been determined whether this will be an automated toilet or manually maintained. Council will review options to deliver the most suitable outcome.</p> <p>Planting close to paths will be limited to plants less than one metre in height and clean-trunked canopy trees in order to retain sight lines. It is agreed that tall shrubs are not appropriate close to paths, and this is not proposed.</p> <p>Lighting will be provided along the shared path, in accordance with Council guidelines.</p> <p>The initial consultation indicated a lack of interest or support for public art, and a public art component was subsequently not included in the draft Plan. Funds will instead be invested in quality design elements such as custom seating or paving details.</p> <p>Carparking will include disabled parking bay/s, and will be time restricted to make it unfavourable for use by</p>	

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	<p>rather than locals from the side streets visiting, exercising or walking through the park.</p> <p>The green space adjacent to the park does not seem to be set for any improvements and as it is somewhat removed from the remainder of the park, it will likely be lost space that could have been redeveloped for some useful purpose (communal garden, water feature with reading area, cool sheltered zone etc.)</p> <p>The planned BBQ area is right next to homes and they might not appreciate this. However, if it will be close to homes anyway, it would make better sense to position it close to the car park, rather than overlooking the sport and play areas. People don't eat and play. They play and then eat. Tables, chairs, a sheltered zone with interesting design for installation art / cafe solution like in King's Domain might work better.</p> <p>There is no cooling feature or water feature for the long hot summer months and this could be done in an environmentally friendly and water-wise manner.</p>	<p>shoppers.</p> <p>The area at the eastern end was left undeveloped to minimise impact on adjoining residents, and to allow space to accommodate new needs in the future.</p> <p>Picnic shelters and barbecues were supported by the majority of respondents to the initial consultation. They are appropriate in a reserve of this size, especially in an area with high numbers of apartments meaning residents will have limited private open space. The barbecue and picnic shelter is proposed in the current location for a number of reasons, including: they are not too close to private residences, they will encourage use of an underutilised corner of the reserve, they are in an elevated location allowing views across the playspace and informal oval, they provide a rest point adjacent to the shared path, and they will not encroach on the informal oval space.</p> <p>A fountain or water feature is not achievable within the existing budget for this district reserve, but if possible a small water element will be included in the upgraded playspace to encourage sensory play.</p> <p>Support noted.</p> <p>Outdoor fitness equipment would have been appropriate here, but is to be provided nearby within the new open space in the Tullamore Estate. As such, equipment here is not considered to be warranted.</p>	<p>No change.</p>
9.	<p>I like the fact that you are upgrading the reserve and putting in more play areas for children and teenagers.</p> <p>By paving the path, it will be fine for walking but not as nice for runners, as the llydale topping is softer on the knees. But as an access route, paving is probably better. As you are taking out the running track have you thought of putting in some outdoor gym equipment? if you are spending this much on an upgrade, then a little more for some adult fitness equipment would be nice. I</p>		

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	<p>personally don't like exercising in an indoor gym Either something like these <a href="http://concreteplayground.com/sydney/travel-leisure/the-ten-best-outdoor-gyms-in-sydney/">http://concreteplayground.com/sydney/travel-leisure/the-ten-best-outdoor-gyms-in-sydney/</a> Or a trail around the walking track with exercise stations, like chin up bars, hurdles etc. with some suggestions of exercises that people can do. This needs to be separate from the children's play area - for child protection issues.</p>		
10.	<p>1. My main concern is about the choice of Lemon Scented Gums. There is a romanticism about them but they are the most inflammable of trees, they provide only 20% shade canopy because their leaves hang down and they are shallow rooted and blow over in a storm. Some fast growing alternatives would be the Black Booyong (Argyrodendron actinophyllum) or the Australian Red Cedar (Toona ciliata)</p> <p>2. As a walker I do find 'shared paths' fairly dangerous as many bike riders do not want to share, I have had a walking companion badly injured by a bike. There may be some way of keeping them separate.</p>	<p>The suggested tree species and concerns regarding Lemon Scented Gum have been discussed with our arborist, who is satisfied that these are an acceptable species.</p> <p>In recognition of these types of concerns around shared paths, the shared path has already been separated from the circuit path for as much of its length as possible.</p>	<p>No change.</p>
11.	<p>I don't think you understand that people's houses back onto this narrow park. Barbecues being used will mean we can't hang our washing on the clothesline as the smoke and smells will permeate them. Toilets will encourage loitering and possibly drugs which means that young children will no longer be able to play safely.</p>	<p>Picnic shelters and barbecues were supported by the majority of respondents to the initial consultation. Barbecues are typically used for limited periods at predictable times. Council has not experienced smoke or smell issues for adjacent residents previously in Manningham, so these issues are not anticipated. Toilet facilities were supported by the majority of respondents to the initial consultation. They are also important from an equity perspective: they are needed for our oldest and youngest residents, and enable local residents who live further from the park to stay longer.</p>	<p>No change.</p>

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	<p>We love this park because it is safe and children can play unfettered by adult constraints eg there is a net so climb that, this is a skate rink so skate there..... At the moment children roll down the incline giggling happily, play with a soccer ball around the trees, play chasey, pretend there is a troll under the bridge..... all things that they make up themselves. This is important for their play but it will all be gone if all this equipment is added. When they want to play the other way we take them to parks that already have these facilities.</p> <p>There are many more reasons to keep this park simple - please please be aware that as houses back directly onto this park we want it to remain quiet and un-smoky.</p> <p>The main issue is trying to combine skating area with other elements. If you're going to build a skate park, build a park and commit to that environment. Having other elements in among a skate area not only creates a hazard and unsafe area for the people skating but the other people involved with the other activity. Especially at times when skate parks get busy, it's hard enough predicting what skaters are going to do. So a good distinction between areas would be beneficial for the safety of everyone. While the Bullen Bowl upgrade was well needed, it's still not the park that will stay utilized all the time for various reasons. While Warrandyte is considered one of the lowest rated skate parks in Melbourne. I understand these things cost money but if you are going to invest people's time and money</p>	<p>Design of all elements will follow <i>Crime Prevention Through Environmental Design</i> principles; Council also liaises with local police on design. Toilets will be locked overnight. It has not yet been determined whether this will be an automated toilet or manually maintained; we will review options to deliver the most amenable result.</p> <p>Additional facilities are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community. Local population will increase and usage of the park with it; these upgrades are intended to ensure that the park can happily accommodate all who need this reserve and there will still be plenty of opportunities for informal recreation within the Reserve.</p>	
12.		<p>Comment noted, will consider further at the detailed design of this skateable element.</p>	<p>No change for the overall plan; detailed design of this element will consider this feedback.</p>



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13.	into skateboarding, you have to do it right or it ends up wasted slabs of concrete that no one will use. We strongly advocate an outdoor walking track with shock absorbing material and a UV protected top cover and sufficient lighting at night or an indoor walking track open till late so that people can enjoy the walk in an all weather proof environment.	The elements proposed are not in keeping with the character of this reserve, but the interest in these facilities has been noted. Shopping malls offer indoor walking activities, and Manningham's athletics track is located in Doncaster, at Rieschiecks Reserve.	No change.
14.	Outdoor covered cinema stage. Function events centre.	While these elements are beyond the scope of this project, there is potential for the terraced area will act as an informal amphitheatre which could accommodate events such as outdoor cinema for the local community. Support noted.	No change.
15.	Great new plan and looking forward to the new play area for the kids!	Support for trees and seating noted.	No change.
16.	Obviously a lot of planning has gone into this. This has always been a much covered and loved Local park and we are therefore very protective of it and any plans that Council may have. The park was a gift to the local people when Mr Bob Lawford sold his orchard which was then developed. Just a few comments: <ul style="list-style-type: none"> <li>we appreciate the plan for more trees very much as so many birds will have to relocate now that we have lost our golf links.</li> <li>extra seating is also appreciated as several elderly people walk this circuit and now perhaps they can walk a bit further.</li> </ul> Several parts of the plan however are disappointing: <ul style="list-style-type: none"> <li>extra parking in Lawford will be used by shoppers/workers at Shoppingtown, that end of the street is already fully parked and the new plan takes some of our park which is unfair.</li> <li>the basketball half court should stay where it is! Moving it to the new planned position just creates more noise in another part of the park. This park needs to be a quiet, natural, space to get away from all the concrete and noise</li> </ul>	<p>Support for trees and seating noted.</p> <p>Carparking will remain fully within the road reserve. Carparking will include disabled parking bay/s, and will be time restricted to make it unfavourable for use by shoppers.</p> <p>The proposed basketball location is further from adjacent residences than the current location, so noise for adjoining residences overall will be reduced by relocation.</p>	<p><b>Proposed Change C</b> Annotations to indicate provision of sensory planting around the play area.</p> <p><b>Proposed Change D</b> Annotations to indicate provision of drinking fountains, including dog water bowls.</p>

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	<p>that seems to enclose us these days. The busy part of the park needs to stay where it is not be spread around. Dogs can be on lead at this end and off at the other.</p> <ul style="list-style-type: none"> <li>Toilets are not needed as this is a local park that has survived without all these years. Toilets often bring undesirable elements eg graffiti, attacks on children – we don't want to encourage either.</li> <li>I would query the need for barbecues or shelters as local people tend to just want to walk, sit or take children to play. In the planned position it is too close to the houses and would need to be the other side of the path. Tables are fine for parents to sit and watch children play.</li> </ul> <p>Lawford Reserve is a local park. If people are going to drive to a park for the day they will go to Ruffey Lake Park which is so much bigger. As our park is tucked away we do not see the need for public art, it would be a waste of money. I know it has been explained that developers have to give money for art works but it would be better spent of trees and greenery to give us the calm and serenity that they are taking from us. As locals we aren't asking for thousands of dollars to be spent on our park – we just need more trees and seats, then please just</p>	<p>Dog controls will only change minimally: on lead within 15 metres of the barbecue.</p> <p>Toilet facilities were supported by the majority of respondents to the initial consultation. They are also important from an equity perspective: they are particularly needed for our oldest and youngest residents, and enable local residents who live further from the park to stay longer. Design of all elements will follow <i>Crime Prevention Through Environmental Design</i> principles; we also liaise with local police on design. Toilets will be locked overnight. It has not yet been determined whether this will be an automated toilet or manually maintained; we will review options to deliver the most amenable result.</p> <p>Additional facilities such as barbecues and shelters are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community. Local population will increase and usage of the park with it; these upgrades are intended to ensure that the park can happily accommodate all who need this reserve.</p> <p>Public art is not proposed in the draft plan.</p>	

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	<p>let us be. We don't need concrete for skate boards and bikes. The plan to upgrade the play space is a positive move especially with the addition of sensory areas as these are a vital part of children's development. Perhaps the planting here can be sensory (smell and touch).</p> <p>A last thought...instead of sculptures/art work, we would appreciate maybe two drink taps that have a built in dog bowl underneath. There is an amazing one in the park by Como House, I could go and take a photo for you if that would help. The bowl has a small hole that drains the water away slowly so that the bowl doesn't become full of dirty water. We appreciate your work but do not wish our park to be overdeveloped.</p>	<p>Support for the play space is noted.</p> <p>Sensory planting and other materials are standard features we now include in all playspace designs where possible. Safety, maintenance and hardness are also important considerations in plant selection around areas of intensive play.</p> <p>Drinking fountains with dog bowls would have been included at the detailed design stage, but can be confirmed via the final plan.</p>	
17.	<p>It is reprehensible that Council could consider the installation of a skate park in Lawford Reserve. This is a severe, detrimental and unacceptable change to Lawford Reserve. There clearly are many issues and residents are prepared to take every legal action available to ensure proper legal processes and requirements are adhered to - not least being the proposal to place such a facility within metres of residential properties. Lawford Reserve is surrounded by homes on all sides - this will also include the new homes on the western side of the reserve within the Mirvac estate. The diagram on the back page of the draft Lawford Reserve plan fails to show the skate park layout. Please provide the dimensions - the diagram inside of the combined skate park and basketball court fails to advise the dimensions also. A substantial portion of Lawford Reserve's precious open green grassland would be excavated to make way for a massive concrete bunker. It becomes an immediate public hazard for all park users and especially dog</p>	<p>Despite some locals feeling this is a small reserve, it is some 21,000m<sup>2</sup>, more than ten times the area Council seeks for a viable neighbourhood park, and is classified as a District Reserve. Additional facilities are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community.</p> <p>YMCA and resident requests support provision for skate in Doncaster. To complement Warrandyte and Bulleen skate parks, this space will have a different, urban character, and at this stage we estimate it will be approximately 300m<sup>2</sup>, though this area will adjoin the basketball half court. This represents less than 2% of Lawford Reserve's area, is a similar area to the Warrandyte Skate Park, and smaller than Bulleen Bowl.</p>	No change.

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	<p>owners in an off-leash park. As the Responsible Authority you have a duty of care to mitigate negligence. The excruciating noise that a skate park/basketball court would create singly, let alone together, would create an unacceptable level of increased decibel noises - a substantial impact on the amenity of our home and for park users in general. This proposal would destroy the much loved characteristics of this park, its peace and tranquility. Council consultation will show that Lawford Reserve is consistently used by residents to exercise, dog owners are mindful of responsible ownership in an off-leash park but do not expect dog owners to be able to control a situation where you have left no clear area for dogs to run freely without crashing into a skate park, cricket pitch, children's play area and a BBQ area - and the increased pedestrian/cycling traffic that will be created with the Mirvac Estate. With the EXTENSIVE changes you are proposing there is nowhere for dogs to run off-leash safely. The skate park proposal is the last straw. This excessive proposal is not acceptable to the majority of the residential community I have spoken to. Ruffey Lake Park or Westerfields Park is far greater in space for such an activity to be considered. Council should be ashamed to even consider ruining the whole of one park for all of its patrons for the sake of a few. If you were to google skate boarding today it is noted that this activity is declining in usage.</p>	<p>No concerns have been raised regarding noise from the existing basketball court. Council does not have issues regarding noise from existing skate facilities in the municipality. Landform, seat walls and planting will screen some paved areas, while retaining sufficient visibility for safety.</p> <p>Basketball, cricket pitch and a children's play area already exist in Lawford Reserve.</p> <p>Initial consultation did not identify any issues with current dog walking arrangements, so Lawford Reserve will remain an off lead reserve, except within 15m of the playspace and barbecue.</p>	
18.	<p>The Draft Plan refuses to acknowledge that Lawford Reserve is a small park incapable of serving every whim of the local residents.</p> <p>It is principally a passive space that residents have cherished</p>	<p>Despite some locals feeling this is a small reserve, it is some 21,000m<sup>2</sup>, more than ten times the area Council seeks for a viable neighbourhood park, and is classified as a District Reserve. Additional facilities are provided where possible as they encourage increased use of reserves, with health and wellbeing benefits for the Manningham community.</p> <p>Picnic shelters and barbecues were supported by the</p>	<p>No change.</p>

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	<p>for over 50 years. The idea of BBQ toilets and shelter is so unsuitable for this small park.</p> <p>The very local residents of 50+ years informed you and Council Officers at a recent meeting that the suggested area 13 has been a frequented area for drug users. Adding toilets in particular will only add to that danger.</p> <p>We believe Tullamore development are providing bbq facilities on their estate. Therefore Council does not need to spoil our passive park. It is simply overdevelopment.</p>	<p>majority of respondents to the initial consultation. They are appropriate in a reserve of this size, especially in an area with high numbers of apartments such as Doncaster Hill, meaning residents may not have private open space. The planting bed near the proposed shelter will be refreshed and dense screen planting will be removed.</p> <p>Design of all elements will follow <i>Crime Prevention Through Environmental Design</i> principles; we also liaise with local police on design.</p> <p>Toilet facilities were supported by the majority of respondents to the initial consultation. They are also important from an equity perspective: they are needed for our oldest and youngest residents, and enable local residents who live further from the park to stay longer. Toilets will be locked overnight.</p> <p>Support for trees and seating is noted.</p>	
19.	<p>The extra trees and seats will be most welcome.</p> <p>I have lived at my address for over 50 years and used Lawford park most days for a walk and to walk my dog. The Lawford Reserve Plan I received was just awful as do most of the people in this street who use it.</p> <p>We do not need parking as the area you have planned is encroaching on park land. At the end near there are cars parked all day belonging to people at Shoppingtown.</p> <p>Also there is playspace for children and we do not need a basketball court and rebound wall or cricket pitch and soccer and goal posts.</p>	<p>Carparking will remain fully within the road reserve. Carparking will include disabled parking bay/s, and will be time restricted to make it unfavourable for use by shoppers.</p> <p>The current play equipment was installed in 1995. It is over 20 years old and due for replacement. The basketball half court and cricket pitch are already present in the reserve and utilised. Visitors have been observed playing soccer on and around the play</p>	<p><b>Proposed Change E</b> Annotation to indicate time restrictions for the proposed car park.</p>

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	<p>Most people have dogs as it is an off lead park.</p> <p>Most locals bring their own barbeque and chairs...shelters shall not needed.</p> <p>It would be much better to use the money for their planning for other things (apparently it is 1.1 million) (Originally we spoke to a Council officer about changes, but it seems that residents don't count.</p>	<p>equipment. Rebound wall (6 respondents), soccer goals (8) and badminton/volleyball nets (5) were requested via the initial round of consultation. Initial consultation did not identify any issues with current dog walking arrangements, so Lawford Reserve will remain an off lead reserve, except within 15m of the playspace and barbeque.</p> <p>Picnic shelters and barbecues were supported by the majority of respondents to the initial consultation.</p>	
20.	<p>While we agree with most of the proposed changes, we strongly oppose the erection of a multi - use space with skateable elements, scooter and bike area and a rebound wall and basketball hoop in the south-west of the park. The noise from such an area would be unacceptable. Leave the basketball ring where it is now, and erect other areas for skateboards, scooters and bikes in a much larger park - e.g. Ruffey Lake Park.</p>	<p>YMCA and resident requests support provision for skate in Doncaster. Council does not have issues regarding noise from our existing skate facilities.</p>	<p>No change.</p>
21.	<p>(Summarised phone conversation) Suggestion that skate facility could be provided by utilising the existing gully to create a linear curved sloping paved bowl, drawing on the existing features of the reserve.</p>	<p>Bowl-style skate facilities have recently been upgraded in Bulleen (Swanston Reserve). To complement Warrandyte and Bulleen skate parks, this space will have a different, urban character, which is also needed as skating is not permitted on existing urban elements in Manningham.</p>	<p>No change.</p>
22.	<p>(Summarised phone conversation) Not objecting to any of the features proposed, but would strongly support amending the location of the skateable space to the eastern end of the Reserve, leaving the western half as a quieter green space.</p>	<p>While there would be some benefits to co-location of the play spaces, it was felt that location of the skate space at the eastern end of the reserve would be too close to existing residences, on Rathmullen Quadrant and Lawford Street, given that some residents raised fears around noise.</p>	<p>No change.</p>

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23.	Additional suggestion: Consideration of AFL goal posts for practice.	-	<b>Proposed Change F</b> Annotation to indicate inclusion of goal posts.

**Draft Lawford Reserve Plan - Proposed Changes**

**ATTACHMENT 3**



- 1** New 90 degree **time restricted** parking including disabled parking spaces
- 2** Public toilets with accessible connecting paths
- 3** Existing circuit path to be upgraded to a 1.5 metre concrete path, with **drinking fountains with dog bowls** and an avenue of Leroni Scented Gum trees
- 4** Upgraded play space including **sensory planting**
- 5** Expanded level grassed area that will include a synthetic cricket pitch and **soccer goal posts**
- 6** Terraced walls or stone retaining walls
- 7** Relocated basketball half court including a **new netball ring**
- 8** New paved multi-use space with skateable elements, scooter and bike play area, and rebound wall for ball play
- 9** Level area adjoining the circuit path for recreation activities such as tai chi and to lock out over the reserve
- 10** Additional planting including trees and shrubs
- 11** New entrances to the reserve from future residential street
- 12** New shared path linkage from future open space area
- 13** Barbecue, picnic shelter, seating walls and picnic settings.



## 10.5 Protecting the Yarra River (Birrarung) Discussion Paper - Council Response

Responsible Director: Director Planning & Environment

File No. T16/167

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*The purpose of this report is to provide a Council endorsed response to the Protecting the Yarra River (Birrarung) Discussion Paper (Discussion Paper) developed by the Yarra River Protection Ministerial Advisory Committee (Yarra MAC). Refer to Attachment 1.*

*The Discussion Paper was released in July 2016 to promote community discussion about opportunities to improve the oversight and management of the Yarra River. It was developed through consultation with a Reference Group and key stakeholders about the most important issues and opportunities that need to be addressed.*

*The Yarra MAC was established in December 2015 to assess the effectiveness of current governance arrangements for protecting the Yarra River from its source in the headwaters above the Upper Yarra Reservoir to Port Phillip Bay. It is to provide its advice to the State Government by the end of 2016 and as part of the adopted approach is seeking submissions on the Protecting the Yarra River (Birrarung) Discussion Paper.*

*In structuring a response on behalf of Council (refer to Attachment 2), officers have focussed on the ten (10) questions that the Yarra MAC has specifically sought feedback on, as identified in Section 1.3 Have your say of the Discussion Paper. The response has been prepared with input from a range of Council service units including Environment, Recreation, Strategic Projects, Economic Development and Tourism.*

*The key matters addressed in the response include:*

- *Querying what the gaps are that need to be addressed as part of a new governance structure to manage the Yarra;*
- *The lack of clarity in relation to any new management approach;*
- *The need for Bipartisan approach in any new management approach;*
- *Funding and grant implications;*
- *Reinforcing the local Manningham objectives for accessibility and protection of the Yarra within the context of the entire length of the River; and*
- *The importance of balancing and unlocking environmental, recreation, economic and tourism opportunities.*

*Due to timing constraints, a Council resolution to support the Council officer response was not achievable prior to the due date for submissions and a draft Council officer response was forwarded to Yarra MAC on 5 August 2016, being the due date for submissions.*

*It is recommended that Council endorses the attached response and forwards the final version to the Yarra MAC. Note that additional comments are highlighted in blue and draw attention to:*

- *Querying what the gaps are that need to be addressed as part of a new governance structure to manage the Yarra;*
- *The lack of clarity in relation to any new management approach;*
- *The need for Bipartisan approach in any new management approach;*
- *Funding and grant implications;*
- *Reinforcing the local Manningham objectives for accessibility and protection of the Yarra within the context of the entire length of the River;*
- *The importance of managing visual and amenity impacts of built form;*
- *Ensuring formal enforcement frameworks reflect sufficient powers in relation to managing pollution, litter and breaches of planning controls;*
- *The importance of balancing and unlocking environmental, recreation, economic and tourism opportunities;*
- *A stronger commitment to purchasing land identified by public acquisition overlays to provide additional recreation and linkage opportunities; and*
- *The inconsistency in referencing the character of different sections of the river.*

## **1 BACKGROUND**

- 1.1 The Victorian Government has committed to protecting the Yarra River's amenity and significance by proposing to introduce legislation, stronger planning controls and a trust or similar entity. Before preparing new legislation to protect the Yarra River, the government established the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) in 2015, to assess the effectiveness of current governance issues and to provide independent advice to the State Government about improving governance arrangements for protecting the Yarra River.
- 1.2 In July 2016 the Yarra MAC released a Discussion Paper on Protecting the Yarra River (Birrarung). This Paper highlights the concern that the current institutional and regulatory arrangements leave the river vulnerable to the increasing pressures of urban development and cannot deliver on the community's expectations for a healthy river, that can sustain the demands of a population that seek greater use and enjoyment of the river environment.
- 1.3 The Discussion Paper identifies a range of key issues and opportunities that have been developed through consultation with a Reference Group (comprising representatives from 11 councils, Melbourne Water, Parks Victoria and the Environment Protection Authority) and key stakeholders and has been divided into five (5) sections:
  1. Introduction
  2. Stewardship over time
    - Role of Aboriginal and European settlement

- Investment and regulation to date
3. The Yarra River today
    - Significance
  4. The case for change
  5. A new management tool
- 1.4 It should also be noted that consultation on the Discussion Paper is occurring in parallel with a range of other processes and projects associated with the protection of the Yarra River. This includes the review and preparation of new planning controls that Manningham officers are also involved with.

## **2 PROPOSAL/ISSUE**

- 2.1 Council officers have prepared a submission (refer to Attachment 2) in response to matters addressed in the Discussion Paper, as well as identifying other key issues for the Yarra River MAC's consideration.
- 2.2 Whilst the Discussion Paper seeks views from the community and other stakeholders on key matters of local significance, it is acknowledged that it is primarily a high level document aimed at seeking views on an appropriate management model that will provide consistent and constructive outcomes in the protection of the entire length of the Yarra River.
- 2.3 It is noted that the Discussion Paper does not present a specific management structure(s) for consideration, but rather is seeking feedback on what the key considerations should be in developing an appropriate management model.
- 2.4 In structuring a response on behalf of Council, officers have focussed on the ten (10) questions that the Yarra MAC has specifically sought feedback on, as identified in Section 1.3 Have your say of the Discussion Paper. The response has been prepared with input from a number of Council service areas including Environment, Recreation, Strategic Projects and Economic Development and Planning.
- 2.5 The key matters addressed in the submission include:
- Querying what the gaps are that need to be addressed as part of a new governance structure to manage the Yarra;
  - The lack of clarity in relation to any new management approach;
  - The need for Bipartisan approach in any new management approach;
  - Funding and grant implications;
  - Reinforcing the local Manningham objectives for accessibility and protection of the Yarra within the context of the entire length of the River;
  - The importance of managing visual and amenity impacts of built form;
  - Ensuring formal enforcement frameworks reflect sufficient powers in relation to managing pollution, litter and breaches of planning controls;
  - The importance of balancing and unlocking environmental, recreation, economic and tourism opportunities;

- A stronger commitment to purchasing land identified by public acquisition overlays to provide additional recreation and linkage opportunities; and
- The inconsistency in referencing the character of different sections of the river.

### **3 PRIORITY/TIMING**

- 3.1 The Yarra MAC has outlined the following Discussion Paper, project timelines:
- Release of Discussion Paper – July 2016;
  - Public and targeted consultation – July 2016;
  - Deliberation of feedback from community and key stakeholders – August 2016; and
  - Yarra MAC to provide advice to the State Government – late 2016.
- 3.2 Submissions on the Discussion Paper were due on 5 August 2016.
- 3.3 A draft Officer response to the Discussion Paper, on behalf of Council, was submitted by the due date of 5 August 2016, with advice that a formal response would be provided following Council's consideration of the Officer response at its meeting on 30 August 2016.

### **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 Protection of the Yarra River was recently identified in the State Planning Policy Framework (SPPF) at Clause 12.05-2 Yarra River Protection. This was introduced into the Manningham Planning Scheme in December 2015.
- 4.2 The aim of the contributions to the Yarra MAC's work is to ensure that future generations have the opportunity to enjoy the river's many values by strengthening management arrangements and ensuring a strong community voice in governance and oversight of the river.
- 4.3 This is in part to be achieved by establishing a shared vision and a consistent application of standards and regulations.
- 4.4 It is also anticipated that the planning controls applying to land along the Yarra River will be updated via a Ministerial Amendment to ensure that there is a consistent approach to the management of built form, vegetation and environmental values along the entire corridor between Richmond and Warrandyte. This will be completed as part of a separate but parallel process, involving six (6) councils, including Manningham.

### **5 CUSTOMER/COMMUNITY IMPACT**

- 5.1 It is considered that the Victorian Government's commitment to protect the Yarra River's amenity and significance by introducing legislation, stronger planning controls and a Trust (or similar entity) will ensure that this valuable asset is protected for the benefit and enjoyment of future generations. Changes to better protect the Yarra River will result in positive outcomes for the long term enjoyment and protection of the Yarra River.

**6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 Preparation of the submission in response to the Discussion Paper has been prepared utilising existing resources within Council.

**7 SUSTAINABILITY**

- 7.1 The primary aim of the Discussion Paper is to improve the oversight and management of the Yarra River to ensure its long-term protection, as reinforced in the Yarra MAC Chair's message in the Discussion Paper, which states:

*'The Yarra River is a valuable natural asset that needs to be protected for the benefit and enjoyment of future generations.'*

**8 REGIONAL/STRATEGIC IMPLICATIONS**

- 8.1 Building on the recent recognition of the significance of the Yarra River to Melbourne in the State Planning Policy Framework, a key outcome being sought through the Discussion Paper is the introduction of a more consistent approach to the management and protection across the entire length from *'its source in the headwaters above the Upper Yarra Reservoir to Port Phillip Bay.'* (Source: Protecting the Yarra River (Birrarung) Discussion Paper, Introduction, page 2)

**9 CONSULTATION**

- 9.1 At the request of the Department of Environment, Land, Water and Planning (DELWP), information regarding the consultation processes and link to the Discussion Paper was disseminated to the community within Manningham, as follows:
- On the home page of the Manningham website under the Latest News slider since 6 July 2016;
  - In the Manningham Leader half page advertisement on 11 July 2016; and
  - Via email or direct notification to a range of community stakeholders representing environment, recreation, economic/tourism, heritage, social and planning.

**10 CONCLUSION**

- 10.1 The matters raised in the Discussion Paper are considered to be generally positive as its aim is to promote community discussion through submissions about opportunities to improve the oversight and management of the Yarra River.
- 10.2 Officers from various Council service units have provided input into preparing the submission by providing a response to each of the ten (10) key questions identified in the Discussion Paper. These responses identify matters of both state and local significance.
- 10.3 Changes to the Discussion Paper Council officer response resulting from Council's consideration be clearly outlined and forwarded to Yarra MAC.

**OFFICER'S RECOMMENDATION**

**That Council:**

- (A) Notes that a draft Council officer response to the Protecting the Yarra River (Birraring) Discussion Paper was forwarded to the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) on 5 August 2016;**
- (B) Endorses Attachment 2, as Manningham's submission to the Yarra MAC; and**
- (C) Notes that Attachment 2 will be submitted as Council's endorsed submission.**

**MOVED: GOUGH  
SECONDED: GALBALLY**

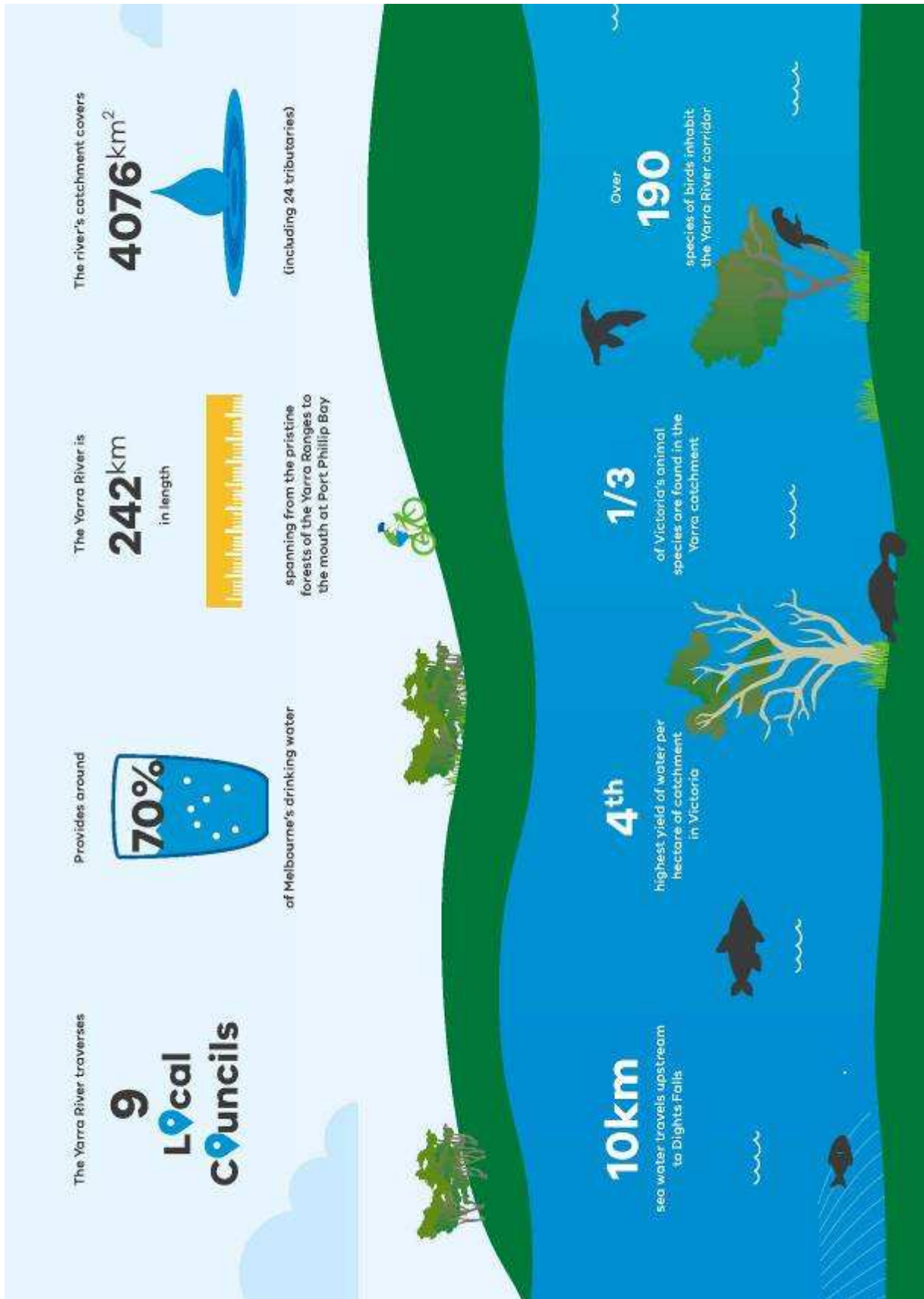
**That the Recommendation be adopted.**

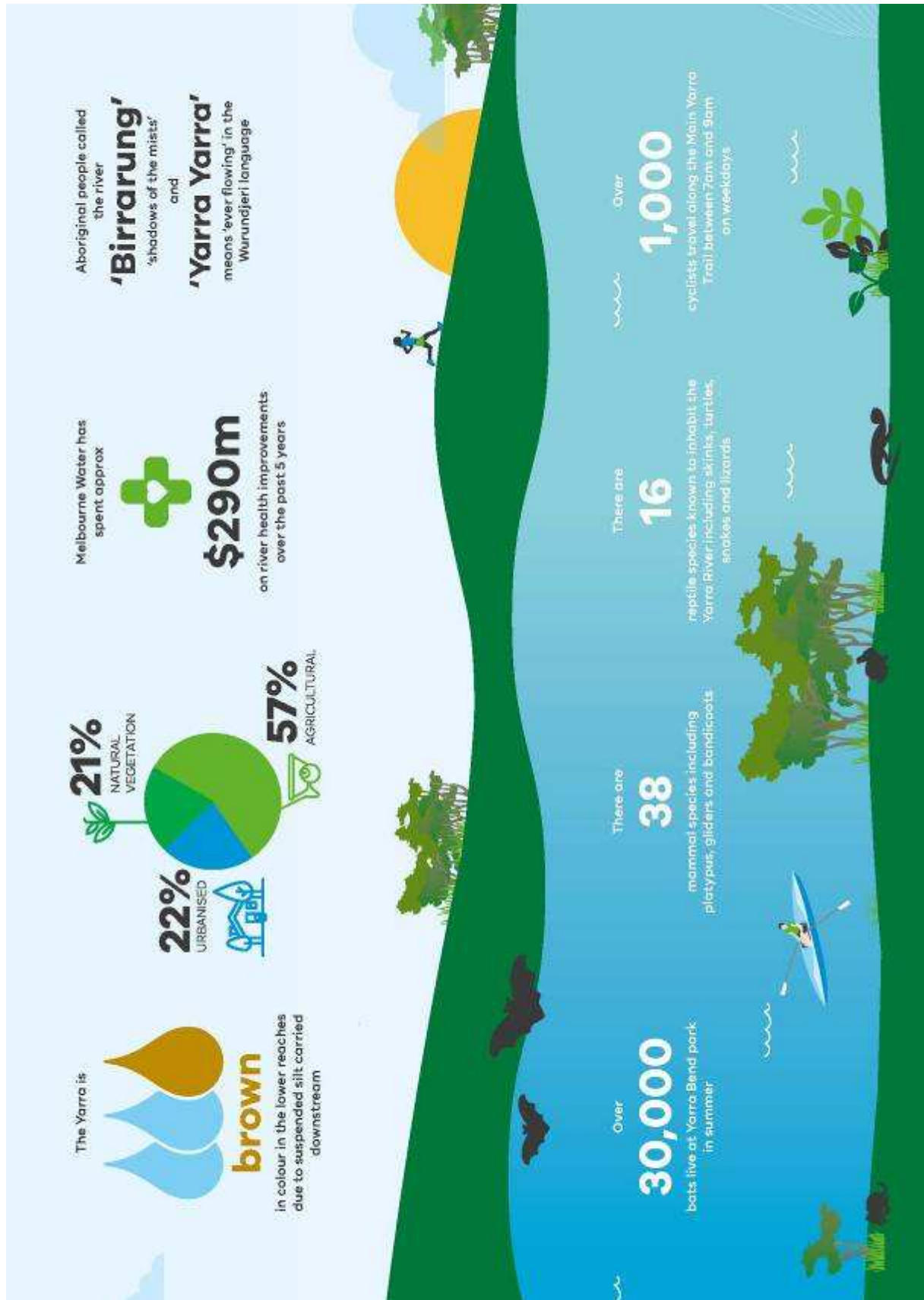
**CARRIED**

**Attachment 1 – Protecting the Yarra River (Birraring) Discussion Paper**

**Attachment 2 – Final Council Officer Response to the Protecting the Yarra River (Birraring) Discussion Paper**

\* \* \* \* \*







## Acknowledgement

The Yarra River Protection Ministerial Advisory Committee proudly acknowledges Victoria's Aboriginal<sup>1</sup> communities and their rich culture and pays respect to their Elders past and present.

We acknowledge Aboriginal people as Australia's first peoples and as the Traditional Owners and custodians of the land and water on which we rely.

We recognise the intrinsic connection of Traditional Owners to Country and value their contribution to managing the land, water and natural landscape. We acknowledge the ongoing contribution this makes to the Yarra River catchment.

We support the need for genuine and lasting partnerships with Aboriginal people and communities to understand their culture and connections to Country in the way we plan for and manage the Yarra River corridor and its environs.

We embrace the spirit of reconciliation, working towards equality of outcomes and ensuring an equal voice.

<sup>1</sup> This discussion paper uses the term 'Aboriginal' rather than 'Indigenous' to refer to the First Nation people of mainland Australia as the discussion paper relates specifically to the Yarra River and its catchment. The Yarra RMA, through links to several specific local councils and communities in Victoria. The term 'Indigenous' is used in the context of and references to programs, initiatives and publication titles, unless otherwise noted. It is inclusive of both Aboriginal and Torres Strait Islander people.

**Purpose of this discussion paper**

This discussion paper was developed by the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) to promote community discussion about opportunities to improve the oversight and management of the Yarra River. It was developed through consultation with a reference group and key stakeholders about the most important issues and opportunities that need to be addressed.





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# Chair's message



**The Yarra River is a valuable natural asset that needs to be protected for the benefit and enjoyment of future generations.**

To ensure that we have in place an effective management model to develop and implement a vision and plan for the Yarra River, the Minister for Planning and then Minister for Environment, Climate Change and Water established the Yarra River Protection Ministerial Advisory Committee (Yarra RAC) to consult with stakeholders and provide independent advice about the key issues and opportunities.

Throughout Melbourne's history, attitudes to the uses of the Yarra River (including the riverbanks, parklands, trails and adjacent land) have evolved in a complex relationship with the inhabitants of the region. Similarly, perceptions of the value of this asset have also changed. At different stages, there have been great plans and major investments to implement them. There have also been periods of neglect and periods of great debate and contention.

Since Melbourne rediscovered the Yarra in the 1980s and the city reoriented itself by developing Southbank, Docklands and Birrarung Marr, there has been increased interest in and concern about the health of the river and debate about the impacts of development along its corridor.

This period has coincided with major changes in the institutions responsible for urban planning, catchment and river management, open space planning and management, and environmental protection.

There is concern that current institutional and regulatory arrangements leave the river vulnerable to the increasing pressures of urban development and cannot deliver on the community's expectations for a healthy river that can sustain the demands of a population that seeks greater use and enjoyment of the river environment.

Because of their geography, rivers are always subject to complex management arrangements. The Yarra traverses more than 200 km of urban and rural landscapes. The river and its floodplains extend across many thousands of hectares of private land as well as public land managed by numerous local and state government authorities. The river and its catchment are the major source

of Melbourne's water and include some of Victoria's richest farmland. Many of our famous vineyards rely on the river's water for irrigation and it is surrounded by some of Melbourne's most sought-after and expensive real estate, its parklands and open space are the most heavily utilised in the state and its waters are the setting for rowers, kayakers and Melbourne's commercial ferry boats. Its port is the busiest in Australia. For Aboriginal communities it is a place of great spiritual and cultural significance for all Melbourneans the river helps us define where we live. Given such complexity, the planning and management of the river will always be challenging. However, we cannot afford for such a precious natural asset to be degraded.

I encourage you to contribute to the Yarra RAC's work to protect the Yarra River (Birrarung), as we seek to ensure that future generations have the opportunity to enjoy the river's many values by strengthening management arrangements and ensuring a strong community voice in governance and oversight of the river.

**Chris Chesterfield**  
Chair, Yarra River Protection Ministerial Advisory Committee





## Introduction

The Victorian Government has committed to protecting the Yarra River's amenity and significance by introducing legislation, stronger planning controls and a trust or similar entity. Before preparing new legislation to protect the Yarra River the government established the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) to assess the effectiveness of current governance arrangements.

The Yarra River Protection Reference Group (Yarra Reference Group) has also been established to help the Yarra MAC and government better understand the key issues, opportunities and reform options for protecting the river. It comprises representatives of the organisations with direct oversight and management responsibilities for the Yarra River and its river scope (11 councils, Melbourne Water, Parks Victoria and Environment Protection Authority (EPA) Victoria) and of environmental advocacy groups for the Yarra (Yarra Riverkeeper Association and Environmental Justice Victoria).

### 1.1 The Yarra River Protection Ministerial Advisory Committee

The Minister for Planning and the then Minister for Environment, Climate Change and Water established the Yarra MAC in December 2016 to provide independent advice to government about improving

governance arrangements for protecting the Yarra River. Its advice covers the entire length of the Yarra River from its source in the headwaters above the Upper Yarra Reservoir to Port Phillip Bay. Its advice does not cover the waters of the Port of Melbourne and the regulation of on-water activities, commercial boats and berthing.

The Yarra MAC is to provide its advice to government by the end of 2016 and one examining arrangements for three key aspects of the Yarra River:

1. waterway health (stream, riverbanks and vegetation)
2. community use, access and amenity of the river and its network of parklands and open spaces
3. the interface of the river with adjacent land uses and its catchment.

The Yarra MAC has adopted an approach that includes:

- regularly engaging with the partners that have responsibilities for decision-making and management of the Yarra River and with key environmental advocates
- investigating governance issues to provide an evidence base for evaluating options
- developing a discussion paper for public release as the basis for discussion and debate about improvements to the oversight and management of the Yarra River
- providing a range of opportunities for people to voice their views
- engaging with community, user and industry representative groups.

The full terms of reference and membership of the Yarra MAC are on the department's website, at [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au).



**Extract from the Yarra MAC's terms of reference**

**Purpose**

The Government is establishing this Committee to provide assistance in engaging with the community and other stakeholders and to provide advice and a recommended action plan for the improved management, promotion and protection of the Yarra River.

**Scope**

The Committee is required to address the following matters:

**Defining the issues**

What are the current and emerging issues for the Yarra River that are impacting on its environmental, cultural, social and economic values?

**Institutional and regulatory arrangements**

In relation to the statutory bodies with powers and functions affecting or relevant to the Yarra River –

- a. What are the existing powers and functions of these statutory bodies?
- b. What opportunities are there to improve these powers and functions to address the issues for the Yarra River?

What are the options and net benefits for establishing an entity, including a statutory trustee, to contribute to the management, promotion and protection of the Yarra River?

What would be the role, power and functions of any entity and/or trust for the Yarra River?

**Land use planning and development**

In relation to the referral of planning applications –

- a. Are the relevant criteria and powers of referral authorities sufficient to address land developments that affect the Yarra River?
- b. Are there other matters of concern or other statutory bodies that should be included in the referral process?

What other changes to land development controls would further improve the health of the Yarra River and its tributaries and improve the net benefits that the Yarra River can provide to the community?

**General**

Which of all these issues and opportunities are of greatest priority and, if addressed, would achieve the greatest net economic, social

and environmental benefits for the community today and for future generations?

What other strategies and measures are needed to ensure all the benefits and opportunities for the Yarra River can be realised or achieved in a cost-effective manner?

Does the Committee have any advice or findings that would benefit the Maribyrnong River and the community?





## 1.2 Changing policy settings

The Yarra MAC is aware that there are Victorian Government initiatives underway that will contribute to the policy context for their advice. These initiatives will enhance the focus on environmental protection and the importance of liveable cities and towns to community health and wellbeing. Table 1 shows the key initiatives:

The Department of Environment, Land, Water and Planning (DELWP) is also working with Banyule, Boroondara, Manningham, Nillumbik, Stonnington and Yarra councils and with Melbourne Water to prepare and implement stronger planning controls. These aim to protect the landscape values of the Yarra River between Richmond and Warrandyte, an area under increasing development pressure. This work<sup>2</sup> has recently:

- strengthened the State Planning Policy Framework, implementing for the first time a Yarra River protection planning policy that identifies the river's metropolitan significance and provides guidance to councils about decision-making
- strengthened overshadowing controls in the Melbourne central business district (CBD) to ensure that tall buildings do not overshadow the Yarra River and its banks
- implemented interim planning controls into the Yarra Planning Scheme (City of Yarra) to protect this part of the Yarra River corridor that is under the most pressure.

<sup>2</sup> For more information about planning controls being developed for the Yarra River, visit [www.delwp.vic.gov.au/yarra-river-controls](http://www.delwp.vic.gov.au/yarra-river-controls).

Table 1: Relevant Victorian Government initiatives

Theme	Initiative
Biodiversity	Protecting Victoria's Environment – Biodiversity 2036 Native Vegetation Regulations review Flora and Fauna Guarantee Act review
Climate change	New Victorian climate change framework
Coasts & marine	New coasts and marine legislation Port Phillip Bay Environmental Management Plan State of the Bay reporting
Environment	EPA Victoria Inquiry Review of the State Environment Protection Policies Improved state of the environment reporting
Land use planning	Plan Melbourne refresh Independent review of management arrangements for Kanook Creek Yarra River protection – stronger planning controls
Water (and waterways)	Water for Victoria Regional riparian action plan Renewed floodplain strategy New integrated catchment management strategy Improved catchment reporting Our catchments, our communities

### 1.3 Have your say

The Yarra MAC developed this discussion paper after discussions with the Yarra Reference Group and stakeholders about key issues and opportunities for the Yarra River corridor and its catchment.

- The Yarra MAC would like to hear what you think about the ideas in this discussion paper and any other ideas you may have about protecting the Yarra River. In particular, it seeks feedback on the following questions.
1. What aspect of the Yarra River and its environs would you most like to see protected?
  2. What aspect of the Yarra River and its environs would you most like to see improved?
  3. Is there any information or issues we have missed?
  4. What would you like to see included in a vision for the Yarra River?
  5. What elements would you like to see covered in the Yarra strategic plan?
  6. What would you like to see included in legislation to protect the Yarra River?

7. What do you think are the key criteria for the evaluation of options for management arrangements of the Yarra River and its riverscape (refer section 5.4)?
  8. What are your thoughts on the options for a new management model for the Yarra River and its environs?
  9. What are your thoughts about establishing a new organisation to oversee development and monitor delivery of the Yarra strategic plan?
  10. Are there any other management models/options we should consider?
- The Yarra MAC will consider all feedback and prepare a summary report. A number of investigations have also been commissioned to inform the Yarra MAC's deliberations.
- The Yarra MAC will provide their advice on governance reforms to protect the Yarra River to the Victorian Government by the end of 2016.

Figure 1: Yarra MAC timelines





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**There are many ways to have your say: online, in person and by making a written submission.**

**Online**

At <http://haveyoursay.delwp.vic.gov.au/protecting-the-yarra-river> you can view and download this discussion paper, background studies and other information and also provide feedback through an online idea-sharing tool. You can also make a written submission by completing the submission form on the website.

**In person**

You can attend one of the community workshops being held along the Yarra to join the discussion and complete a workshop feedback form. Or you can drop in to one of the listening posts being held along the Yarra River corridor. Details and timings of events will be available at <http://haveyoursay.delwp.vic.gov.au/protecting-the-yarra-river>.

**Written submission**

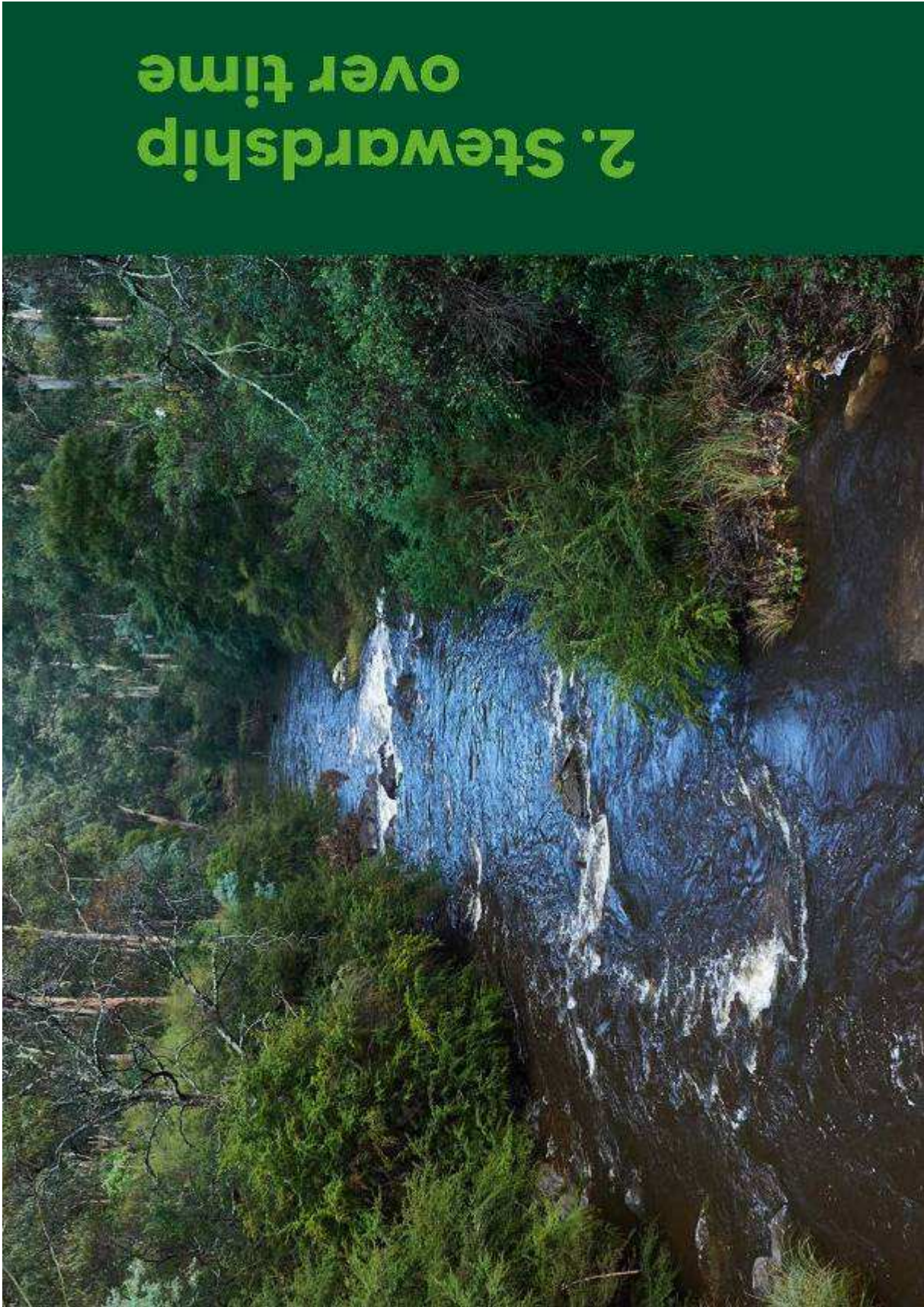
You can make a written submission on the discussion paper by:

- completing an online submission form at <http://haveyoursay.delwp.vic.gov.au/protecting-the-yarra-river>
- emailing a written submission to [yarra.river@delwp.vic.gov.au](mailto:yarra.river@delwp.vic.gov.au)
- posting a written submission to:

Yarra River Protection Program Manager, Planning Policy Implementation  
 Department of Environment, Land, Water and Planning  
**Level 8, 8 Nicholson St, Melbourne VIC 3000**

Submissions will be made public unless you ask for yours to be confidential.

**Please make your submission by Friday 5 August 2016**





## Stewardship over time

To the Wurundjeri people, the Birranung (Yarra River) was the life source and an important meeting place. Its landscapes and biodiversity features in their Dreamtime and creation stories.

After European settlement, the river became the lifeblood of the rapidly developing city of Melbourne. It provided water supply, supported food production and industries, transported people and goods and was a place for recreational activities; it facilitated urban development. It has continued to shape Melbourne ever since.

Today's Yarra River, with its naturalistic riverscape settings and vast network of parklands, is largely the legacy of two major waves of regulatory interventions and investments that followed the two most significant population growth areas of Melbourne: the initial gold rush and town-founding era of the late 1800s and the post-war immigration and baby boom decades from the 1950s that drove significant environment protection and urban renewal especially in the 1970s.

### 2.1 Aboriginal peoples' relationship with the Yarra

The land surrounding where the Birranung (the Yarra River) flows into Port Phillip Bay, including the Yarra Valley, was home to the Woiwurrung, Boonwurrung, Taungurung, Djia Djia Wurrung and the Wathaurung groups who form the Kulin Nation.

There were many wetlands, which were great sources of food and water, where Melbourne and its suburbs now stand. The wetland areas included the lower Yarra west and south of the current CBD, Elwood and Carrum Carrum Swamp (which stretched from Mordialloc in the north to Frankston in the south). Albert Park Laka is all that remains of the once-extensive wetlands areas of the lower Yarra.

For the Wurundjeri people, who have a spiritual connection to the Yarra's lands and waterway, the river is a life source that has been etched into the landscape

by the ancestral creator spirit Bunjil, the wedge-tailed eagle. They call the river Birranung (meaning shadows of the mists) and they once moved around the area according to the weather and availability of food. In winter, the Wurundjeri-willam regularly camped in the higher areas as the land near the river flooded. In spring and summer they travelled more frequently, hunting and gathering food and visiting sacred sites. Their spiritual connection to places such as the confluence of the Yarra River and Merri Creek extends back thousands of years through periods of extraordinary environmental upheaval that saw dramatic changes in the river.

Some 16,000 years ago before Earth emerged from the Ice Age, the land mass of Victoria was still connected to Tasmania. Port Phillip Bay was a vast plain, the Yarra flowed through a vast gorge at the head then south to join the Tamar River then west into the Southern Ocean. The Bunyip River in Western Port was also tributary of the Yarra.

Protecting the Yarra River (Birrarung)

Volcanic eruptions have since altered the course of the Yarra River. As recently as about 1000 years ago it meandered across the grassland and saltbush floor of Port Phillip Bay, the bay entrance having become blocked with sand and silt, cutting it off from Bass Strait. With no ocean water to replenish it, the bay shrank and was occupied by the Yarra and Werribee rivers. When the ocean finally penetrated the clogged entrance to Port Phillip Bay, it would have filled rapidly.

These dramatic environmental events are consistent with several Aboriginal oral histories that include the flooding waters of a drier bay.

**2.2 European settlement**

The story of dramatic changes to the Yarra River continued with the arrival of Europeans. The river and its provision of fresh water was essential for the founding and development of Melbourne. It wasn't long however before the Yarra's clear water became muddy, polluted and unsafe to drink. Over only a few decades the river was straightened, widened and deepened in sections to manage its flooding and improve navigation. In the upper catchment, large areas were cleared for agriculture, causing the easily erodible soils to wash into the river.

Pollution, degrading water quality and the spread of disease drove the city to secure its water supply from the upper Yarra catchment and eventually to construct an underground sewerage system to transfer wastes from properties to a

treatment farm at Werribee. To carry out these works the Victorian Government and local councils created the Melbourne and Metropolitan Board of Works (MMBW) in 1891. This was a key initiative in what was a momentous period of planning and investment for Melbourne's future. The sewerage of Melbourne transformed the quality of life of many Melbourneans and dramatically reduced pollution in its waterways, including in the Yarra.

The setting-aside of 100,000 ha in the upper Yarra catchment in 1890 to harvest water to supply Melbourne has preserved the pristine headwaters of the Yarra River until today. The deep soils in these forests act like sponges to hold rainwater, then filter and slowly release it into springs, streams, creeks and rivers from where it is harvested and stored by a network of diversion weirs, aqueducts and reservoirs, the largest being the Upper Yarra Reservoir. Because the source water from the protected catchment is high-quality it requires very little treatment: the fantastic legacy of our city's early planners.

Recognition of the contribution that the Yarra River corridor and its links into the catchment make to the amenity of the city also began relatively early in Melbourne's development. The Melbourne Botanic Gardens were established in 1848 and were enlarged in 1875 to include land from the Domain on the banks of the river. Other smaller areas of public open space were progressively reserved along both banks of the lower Yarra and in 1877 Yarra Bend Park was reserved. This park,

with some later additions, is now a rare example of natural bushland and it offers a unique sense of the pre-European city and river landscape. Yarra Bend Park was the forerunner of the later and larger reservations of areas along the middle Yarra for public parkland.

These green spaces are now a key part of Melbourne's open space network and integral to the character of the city.



Service State Library of Victoria



Source: [magnum.photostock.com](http://magnum.photostock.com)

### 2.3 Investment and regulation so far

With Melbourne's continually growing population, come the increasing urbanisation of the Yarra River catchment and further pressure on the health of the waterway. From the First World War through the Great Depression and the Second World War there was little investment in new sewerage or water supply infrastructure to service the growing city. The rapid population growth and expanding suburbs of the 1960s and 1970s were mostly unsewered. This resulted in risks to public health and significant pollution of the Yarra, its tributaries and Port Phillip Bay.

To secure Melbourne's water supply for a growing population, a major period of dam building began in the 1950s. Major investments included the construction of the Upper Yarra Reservoir (completed in 1967) which further reduced flows in the Yarra River.

Planning for the growth of Melbourne's suburbs began with the Melbourne Metropolitan Planning Scheme developed in 1954 by the MMBW. The scheme shows the beginnings of the urban development corridors we know today and highlighted the potential for a network of parklands and open spaces along rivers and creeks. It was not until the early 1970s and the release by the MMBW of *Planning Policies*

for the Melbourne Metropolitan Region (which included the growth corridor and green wedge concepts) that investment began creating the open space corridor and metropolitan park system along the Yarra River as well as other Melbourne waterways.

The early 1970s also saw the creation of EPA Victoria and the implementation of a major backlog sewerage program to tackle the increasing pollution from the nearly 300,000 unsewered properties in Melbourne. These initiatives greatly improved water quality in the Yarra River and sparked renewed interest in the use and enjoyment of the Yarra River and its environs. Government investment



continued into the 1990s with further strategic open space acquisition to create a continuous open space corridor along the river and to develop the shared trail network that now attracts hundreds of thousands of users each year.

In recent decades there has been considerable investment in revegetation, improved management of stormwater pollution, provision of environmental flows and research and monitoring to get a better understanding of the river's ecology and its condition.

The improving condition of the Yarra River has encouraged a rediscovery of the river with the redevelopment of

Southbank, Federation Square, Birminingham and Docklands. The reimagining of the Yarra River continues today as commercial and industrial sites are redeveloped, and competition for limited residential and with river frontage intensifies. The increasing development pressures have raised community concerns.

The concept plans developed by the MVEW and Melbourne Parks and Waterways in the 1980s and 1990s have proven to be inadequate to protect the Yarra River corridor from intrusive development and the Victorian Government has recently moved to

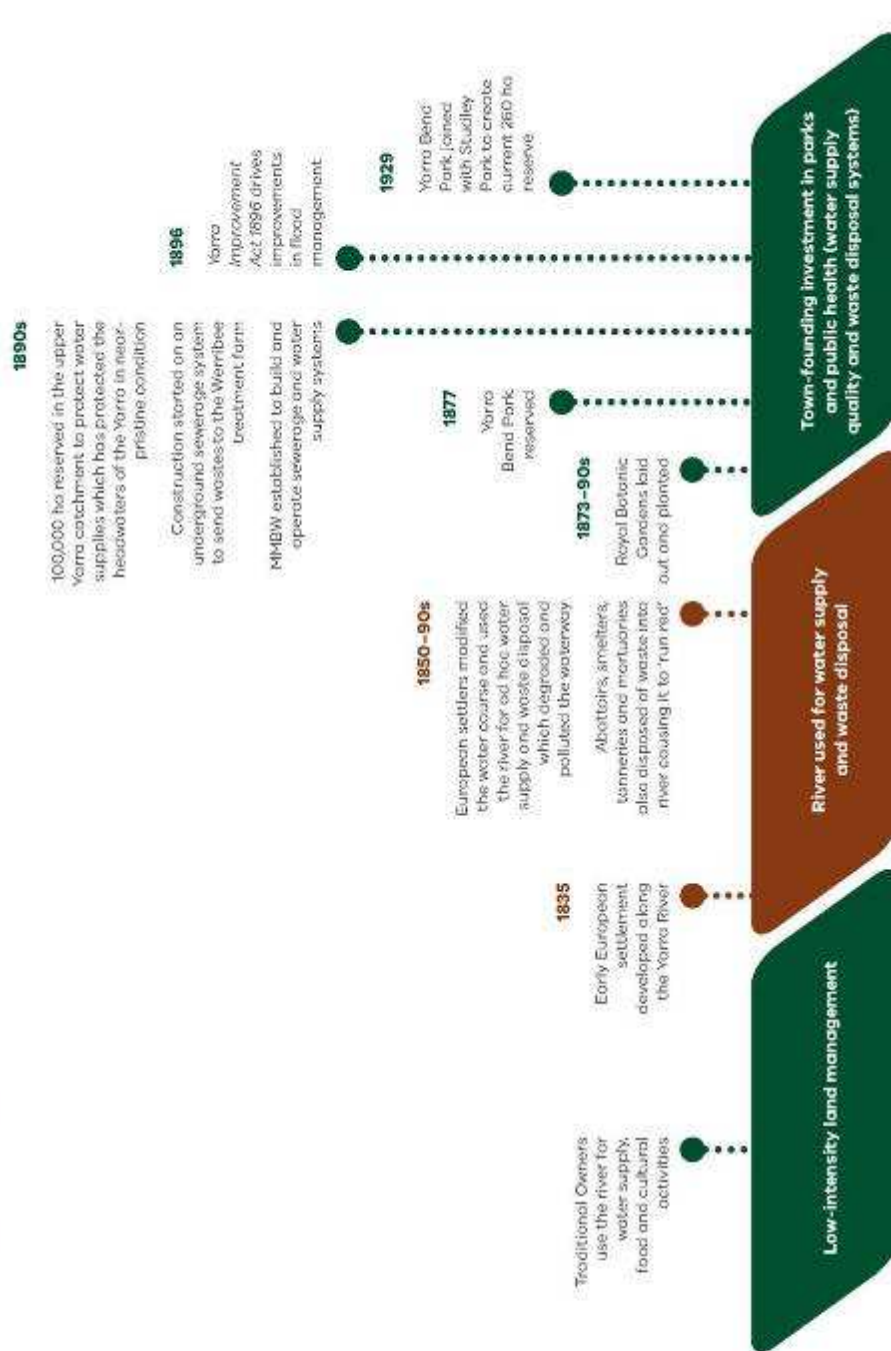
strengthen planning controls in a process with local government.

Figure 2 shows a timeline of the major capital investment and regulatory and management interventions for the Yarra River corridor. It shows the two main waves of investment and regulatory change that followed times of major population growth: the town founding period of the late-1800s to early-1900s and the period of the 1970s and 1980s.

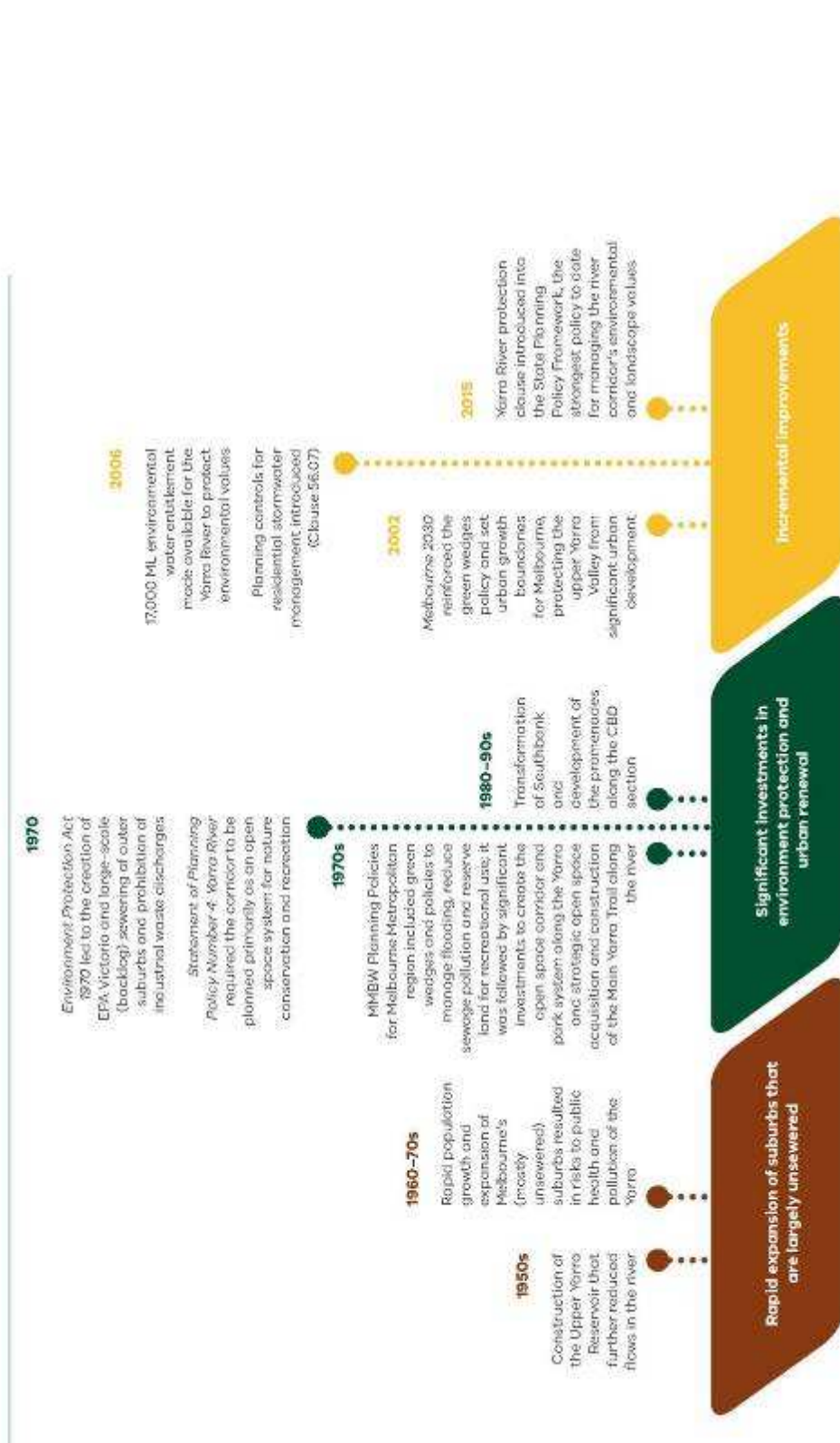


Chapter 2: Stewardship over time

Figure 2: Stewardship over time

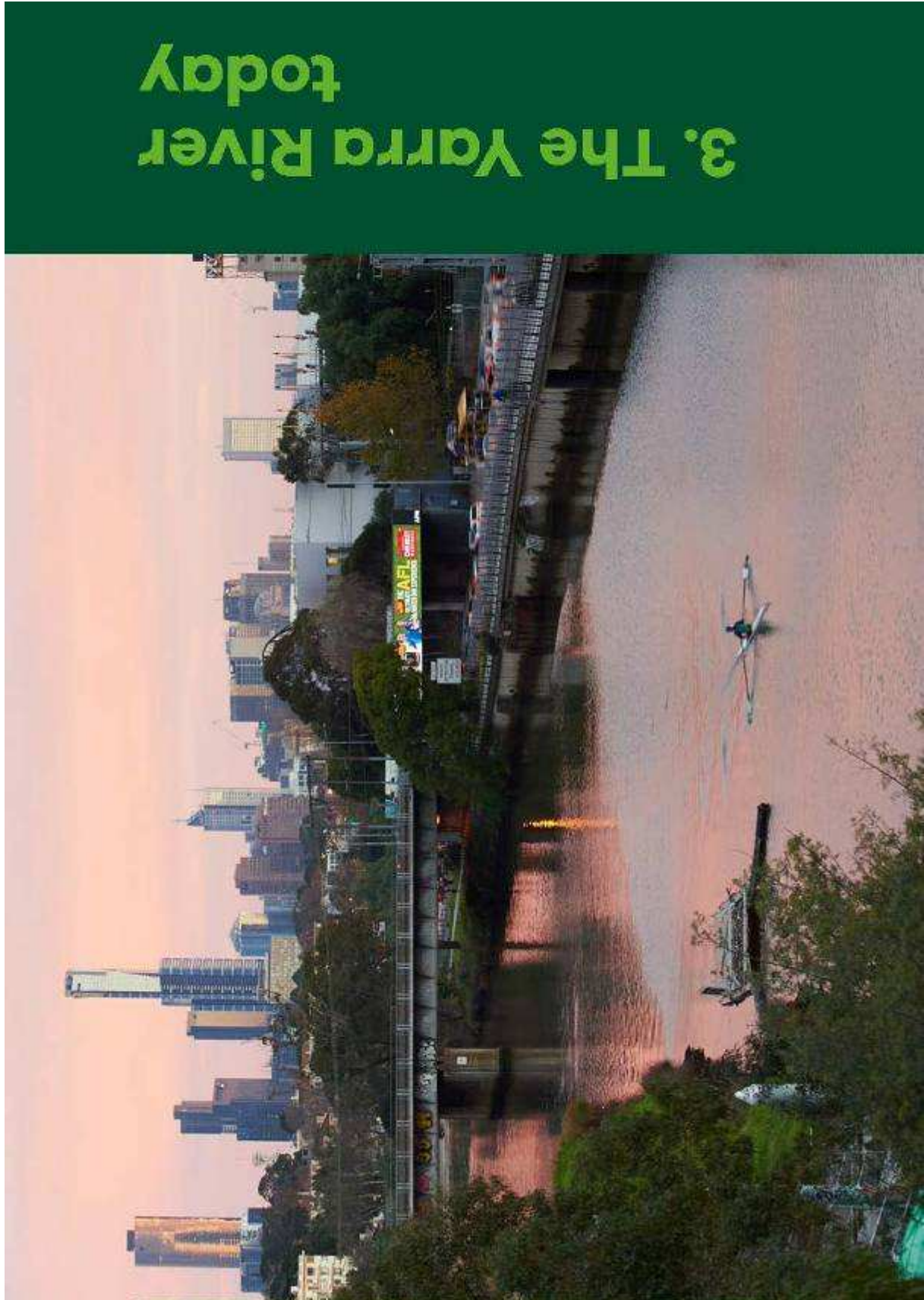


Protecting the Yarra River (Birrarung)





14



### 3. The Yarra River today



## The Yarra River today

“The Yarra River and the landscape through which it passes have metropolitan significance as an environmental, aesthetic, cultural, recreation and tourism asset. The river corridor links parklands and reserves into a near-continuous vegetated landscape experience that provides a highly valued refuge from the urban environment for local and metropolitan communities. Its highly naturalistic landscape corridor forms a backdrop to surrounding suburbs, helping to define their identity.”<sup>3</sup>

### 3.1 Significance

The Yarra River is one of Victoria's most iconic waterways. It flows 242 kms from its near-pristine forested headwaters through the tranquil rural Yarra Valley and Melbourne's suburbs to the heart of Melbourne's CBD before discharging into Port Phillip Bay.

The river is integral to Melbourne's identity and vital for the city's liveability. There are 2,450 ha of urban parklands and green open spaces along the river

where people relax, meet, exercise and celebrate. It is a wildlife and biodiversity corridor supporting diverse life forms and it is important to the culture, values and practices of Aboriginal people.

The Yarra River catchment is more than 4,000 km<sup>2</sup> in area and is home to more than two million people, over one-third of Victoria's population. The upper Yarra reach is the source of much of Melbourne's drinking water and its

estuary is home to the Port of Melbourne, Australia's largest maritime hub for cargo.

The significance of the Yarra River to Melbourne has recently been recognised in the State Planning Policy Framework with a dedicated Yarra River protection planning policy identifying its metropolitan significance.

<sup>3</sup> Middle Yarra Corridor Study (July 2016), Department of Transport Planning and Local Infrastructure.

Protecting the Yarra River (Birrarung)

Figure 3: The Yarra River and its catchment



Figure 4: Extract from the State Planning Policy Framework - clause 12

<p><b>12.05-2</b> 21/12/2015 V02/1</p> <p><b>Yarra River protection</b></p> <p><b>Objective</b></p> <p>Maintain and enhance the natural landscape character of the Yarra River corridor in which the topography, waterway, banks and tree canopy are dominant features providing a highly valued, secluded, natural environment for the enjoyment of the public.</p> <p><b>Strategies</b></p> <p>Strengthen the river's natural environment, heritage and overall health by:</p> <ul style="list-style-type: none"> <li>• Protecting the river's riparian vegetation, natural riverbank topography and flood management capacity.</li> <li>• Ensuring development does not increase the rate or quantity of stormwater, sediment or other pollutants entering the river.</li> <li>• Protecting and enhancing both terrestrial and aquatic habitats and their linkages along the river corridor.</li> </ul> <p>Maintain a sense of place and landscape identity by:</p> <ul style="list-style-type: none"> <li>• Retaining a dominant and consistent tree canopy along the river corridor and within its broader landscape setting.</li> <li>• Ensuring that the appearance of development is subordinate to the local landscape setting, with any views of development being filtered through vegetation.</li> </ul>	<p>Retain and enhance people's enjoyment of the river and its environment by:</p> <ul style="list-style-type: none"> <li>• Planning for the river and its environs as a recreation and tourism resource.</li> <li>• Ensuring linkages and public access to the river and its parklands are maintained, enhanced and new links created where appropriate.</li> <li>• Avoiding overshadowing of the river, its banks and adjacent public open space to ensure that the amenity of the public realm is maintained year-round.</li> </ul> <p>Ensure that development is designed and sited to maintain and enhance the river's secluded and natural environment by:</p> <ul style="list-style-type: none"> <li>• Minimising the visual intrusion of development when viewed from major roads, bridge crossings, public open space, recreation trails and the river itself.</li> <li>• Ensuring that the siting and design of buildings avoid contrast with the local natural landscape and environmental character.</li> <li>• Ensuring building height is below the natural tree canopy and all development is set back a minimum of 30 metres, or greater, from the banks of the river.</li> </ul> <p><b>Policy guidelines</b></p> <p>Planning must consider as relevant:</p> <ul style="list-style-type: none"> <li>• <i>Review of Policies and Controls for the Yarra River Corridor – Punt Road to Burke Road 2005</i>, Department of Sustainability and Environment.</li> <li>• <i>Middle Yarra River Corridor Study 2015</i>, Department of Environment, Land, Water and Planning.</li> </ul>
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**3.2 River health<sup>4</sup>**

Despite significant catchment changes and urbanisation, the ecological habitat of the Yarra River is still relatively high-standard and supports a diverse community of fish and birds. One-third of Victoria's animal species and over 190 species of birds are found in the Yarra catchment. The Yarra River supports many important environmental values including platypus and nationally significant fish species (such as the Australian grayling and the Macquarie perch).

A recent study of the health of the Yarra River by the Centre for Aquatic Pollution Identification and Management (CAPIM) at The University of Melbourne observed that "Overall, the waterway health of the Yarra River is moderate when examining biota."

Several key indicators change from high/very high in headwaters to low/very low condition in lower reaches - this applies to freshwater macroinvertebrates, birds and vegetation and reflects the impacts of land clearing, pollution and flow modification.

The study also observed that a number of indicators do not change significantly along the rivers length:

- fish remain in moderate numbers (flow and migration being key determinants)
- platypus remain in very low numbers (but most surveys have been of tributaries while the Yarra itself is known to support sustainable breeding populations down to Drysey House in Templestowe)
- frog numbers are very high in the lower reaches with a higher occurrence of preferred habitat in wetlands and in moderate condition in headwaters.

<sup>4</sup> River health is measured by examining a range of scientific data to understand the biological diversity and ecological functioning required to support the different key values of an urbanised river (such as fish, waterbugs, birds, vegetation and biota).  
<sup>5</sup> The study—the Yarra River Waterway Health Overview (2015)—is available on request.





- 6 Yarra River Waterway Health Overview (2016), Centre for Aquatic Pollution Identification and Management (CAPIM).
- 7 The E. coli count is an indication of faecal contamination that can make swimmers sick if they ingest the water. Faecal pollution can be from sewage, agricultural run-off or urban runoff (for example, from drains or ducts).

### 3.3 Water quality

The water quality of the Yarra River varies along its length. It is excellent in the headwaters where the river flows through protected forests and a near-pristine environment, but it progressively declines downstream towards Port Phillip Bay into the increasingly urbanised Greater Melbourne area.

In Australia and across the world, relatively few rivers remain in pristine condition. Most rivers are affected by human activities in their catchments which often result in changes to their form, flows and water quality and to vegetation, soils, flora and fauna.

There has been much improvement in the water quality of the Yarra River over the last 40 years. A recent study by CAPIM<sup>6</sup> of the Yarra River's water quality compared to that of other major urban rivers (refer figure 5) found the Yarra River had:

- relatively low levels of Escherichia coli (E. coli)<sup>7</sup> and nutrients (cities with much higher faecal pollution included London, San Diego, Hong Kong, Brussels, Lanzhou, Guangzhou, Beijing and Shanghai; cities with much higher nutrient levels include Brussels, Madrid, London, Phoenix, Los Angeles and Hong Kong).

- a higher standard of sewer system management (in particular of wet weather spills) than many countries
- relatively low levels of heavy metals (such as mercury and chromium), due to there being few point sources for discharges from industries associated with these metals.

However, the Yarra was also found to have high levels of zinc and lead. Zinc is likely to be from urban stormwater run-off from roofs and roads and from industrial discharges. Lead is primarily a legacy of urban stormwater run-off from roads before leaded petrol was phased out.

The river's water quality is much better today than it was in the 1970s and has remained fairly stable in the past decade despite increased pressure from continued urbanisation, population growth and agriculture.



### 3.4 Estuary habitat

The aquatic habitat in the Yarra River estuary<sup>8</sup> is also very important. Many species of native fish move from rivers to the sea (and vice versa) to complete their life cycles. Species such as the Australian grayling, tupong, eels and galaxiids move between the upper reaches of the Yarra River catchment and the saltwater of Port Phillip Bay as adults or juveniles to complete their life cycle.

A weir on the Yarra constructed in 1945 as part of the Dights Falls flour mill (Collingwood) was a significant barrier to upstream fish movement, for more than 100 years prior to the construction of a fishway by Melbourne Water.

The estuarine region of the Yarra River runs through the Port of Melbourne and Melbourne's CBD and retains little natural habitat. This may be an impediment to the survival of estuarine fish species and the movement of migrating fish, especially in their highly susceptible juvenile stage. There has been very little study of the ecology of the river estuary or investment in restoring and maintaining aquatic habitat in this reach.

<sup>8</sup> The Yarra River estuary extends from Dights Falls to Newport. It is a salt wedge estuary where the mixing of saltwater and freshwater is influenced by freshwater inflows over Dights Falls.

### 3.5 Impact on Port Phillip Bay

The Yarra River is the largest contributor of sediments (toxics, pathogens and litter) to Port Phillip Bay and contributes around one third of the nitrogen from the bay's catchment. The total contribution of nitrogen by the Yarra to the bay is second only to that of the Western Treatment Plant (WTP).

The bay naturally processes most nutrients, limiting the risk of damaging algal blooms. A science review and modelling undertaken to inform the new Port Phillip Bay Environmental Management Plan indicates that nitrogen loads should be managed to avoid exceeding current levels, which are at around 5000 t/year. Should nitrogen levels exceed 15,000 t/year, algal blooms are likely to occur along the northern beaches of the bay for most of the year and it may be difficult for the bay to recover.

Urban development from Melbourne's increasing population will, if unmanaged, result in greater catchment-based pollution (including sediments, nutrients, toxics and pathogens) to Port Phillip Bay.

Given that inputs from the WTP are already tightly controlled, it is essential to improve management of stormwater to the bay via tributaries such as the Yarra River to maintain the amenity and health of Port Phillip Bay for its animals, plants and people.

Figure 6: Sources of nitrogen in Port Phillip Bay

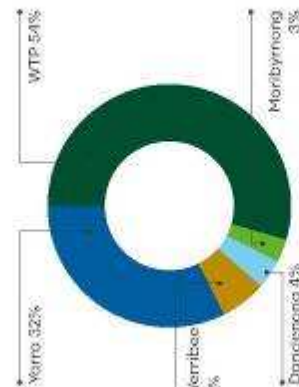


Figure 6 Data sourced from Port Phillip Catchments to Bay Model Science Report (2005).

### 3.6 Urban parklands and open spaces

Public parkland and green open space are vital contributors to the health and wellbeing of the community and the character of the local and regional landscape. Of all Melbourne's public and private open spaces, those associated with the Yarra River represent perhaps the largest and most important. This is particularly true in more built-up areas, where the density of development is such that access to open space is limited.

The open space corridor associated with the Yarra varies in width from broad, substantial parklands to narrow linear reserves at the river's edge. There is 2,450 ha of urban parklands and public open spaces along the Yarra. In addition, there is a considerable area of private open spaces with more than 10 golf courses along the river's length.

The Williamstown to Southbank stretch of the inner-city Yarra reach has a series of public open spaces, often narrow pathways and promenades that allow for complex patterns of movement by pedestrians, cyclists, vehicles and river traffic. This transitions into a less highly developed but still highly utilised corridor somewhat dominated by major roads such as the Monash Freeway before emerging into a substantial chain of urban parklands and naturalistic river environs from Herring Island to Dights Falls. The Maribyrnong River and Moonee Ponds, Gardiners and Merri creeks are important tributaries and open space linkages in this reach.

Upstream of Dights Falls, the suburban Yarra reach comprises an almost continuous vegetated corridor linking substantial areas of parkland particularly from Bulleen to Warrandyte. At the western end (downstream of Bulleen) the linear open space is dominated by sports fields, golf courses and smaller parkland areas while further upstream towards Warrandyte the open space becomes more about conservation. Gardiners, Merri, Darebin and Mullum Mullum Creeks and the Plenty River are important tributaries and open space linkages in this reach.

Public access to the open space corridor of the rural Yarra reach after Warrandyte becomes more limited due to the presence of private property, golf courses and public institutions. As a result, some sections of the corridor are accessible only via canoes or kayaks which can contribute to a sense of isolation and seclusion in places. Most people would only directly experience the Yarra through public open spaces associated with townships as well as conservation-focused reserves.

A central objective of previous strategic planning of the river corridor has been to 'develop a continuous linear trail network for non-motorised movement within the area, which will link with areas of open space upstream and downstream and facilitate cross-valley movement'. The largely successful development of the Main Yarra Trail and its associated links demonstrates achievement of this objective. The linear trail network currently terminates at Tikalara Park in Templestowe. The Shire of Yarra Ranges has a strategy for a new Yarra Valley Trail that will link at points with the Yarra River

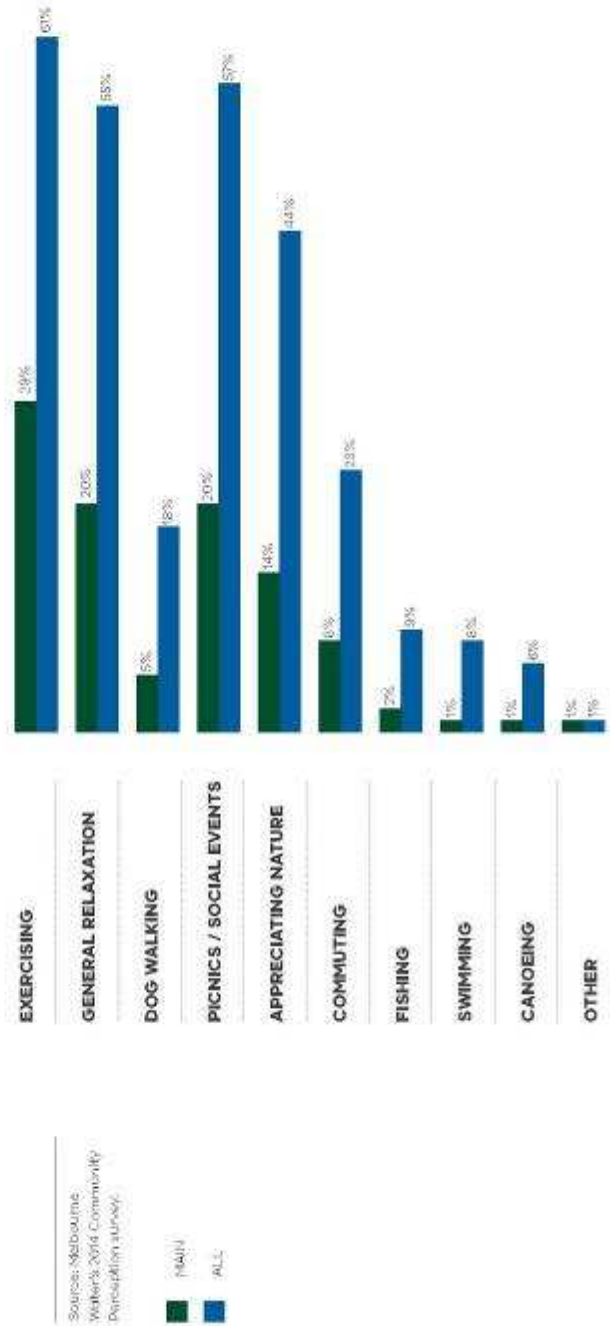
Along the entire river corridor, the cultural and environmental significance of many spaces is recognised by heritage or environmental controls over buildings and structures, the river banks, significant trees and the parklands themselves.

<sup>9</sup> Lower Yarra River Development Plan (1985) and repeated in later plans including Linking People and Spaces (2002).

Chapter 3: The Yarra River today

Figure 7 displays survey data about why people visit the Yarra River corridor. It shows that the main reason people visit the river are to exercise, for general relaxation, picnics and social events and to appreciate nature. It also shows that commuting and dog walking are popular reasons to visit.

Figure 7: Reasons people visit the Yarra River





### 3.7 Amenities

The Yarra River and its riverscape (or landscape corridor) has been identified as an important amenity value to the city and its community. Amenity is a term with varied meanings across the community and land use and environmental planning disciplines. In the context of this discussion it is the attributes of the Yarra River corridor that contribute to feelings of comfort, pleasantness, social connection and visual attractiveness for the community.

Research and strategies along the river corridor to date have identified numerous attributes that contribute to its amenity. These include a tree-dominant landscape, open spaces, recreation trails, views of and access to the water, scenic views to and from roads and bridges to a naturalistic landscape, connections to cultural places and the lack of dominant and continuous built form immediately adjacent to the waterway.

Amenity and livability are interrelated and can share many common attributes.

### 3.8 Values

The Yarra River, its immediate corridor and its catchment offer a wide range of opportunities for the benefit, enjoyment and health of locals and visitors. The Yarra MAC has identified that the Yarra River corridor provides the following ecological, cultural, social, amenity and economic values. The corridor:

- is an inseparable part of Melbourne's identity
- has vital significance for Aboriginal cultural heritage and practices
- has shaped non-Aboriginal cultural heritage and urban settlement in Melbourne
- is a diverse water-dependent ecosystem
- is the main source of Melbourne's drinking water
- supports primary sector production (of agricultural and fishery commodities)

- is a commuter transport corridor
- provides many passive and active recreation opportunities
- has pre-eminent public spaces where people can go to appreciate nature and encounter others
- has aesthetic and landscape value
- is a natural setting for events and attractions for tourism
- is home to Australia's largest container port and the Docklands precinct provides marinas and facilities for commercial and recreational boating
- has a significant influence on the environmental health of Port Phillip Bay.



### 3.9 Characteristics of each reach

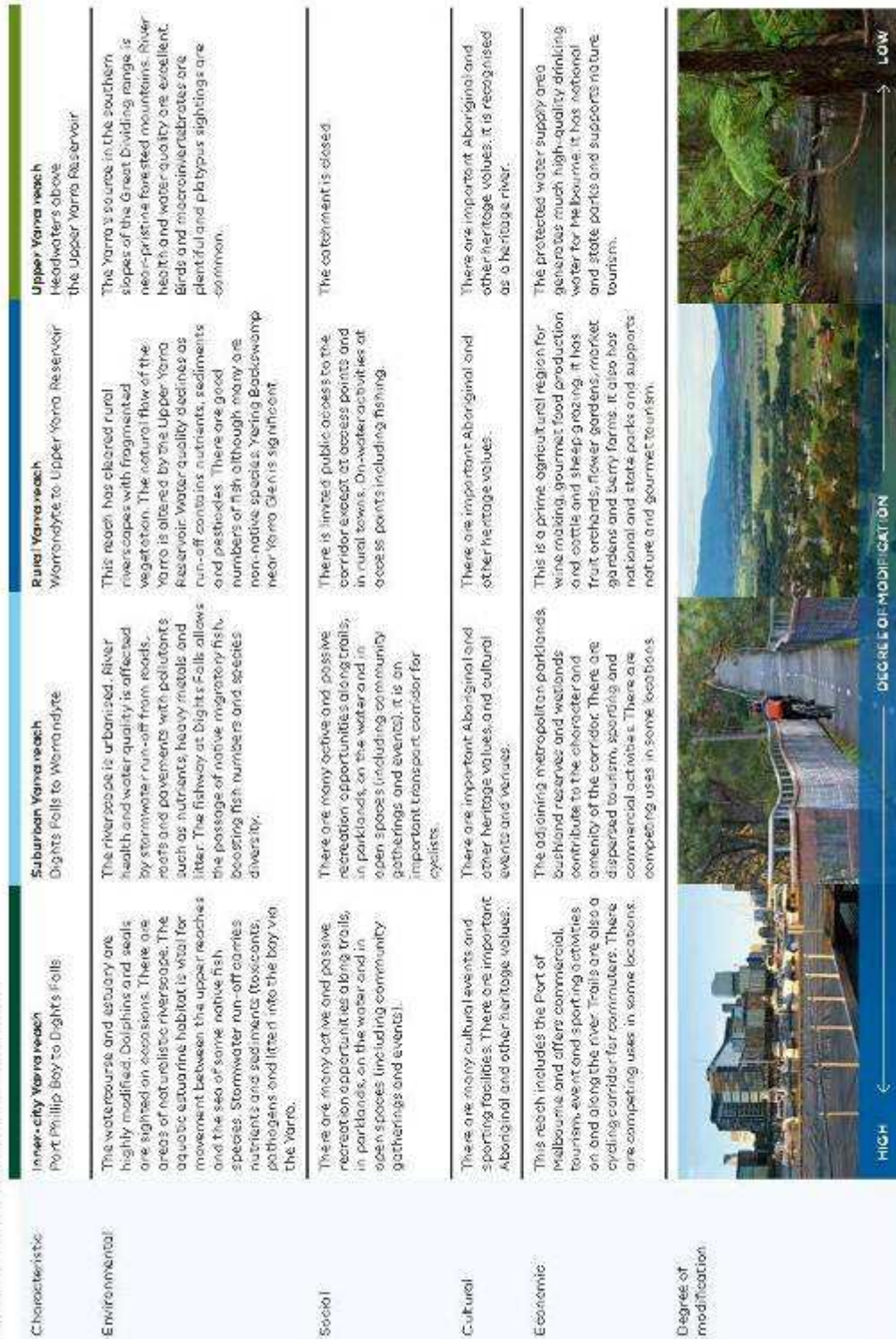
Along the length of the Yarra River the characteristics and values of the river are quite distinct and the benefits and experiences it provides vary considerably. These variations can be grouped into four distinct waterway typologies (reaches) that highlight the different pressures on the health and amenity of the Yarra River and the challenges of developing an integrated management approach along its full length.

The four reaches are:

1. **the inner-city Yarra reach:** It is a highly urbanised setting; the watercourse has been heavily modified to reduce flood risk and enable navigation and recreational uses (such as rowing). Significant areas of former industrial land and buildings are being converted for residential and commercial use through Abbotsford, Richmond, Cremorne, Southbank and Docklands in an ongoing transformation of the inner city.
2. **the suburban Yarra reach:** It flows through Melbourne's residential areas and provides recreational and transport opportunities.
3. **the rural Yarra reach:** It flows through agricultural land past lifestyle properties and rural towns and is characterised by broad floodplain elements with the river mostly hidden away on private land.
4. **the upper Yarra reach:** It is mostly national park with near-pristine areas of public land set aside for harvesting water; many pristine streams are found in this area which is mostly national park comprised of Mountain Ash forests and cool temperate rainforests.

Figure 8 explains the environmental, social, cultural and economic characteristics of each reach and illustrates the degree of modification of each.

Figure 8: The four reaches of the Yarra River





### 3.10 Key issues and opportunities

The Yarra MAC has held discussions and workshops with a range of stakeholders to identify the issues and opportunities that should be considered in governance reforms.

Due to the diversity of the conditions along the Yarra River, opportunities and issues were separately identified for each of the four reaches.

Recurring themes across the reaches were the need to:

- improve the recognition and celebration of Aboriginal heritage and culture
- develop a strategic vision and/or plan for the whole Yarra River corridor
- secure continuous parkland and trail along the corridor
- protect the river's water quality and ensure sufficient water flows
- enhance biodiversity
- control the effects of urbanisation and development (such as increased stormwater run-off and visual impacts).

#### Inner-city Yarra reach

(Port Phillip Bay to Dights Falls)

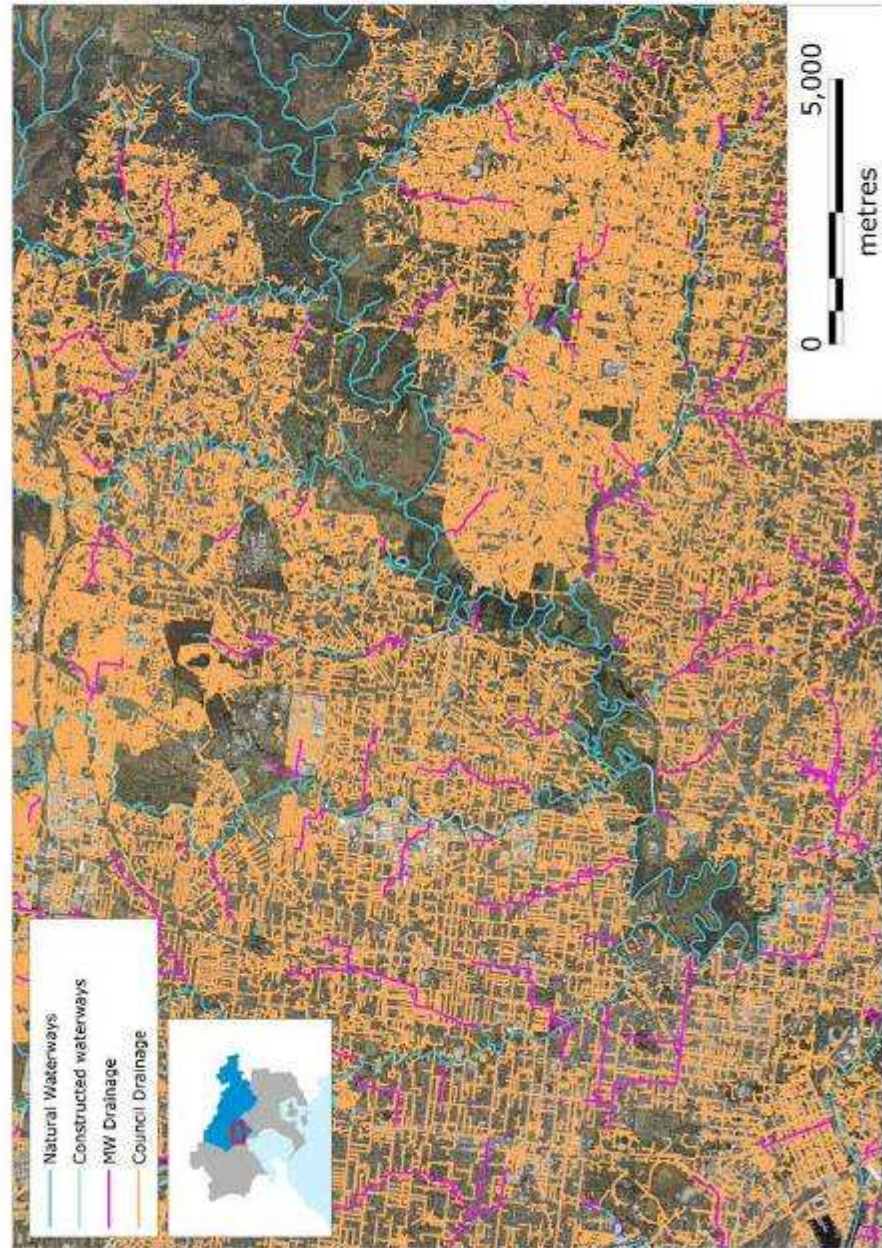
There have been (and continue to be) significant opportunities to redevelop and renew sites along the inner-city Yarra reach to provide for increased community access, enjoyment and use of the Yarra.

Table 2 shows the key issues identified for this reach and the opportunities to address them, largely through land use planning processes for urban (re) developments.

Table 2: Key issues and opportunities for the inner-city Yarra reach

Issues	Opportunities
<p><b>Land use/development planning</b></p> <ul style="list-style-type: none"> <li>• Responsibilities for land use planning along the corridor are fragmented</li> <li>• Intrusive development affecting views to and from the river</li> <li>• Pollution and litter from stormwater flows into the river and then into Port Phillip Bay</li> </ul>	<p><b>Yarra corridor strategy / plan</b></p> <ul style="list-style-type: none"> <li>• Establish a whole-of-river approach that sets the context for localised projects and management (through development of a corridor plan and/or vision)</li> <li>• Identify and celebrate Aboriginal heritage and culture</li> </ul> <p><b>Parklands and open space strategy</b></p> <ul style="list-style-type: none"> <li>• Establish continuous public access along the length of the river</li> </ul> <p><b>Waterway strategy / management plan</b></p> <ul style="list-style-type: none"> <li>• Engage in revegetation and ecological restoration</li> </ul>

Figure 9: Stormwater run-off drainage into waterways



Chapter 3: The Yarra River today

**Suburban Yarra reach**

(Dights Falls to Warrandyte)

A key issue in the suburban Yarra reach is urban stormwater run-off from roads, roofs and pavements that picks up pollutants (such as nutrients, heavy metals and litter). In the Yarra catchment, urban run-off enters the Yarra River via the 10,041 km of council drains (the orange drains in Figure 10) that discharge directly into the Yarra River, into a tributary that then flows into the Yarra River or into the 422 km of Melbourne Water drains (the light blue drains in Figure 10) that then drain directly (or via a tributary) into the Yarra River. The rush of polluted water into waterways causes damage every time it rains. The volume and frequency of polluted stormwater means that sensitive organisms can rarely survive in the river.

Table 3 shows the issues identified for the suburban Yarra reach and the opportunities to address them.

**Table 3: Key issues and opportunities for the Suburban Yarra reach**

Issues	Opportunities
<p><b>Land use/development planning</b></p> <ul style="list-style-type: none"> <li>• Management of private properties affects the environment and landscape of the waterway</li> <li>• Development is encroaching on the views to and from the river</li> <li>• Competing uses and interests should be balanced</li> <li>• Aboriginal culture and heritage should be protected</li> </ul> <p><b>Waterway strategy / management plan</b></p> <ul style="list-style-type: none"> <li>• Climate change is affecting river flows</li> <li>• Stormwater run-off is increasing pollution and river flows and causing erosion</li> <li>• The reach has pest plants and animals</li> </ul> <p><b>Funding sources</b></p> <ul style="list-style-type: none"> <li>• Funding sources are not secure</li> </ul>	<p><b>Land use / development planning</b></p> <ul style="list-style-type: none"> <li>• Develop a clear vision for a future riverscape along the river's full length</li> <li>• Implement stronger and consistent planning controls to protect the reach's character</li> <li>• Develop hubs or popular visitor attractions to make the river a destination, not just a trail</li> </ul> <p><b>Parklands and open space strategy</b></p> <ul style="list-style-type: none"> <li>• Improve the network of trails including for all-abilities use and improve access (such as by smart design to balance competing uses and meet peak demands) and make the trails continuous along the length of river</li> <li>• Increase recreation, community and sporting events</li> </ul>

### Rural Yarra reach

(Warrandyte to the Upper Yarra Reservoir)

The natural flow of the Yarra was altered greatly by the harvesting of water to supply Melbourne, other towns in the region and agriculture. The combination of passing flows and the Yarra's 17,000ML annual environmental water entitlement are now used to improve the environmental values and health of the river.

Table 4 shows the key issues identified for the rural Yarra reach and the opportunities to address them.

**Table 4: Key issues and opportunities for the Rural Yarra reach**

Issues	Opportunities
<p><b>Enhanced use of environmental water entitlements</b></p> <ul style="list-style-type: none"> <li>Flow is reduced by water extractions</li> <li>Volume and timing of river flows</li> </ul> <p><b>Waterway strategy / management plan</b></p> <ul style="list-style-type: none"> <li>Cleared land and run-off contain nutrients and sediments that enter the river</li> <li>Changing land uses result in increased urbanisation</li> <li>Agricultural run-off and livestock access affect the river</li> </ul>	<ul style="list-style-type: none"> <li>Develop a parklands and open space strategy</li> <li>Protect Aboriginal culture and heritage</li> <li>Create continuous parkland and trails</li> <li>Create continuous parkland and trails</li> <li>Encourage tourism</li> </ul>

### Upper Yarra reach

The main pressures on the health of the upper Yarra and its water quality are from the impacts of a changing climate that is warmer and drier, with an increased likelihood of severe events (such as droughts and bushfires).

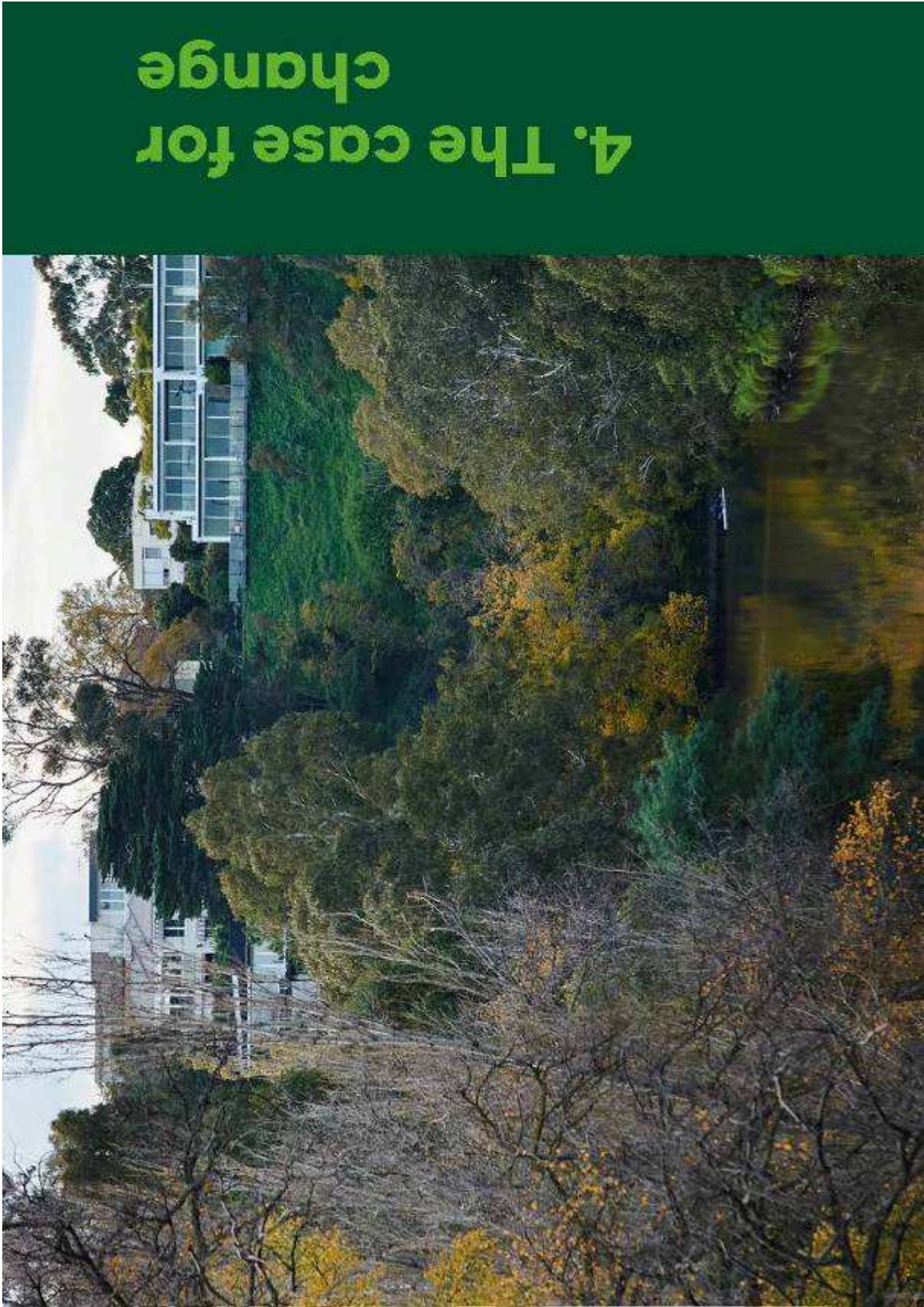
Table 5 shows the key issues and opportunities identified and issues identified for the upper Yarra reach and the opportunities to address them.

**Table 5: Key issues and opportunities for the Upper Yarra reach**

Priorities and issues	Opportunities
<p><b>Protection of water supply</b></p> <ul style="list-style-type: none"> <li>The need to control public access and keep sites well maintained</li> <li>Extreme weather resulting in increased likelihood of bushfires and flooding, landslips and erosion</li> </ul> <p><b>Biodiversity management</b></p> <ul style="list-style-type: none"> <li>The need to balance managing fire risk with protecting biodiversity and other values</li> </ul>	<ul style="list-style-type: none"> <li>Recognise and protect natural values</li> <li>Engage Traditional Owners in fire management</li> <li>Educate the public about the river's values</li> <li>Increase ecotourism</li> </ul>

**Questions for discussion**

- What aspect of the Yarra River and its environs would you most like to see protected?
- What aspect of the Yarra River and its environs would you most like to see improved?
- Is there any information or issue we have missed?



**4. The case for change**



## The case for change

Despite the conscientious work of more than 10 organisations responsible for planning and oversight of the Yarra River, the management of the river and its riverscape is fragmented. In particular, there is no overarching mechanism for a joined-up approach that aligns objectives and integrates decision-making across organisations and along the full length of the river.

### 4.1 Current legislative, regulatory and management frameworks

The current institutional, regulatory and management arrangements for managing the Yarra River and its environs have been shaped by past challenges and policy priorities. The Yarra IAC is investigating the effectiveness of these arrangements and their ability to enable government, government agencies and councils to address the key issues and to protect the Yarra River from future pressures.

Table 6 shows the key legislative and regulatory frameworks governing the management of the Yarra River and the situation with respect to them. Generally, the Yarra IAC considers that the legislative and regulatory frameworks are relatively effective for managing the Yarra given the single-purpose approach by each entity. There is not, however, an overarching mechanism for a joined-up approach that aligns the objectives and decisions of organisations across regulatory and spatial boundaries.

Currently waterway health is managed with a combination of:

- planning controls to limit the urbanisation of land in the nominated green wedge areas
- an environmental water entitlement to improve the environmental values and health of the river
- one waterway manager (Melbourne Water) for the entire length of the river and its catchment and an associated funding stream from the Waterways and Drainage Charge) enabling it to build on consecutive healthy waterway strategies to achieve longer-term goals.

DELWP is currently working with all the relevant councils to establish planning controls that protect the Yarra River's landscape setting from Richmond to Warrandyte. This work is taking a consistent (group) approach along the

river that will greatly strengthen the protection of the Yarra in that stretch.

The 2,450 ha of urban parklands and green open spaces along the Yarra are managed under a multitude of crown land management arrangements and committees of management. There is no shared vision or strategy to guide investment decisions or planning to maximise the value of this public asset for the benefit of the community.

**Table 6: The Yarra's legislative and regulatory framework**

Element	Key legislation and regulatory instruments	Situation
<p><b>Land use planning</b></p> <p>Under Victoria's planning system local councils and the Victorian Government develop planning schemes to control land use and development and to ensure the protection and conservation of land in Victoria in the present and long-term interests of all Victorians. These schemes are developed in line with planning policy and strategy and contain planning policies, zones, overlays and other provisions that affect how land can be used and developed.</p>	<ul style="list-style-type: none"> <li>The Planning and Environment Act 1987 sets out the framework for planning the use, development and protection of land in Victoria.</li> <li>The State Planning Policy Framework in the Victoria Planning Provisions provides the overarching policy to guide land use, subdivision and development in Victoria and includes a dedicated Yarra River protection planning policy.</li> <li>The Local Planning Policy Framework provides local policy context for precinct structure planning and land subdivision permits.</li> <li>Some planning scheme provisions and overlays (eg. flooding overlay) trigger the referral of permit applications to Melbourne Water to ensure any waterway, water quality and drainage issues affecting or affected by the subdivision are satisfactorily addressed.</li> </ul>	<ul style="list-style-type: none"> <li>There are 9 councils along the Yarra River and an additional 10 in the broader Yarra catchment, each with their planning scheme influenced by both State policy and by local factors.</li> <li>There is currently no overarching (integrated) linear / corridor strategy for the length of the Yarra River to guide the development and application of consistent, joined-up conditions for land use and development along the Yarra River.</li> <li>100,000 ha of land in the upper Yarra catchment is a designated water supply catchment and excludes other uses.</li> <li>Management of stormwater run-off from properties is only required in a very limited set of circumstances in the Yarra catchment and the standards (Best Practice Environmental Guidelines for Urban Stormwater) need updating.</li> </ul>
<p><b>Waterway management</b></p> <p>There are a range of measures to protect waterways from the adverse impacts of human use.</p>	<ul style="list-style-type: none"> <li>The Water Act 1989 sets out the water entitlement framework and mechanisms for managing Victoria's water resources. It provides caps on consumptive uses, sets sustainable diversion limits, allocated entitlements and requires licences for works on waterways. It also sets out the framework for managing rivers, floodplains and drainage.</li> <li>The Catchment and Land Protection Act 1994 sets out the integrated catchment management system—the institutions, processes and responsibilities for assessing and managing catchments.</li> <li>There are regulations about when it is permitted to clear native vegetation, to ensure biodiversity impacts are factored into decisions about land use changes and development.</li> <li>Diffuse- and point-source pollution (including wastewater management) is controlled with a combination of works approvals and licences, issuing of notices, formal enforcement and collaborative management frameworks to achieve the requirements of the State Environmental Protection Policy (Waters of Victoria) under the Environmental Protection Act 1970.</li> </ul>	<ul style="list-style-type: none"> <li>The Yarra River has passing flow requirements at several locations and a 17 GL environmental water entitlement and the catchment is capped.</li> <li>Most of the suburban and inner-city Yarra reaches are highly modified riverscape in a naturalistic setting. Protecting vegetation that is non-native is also important for public appreciation and enjoyment of the river.</li> <li>Most identifiable point-source pollutants have now been assessed. The biggest source of pollution in the suburban and inner-city Yarra reaches is from urban stormwater run-off.</li> <li>Melbourne Water as the designated waterway manager prepares a regional waterway strategy and delivers the implementation plan. As these are catchment-based they cover the full length of the Yarra River.</li> </ul>
<p><b>Crown land</b></p> <p>As well as DELWP and Parks Victoria's Crown land management efforts, there are volunteer committees of management, which are appointed by the minister.</p>	<ul style="list-style-type: none"> <li>The Crown Land (Reserves) Act 1978 enables reservation of land for a range of public purposes, stipulates how reserved land must be dealt with and prescribes some governance arrangements for committees of management appointed to manage reserved land.</li> </ul>	<ul style="list-style-type: none"> <li>There are 833 crown land parcels adjacent to the Yarra River totalling of more than 138,000 ha.</li> <li>There are a multitude of different land management arrangements and committees of management.</li> <li>There is no requirement for an integrated approach to managing the linear network of parklands or to improving the community benefits provided.</li> </ul>



**Chapter 4:** The case for change

**4.2 Roles and responsibilities**

Several organisations – government, private sector and community – currently have some level of effect or interest in the planning, monitoring, management and condition of the Yarra River corridor and its catchment.

Organisations with decision-making and service delivery responsibilities that affect the Yarra River and its riverscape include:

- DELWP
- EPA Victoria
- Melbourne Water
- Metropolitan Planning Authority
- Parks Victoria
- Places Victoria (Docklands)
- Port Phillip and Westernport Catchment Management Authority (CMA)
- VicRoads
- 11 councils along the Yarra River: Banyule, Baw Baw, Boroondara, Hobsons Bay, Melbourne, Manningham, Maribyrnong, Nillumbik, Stonnington, Yarra and Yarra Ranges
- 10 additional councils in the water catchment area for the Yarra River: Cardinia, Darebin, Hume, Maroondah, Mitchell, Monash, Moonee Valley, Moreland, Whitehorse and Whittlesea

Table 7 shows the roles and responsibilities of these organisations.

**4.3 Environmental advocacy**

For many years, the Yarra Riverkeeper Association and Environmental Justice Australia have advocated for better care of the Yarra River. These two organisations are currently facilitating community forums as part of their advocacy of an integrated legislative framework to protect the Yarra River. Other community groups (such as Friends of Merri Creek) have also actively worked over many years to restore and protect the river, its riverscape and tributaries.

**4.4 Current governance challenges**

A strong message from the Yarra MAC's initial canvassing of the views of stakeholders is that a unifying vision is required for the Yarra River and its corridor, together with an overarching strategy to better integrate the sometimes-disjointed planning for the economic, amenity, environmental and cultural values of the Yarra.

More than 10 organisations have management responsibilities for the Yarra River corridor across four broad areas of governance:

- controls over land use and development including the first steps to protect the amenity of the river corridor
- provision of environmental health protection services

- provision of amenity services (such as recreation, leisure, tourism, water transport, land transport and potentially amenity)
- stewardship of the cultural significance of the river for Aboriginal people and the wider Victorian community.

Despite the conscientious work of these organisations, management of the river corridor is fragmented. The provision of amenity services in particular lacks a lead agency and suffers from a lack of clear goals, fragmented service provision and a lack of investment.

In addition to government entities, there are also multiple community and private sector organisations that play a direct or indirect role in the management of the Yarra River corridor, or whose activities impact on the Yarra River, its environs and its catchment.

Achieving harmonisation and integration of efforts across these agencies and areas of governance is perhaps the principal challenge.

In addition to the broader governance challenge of working across sectors and between organisations, the Yarra MAC's work to date has identified seven issues arising from the current institutional and regulatory arrangements. They are:

- the nature of the partnership with Aboriginal communities for managing the river is not clearly defined
- there is no shared, overarching vision or strategy for the Yarra River corridor

**Table 7: Roles and responsibilities for the Yarra River**

Who	Role(s) and responsibilities
Victorian Government	<p>DELWP is responsible for developing and implementing statewide policy for waterway health, flood management and regional drainage. It manages Crown water frontages and other Crown land reserves, flora and fauna and oversees the water allocation framework. It also administers the Parks and Reserves Trust Account.</p> <p>Other state government agencies involved in regulating and managing the river system are the Department of Health, Department of Treasury and Finance, Essential Services Commission, Victorian Environmental Water Holder and Parks Victoria.</p>
Melbourne Water Corporation	<p>Melbourne Water is the waterway manager for the Yarra River acting as custodian of the river's ecological health. Melbourne Water leads the development and delivery of the waterway management program for the Yarra River, which includes integrated planning and coordination of water and biodiversity management and an extensive scientific program. It is also responsible for:</p> <ul style="list-style-type: none"> <li>• providing bulk stormwater drainage systems and improving the water quality of stormwater in drainage systems for areas larger than 60 ha</li> <li>• regulating and issuing consents for persons building structures or carrying out work on flood-prone land and for works that would interfere with the hydrological functioning of the river</li> <li>• protection and maintenance of the water supply catchment areas in the upper Yarra catchment</li> <li>• emergency response and clean-up for pollution events</li> </ul> <p>Under clause 56 of the Victoria Planning Provisions, Melbourne Water is a determining referral authority for planning permit applications to develop land that is subject to flooding and for drainage of land that is to be subdivided.</p>
Parks Victoria	<p>Parks Victoria provides management services over waterways land for the purposes of recreation, leisure, tourism and water transport. It also undertakes on-the-ground land management tasks for most of the Crown land reserved as parks along the Yarra corridor. This includes the national and state parks, Crown reserves and places of historical significance. Parks Victoria supports the activities of many community groups that care for the Yarra and parklands along the corridor (see below).</p> <p>Parks Victoria is the water transport safety manager for the Yarra, making it responsible for monitoring and controlling on-water boating activities, dredging and maintaining navigation aids and signs. As a ministerial delegate, it also issues licences for jetties on the river.</p>
Councils along the Yarra River in the Yarra catchment	<p>Councils are the responsible authorities for developing a local planning policy framework to govern planning approvals for the use or development of private land and for issuing planning permits. They can take enforcement action in response to a landowner breaching or conducting unauthorised work on land that requires a planning permit or doing so in breach of permit conditions.</p> <p>Councils also provide stormwater drainage systems servicing areas of less than 60 ha. The stormwater in their drains discharges either directly into the Yarra River and its tributaries or into Melbourne Water's stormwater drains.</p> <p>Councils manage Crown land as committees of management and land they own along the corridor, most of which is open space. They also issue licences for a landowner to use a septic tank system and planning permits for jetties on rivers such as the Yarra.</p>
EPA Victoria	<p>The EPA helps protect the health of the Yarra with powers under the <i>Environment Protection Act 1970</i> to prevent pollution and protect the environment. The EPA licenses discharges to the environment, monitors water quality and enforces state environment protection policies for the protection of surface water and groundwater.</p>
VicRoads	<p>VicRoads delivers and manages main road crossings of waterways and floodplains, manages urban stormwater run-off from major roads, and manages and implements emergency response plans for containing spills associated with major roads.</p>
Port Phillip and Westport CMA	<p>The CMA develops and monitors a catchment management strategy to protect and improve the Port Phillip and Westport areas' land and water resources, focusing mainly on protecting the land resources.</p>

**Chapter 4: The case for change**

- there is no responsibility for developing and maintaining the amenity values of the river.
- a community driven vision for the Yarra River corridor is not embedded in statutory planning
- there is no community forum with status.
- there are funding constraints
- inconsistent application of standards and regulations.

**Partnership with Aboriginal custodians of the river**

The Victorian Government has expressed a renewed commitment to recognising and managing for Aboriginal values. Its commitment is enshrined in a range of policy instruments (such as the *National Water Initiative, Aboriginal Partnerships Action Plan*, the *Victorian Aboriginal Affairs Framework and Mungahin Gadhaba Achieve Together*, *DELWP Aboriginal Inclusion Plan 2016-2020*. Additionally, the *Commonwealth Native Title Act 1993* and *Victorian Traditional Owner Settlement Act 2010* that formally recognise the rights and interests that Victoria's Traditional Owners continue to hold in land and water.

The *Water for Victoria Discussion Paper* states that, "Victorian water planning and management frameworks will recognise the cultural value that water has for

Aboriginal people. Our existing water planning and management processes will have regard to the rights and interests of Victoria's Traditional Owners. This will be achieved through Aboriginal participation in water management".<sup>30</sup>

The Wurundjeri Tribe Compensation and Cultural Heritage Council has a long history of managing and protecting cultural heritage in the Yarra River corridor on behalf of Woiwurrung people. Their 'Our Country, or 'Narrap' Team, focuses on the protection, management and enhancement of environmentally and culturally significant places, including the health of the Yarra River. However, it remains unclear how an overarching Wurundjeri perspective can be hardwired into ongoing governance of the river and its environments. The particulars of a partnership model for the Yarra River need to be developed to enable a productive long-term partnership with Aboriginal custodians.

**Lack of overarching vision or strategy**

There isn't a shared overarching vision or strategy for the Yarra River and its environs that considers the strategic importance of the whole river corridor and addresses all areas of governance. None of the organisations whose functions intersect the river corridor or catchment are required to produce such a document. A shared vision would facilitate the coordination and alignment of localised efforts in working towards longer-term goals for the corridor. This

is particularly important for addressing catchment-wide issues (such as urban stormwater run-off) and connectivity issues (such as a continuous trail along the river passing through several local government areas).

**Responsibility for amenity values**

Consideration of the Yarra River's amenity values is often absent or ill-defined in the responsibilities of organisations involved in managing the Yarra River corridor and its links into the catchment. Amenity includes the character of the landscape and the vistas and views from and to the river, as well as the many benefits that parklands and open spaces provide along it. The cultural values attached to the river and recreational uses and facilities are also related to the amenity function.

Where amenity is considered, there is often an ad hoc and fragmented response from relevant agencies as their responsibilities are either limited in scope or in geographic reach. For example, local governments who play a lead role in the provision of amenity services in their municipality are only responsible for the part of the river corridor that is within their jurisdiction and have only to respond to localised demands and issues.

<sup>30</sup> *Water for Victoria Discussion Paper* (DELWP), 2015, p.17.

**A community vision is not embedded in statutory planning**

With no whole-of-corridor strategy there has been a weak link between the functions and management of the river and the statutory planning process. Approvals for change in land uses and development may only link to local policies and strategies where they exist. This has led to the situation of constantly defending the river from inappropriate development and considerable community frustration and disappointment. The absence of a clear vision and consistent planning controls has led to the same battle being fought repeatedly as new development proposals are presented.

**No community forum with status**

There are limited opportunities (both in timing and in scope) for the wider community to have a say in an overall vision or strategy for the Yarra River corridor, including where different values should be prioritised and how they interact. While the community is consulted about policies and plans, they tend to be either narrow in scope or in geography.

A recognised community forum does not exist that would help develop objectives and goals for the entire length of the river and raise issues between strategic planning cycles. Such a forum would enable broader debate about the

challenges and opportunities facing the Yarra River corridor. It would also support the collective shaping of parklands and open spaces by their local communities, in the context of realising the shared vision for the corridor.

**Funding**

Except for Melbourne Water, few organisations have an ongoing funding stream specifically for programs or works associated with the Yarra River corridor. Most funding is project based with only short-term commitments. Parks Victoria draws funding from the Parks Charge for its operations and investments which may include works along the Yarra River corridor. There is no funding committed to deliver whole of river corridor strategic priorities.

There can also be a mismatch between responsibilities and funding. This is particularly the case with local governments, which currently provide amenity services but have limited access to funds for projects that may be of strategic importance beyond their local area.

Much of the open space acquisition and development that occurred in the 1970s and 80s, including the trails network, was delivered by the MMBW and funded by the Parks Charge (previously the Metropolitan Improvement Fund) which was collected by the MMBW at the time. The Parks Charge has a similar history to the Waterways and Drainage Charge. It was under the MMBW and Melbourne

Water until 1998 when Parks Victoria was created and the Parks Charge revenues were paid into a Trust administered by the Secretary of the Department of Sustainability and Environment (now DELWP).

In contrast, Melbourne Water still collects the Waters and Drainage Charge and has made considerable efforts to reform the delivery of waterways and drainage services in its region and to establish clear service levels linked to the value of the charge. This has enabled Melbourne Water to implement a program of works to protect and enhance the health of the Yarra River and other waterways in the Port Phillip and Westernport region.

**Inconsistent standards**

Another issue to be considered is the inconsistent standards in the planning, permit applications, construction and ongoing management of the Yarra and its environs. There is variance in the standards that are set along the river and in their application.

The cumulative impact of vegetation removal, landscaping, rock work to the river bank and significant mass and visual intrusion of large dwellings have already significantly and permanently altered the landscape character of sections of the river.

## 4.5 Future challenges

### Population growth and changing demographics

Population growth in the Melbourne region will continue to put pressure on the health and amenity of the Yarra River and its corridor. Current population forecasts project Melbourne will grow from 4.5 million residents today to 7.8 million by 2051. The Yarra catchment is a highly populated area with over two million people (over one-third of Victoria's population) residing there.

While the water quality of the Yarra and Port Phillip Bay compares well with rivers in other cities internationally, increased urban development in the catchment will result in increased pollutants in stormwater run-off that will affect ecological health if not properly managed. Additionally, the built environment has less surface permeability than natural land, leading to increased stormwater flows into waterways that exacerbate the effects of flooding, increase river scouring and affect river habitat. Improved management of stormwater via tributaries such as the Yarra River is also essential to maintain the amenity and health of Port Phillip Bay.

A growing population will increase usage of the river, its parklands and public open spaces. There are two urban forms that predominantly accommodate growth in Melbourne: low-density greenfield development and higher-density inner-

city development. Population growth generally occurs across the catchment in both types of urban development and will put additional pressure on the city's green wedges, parks and open spaces as well as on the environment in peri-urban greenfield areas. Protection and conservation of the naturalistic landscape along the Yarra is required as well as consideration of a wider range of uses, all-abilities access and changing recreation requirements. This will require balancing areas for protection with the identification and design of hubs or attractions as destinations to attract more-intensive uses.

### Impacts of a changing climate

The changing climate also poses a threat to sustainable management of the Yarra River. Declining rainfall, higher temperatures and longer droughts are predicted as well as more frequent storms.

There has been much progress with environmental flow arrangements in the last decade. However these have aimed to protect current environmental values under the historic climate patterns. As we experience the impacts of climate change, current arrangements may not be sufficient to sustain a healthy river and many of its plant and animal species in their current forms.

The urban Yarra has an important role in hot weather: its tree canopy cover, vegetated surfaces and soil moisture can reduce urban heat through both shading

and evapotranspiration. As such, the Yarra River corridor will become more and more important for the health and wellbeing of locals during hot periods. Its cooling benefits can be felt in the immediate vicinity and downwind of green areas. Temperature decreases of even 1-2°C can measurably reduce heat-related morbidity and mortality.

### Conclusion

Metropolitan Melbourne is undergoing a growth phase comparable in scale and consequence to those triggered by the gold rush in the mid-19th century and the long post-World War II population boom. Both these periods brought major challenges but a combination of visionary planning, highly effective public institutions (such as the MMBW) and significant investment also left the city with great legacies. These include:

- a large footprint of urban parklands and a (mostly) connected open space and trail network
- protection of the forested upper Yarra water supply catchment area for high-quality drinking water
- construction of Melbourne's sewerage system
- regulation of pollution by the EPA (the world's second-oldest EPA)
- a series of metropolitan plans and policies that created green wedges and development corridors that valued and preserved the naturalistic Yarra River corridor.



Source: Melbourne Water

A similar level of vision is required now as we undergo the third major growth wave in Melbourne. It is important that we protect this legacy and ensure that the Yarra River and its corridor continue to enhance Melbourne's and the region's liveability and economic success.

The current challenge in managing the Yarra River corridor is, however, very different from that of the past. In the past, big-picture decisions were required to reserve and acquire land for open space, control development and make major investments in public sewerage infrastructure. These were far-reaching initiatives, and a commitment to deliver

them over decades of sustained effort has provided us with the basic footprint of the Yarra corridor and catchment land use patterns that we see today.

Except for in the City of Melbourne there has only been incremental investment in developing or enhancing the open space corridor over the last 30 years. While setting aside significant areas of land has been largely successful, there has been no overall vision and strategy for the long-term development and use of the corridor in order to resolve competing uses, provide for a wider range of community benefits and develop nodes for more intensive uses. The

corridor's potential for more use and enjoyment by the community to provide more opportunities for recreation and appreciation of nature, and to attract tourists is largely unexplored.

The challenge today is to manage the demands that Melbourneans put on the Yarra River. As the population grows, there will be pressure for more-intensive development in the catchment and greater recreational use of the river and its environs. As the city grows, there will be both greater appreciation of the need to protect the Yarra and a greater number of potentially damaging processes to protect it from.



# 5. A new management model







## A new management model

After examining the current planning and management arrangements for the Yarra, the Yarra MAC concluded that a new management model is needed to protect the river and that this requires work in six key areas.

The Yarra MAC proposes a strategic framework comprising:

- a community vision that clearly outlines community requirements and expectations for the entire length of river over the long term;
- an integrated, overarching strategic plan for the river that would give effect to the community vision;
- improved management arrangements to ensure the Yarra Strategic Plan will be implemented efficiently and effectively with clear accountabilitys for all aspects of management;
- legislation to provide statutory backing and longevity to the new arrangements and give real confidence that the river will be protected over the long term;
- a statutory reporting and audit function to provide regular reporting to government and the community about progress delivering the plan;
- clear funding and infrastructure delivery arrangements.

### 5.1 A community vision for the entire length of the Yarra

The whole Yarra River corridor faces challenges that are set to escalate as Melbourne continues to adapt to rapid population growth and climate change. At the same time, Melbourne's growth and the implied investment in infrastructure offer the opportunity to build greater resilience into the natural and cultural systems sustained by the Yarra River, its corridor and its catchment.

A strong message from the Yarra MAC's consulting of the views of experts and officials is that a unifying vision is required for the Yarra River corridor, together with an overarching strategy to integrate the sometimes disjointed planning for the development, amenity, environmental and cultural values of the river. Expressed correctly and properly established through effective governance arrangements, such a vision will help guide the decisions of the various

planning and service delivery agencies involved in shaping the future of the Yarra River corridor and its catchment.

The scope of the community vision would need to encompass eight key elements of the river and its environs:

- the river and its riparian environment
- its role in providing recreational enjoyment and liveability for the city
- its cultural and heritage significance
- its role in providing opportunities for celebration and coming together
- its place as a transport corridor
- its landscape, amenity and open space characteristics
- its role in sustainable agriculture and development
- its connection to Port Phillip Bay.

The community vision given effect by the Yarra strategic plan will drive decisions, actions and investment for the

Protecting the Yarra River (Birnanung)



Source: via Bourne Water

Yarra River, its corridor and catchment. The Yarra MAC therefore considers it important that the vision be developed through a detailed community co-design process with opportunities for deep community participation and debate.

Table 8 shows five goals the Yarra MAC has developed and tested with the Yarra Reference Group to provide direction to the governance reforms: a healthy river, a liveable city, a culturally diverse riverscape, sustainable development and modern governance arrangements.

**Table 8: Goals for the Yarra River, its corridor and catchment**

Goal	Through which we would aim to ...
A healthy river	<ul style="list-style-type: none"> <li>• care for the river, its riverscape and catchment</li> <li>• promote the health of the river and its riparian ecology</li> </ul>
A liveable city	<ul style="list-style-type: none"> <li>• ensure community access to, and travel alongside, the river</li> <li>• ensure enjoyment of the river for people of all ages and abilities</li> </ul>
A culturally diverse riverscape	<ul style="list-style-type: none"> <li>• increase cultural and heritage values</li> <li>• increase opportunities for celebration and coming together</li> </ul>
Sustainable development	<ul style="list-style-type: none"> <li>• protect iconic and naturalistic river landscapes from inappropriate development</li> <li>• connect communities and places along the river with trails and cycling corridors</li> </ul>
Modern governance arrangements	<ul style="list-style-type: none"> <li>• provide visionary leadership and a long-term commitment to delivering the vision and its goals</li> <li>• involve the Traditional Owners and the general community in the management and stewardship of the river</li> </ul>

## 5.2 A Yarra strategic plan

Under current management arrangements, decisions about statutory planning, public land management and waterway management tend to be portfolio-based and are undertaken somewhat independently of each other. As well, there has been a lack of planning to protect and enhance the amenity of the Yarra River corridor. A vision for the Yarra River corridor will help to harmonise planning efforts. However, the Yarra MAC also considers it necessary to draw up an overarching strategy for the length of the Yarra River to make sure all relevant planning and management activities are coordinated, contribute to a shared long-term view and address the current gaps in planning for amenity.

More detailed plans for each reach would then translate the priorities and outcomes to specific on-the-ground parameters for land use, development, infrastructure provision and environmental health.

The Yarra strategic plan could develop a spatial and management vision for each river reach. The scope of this would include the waterway and its riverscape, parklands and open spaces, interfaces with adjacent land uses and connectivity with the lower reaches of tributaries and their associated open spaces.

More specifically, a Yarra strategic plan would:

1. outline the community vision for the full length of the river (from its source to the bay) and each of the four reaches

2. identify issues and challenges for the corridor
3. identify demand for services along the corridor now and in the future
4. prioritise river values along the corridor
5. enable community participation and stakeholder engagement at a scale commensurate with the river's significance
6. develop standards and statements of outcomes for the corridor and for each reach
7. establish broad strategic directions and detailed parameters for future planning and management that ensure the protection and enhancement of the Yarra River and its riverscape.

To give the Yarra strategic plan status, the Yarra MAC considers that it would be mandated by legislation and would need the approval of the parliament. Once agreed and approved, the Yarra strategic plan and reach plans would be incorporated into the statutory planning framework and provide guidance for local planning provisions, infrastructure and investment decisions and work management plans of waterway manager(s), Parks Victoria and local councils. It would need to be reviewed at least once every 10–15 years.

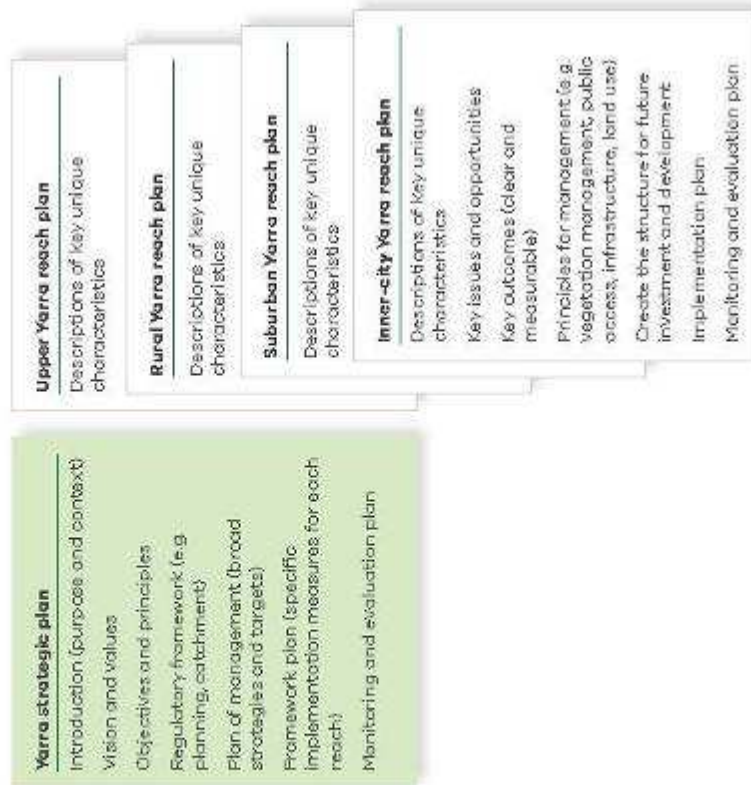
Figure 10 shows schematically the possible scope of a Yarra strategic plan:

A Yarra strategic plan would not take the place of other policies and plans made under relevant statutes such as the Planning and Environment Act, the Environment Protection Act and the Water Act. Rather, it could be an overarching strategy to integrate and harmonise the many plans, regulations and investment programs of the various agencies and organisations that help manage the corridor. Currently, these plans, regulations and programs — whether they are concerned with development, amenity, environment or culture — are no doubt logically

Protecting the Yarra River (Binnabung)



Figure 10: Schematic scope of Yarra strategic plan



### 5.3 A Yarra (Birrarung) Protection Act

Legislation is the means by which the rights and obligations of individuals and organisations are established. In the context of managing and protecting the Yarra River, it is proposed that legislation would impose duties and obligations on individuals, agencies and councils and ensure their actions and accountabilities were aligned with a Yarra strategic plan.

Chapter 4 sets out current management arrangements for the Yarra River. As noted, responsibility for managing and protecting the Yarra River rests with a large number of entities including DELWP, Parks Victoria, Melbourne Water, Port Phillip and Westport CMA, the EPA and up to 19 councils. If the roles and responsibilities of these entities are to change, legislation will be necessary.

Legislation is also necessary to develop and implement the proposed Yarra strategic plan and to ensure that entities whose powers and functions are affected by the plan act in a coordinated way in accordance with it. Legislation is further necessary to provide for any auditing and reporting arrangements proposed for the plan. And, of course, if responsibility for any of these things is to be given to a new entity, or a new entity is to be given a service delivery function or an existing entity is to be given a new function, legislation is also necessary to establish the entity and confer the function.

The proposed Yarra (Birrarung) Protection Act will therefore be essential to implement any new management model for the Yarra River.

The Yarra MAC anticipates that the Yarra (Birrarung) Protection Act will provide the framework for the Yarra strategic plan and establish any new entity required for the new management model. It will also amend as required the legislation under which current entities operate to amend their powers and functions to conform with the new model. Importantly, the Act should contain a vision statement for the new model and set out objectives and decision-making principles with which all entities with responsibilities under the Act must comply.

It is clear that the current governance arrangements do not sufficiently align and coordinate the efforts of the various entities and suffer from duplication, fragmentation and inadequate Aboriginal stewardship and recognition of the community's passion for the Yarra River.

The Act could recognise the importance of (and establish) coordinated waterway, open space and land use / development planning. It could do this by establishing a new coordinating entity or giving a coordinating role to an existing entity.

Whichever option is chosen, the Act could ensure that entities with functions that affect the management or protection of the Yarra act in a coordinated way and in accordance with the Yarra strategic plan. This will ensure that long-term planning and governance arrangements have bipartisan commitment and longevity.

The Yarra MAC considers that the new legislation could:

- create the requirement to develop the Yarra strategic plan and community vision, for tabling in Parliament
- establish a new entity or nominate an existing agency to develop the plan with Traditional Owners and community participation
- outline the contents of the plan and its development process, including how Traditional Owners and the community will be involved
- identify the relevant agencies and require them to participate in the plan's development and align their actions to it
- require all decisions affecting the river and its environs to be consistent with the plan and its objectives
- set out decision-making principles and processes
- provide referral powers as required
- extend any regulatory protections and service delivery functions as required
- outline the process for independent audit and reporting to Parliament.

Further, where there is a gap in the services and regulatory protections provided by a statutory body, an Act could address this deficiency.

## 5.4 Improved institutional arrangements

A Yarra strategic plan and community vision will go some way to solving coordination issues but on their own are insufficient. They need to be accompanied by changes in management arrangements to provide clear accountability for:

- developing and reporting on delivery of the community vision and Yarra strategic plan
- infrastructure and service delivery for all aspects of the Yarra strategic plan
- independent auditing of implementation and effectiveness.

Given the range of stakeholders involved and the complexity of management activities that need to be coordinated to shape the river's future, an agency needs to be identified or created to develop the Yarra strategic plan and community vision. The lead agency must be able to exercise influence across the relevant portfolios. It would sponsor any new budget bids and would (by developing the Yarra strategic plan) be responsible for refining the management partnership with Traditional Owners and establishing community relationships.

Existing agencies could continue to be responsible for service delivery. However, any gaps in service delivery functions that emerge through the planning process will need to be filled, with clear accountabilities for these new roles.

Regular independent auditing will be required to assure the government and the community that the Yarra strategic plan is being implemented and the community vision is being achieved, and that all agencies are discharging their responsibilities in a proactive and integrated way.

Through initial consultation with stakeholders, the Yarra MAC has identified options for how institutional arrangements could be improved with respect to developing and delivering the plan and vision, service delivery and independent audit. The options are shown in Table 10.

Regardless of the options recommended, the Yarra MAC will also make sure its recommendations address the key gaps that have been identified in the oversight and management arrangements.

The planning process and links to related initiatives and projects will also be examined by the Yarra MAC to see if there are improvements that could be made that would improve the effectiveness of the recommended governance reforms.

## An example of integrative legislation: *Transport Integration Act 2010*

The *Transport Integration Act 2010* created a framework for the provision of an integrated and sustainable transport system in Victoria.

The Act is principles-based and establishes a framework—a vision, six objectives and eight decision-making principles—for integrated and sustainable transport policy and operations. The Act requires decisions affecting transport systems to support the objectives and to be made within the Act's integrated decision-making framework.

The vision statement in the Act is that, 'The Parliament recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible state.'

It defines integrated decision-making as, 'The principle of integrated decision-making means seeking to achieve government policy objectives through coordination between all levels of government and government agencies and with the private sector.'

The *Transport Integration Act* is an example of legislation to clarify roles and improve consistency across the many agencies and portfolios whose work affects transport services.

The Yarra MAC considers the issues and principles in Table 9 should be considered when assessing the advantages and disadvantages of each option.

**Table 9: Issues and principles for evaluating options**

Function	Issues and principles
General principles	<ul style="list-style-type: none"> <li>• Complement or build on existing successful governance arrangements, practices and mechanisms</li> <li>• Enable best use of existing funding for the Yarra River</li> <li>• Reduce duplication and complexity</li> <li>• Able to be implemented for other rivers in Melbourne and across the state if required</li> <li>• Ensure consistency with existing statewide policies and approaches for waterway management</li> <li>• Clarify—don't blur—accountabilities</li> <li>• The overall model should as far as possible be cost-neutral to government</li> <li>• Aim for the model to be best practice in urban water management and to be a case example</li> </ul>
Development of the Yarra strategic plan and community vision and reporting on delivery	<ul style="list-style-type: none"> <li>• The lead entity should have an ongoing relationship with the community and partnership with the Traditional Owners, not just when developing the plan</li> <li>• The lead entity should have ongoing relationships with relevant councils and other service delivery agencies</li> <li>• The Yarra strategic plan should be developed and implemented in the context of its tributary requirements, whole-of-catchment management and its effects on Port Phillip Bay</li> </ul>
Service delivery	<ul style="list-style-type: none"> <li>• Complement and do not disrupt existing service delivery programs</li> <li>• Where an agency is funded under legislation to provide a service, the agency must provide that service; that is, there must be no cross-subsidisation</li> <li>• New boundary issues should not be created</li> </ul>
Independent audit	<ul style="list-style-type: none"> <li>• Audit requirements should be aligned with other relevant monitoring and reporting functions</li> </ul>

Protecting the Yarra River (Binnabung)



Table 10: Improved institutional arrangements options

Function	Options
1. Develop a Yarra vision and a Yarra strategic plan	<ul style="list-style-type: none"> <li>1.1 A new coordinating committee</li> <li>1.2 An existing body</li> <li>1.3 A new body</li> <li>1.4 A new body established within an existing agency</li> </ul>
2. Service delivery	<ul style="list-style-type: none"> <li>2.1 An existing service delivery agency</li> <li>2.2 A new service delivery agency</li> <li>2.3 The body that produced the Yarra Vision and Yarra strategic plan</li> <li>2.4 A new coordinating body</li> </ul>
3. Independent audit	<ul style="list-style-type: none"> <li>3.1 An existing independent monitoring and audit agency</li> <li>3.2 A new independent monitoring and audit agency</li> <li>3.3 The body that produced the Yarra Vision and Yarra strategic plan</li> </ul>

### 5.5 Funding arrangements

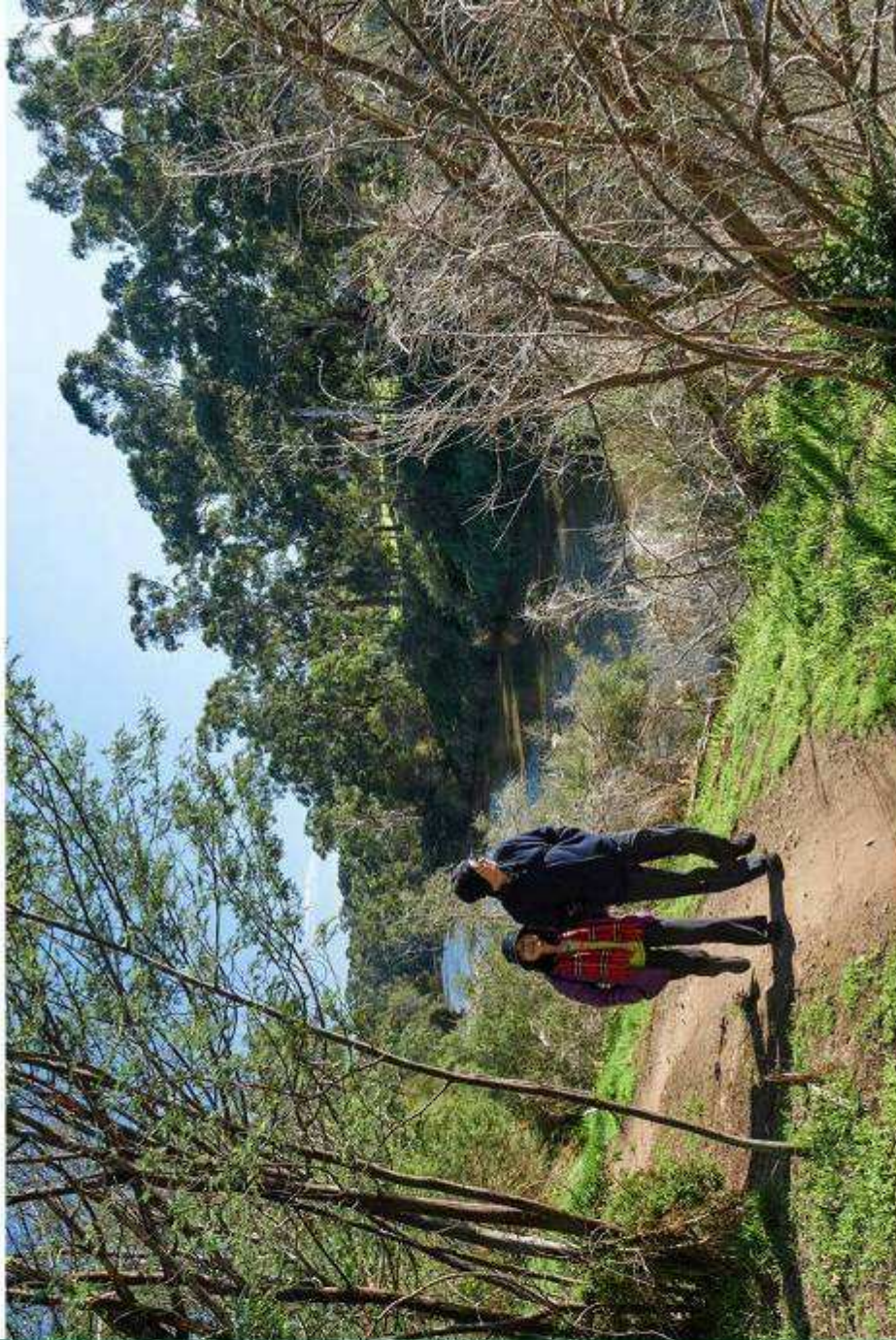
A Yarra strategic plan is likely to identify gaps in service delivery (such as in the provision of infrastructure and facilities to support the corridor's amenity values). The plan might also identify opportunities for synergistic investments and services that span portfolio areas.

While funding and delivery arrangements may be in place for the core services within each portfolio area, effective responses to gaps and potential synergies will need to be appropriately resourced through the government's established business case process. This requires a suitable sponsor agency as well as a process and vehicle to deliver services.



### Questions for discussion

- What would you like to see included in a vision for the Yarra River?
- What elements would you like to see covered in the Yarra strategic plan?
- What would you like to see included in legislation to protect the Yarra River?
- What do you think are the key criteria for the evaluation of options for management of the Yarra River and its riverscape (refer section 5.4)?
- What are your thoughts on the options for a new management model for the Yarra River and its environs?
- What are your thoughts about establishing a new organisation to oversee development and monitor delivery of the Yarra strategic plan?
- Are there any other management models/options we should consider?



# Appendices



# Glossary

**Biodiversity:** The numbers and variety of plants, animals and other living beings, including micro-organisms, across our land, rivers and oceans. It includes the diversity of their genetic information, the habitats and ecosystems in which they live and their connections with other life forms.

**Catchment:** An area of land where runoff from rainfall goes into one river system.

**Catchment management authorities:** Government authorities established to manage river health, regional and catchment planning, and waterway, floodplain, salinity and water quality management.

**Community:** Includes individuals, public and private landholders, community groups and business owners.

**Country:** Traditional Aboriginal culture revolves around relationships to the land and water. For Traditional Owners, Country is a part of who they are, just as they are a part of it.

**Ecosystems:** A dynamic complex of plant, animal, fungal and microorganism communities and the associated non-living environment interacting as an ecological unit.

**Environmental Water Entitlement:** A legally recognised, secure share of the water resources to be taken from a water system to maintain the environmental values of a water system available

**Environns:** The surrounding area or district.

**Fishway:** Fishways (or fish ladders) are simple structures that allow fish to move past physical barriers in rivers and creek. Fishways are commonly used in Victoria to provide fish passage past man-made structures such as weirs, dams, floodgates and roads.

**Floodplain:** Land subject to overflow during floods and that is often valuable for its ecological assets.

**Gigalitre (GL):** One billion (1,000,000,000) litres.

**Point source:** Any single identifiable source of pollution from which pollutants are discharged such as a pipe, ditch, or site.

**Riparian:** Land or vegetation that adjoins a river, creek, estuary, wetland or lake.

**River Corridor:** The river and the strips of land adjacent to it.

**Sewage:** Wastewater produced from household and industry.

**Sewerage:** The pipes and plant that collect, remove, treat and dispose of liquid urban waste.

**Stormwater:** Runoff from urban areas. The net increase in runoff and decrease in groundwater recharge resulting from the introduction of impervious surfaces such as roofs and roads within urban development

**Traditional Owners:** People who, through membership of a descent group or clan, are responsible for caring for particular Country. A Traditional Owner is authorised to speak for Country and its heritage as a senior Traditional Owner, an Elder or, in more recent times, a registered native title claimant.

**Wastewater:** Water that has had its quality affected by human influence, deriving from industrial, domestic, agricultural or commercial activities.

**Waterway condition/ Waterway health:** Waterway condition (or waterway health) is an umbrella term for the overall state of key features and processes that underpin functioning waterway ecosystems (such as species and communities, habitat, connectivity, water quality, riparian vegetation, physical form, and ecosystem processes such as nutrient cycling and carbon storage).

**Waterways:** Rivers and streams, their associated estuaries and floodplains (including floodplain wetlands) and non-riverine wetlands

## The Ministerial Advisory Committee

**Chris Chesterfield (Chair)** is nationally recognised for his leadership in waterway and urban water management. He is currently a Commissioner of the Victorian Environmental Water Holder and Director Strategic Engagement at the Cooperative Research Centre for Water Sensitive Cities (Monash University). Chris has 30 years' experience in technical and senior executive management roles in waterway management and water resource management, and has played a leading role in establishing Melbourne as a world leader in water-sensitive urban design.

**Eamonn Moran PSM QC** is a barrister in private practice at the Victorian Bar and a member of the Victorian Law Reform Commission. He was formerly Chief Parliamentary Counsel (Victoria) and Law Draftsman (Hong Kong). He chaired an expert panel that reviewed the Water Act 2007 (Commonwealth) and was a member of a State Water Law Review Advisory Panel in 2012-13. Eamonn has extensive experience in the drafting and interpreting of water and other regulatory legislation.

**Professor Jane Doolan** is a Professional Fellow in Natural Resource Governance at the University of Canberra, Chair of the Murray-Darling Freshwater Research Centre, Director of Western Water and a former National Water Commissioner. She has extensive experience at senior leadership levels in sustainable water-resource management, providing policy advice to the Victorian Government on urban and rural water supply and security, national water reform, water allocation, river and catchment management and water sector governance.

**Kirsten Bauer** is a landscape architect and director of ASPECT Studios globally and leads the practice based in Melbourne. She is a current member of the Victorian Design Review Panel and other municipal design review panels in Victoria and an Adjunct Professor of RMIT University. Kirsten has held the positions of the Victorian state president, state executive member and national board member for the Australian Institute of Landscape Architects and has led award winning and significant public realm projects across Australia.

## The Yarra River Protection Reference Group

A Yarra River Protection Reference Group has been established to help the Yarra MAC and government better understand the key issues, opportunities and reform options for protecting the river. It comprises representatives of the organisations with direct oversight and management responsibilities for the Yarra River and its environs and environmental advocacy groups:

- councils along the Yarra River: Banyule, Boro Boro, Boroondara, Hobsons Bay, Melbourne, Manningham, Maribyrnong, Nillumbik, Stonnington, Yarra and Yarra Ranges
- Environmental Justice Australia
- EPA Victoria
- Melbourne Water
- Parks Victoria
- Port Phillip and Westernport CMA
- Yarra Riverkeeper Association



# Yarra Reference Group issues and opportunities workshops

The Yarra MAC held two workshops in late February-March seeking input about the most significant issues facing the Yarra River corridor. Workshop participants were invited from the Reference Group organisations.

Due to the diversity of the conditions along the Yarra River, opportunities and issues were separately identified for each of the four reaches along its length.

Recurring themes across all the reaches were the need to:

- improve recognition and celebration of Aboriginal heritage and culture
- develop a strategic vision and/or plan for the whole of the Yarra River corridor
- secure continuous parkland and trail along the corridor
- protect water quality and ensure sufficient water flows
- enhance biodiversity along the river
- control the effects of urbanisation and development (e.g. increased stormwater run-off and visual impacts).

Table 11: Synthesis of priorities identified by Reference Group participants

Priority	Inner-city Yarra	Suburban Yarra	Rural Yarra	Upper Yarra
Protecting water quality (including managing pollution, stormwater and agricultural run-off)	•	•	•	•
Enhancing biodiversity including managing pest plants and animals, re-vegetation, landscape restoration, habitat connection	•	•	•	•
Strategic vision/integrated approach	•	•		•
Controlling the effects of urbanisation, development and transport corridors (other than stormwater)	•	•	•	
Building awareness of and protecting culture and heritage	•	•	•	•
Enabling recreation and public access	•	•	•	•
Ensuring sufficient water flow	•	•	•	•
Consistent planning controls protecting character	•	•		
Protecting and enhancing views	•	•		
Facilitating tourism	•	•	•	
Building community education and appreciation of the river's values		•		•
Securing funding	•	•		
Managing disturbance and climate change impacts including fire			•	•

**Appendices**

# Yarra River ecological, cultural, social, amenity and economic values

Indicated provides significant benefits under this theme:

-  Environmental
-  Social
-  Cultural
-  Economic

This appendix overviews the key values that the Yarra MAC found the Yarra River, its corridor and catchment offer.

## Aboriginal cultural heritage and practices



The Birrarung (Yarra River) is a site of significance for Aboriginal people. While traditional Aboriginal life was permanently altered with European settlement in 1835 and despite disconnection from large parts of the Yarra River and its surrounds, there has continued to be strong Aboriginal association with the Yarra River corridor. The history of the Yarra River's role in traditional Aboriginal life, the many places of cultural heritage significance along its length and its importance today for Aboriginal practices of living that are important values to be recognised.

The Victorian Aboriginal Heritage Council has recognised the Wurundjeri Tribe Land and Compensation Cultural Heritage Council (Wurundjeri Council) as having a long history of managing and protecting the cultural heritage of most of the Yarra River corridor on behalf of Woivurung

people, for which it is now the Registered Aboriginal Party. The Wurundjeri Council is a conduit for ongoing Aboriginal connection and practices including cultural activities and knowledge transfer between generations.

The Wurundjeri Narrap Team focuses on the protection, management and enhancement of environmentally and culturally significant places on Wurundjeri Country including the Yarra River.

## Cultural heritage and urban settlement



The site for Melbourne was chosen because of the Yarra's water supply. The river also provided the earliest transport links to the developing city. The Yarra River was the axis of, and main passage for the transport of goods to, the original colonial city of Melbourne. It facilitated the city's growth and prosperity and provided an area for the city's residents to develop ways of living and customs (such as using ferries for transport, recreational boating and festivals).

The river continues to shape urban development patterns. Due to its high

amenity, the corridor attracts residential and commercial development that in recent years has raised community concerns about the loss of amenity and potential impact of increased stormwater discharges on waterway health.

Nevertheless, ways of living in Melbourne and the city's urban form continue to be profoundly shaped by the Yarra River and there are many significant sites along the Yarra corridor including its bridges and buildings such as the Abbotsford Convent and Dights Falls.

## A diverse water-dependent ecosystem



The Yarra River catchment covers over 4,000 km<sup>2</sup> and is a diverse ecosystem and biodiversity corridor connecting the Yarra Valley with the inner city. It is home to a range of bird, frog, fish, macroinvertebrate and platypus populations. Its banks and wider catchment area have unique native vegetation (such as marna gums, river red gums and riparian scrub). This provides habitat for other native animals (such as echidnas and koalas). Together, over one-third of Victoria's

native plant and animal species occur in the Yarra River catchment. Many species rely on the Yarra River for feeding and reproduction and it also provides refuge during droughts for populations that normally reside in its drying tributaries. The important environmental functions provided by the Yarra River (such as regulating water flow and recycling nutrients) provide additional ecosystem values.

In addition to the great intrinsic value of the natural environment offered by the Yarra River, it also supports the health and wellbeing of locals and visitors by enabling active lifestyles, providing cool places in hot weather and a range of nature experiences. This in turn builds the resilience of the area's capacity to respond to pressures like climate extremes.

**Melbourne's drinking water**



The Yarra River's upper reaches have traditionally provided most of Melbourne's drinking water. Throughout all stages of human settlement—from Aboriginal camps and early European settlement to contemporary Melbourne—the region's population has relied on the Yarra as a source for water.

**Primary sector production of agricultural and fishery commodities**



The Yarra River supports primary sector production of agricultural and fishery commodities. In particular, the rural Yarra reach supports a large variety of agriculture including nurseries, cut flowers, cropping, orchards, berry farms, market gardening, viticulture, grazing and dairy farming. The good health of the Yarra River also ensures that marine aquaculture industries are viable in Port Phillip Bay.

**Transport corridor**



The Yarra River has historically been important for transporting people and goods. The inner-city Yarra reach today is a busy transport corridor, forming part of the Port of Melbourne waters and providing access to Victoria Harbour and the Merribyrnong River.

In addition to river-based transport in its estuarine waters, the bicycle and pedestrian routes along the Yarra River and its tributaries (such as Merri and Gardiners creeks) are principal cycling corridors with high volumes of traffic. For example, the Capital City Trail borders

the Yarra River from the Charles Grimes Bridge to the Eastern Freeway and stretches 27 km. The Main Yarra Trail extends from Southbank to Westerfields Park. These trails are important for commuters and for recreational cyclists.

Figure 7 illustrates the river's importance as a cycling corridor: the bike trails along the Yarra River are the most heavily used in Melbourne. The Main Yarra Trail / Yarra Boulevard at CityLink is the busiest cycling site in the City of Yarra according to the Super Tuesday Bike Count 2015, with 1,760 bicycle riders in a two-hour period. This was a 9% increase from 2014 and ranked Melbourne first among 33 participating cities globally. The trails along the Yarra River corridor are also heavily used by joggers and walkers.

**Recreation corridor**



The Yarra River riverscape offers naturalistic vistas and diverse recreational activities (including boating, fishing, rowing, canoeing, kayaking, swimming in some places and nature-based activities) that provide health, wellbeing and social benefits to the community. The borders of the river are used for recreational cycling, walking and other activities. The upper Yarra reach flows through national parks that have hiking and walking trails and areas for camping and picnics.

Indicated provides significant benefits under this theme:

- Environmental
- Social
- Cultural
- Economic



**Appendices**

Indicated provides significant benefits under this theme:

-  Environmental
-  Social
-  Cultural
-  Economic

The Yarra River corridor is an important green wedge with a river spine of parkland that encompasses its confluence with tributaries (such as Merri and Darebin creeks). The Yarra Valley parklands are one of the most-visited areas of open space in Melbourne, attracting over 1 million visitors a year. In a recent survey by Melbourne Water, community satisfaction for the Yarra River was 85%.<sup>11</sup>

**A place where communities come together**



The Yarra River and its surrounds provide publicly accessible places for residents and visitors to meet. It's important for cities to have public places where people can have planned and unplanned encounters, including with people of different cultures, ages and incomes. The Yarra River offers such public places for people to enjoy shared experiences. Public and accessible river and riverside locations are important for exposure to social diversity and social cohesion.

**Landscape and amenity value**



The landscape and amenity value of the Yarra River corridor is the basis for a range of other values (such as its attraction as a meeting place or recreation corridor and a driver for residential development demand). Its scenic vistas and unique landscapes provide diverse settings for a wide range of uses and activities. La Trobe University's Centre for Water Policy and Management is currently investigating the value of amenity in relation to rivers.

**A natural venue for events and attraction for tourism**



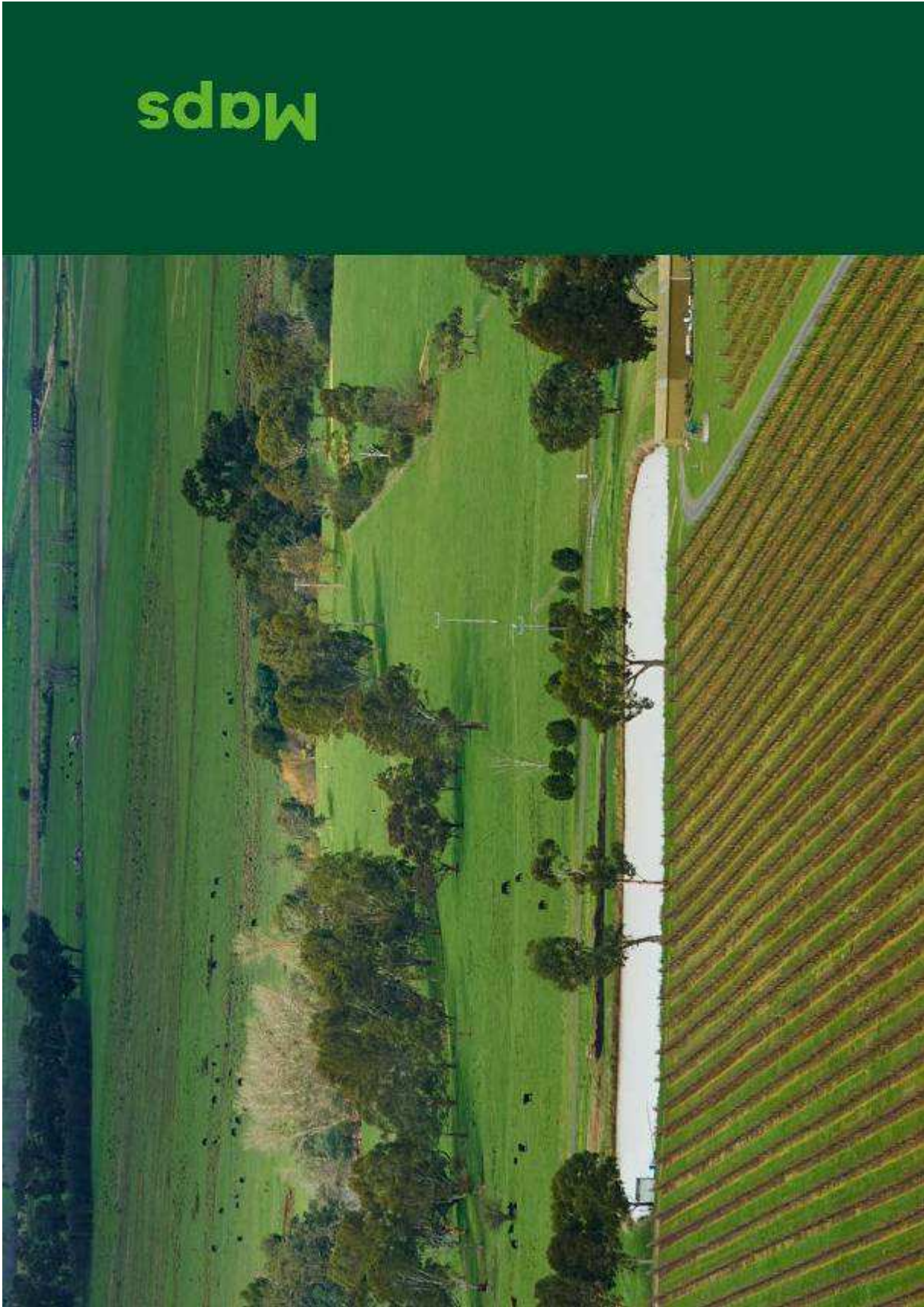
The Yarra River corridor sees many events including rowing regattas, New Year's Eve fireworks, Moomba and the Dragon Boat Festival. It offers many experiences like outings to the Royal Botanical Gardens or strolls to events at Rod Lower Arena and the MCC. It also provides for nationally recognised tourism opportunities (such as visits to national parks and the vineyards around the upper reaches).

**Influence on the environment health of Port Phillip Bay**



















The Yarra River (with its extensive catchment area) is the largest flow input to Port Phillip Bay. Water quality in the bay is much-affected by activities in the Yarra catchment, and by the amount of rainfall in it. After heavy rain, the urban stormwater run-off washes pollutants into the Yarra that then flow into the bay. Key indicators of bay health include sediments, nitrogen and phosphorus. The Yarra is the largest contributor of sediments (including toxicants, pathogens and litter) into the bay and contributes about half its total phosphorus. If the health of the bay is to be maintained, the level of pollutants in the Yarra—nitrogen and pathogens in particular—must be managed.

<sup>11</sup> Melbourne Participatory Survey 2014, Melbourne Water.

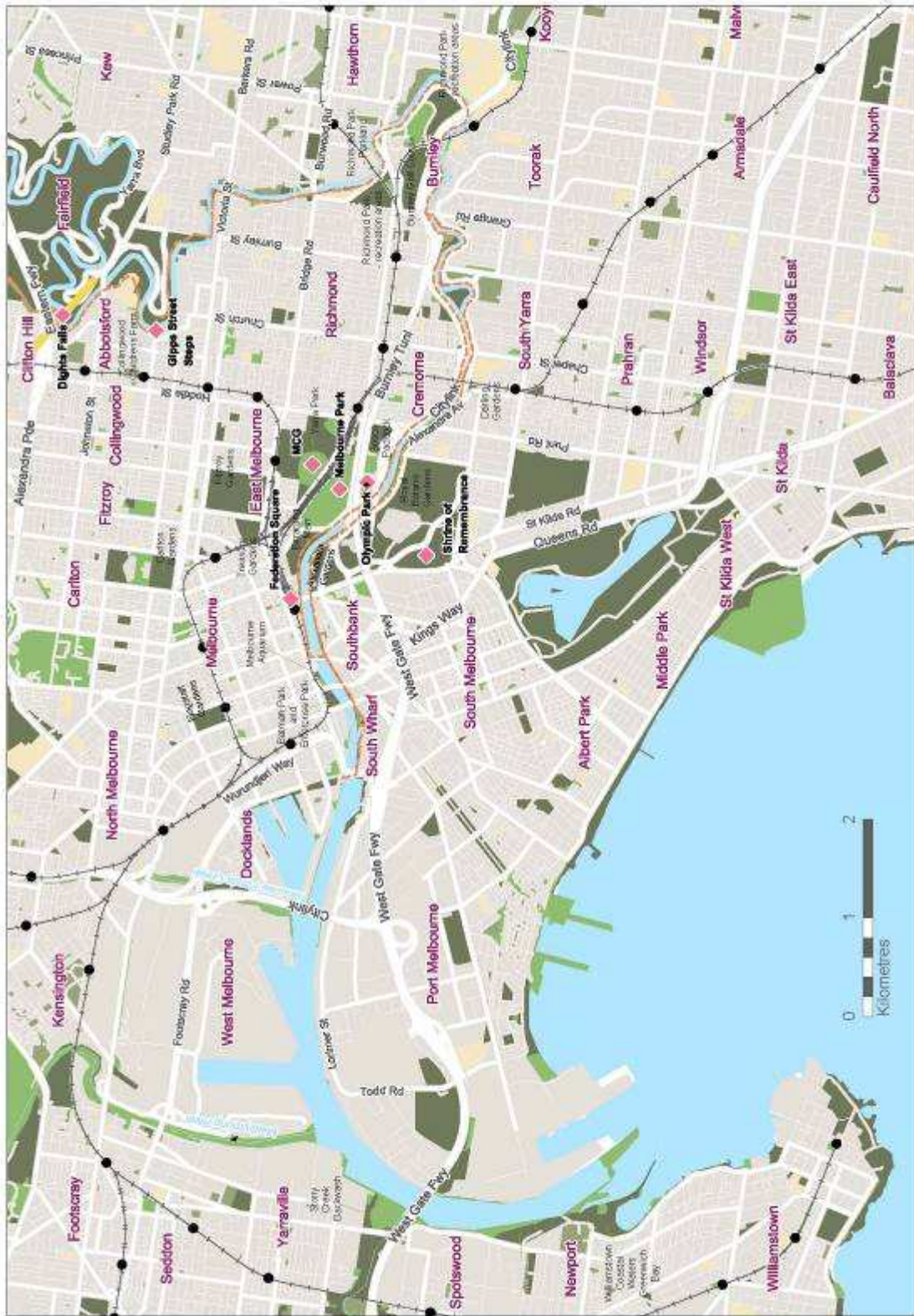


# Maps

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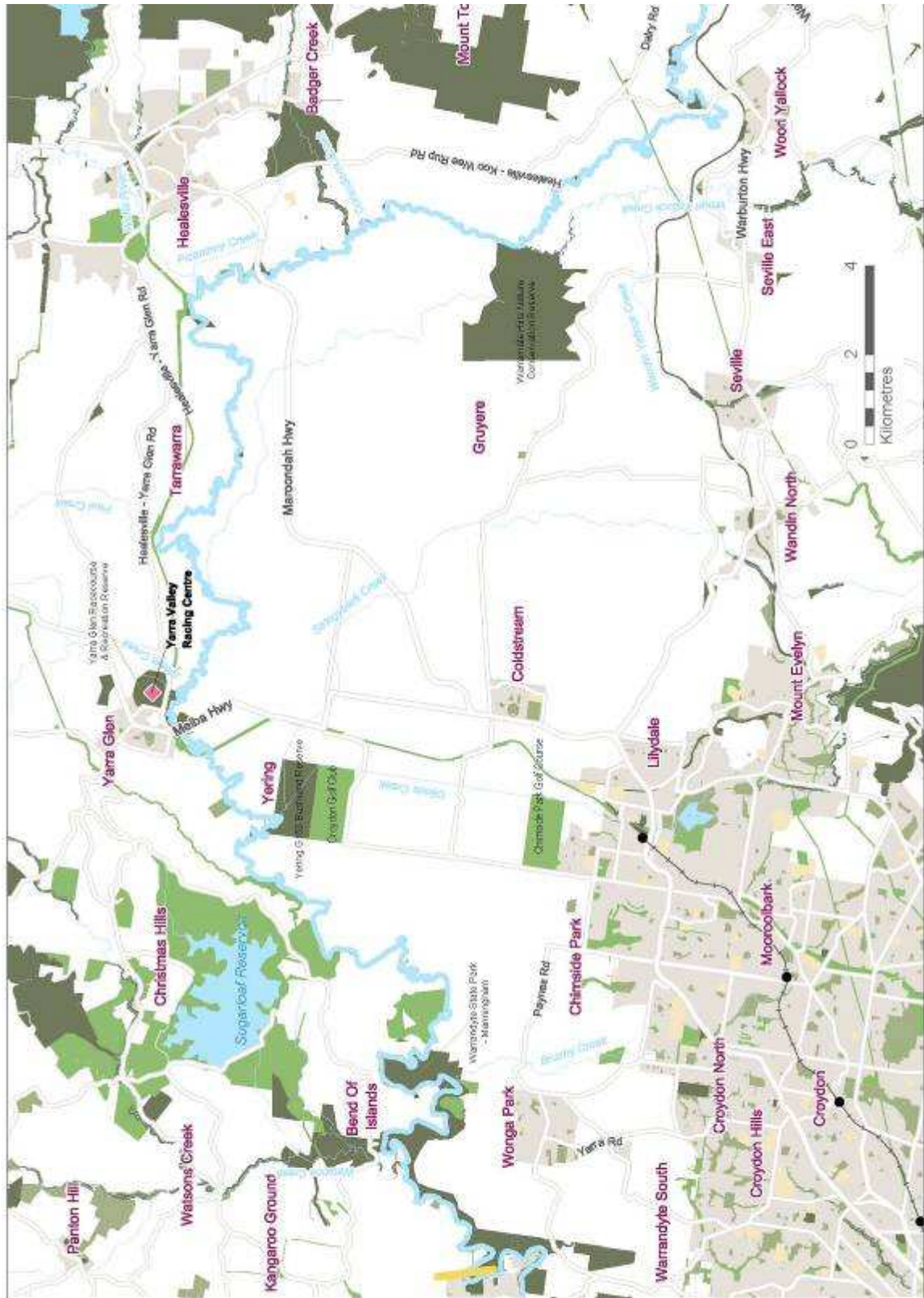
	Yarra River
	Tributary
	Water Body
	Yarra River Reach Boundary
	Key Open Space - Crown Land
	Key Open Space - Municipal
	Other Publicly Accessible Open Space
	Urban Extent
	School
	Main Yarra Trail
	Freeway / Highway
	Major Road
	Local Road
	Rail Station
	Rail Line
	Point of Interest (approximate location)

Inner-city Yarra reach

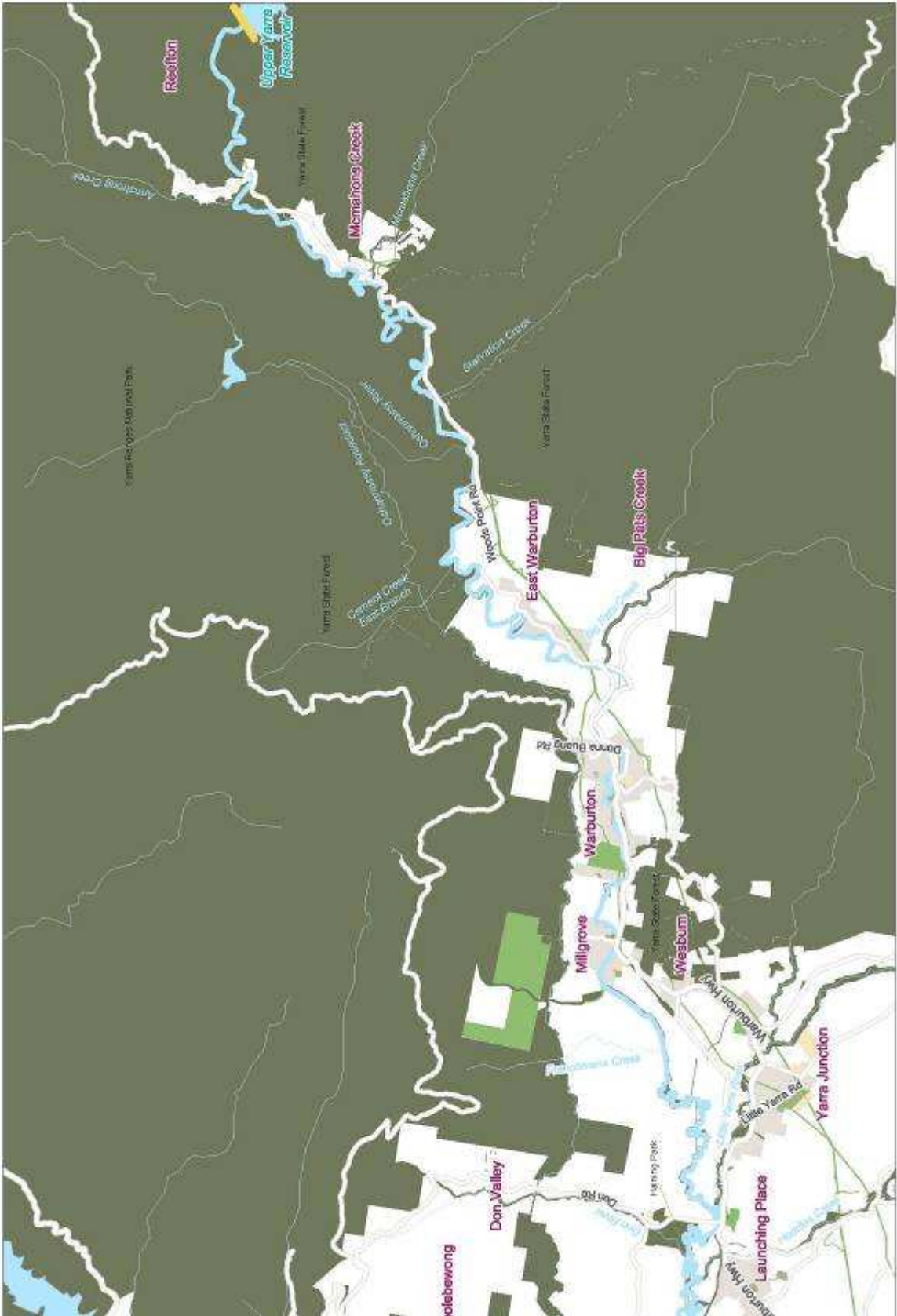








Rural Yarra reach







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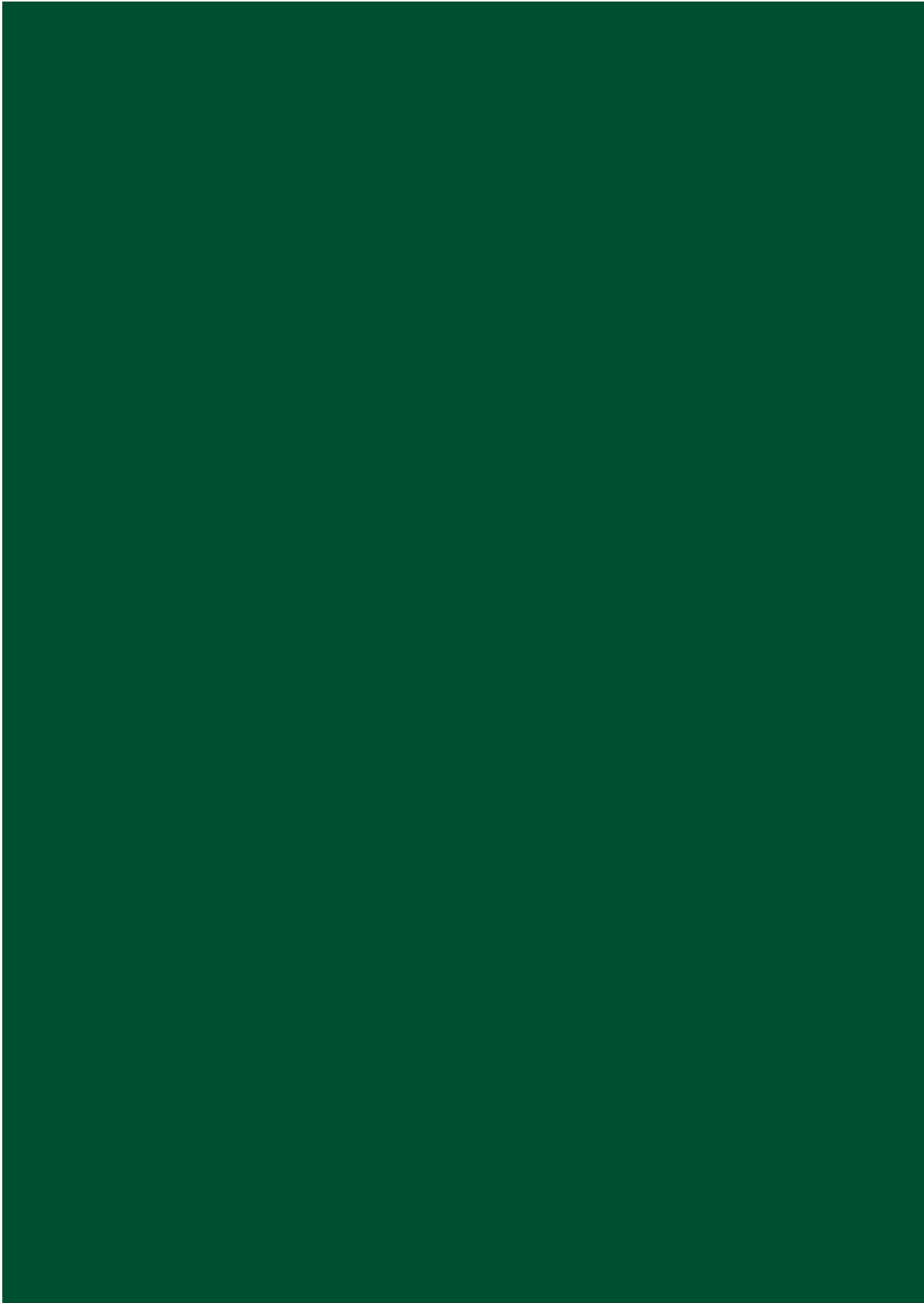
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ATTACHMENT 2



**PROTECTING THE YARRA  
RIVER**

**(BIRRARUNG)**

**DISCUSSION PAPER**

**Manningham City Council**

**Final Submission**

**30 August 2016**

## Executive Summary

---

Manningham City Council (Council) welcomes the opportunity to provide this submission to the Discussion Paper on Protecting the Yarra River (Birrarrung), received by Manningham on 1 July 2016.

Whilst the Discussion Paper seeks views from the community and other stakeholders, (including Councils) on key matters of local significance, it is acknowledged that it is primarily a (high level) document aimed at seeking views on options for an appropriate management model that will provide consistent and constructive outcomes in the protection of the entire length of the Yarra River.

It is noted that the Discussion Paper does not identify a specific management structure(s) for consideration, but is seeking feedback on what the key considerations may be in developing an appropriate management model.

Council also acknowledges that consultation on the Discussion Paper is occurring in parallel with a range of other processes and projects associated with the protection of the Yarra River, including the review and preparation of new planning controls, noting that Manningham City Council is also a key stakeholder in this process.

Please note that this submission has not been formally considered by Council and therefore should be considered as a draft. Council's final submission will be provided following the Council meeting on 30 August 2016.

In structuring its submission, officers have focused on the ten (10) questions that the Yarra River Ministerial Advisory Committee (Yarra MAC) has specifically sought feedback on, as identified in *Section 1.3 Have your say* of the Discussion Paper. Feedback has been received from a range of Council service units, including:

- Environment;
- Recreation;
- Economic Development; and
- Planning.

The key matters addressed in the submission include:

- Querying what the gaps are that need to be addressed as part of a new governance structure to manage the Yarra;
- The lack of clarity in relation to any new management approach;
- The need for Bipartisan approach in any new management approach;
- Funding and grant implications;
- Reinforcing the local Manningham objectives for accessibility and protection of the Yarra within the context of the entire length of the River; and
- The importance of balancing and unlocking environmental, recreation, economic and tourism opportunities.

We commend the State Government for establishing the Yarra MAC and for preparing the Discussion Paper as part of promoting community discussion about opportunities to improve the oversight and management of the Yarra River.

Council also notes the assistance it has provided in disseminating information to the local community in relation to Discussion Paper and other consultation processes via Council's website, email and hard copy notifications.

1. What aspect of the Yarra River and its environs would you most like to see protected?

- Recreation and active transport corridors that allow people to move through natural open space areas with views of the river and the associated flora and fauna.
- Accessibility for canoeing and swimming in and around Warrandyte.
- Good water quality (i.e. a significant number of recreational activities cannot be pursued without good water quality, likewise ecological values of the river require appropriate water quality).
- Opportunities for walking and contemplation.
- Horse trails in appropriate locations.
- Retention of vegetation, with subservient built form in relation to scale, height, setback from river or ridgelines, limiting encroachment into flood plains and muted colour schemes.
- Habitat values in the riparian corridor and in-stream.

2. What aspect of the Yarra River and its environs would you most like to see improved?

- Accessibility to the river to ensure more people can appreciate the environment and advocate to protect the environment.
- Cooperative and adequately funded land management across all tenures to ensure protection of habitat values in the riparian corridor and in-stream.
- Good water quality and flow regimes suitable for the desired range of uses. Beyond the river the wider catchment provides detrimental inputs. If protection of Yarra water quality and flow are desirable the Yarra strategy plan should act as a driver to address the wider catchment issues that have a potential to lead to degraded water quality or altered flow regimes.
- Water being saved/ avoided in the catchment could potentially be used to restore environmental flows (e.g. Bolin Bolin storm water harvesting).
- Continued investment in the sewer backlog program to manage pollutants and pathogens from contributing catchment areas.
- Increased investment in storm water improvements. This should include both public investments in treatment systems, but also leverage private investments through broader planning policies which aim to reduce pollution and improve flow regimes.
- Positive built form/planning outcomes resulting from the introduction and implementation of consistent planning controls along the entire length of the Yarra River.

3. Is there any information or issues we have missed?

- It is considered that there is a lack of detail, making it difficult to understand how a coordinated management approach may work on the ground and the impact on Council roles, responsibilities and budgets. This includes how it would link to the management of the broader catchment.
- Reference to tributaries needs to be included in the context of the broader catchment – e.g. the water quality of the Yarra River is dependent on the tributaries being protected.
- In Table 8: Goals for the Yarra River, its corridor and catchment (page 45), the aim 'ensure community access to, and travel alongside, the river' should be carefully framed

3

so as to make the intent clear. It is assumed that this relates to pedestrian and cycling accessibility rather than the development of new roads alongside the river to be utilised by vehicles, including motorbikes.

- The role and relationship with Emergency Management, given the significant proportion of properties affected by the Wildfire Management Overlay (WMO) and Significant Landscape Overlay (SLIO)
  - Currently there is a focus on water quality/ pollution management to target nitrogen (which is important for Bay health). From the perspective of the Yarra there are other pollutants which are likely to be significant for other reasons. While some of these pollutants may exist as a result of historic activities (e.g. sediments as a result of past mining and industrial activities) there are many contemporary inputs that should be monitored and reported to get a fuller picture of river health. Examples include:
    - Metals (e.g. 2014 Melbourne Water data shows zinc levels in lower reaches exceed trigger values for species protection in slightly–moderately disturbed systems); and
    - Many pollutants which are not known to be reported (e.g. herbicides, pesticides, PAHs) which can be commonly found in urban areas.
  - There is inconsistency between the reference to the character of the area between Dights Falls and Warrandyte. It is noted that whilst section 3.6 *Urban parklands and open spaces* makes reference to the stretch between Bulleen to Warrandyte comprising ‘...an almost continuous vegetated corridor...’, Figure 9: *The four reaches of the Yarra River* identifies the area between Dights Falls to Warrandyte as ‘suburban’ and ‘urbanised’. As much of the area within that stretch within Manningham is within public ownership (Public Park and Recreation Zone) and is well vegetated, it is considered that the Discussion Paper should be amended to more appropriately reflect this character.
  - In Section 3.10 Key issues and opportunities the second last dot point ‘enhance biodiversity’ is too vague and needs to be better defined to include references to biodiversity protection Acts such as (but not limited to) the Flora and Fauna Guarantee Act 1988, Planning and Environment Act 1987, the Victorian Biodiversity Strategy (being prepared) and the Federal Environment Protection and Biodiversity Conservation Act 1999. The document and any resulting policy also needs to consider the State of the Environment reports.
  - In Section 4.5 Future Challenges, under Conclusion, the protection of Upper, Middle and Lower Yarra forested areas needs to be addressed to ensure protection of biodiversity and habitat for threatened species and ecosystem services. The importance of protecting all forested areas as they contribute to biodiversity, water quality and abatement of water pollution also needs to be acknowledged. This will indicate that the Yarra habitat corridor has other functions more broadly than only protecting water quality for human consumption, and will link the points relating to forested areas and pollution regulation.
- 4. What would you like to see included in a vision for the Yarra River?**
- Guidelines are recommended to support levels of community infrastructure for boating (kayak, canoe, paddle etc). Councils such as Manningham could be doing a lot more to support and encourage on water activity to improve health and engagement with the environment etc, however, infrastructure is lacking in areas and permits for improvement can be difficult to obtain.
  - While the upper reaches of the Yarra are enjoyed by many as swimmable retreats in
  - warmer weather this is not the case in lower reaches where water quality degrades. Setting a target for a swimmable Yarra would focus attention on reducing pollution. As



an aspirational target it is noted that many non contact recreational pursuits (e.g. rowing) routinely occur on the Yarra and international events such as the Moomba Masters water ski competition already involve primary recreational contact.

- Healthy habitats, with connectivity along both sides of the riparian corridor, as well as in-stream.
  - Planning controls that:
    - protect river and riparian area for desired activities. These should recognise the specific issues raised by river/ flood plain management and the need to connect with flood plains (e.g. billabongs) especially upstream reaches; and
    - Introduce setbacks from the river to manage visual and amenity impacts of built form.
  - Bipartisan government support to ensure the consistent and long term protection and coordinated management of the Yarra River.
  - *Section 2.3 Investment and regulation so far* makes reference to strategic open space acquisition by the Government in the 1980s with more recent investment focusing on revegetation and environmental management of the river. It is noted that there are a number of sites within close proximity to the Yarra River within Manningham affected by PAO2, with Melbourne Water identified as the acquiring authority. It is considered that there should also be a stronger commitment to purchasing land identified by the Public Acquisition Overlay (PAO) to provide additional recreation opportunities, as well as creating continuous links along the Yarra.
  - Ensuring Best Practice Water Sensitive Urban Design
  - A clear identification of the environmental outcomes being sought. Beyond activity based recreation, connectivity and aesthetics, the definition of a target environmental state is important to drive actions and monitoring.
  - The creation of a vision is intrinsically related to what could be improved, and beyond key indicators for human health (e.g. E.Coli) and Port Phillip Bay protection (e.g. Nitrogen) the 'ecological' endpoint should be used to target other activities and reporting.
5. What elements would you like to see covered in the Yarra strategic plan?
- Education and community programs to help connect the entire river catchment – e.g. Mullum Mullum Festival.
  - In reference to page 31 – Council considers it is difficult to provide a continuous trail network in some areas and there is a need to determine the most appropriate standards of trail and on road options.
  - In reference to page 23 – Council considers that a link is required between Wonga Park to Lilydale and the Yarra Valley Trail.
  - Reinforcing, as referenced in Chapter 5 and Table 8 therein that, 'a healthy river' is very important and a matter that needs to be addressed in the Yarra strategic plan.
  - The Plan should include a long term vision of 20-40 years. Examples of Plans extending over a 20+ years timeframe include the Mersey River Campaign (Manchester) and reforms in Singapore. It is considered that these are good examples to review and learn from. In particular, the Mersey River Campaign is understood to have enjoyed strong political support, effectively harnessed community involvement amongst a population of 5 million, along a river length of approximately 70 miles and led to one of Europe's most polluted rivers being dramatically improved.

**6. What would you like to see included in legislation to protect the Yarra River?**

- A bipartisan approach with clearly identified boundary areas, similar to that applied in managing and protecting the Green Wedge. Parameters based on clearly defined/identified boundaries in the consideration of requests for changes in planning controls that may have an amenity impact, applying in the area to be affected by the Yarra strategic plan.
- As per chapter 5 and table 8 therein, 'a healthy river' is obviously very important.
- Protection of riparian access/ continuity.
- The State Environment Protection Policy (Waters of Victoria) is currently under review and will inform environmental targets for rivers across the state. Implementation of SEPP objectives is a mechanism through which obligations are put on agencies to undertake activities to protect environmental values. As an important river with a unique context being in close proximity to a large majority of Victoria's (urban) population, legislative mechanisms such as the SEPP should be used to better inform river environmental protection. A stronger focus in these areas would strengthen the cause to fund and monitor progress.

**7. What do you think are the key criteria for the evaluation of options for management arrangements of the Yarra River and its riverscape (refer section 5.4)?**

- Role of the managing agency needs to be clear, independent and apolitical and have effective governance arrangements; e.g. coordination of funding/grants, implementation of the strategy, communication and liaison, referral of planning applications.
- It is considered that there is a need to have more detailed discussion with Council on the identified option that 'existing agencies could continue to be responsible for service delivery' and more specifically the questions: what are the gaps in service delivery and/ or reasons why new management arrangements may be required?
- Refer to responses to Questions 8 and 9 for further detail in response to this question.
- It is important to look at other successful collaborative models i.e.
  - Northern Regional Trails Strategy
  - The Geelong Regional Plan

**8. What are your thoughts on the options for a new management model for the Yarra River and its environs?**

- The lack of detail makes it difficult to understand how a coordinated management approach may work on the ground. It is not clear how this will impact Council roles and responsibilities and budgets.
- There does seem to be a reasonable case for change in the management of the river to a more 'joined up' approach, particularly on land use planning and development – a shared vision would be good.
- There is no firm view on the options identified to improve the institutional arrangements but any new management model needs to ensure that it unifies, supports and strengthens existing planning and management arrangements. The future option should also review whether the existing formal enforcement frameworks reflect sufficient powers in relation to managing pollution, litter and breaches of planning controls.

**9. What are your thoughts about establishing a new organisation to oversee development and monitor delivery of the Yarra strategic plan?**

- The need for a strategic plan and better collaboration to implement the plan is well articulated and recognised.
- The case for establishing a new organisation to monitor the delivery is less convincing and the role of Local Government within this framework is not well articulated and difficult to comment on. In particular, Council is concerned about whether this organisation would provide funding or facilitate a grant program to assist Council and other agencies/community groups to address the protection of the Yarra River.
- The values of any organisation established to assist with the administration of the Yarra Plan should align well with the objectives of the Yarra strategic plan.
- Adding another organisation may increase duplication. Melbourne Water and DELWP are probably still the best to lead management of the river and they should be the primary funders of riparian improvements and storm water infrastructure that reduce pollution and benefit the river.
- There is also concern about the longevity of any new organisation formed to oversee development and monitor delivery of the Yarra strategic plan. In the event that a new organisation is formed it should be apolitical, it should have a recognised level of independence and be sufficiently resourced.
- In the short term, it may be more effective to identify suitable host agencies which can provide the administrative support, noting that many of the functions described above are already covered in whole or part by existing agencies.

**10. Are there any other management models /options we should consider?**

- Whatever model is chosen it needs to have sufficient resources to match responsibilities, and there should be a mechanism to be accountable to stakeholders. The discussion paper contrasts the application of the Waters and Drainage Charge (collected and administered by Melbourne Water) and the Parks Charge trust (administered by State Government) which is then used to fund Parks Victoria. Recently Parks Victoria has been diminished in its ability to provide a broad range of services, and there is concern that internal Departmental decision making does not lead to accountable outcomes. This was highlighted by a recent Victorian Auditor General's Report which found that the administration of a \$200 million p.a. Environmental Levy was largely done at a departmental level and recommendations were made to increase transparency. These lessons should be used to inform any model for the long term protection of the Yarra.
- One option may be to appoint Melbourne Water (perhaps with DELWP in support) as the agency that should be tasked with developing the Yarra strategic plan and be the main governance body. This option is particularly being promoted in considering Table 9 principles of complementing existing governance arrangements, reducing duplication, ensuring consistency and clarifying accountabilities.

***Funding***

- With respect to the issue of funding, Council raises the following matters:
  - The introduction of rate capping is likely to have impacts on the ability of local government to deliver in a number of service areas. In addition, indexation such

as CPI may not accurately capture the rise in council costs as a result of market forces in different industry sectors, community expectations to deliver services, cost shifting between levels of government and any additional legislative responsibilities that get added over time.

- While it is possible to contemplate a Yarra Protection Act that may provide some efficiencies, it may also serve to further burden local government if not done well. Two examples are provided:
  - Community consultation is complex, time consuming and costly. If this burden falls disproportionately to local government it would not be welcome.
  - Costs incurred by local government in managing planning referrals far outweigh the fees collected for this purpose. If additional referrals are required to be managed by Council this would add to cost, unless there were procedural efficiencies introduced.

#### **Any other comments?**

- It will be important that the role and positioning of the Yarra River is clear in the Metropolitan Open Space Plan.
- How will Council owned open space fit into this model? Urban parkland is largely but not exclusively Crown land (page 34). Manningham owns and manages 60ha of parkland with Yarra River frontage, adding up to 3.5km river frontage.
- The reference to Westerfolds Park should be replaced with Tikalara Park on page 59 under Transport Corridor to accurately reflect the park reference.
- It is vitally important to focus on lifting the visual profile of the Yarra River to create a stronger link between the River and the Melbourne community. Community 'ownership' is most strongly related to aesthetic factors. It is considered that issues often relate more to the amenity value of constructed assets such as bridges, structures, power lines, etc. A strong Yarra River brand can really only be fully developed once the community value the visual amenity of the river.
- Access and activity is important for both the river and adjacent land. This stimulates visitation and the visitor economy (tourism).
- Any protection initiatives need to account for maintaining access to these areas and in fact, should look at ways to activate, promote and enhance the attraction and brand of the river and connection with the Melbourne community.
- Opportunities for Manningham include around developing attractions to service the visitor economy (tourism). It is anticipated that this will both raise community awareness of the Yarra and create local business opportunities, for example:

#### ***Cycle/walking Infrastructure***

- A main Yarra trail link to Heide (in planning at present)
- Establishing an on-river link between Templestowe and Warrandyte
- Improving the existing trail link between the city and Templestowe

- Enabling opportunities for businesses to link with the above infrastructure – Cafe, bike shops, mobile food vans, eco/cultural/historic tours, equipment hire, guided cycle tours, etc.

***General Tourism***

- Creation of one or more 'international tourism experiences', such as a structured walk through the scenic untouched forest and river gorge areas upstream of Warrandyte
- Branding of Warrandyte as a historic centre to reflect / reinforce its heritage status
- Shifting community focus towards the Yarra River corridor
- Creating a strong Yarra River brand with easy access to information
- Using events to attract media attention, lift profile and create awareness
- Best Practice initiatives attracting professional familiarisation tours (families)

## 10.6 Northern Alliance for Greenhouse Action (NAGA) Quarterly Update - Quarter 4 - 2015-2016

Responsible Director: Director Planning & Environment

File No. T16/187

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*The purpose of this report is to present an update of the activities of the Northern Alliance for Greenhouse Action (NAGA), for the fourth quarter of the 2015-2016 financial year. (Refer to Attachment 1)*

*The City of Manningham has been a member of NAGA since 2002 with eight other Councils and the Moreland Energy Foundation (MEFL). NAGA is a network that shares information, coordinates emission reduction and adaptation activities and cooperates on the research and development of innovative projects.*

*Key activities during the last quarter have included:*

- *The securing of funding:*
  - *In conjunction with the Eastern Alliance for Greenhouse Action, from the Victorian Government's New Energy Jobs Fund to work with 22 Councils to install solar on low-income households; and*
  - *From Energy Consumers Australia for a project which brings together planners from electrical distributors and local government.*
- *Collection of data to inform the preparation of municipal energy profiles for 2014.*
- *Comprehensive submissions to:*
  - *The electricity distribution price review;*
  - *The Victorian State Government on Infrastructure Victoria's discussion paper for Victoria's 30-year strategy;*
  - *The Victorian State Government on the Climate Adaptation Plan; and*
  - *The Victorian State Government on the Local Generation Network Credit (aka Virtual Net Metering rule change) draft decision.*
- *Regular meetings, along with other greenhouse alliances, with senior policy staff from Sustainability Victoria and the Department of Environment, Land, Water and Planning to advocate for a stronger role for local government to work in partnership with the Victorian Government in responding to climate change.*

*It is recommended that Council notes NAGA's quarterly update.*

### 1 BACKGROUND

- 1.1 The City of Manningham has been a member of NAGA since 2002, with eight other Councils and the Moreland Energy Foundation (MEFL). NAGA is a network that shares information, coordinates emission reduction and

adaptation activities and cooperates on the research and development of innovative projects.

1.2 NAGA's goal is to substantially contribute to the transition to a low-carbon future by delivering effective programs and leveraging local government, community and business action.

1.3 For its operations from 2015-2020 NAGA has established the following vision:

*To contribute to the creation of a low-carbon society resilient to the impacts of climate change in the NAGA region.*

1.4 NAGA's Strategic Plan 2015-2020 includes objectives and strategic actions in relation to:

- A. Climate change mitigation
- B. Climate change adaptation
- C. Advocacy
- D. Networking
- E. Governance

## **2 PROPOSAL/ISSUE**

2.1 Attachment 1 identifies the key NAGA activities during the last quarter (4<sup>th</sup> quarter 2015/2016) which have benefitted all member Councils including Manningham.

### Funding

2.2 In conjunction with the Eastern Alliance for Greenhouse Action NAGA has been successful in securing funding of \$764,589 from the Victorian Government's New Energy Jobs Fund to work with 22 Councils (Maroondah Council will be the lead Council) to install solar on low-income households through two alternative funding models.

2.3 Manningham will be a participant in a trial solar photovoltaic installation program which will help low income or vulnerable residents to save energy and make their households more comfortable and liveable.

2.4 NAGA has also received \$32,000 from Energy Consumers Australia for a project which brings together planners from electrical distributors and local government to identify likely growth pressure points in municipalities that could place pressure on the grid.

### Municipal Energy Profiles

2.5 NAGA is collecting energy use data from distribution businesses and creating profiles of consumption trends across residential and commercial sectors, including local (suburban averages) to help Councils plan where energy saving programs can be best delivered.

2.6 Manningham's municipal energy profile for 2013 has been provided to Councillors previously and is included as Attachment 2. Collection of data to inform the preparation of municipal energy profiles for 2014 is still waiting on one distributor and will then be made available to Council.

### Advocacy

- 2.7 NAGA has taken the lead in the preparation of comprehensive submissions to:
- The electricity distribution price review;
  - The Victorian State Government on Infrastructure Victoria's discussion paper for Victoria's 30-year strategy;
  - The Victorian State Government on the Climate Adaptation Plan; and
  - The Victorian State Government on the Local Generation Network Credit (aka Virtual Net Metering rule change) draft decision.
- 2.8 It has also had regular meetings, along with other greenhouse alliances, with senior policy staff from Sustainability Victoria and the Department of Environment, Land, Water and Planning to advocate for a stronger role for local government to work in partnership with the Victorian Government in responding to climate change.

## **3 POLICY/PRECEDENT IMPLICATIONS**

- 3.1 Council's membership of NAGA enables improved delivery against the commitments in Manningham's *Climate 2020 Action Plan* and *Securing the Future Plan*.

## **4 CUSTOMER/COMMUNITY IMPACT**

- 4.1 NAGA also assists Council to work with the community to decrease gas emissions, increase its resilience to climate change.

## **5 COUNCIL PLAN/ MEASURE OF ACHIEVEMENT OF ACTION**

- 5.1 Councils work with NAGA is consistent with its Council Plan 2013/2017 goal of:

*We proactively seek innovative solutions to address the effects of climate changes and work together to protect the environment.*

## **6 FINANCIAL RESOURCE IMPLICATIONS**

- 6.1 Council's membership of NAGA enables it to leverage significant resources for projects targeting its Council Plan goal.

## **7 REGIONAL/STRATEGIC IMPLICATIONS**

- 7.1 NAGA facilitates a regional approach to climate change mitigation and adaptation.

## **8 CONCLUSION**

- 8.1 The NAGA quarterly report demonstrates the ongoing high quality and productive work being at a regional level which enables Manningham City Council to secure both financial resources and advocacy at a more influential level.



**OFFICER'S RECOMMENDATION**

**That Council:**

- **Notes the Northern Alliance for Greenhouse Action (NAGA) Quarterly report for the Quarter 4, 2015-2016.**

**MOVED: GALBALLY**

**SECONDED: KLEINERT**

**That the Recommendation be adopted.**

**CARRIED**

**Attachment 1:** NAGA Councillor Update 4<sup>th</sup> Quarter 2015-2016

**Attachment 2:** Municipal Energy Profile 2013

\* \* \* \* \*

## ATTACHMENT 1

**NAGA Councillor Update 4th Quarter 2014-15****Purpose**

This paper has been prepared to update councillors on the activities of the Northern Alliance for Greenhouse Action (NAGA), for the fourth quarter of the 2014-15 financial year.

**Background**

The City of Manningham is a member of NAGA.

NAGA formed in 2002 as a network that shares information, coordinates emission reduction and adaptation activities and cooperates on the research and development of innovative projects. NAGA's goal is to substantially contribute to the transition to a low-carbon future by delivering effective programs and leveraging local government, community and business action.

**Summary of Work***Integrated Regional Vulnerability Assessment (IRVA)*

NAGA has completed its integrated regional vulnerability assessment, which identifies risks and vulnerabilities for council services, infrastructure, natural assets and communities, caused by project future climate impacts.

The final report, *Adaptation in the North*, has identified particular vulnerabilities in council buildings, amongst local businesses in terms of their awareness and ability to adapt to climatic shocks and stresses and in communities exposed to additional heat wave impacts caused by the urban heat island effect.



The report outlines a series of actions to address these and other identified vulnerabilities, including:

- testing a vulnerability assessment tool for council buildings;
- developing engagement tools for local business to help them prepare better for climatic shocks and stresses; and
- reviewing existing council urban greening strategies.

*Adaptation in the North* is available from the NAGA website ([www.naga.org.au](http://www.naga.org.au)). It comprises two main volumes, an executive summary and individual council reports on projected vulnerabilities. A separate website is under construction, which will be the base for future work. NAGA is also developing an adaptation working group, which will oversee the implementation of the actions detailed in *Adaptation in the North*.



### *Municipal Energy Profiles*

NAGA has delivered final versions of the municipal energy profiles for 2012; these reports collect energy use data from distribution businesses and create profiles of consumption trends across residential and commercial sectors, including local (suburban) averages. This helps councils plan for where energy saving programs can best be delivered.

NAGA has consulted with its members to identify additional data that could be collected and integrated into the profiles, in order to improve reporting and gain a better understanding of the factors influencing changes in energy consumption. NAGA continues to negotiate with the distribution businesses to gather more timely data, but this continues to prove difficult. Most distribution businesses have faced disruption in their data storage due to the switchover to new software to better integrate with smart meters. However, NAGA has set out proposed funding for its 2015-16 budget to collect data and produce reports for 2013, 2014 and 2015, if the data is available.

### *Advocacy*

NAGA has collaborated with other regional greenhouse alliance and the Municipal Association of Victoria to develop a joint response to the Electricity Distribution Price Review (EDPR), which is conducted every five years by the Australian Electricity Regulator (AER). The EDPR is important as it sets prices for the installation and maintenance of public lighting, which has an impact upon council budgets. Distribution businesses propose new tariffs for the upcoming regulated time period; NAGA and its counterpart in the east, EAGA, have jointly contracted Ironbark Sustainability to review these proposals.

The review has found considerable variability amongst the distribution businesses, in the suggested charges for labour and materials required to maintain public lighting. has recommended that, in such circumstances, the lowest charge proposed by distribution businesses be the one set by the AER. NAGA has also recommended that the AER retain a role in the regulation of stand-alone lighting. The AER had proposed that stand-alone lighting be the subject of negotiation between the distribution business and councils, as is the situation in South Australia. NAGA has opposed this shift in Victoria given that three years of negotiations in South Australia have so far failed to deliver new charges in that state, resulting in budget uncertainty.



In addition, NAGA has prepared and submitted advocacy statements to the Federal Government on:

- the Emissions Reduction Fund Safeguard Mechanism; and
- the Post-2020 Emissions Reduction Targets.

We have made submissions to the Victorian Government on:

- a review of the Victorian Energy Efficiency Target (VEET); and
- the future of unconventional onshore gas production.

All submissions are available on the NAGA website ([www.naga.org.au](http://www.naga.org.au)).

NAGA, along with the other greenhouse alliances, has also met with senior policy staff from Sustainability Victoria, the Department of Environment, Land, Water and Planning and the Department of Economic Development, Jobs, Transport and Resources, to receive briefings on the new state government's policy directions.



#### *Investigating Rates Mechanisms (IRM) Project*

The IRM project explored innovative mechanisms (via council rates systems, and communication channels) to directly support vulnerable low-income home-owners, as well as working with key intermediaries in the real estate industry to promote energy-saving home improvements to rental properties. A number of small scale pilots reached out to property owners (landlords) through the rates database, as well as real estate property managers, to provide information and incentives to upgrade their property. NAGA aimed to better understand the challenges and barriers to reach property owners and for them to take action.

As one off trials, the response rate from landlords was predictably low. A follow up survey was conducted to better understand the motivations of landlords and communications. The survey found that 69% of landlords considered their property to already be energy efficient, which contradicts existing literature. The remaining 31% considered it too much effort to take up the offer, even though this offer was no cost improvement or potential financial gain. When asked how the incentives could be made more attractive, 89% of survey respondents said there was nothing that could make it more attractive.

However, the project did find that the rates database proved a reasonably effective way to reach landlords though the ease of accessing the list and direct communications. Conformity to privacy requirements varied from council to council. In the best case it was very straightforward and in the worst it delayed the communications by some months, in order to get approvals.

In addition, discussions with landlords and real estate agents suggest that accountants may be a potential avenue for engaging landlords and this warrants further exploration. Also, end of lease is the best time to target landlords to undertake retrofits, which requires working closely with real estate property managers.

#### *Governance*

NAGA held its annual meeting at the Global Learning Centre at the City of Hume, in March. The guest speaker was the City of Melbourne's Chief Resilience Officer, Toby Kent, who outlined the Resilient Cities project and how councils might be involved. Experts led workshops on:

- Financing large scale solar in the community
- Integrating ecologically-sustainable design into capital works
- Developing adaptation strategies
- Financing local government corporate renewable energy and energy efficiency
- Greening the region: urban forestry, heat islands and stormwater management
- Adapting for dollars: getting business ready for a changed climate.



Outcomes from the workshops form the basis for NAGA's work plan for 2015-16.

In addition, the NAGA Executive and the NAGA Implementation Forum both met in May. The NAGA Secretariat has worked with members in both the Executive and the Implementation Forum to develop an ongoing Strategic Plan for 2015-20, as well as a work plan for 2015-16.

#### **Next Steps**

No further steps required from Council.



**Further Information**

For further information, please contact Vivien Williamson – Manager Economic & Environmental Planning

ATTACHMENT 2



# Manningham City

## Energy Profile

Helping Council to improve policies, target programs,  
and promote energy smart communities.

## Municipal Energy Profile

### Introduction

This Municipal Energy Profile provides a comprehensive overview of energy (gas and electricity use) and associated emissions in the municipality. It shows the trends in energy consumption for residential, commercial and industrial sectors with totals for each suburb. The profile draws upon energy data for the period 2004-2013.

### Background

The Northern Alliance for Greenhouse Action (NAGA) has been working to obtain local energy data since 2008. NAGA is working to ensure urgent, regional action in our transition to a climate-changed low-carbon future. NAGA supports councils commitments to enhance the wellbeing of their municipalities. Information provided by Victorian electricity and gas distributors to NAGA forms the basis of the profiles.

MEFL has developed a detailed municipal data tool to record raw energy consumption data. This data has been used to construct energy profiles for each of the councils and presents the most comprehensive set of local level energy information produced in Australia.

The profiles demonstrate NAGA's commitment to local leadership in climate change action.

### Applications

The availability of local information on energy consumption and trends enables councils to:

- » improve targeting of policies, programs and incentives to reduce energy demand by knowing where consumption and emissions are highest;
- » identify and target effort for maximum impact;
- » communicate to create a better informed community on energy use, carbon pollution and costs; and
- » monitor the effectiveness of energy saving and emission reduction programs and progress towards local, regional or state targets.

### Acknowledgements

The Municipal Energy Profile was originally developed for NAGA by Moreland Energy Foundation, with funding from the Victorian Government. NAGA acknowledges Victoria's gas and electricity distributors for providing data used to develop this profile.

### Enquiries

Every attempt has been made to verify the data, however it should be noted that this report is intended to be iterative and your feedback is welcome. The detailed data on which this profile has been developed is located within the municipal data tool; for more information please contact NAGA. Please note that some network companies have changed the way they report on data in 2013, so there may be some unavoidable small discrepancies between the Municipal Energy Profiles of 2013 and previous years.

Manningham Energy Profile 2004 - 2013

# Manningham

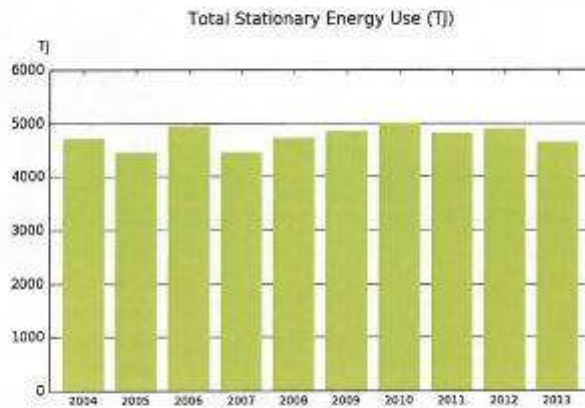


## Changes from 2009 to 2013

	Manningham Average	NAGA Average
Annual decrease in daily household electricity use	-4.6%	-3.3%
Annual decrease daily household gas use per year	-1.4%	-0.2%
Annual decrease in daily household GHG emissions	-4%	-3.6%



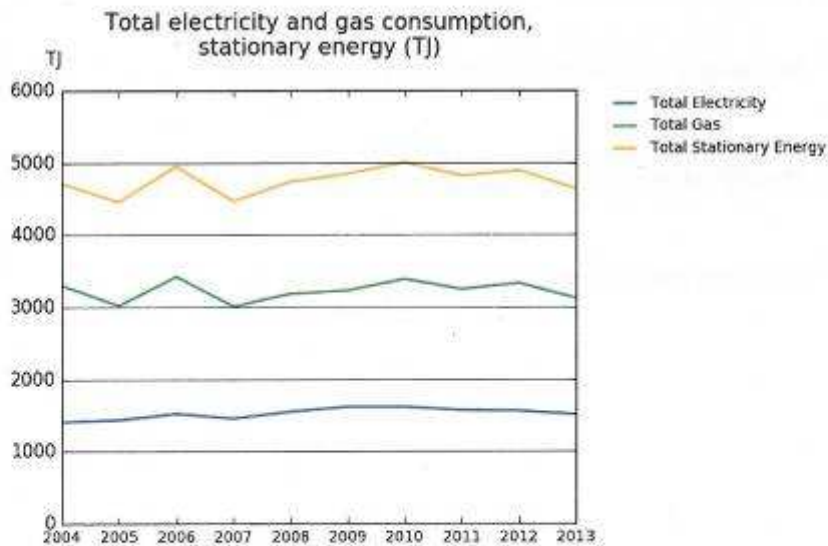
**Manningham's energy consumption**



The total stationary energy consumption for the municipality combines gas and electricity used in the residential, commercial and industrial sectors.

For electricity, megawatt hours (MWh) have been converted to terajoules (TJ).

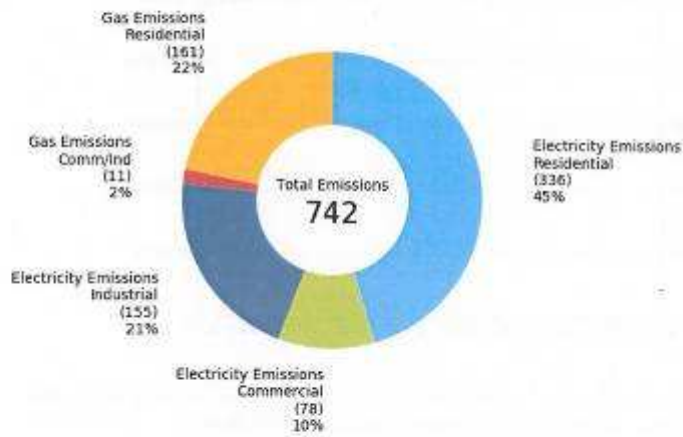
Manningham's average daily household usage of electricity is higher than the NAGA average



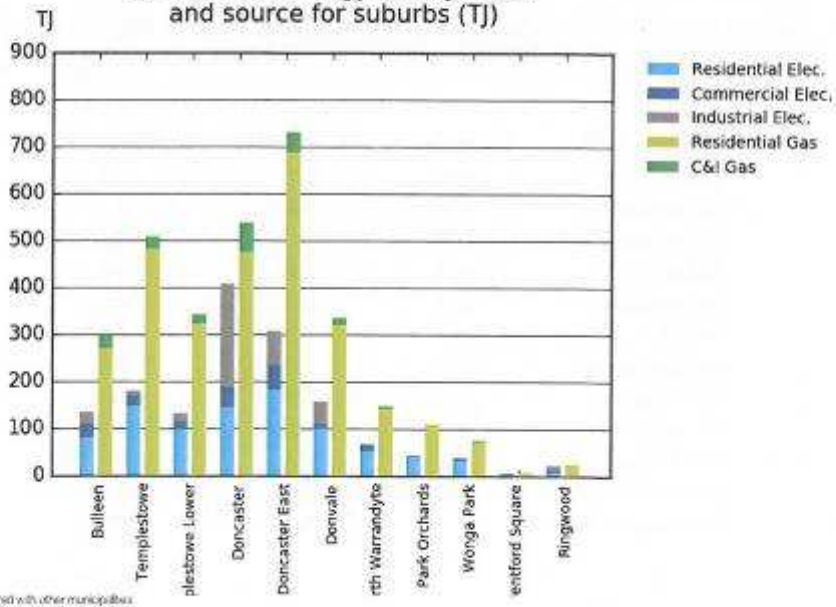
**Energy consumption by sector**

Electricity emissions are relatively consistent since 2012, although there is a small decrease in residential emissions. Gas emissions have also remained relatively consistent for all sectors.

**2013 Sector Emissions kt CO2-e/year**

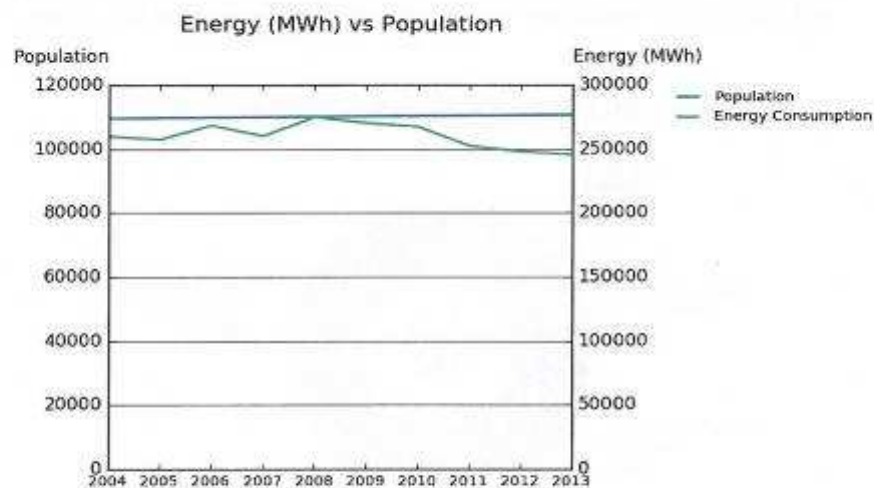


**2013 annual energy use by sector and source for suburbs (TJ)**



\*Shared with other municipalities

## Residential Energy



The population of Manningham has remained relatively stable, however since 2009 there has been a substantial drop in total residential electricity consumption.

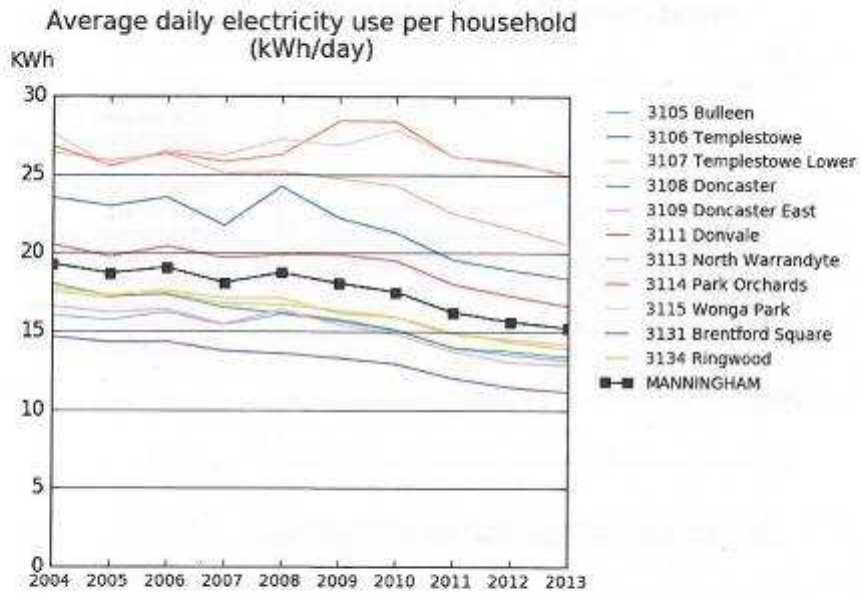
## Solar Energy

Solar PV systems have seen a rapid uptake in the municipality, with the majority of systems being installed on homes. Totals for installed systems by the end of 2013 are outlined below.

Suburb in 2013	Postcode	No. Systems	Installed PV kW
Bulleen	3105	255	623
Templestowe	3106	528	1313
Templestowe Lower	3107	292	706
Doncaster	3108	449	1062
Doncaster East*	3109	595	1415
Donvale*	3111	422	975
North Warrandyte*	3113	223	617
Park Orchards	3114	109	336
Wonga Park	3115	102	289
Brentford Square	3131	8.9	19
South Warrandyte*	3134	26.5	64
<b>Manningham Total</b>		<b>3011</b>	<b>7420</b>

\*Shared with other municipalities

**Residential Electricity**

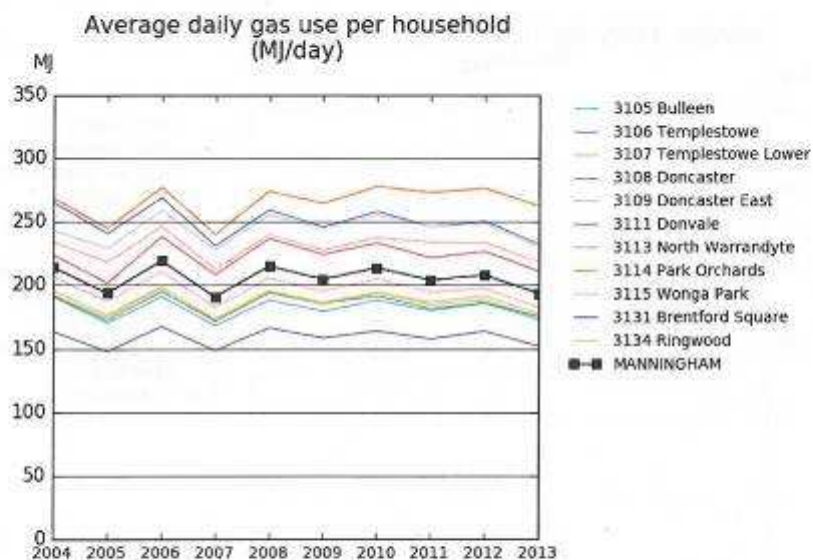


Overall, average daily household electricity consumption is trending downwards for all suburbs across Manningham, with a 4.6% total reduction since 2009.

Suburb in 2013	Postcode	Electricity kWh/hh/day	Electricity kWh/person/day
Bulleen	3105	14.1	5.5
Templestowe	3106	18.1	6.9
Templestowe Lower	3107	14.1	5.6
Doncaster	3108	14	5.9
Doncaster East*	3109	13.5	5.1
Donvale*	3111	15.8	6.5
North Warrandyte*	3113	20.5	7.4
Park Orchards	3114	24.9	8.5
Wonga Park	3115	25.1	8.7
Brentford Square	3131	13.9	4.7
South Warrandyte*	3134	14.2	5.9
<b>Manningham Average</b>		<b>15.5</b>	<b>6.1</b>
<b>NAGA Average</b>		<b>12.5</b>	<b>5.2</b>

\*Shared with other municipalities

**Residential Gas**



Gas consumption per household in Manningham has remained relatively stable over the last 5 years, with a slight decrease between 2012 and 2013, and remains higher than the NAGA average.

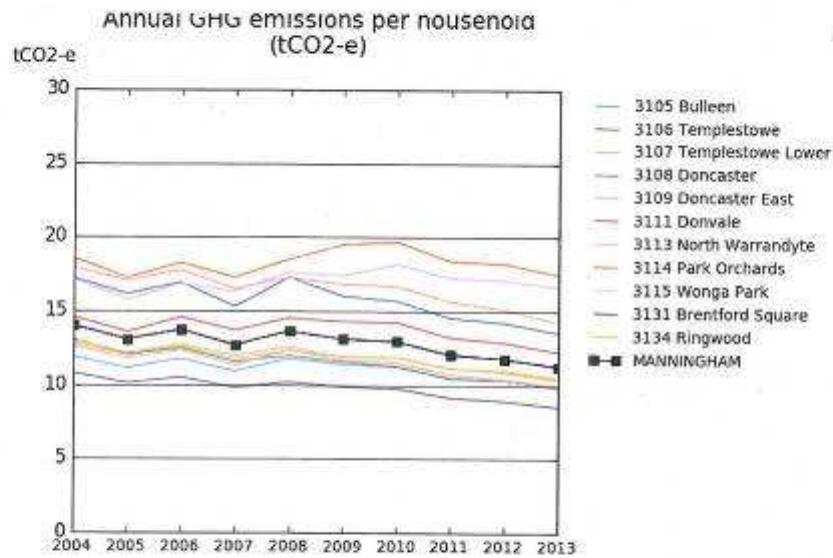
Suburb in 2013	Postcode	Gas Usage MJ/hh/day
Bulleen	3105	172.6
Templestowe	3106	232.2
Templestowe Lower	3107	174
Doncaster	3108	175.7
Doncaster East*	3109	182.6
Donvale*	3111	210.9
North Warrandyte*	3113	217.9
Park Orchards	3114	262.5
Wonga Park	3115	230.1
Brentford Square	3131	151.9
South Warrandyte*	3134	177.5
<b>Manningham Average</b>		<b>193.6</b>
<b>NAGA Average</b>		<b>155</b>

\*Shared with other municipalities

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Manningham Energy Profile 2004 - 2013

**Residential greenhouse gas emissions**



Greenhouse gas emissions per household are trending downwards for Manningham, largely as a result of the decreasing household electricity consumption.

Suburb in 2013	Postcode	CO <sub>2</sub> Emissions tCO <sub>2</sub> e/hh/year
Bulleen	3105	9.8
Templestowe	3106	13.5
Templestowe Lower	3107	10.3
Doncaster	3108	9.9
Doncaster East*	3109	10
Donvale*	3111	12.2
North Warrandyte*	3113	14.2
Park Orchards	3114	17.5
Wonga Park	3115	16.6
Brentford Square	3131	8.5
South Warrandyte*	3134	10.5
<b>Manningham Average</b>		<b>11.3</b>
<b>NAGA Average</b>		<b>8.8</b>

\*Shared with other municipalities

## 11. ASSETS & ENGINEERING

### 11.1 King Street Reconstruction Stage 1 - Intention to Declare Special Charge

Responsible Director: Director Assets and Engineering

File No. T16/172

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible director, manager nor the officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*King Street is currently a declared arterial road under the care and management of VicRoads. As indicated in the report to Council at the meeting of the 28 June 2016, an agreement has been reached with senior officers from VicRoads to revoke the arterial road status of the King Street between Victoria Street and Blackburn Road, and to conversely declare the section of Blackburn Road between King Street and Reynolds Road as an arterial road.*

*Advice from VicRoads indicates that the road swap will be completed by the end of August 2016 and, as a result, King Street between Blackburn Road and Victoria Street will become a Council Link Road.*

*In anticipation of the road swap, Council officers have completed detailed design plans for the reconstruction of the road, in consultation with the King Street reference panel.*

*Council's policy in relation to Link Roads is that Council will fund all costs associated with the upgrade of these roads, with the exception of footpaths that are not part of the Principal Pedestrian Network (PPN), landscaping, street trees and individual vehicle crossings that have not previously been formally constructed.*

*In order to facilitate the construction of this road in a timely manner, it will be necessary for Council to initiate a special charge scheme for those elements of the works that are recoverable from property owners, namely the non-PPN footpaths, landscaping works, street trees, vehicle crossings that have not formerly been constructed and parking bays, where required.*

*Accordingly, at its meeting of the 28 June 2016, Council resolved to implement two special charge schemes for different sections on each side of the road.*

*This report is in relation to the proposed scheme for the provision of landscaping, street trees and vehicle crossings on the north side of King Street between Wyena Way and Blackburn Road.*

*The total cost of stage 1 is estimated at \$2,260,281.72 of which \$81,815.11 is proposed to be recovered from thirty three property owners by means of a special charge scheme, in accordance with Councils policy and the Local Government Act 1989.*

*It is recommended that Council:*

1. *Consider the plan, cost estimates and apportionment of cost in this report, and give notice of its Intention to Declare a Special Charge Scheme, at its meeting to be held on 31 January 2017, for the reconstruction of King Street Stage 1, between Blackburn Road and Wyena Way.*
2. *Resolve, in accordance with Sections 163(1A) and 163B(3) of the Act, that a public notice be given of Council's intention to declare a special charge.*
3. *Note the need to establish the King Street Stage 1 (Submissions) Committee, appoint two ward councillors to the committee, nominate a councillor as the chairperson and nominate two councillors as substitute committee members, if required, at its November 2016 meeting.*

## **1 BACKGROUND**

- 1.1 Council at its meeting of the 28 June 2016 resolved (in part) that:
  - 1.1.1 *"Council authorise Council officers to prepare two special charge schemes for King Street as follows.*
- 1.2 In relation to matter at hand in this report, Council's then resolved as follows:
  - 1.2.1 *A special charge scheme for the provision of landscaping, street trees and vehicle crossings on the north side of King Street between Wyena Way and Blackburn Road.*
  - 1.2.2 *Upon the preparation of the scheme documentation, including cost estimates and apportionment of costs, Council consider a further report on Council's intention to declare a special charge on those properties that are deemed to derive a special benefit from the scheme works.*
  - 1.2.3 *Affected property owners be notified of the results of the survey and Councils resolution."*
- 1.3 The intention of this report is to seek Council authorisation to give notice of its intention to declare a special charge for the provision of landscaping works, street trees and vehicle crossings on the north side of King Street between Wyena Way and Blackburn Road.
- 1.4 As previously indicated in the report to Council on the 28 June 2016, King Street is a declared arterial road currently under the care, operation and management of VicRoads, in accordance with the provisions of the Road Management Act 2004.
- 1.5 The road swap of King Street (between Blackburn Road and Victoria Street) with Blackburn Road (between King Street and Reynolds Road) has been agreed in principle with VicRoads and the revocation of the Arterial Road status of King Street is expected by the end of August 2016.  
**Special Charge Scheme**
- 1.6 Where infrastructure works have not previously been constructed, Council has powers, under the provisions of section 163 of the Local Government Act 1989, to construct such infrastructure at the cost of owners who will derive a "special benefit" from such works, by means of a special charge scheme.
- 1.7 Council's Contributory Projects – Special Rates & Charges Policy, details the basis of determining the amount which can be recovered from benefitting



property owners for various infrastructure works. Relevant details of Council's current policy are set out in section 7 of this report.

- 1.8 The reconstruction works associated with King Street between Blackburn Road and Wyena Way involve the construction of kerbing, the provision of two 3.5 metre lanes in each direction, lane widening at select intersections, line marking, a 3.0 metre wide shared path on the north side of King Street, underground drainage, vehicle crossings, parking bays at requested locations, street trees and landscaping of nature strips. The purpose of the works is to construct the road to modern day standards and improve the amenity of the area.
- 1.9 The costs associated with those vehicle crossings which have not been formally constructed, parking bays at select locations which have been requested by property owners, street trees and landscaping of nature strips, will be the subject of the special charge.
- 1.10 Property No's 107, 113, 115, 117, 119-121, 123, 125-127, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 166 King Street, 1 Taparoo Road, 1 Wyena Way and the tree reserve at the corner of King Street and Blackburn Road are considered to derive a special benefit from the works that will be subject to a special charge, in that the works will improve the amenity of the area and improve accessibility to and from King Street.

## **2 PROPOSAL/ISSUE**

- 2.1 The proposal is that pursuant to Section 163(1A) of the Local Government Act 1989, Council give public notice of its intention to declare a special charge at its meeting of the 31 January 2017 for the construction of various components of infrastructure works, as defined in the scheme, that are associated with the reconstruction of King Street stage 1. A special benefit is to be derived by the owners of the following properties as described in Attachment 2.  
  
Lot 2 LP200912F, Lot 1 LP133196, Lot 2 LP133196, Lot 3 LP133196, Lot 4 LP133196, Lot 14 LP138862, CP160321M, Lot 67 LP149912N, Lot 68 LP149912N, Lot 69 LP149912N, Lot 70 LP149912N, Lot 71 LP149912N, Lot 65 LP149913L, Lot 66 LP149913L, Lot 1 PS 402943C, Lot 61 LP149912N Lot 62 LP149912N, Lot 63 LP149912N, Lot1 PS411314K, Lot2 PS411314K, Lot3 PS411314K, Lot 14 LP142626, Lot 1 SP034476E, Lot 2 SP034476E, Lot 3 SP034476E, Lot 4 SP034476E, Lot 5 SP034476E, Lot 6 SP034476E, Lot 1 SP027674Q, Lot 2 SP027674Q, Lot 3 SP027674Q, Lot 4 SP027674Q, and Reserve 1 LP149910S.
- 2.2 It is proposed that the Director of Assets and Engineering, be authorized to carry out any and all administrative procedures necessary to enable Council to carry out its functions under Sections 163A, 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.
- 2.3 It is further proposed that Council establish the King Street Reconstruction – Stage 1 (Submissions) Committee, appoint two ward councillors to the committee, nominate a councillor as the chairperson and nominate two councillors as substitute committee members, if required, to consider submissions received in relation to the issue of the notice of intention to declare a special charge at its November 2016 meeting.

- 2.4 Also, that Council note that Council's contribution to the reconstruction of King Street is \$2,178,466.61.

### **3 DESCRIPTION OF WORKS BENEFICIARIES AND COSTS**

#### **Works**

- 3.1 The special charge has been prepared in accordance with the provisions of Section 163 of the Local Government Act 1989 and Council's Policy for 'Contributory Projects – Special Rates & Charges', and provides for cost recovery for the construction of the following components of infrastructure works associated with the reconstruction of King Street Stage 1 (Attachment 3):
- 3.1.1 The topsoiling of nature strips, installation of garden beds at select locations along the street and planting of street trees.
- 3.1.2 The construction of unconstructed vehicle crossings in reinforced concrete that have not previously been constructed by individual property owners. Individual property owners will be charged a special charge for the construction of the vehicle crossing serving their property.
- 3.1.3 The construction of flexible pavement parking bays in accordance with Council's standards at select locations requested by individual property owners. Similarly individual property owners will be charged a special charge for construction of these parking bays.
- 3.1.4 Contingency Allowance & Professional / Administrative Fees
- A contingency of 10% of the estimated cost of the works is allowed in the cost of the scheme.
  - Project management fees for the design, administration and supervision of the works of 10%.
- 3.2 The amount to be recovered from the benefitting property owners is based on Council's policy, which is detailed in section 7 of this report.
- 3.3 The contribution of Council to the proposed reconstruction scheme works includes the construction costs associated with:
- Pavement reconstruction works to provide a 3.5 metre wide traffic lane in each direction
  - Lane widening at selected intersections, including the provision of an exclusive right turn lane at the intersection of King Street and Tuckers Road.
  - Kerb and channel on both sides of the street.
  - A 3.0 metre wide shared path on the north side of the street, in accordance with the requirements of Council's Bicycle Strategy.
  - Underground drainage and house drainage connections.
  - Signage, line marking and service alterations.

#### **Special Beneficiaries**

- 3.4 There are thirty three (33) properties considered to derive a special benefit from the scheme works. No other properties will receive special benefit from the proposed scheme works.
- 3.5 There is one non rateable property which has been included in the scheme, namely the tree reserve on the corner of Blackburn Road and King Street which is considered to receive a special benefit. The cost to be recovered for this property will be apportioned to Council.
- 3.6 All thirty three (33) properties will be required to pay the special charge.

Total number of properties in the scheme TSB (in) = 33.

Total number of properties out of the scheme TSB (out) = 163.

#### **Level of Special Benefit**

- 3.7 The thirty three (33) properties identified as receiving a special benefit are considered to receive differing levels of benefit, depending on their orientation to King Street or adjoining streets and property size.
- 3.8 Some properties will derive an additional benefit with the formalisation of their unconstructed vehicle crossing or the provision of a parking bay.

#### **Total Cost**

- 3.9 The total estimated cost (C) of the scheme works is \$2,260,281.72. (Attachment 4).

#### **Total Community Special Benefit**

- 3.10 It is considered that the scheme will result in a broader community benefit, taking account of vehicle access (75%) and amenity in terms of pedestrian and bicycle traffic and visual appearance (25%). The total daily traffic volume for King Street is 8,400 vehicles per day and the estimated traffic generated from directly abutting properties has been assessed at 1,570 vehicles per day, representing 18.7% of the total traffic volume. Unconstructed vehicle crossings will benefit individual properties only. The Total Community Benefit (TCB) associated with the scheme works is estimated accordingly at 639 benefit units.

#### **Benefit Ratio (R)**

- 3.11 The Benefit Ratio (R) =  $\text{TSB (in)} / (\text{TSB (in)} + \text{TSB (out)} + \text{TCB})$   
 $= 33 / (33+163+639) \times 100 = 3.95\%$

#### **Maximum Total Levy (s)**

$R \times C = S$ , where C = the total cost

$3.95/100 \times \$2,260,281.72 = \$89,281.13$

The amount proposed to be recovered is \$81,815.11, which is less than the Maximum Total Levy and acceptable.

## **4 APPORTIONMENT OF SPECIAL CHARGE COSTS**

- 4.1 Property owners share of costs are apportioned on the basis of benefit units and area of the property. Seventy five percent (75%) of the cost of the landscaping works of the nature strips and tree planting is to be recovered from the property owners based on benefit units, and twenty five (25%) of the cost

the landscaping works of the nature strips and tree planting are to be recovered from property owners based on the area of the property.

- 4.2 Special cases will apply to corner properties with a frontage to King Street or a frontage to a side street and a side boundary to King Street. Similarly properties with a rearage to King Street and the Council tree reserve will also be considered as special cases.
- 4.3 Any property that has a frontage and has access from King Street will be apportioned 1.0 benefit unit for 75% of the cost of works associated with the landscaping and street trees and the whole area of the property for 25% of the cost of works associated with the landscaping and street trees.

**Special Cases**

- 4.4 Corner properties with a frontage to King Street and a side boundary to an adjoining street will be charged half (0.5) a benefit unit for 75% of the cost of the works associated with the landscaping and street trees and two thirds (2/3) of the area of the property for 25% of the cost of the works associated with the landscaping and street trees.
- 4.5 Corner properties with a frontage to a side road and a side boundary to King Street will be charged half (0.5) a benefit unit for 75% of the cost of works associated with the landscaping and street trees and based on one third (1/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.5.1 This includes property numbers

- 107 King Street;
- Unit 1/2 Wyena Way;
- Unit 2/2 Wyena Way;
- Unit 3/2 Wyena Way;
- Unit 4/2 Wyena Way.

- 4.6 Properties with a rear boundary to King Street and primary access from an adjoining street will be charged one third (1/3) of a benefit unit for 75% of the cost of works associated with the landscaping and street trees and based on one third (1/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.6.1 This includes property numbers

- Unit 1/29 Taparoo Road;
- Unit 2/29 Taparoo Road;
- Unit 3/29 Taparoo Road;
- Unit 4/29 Taparoo Road;
- Unit 5/29 Taparoo Road;
- Unit 6/29 Taparoo Road.

- 4.7 Properties with a front boundary and primary access from King Street and secondary access from an adjoining street will be charged two thirds (2/3) of a benefit unit for 75% of the cost of works associated with the landscaping

and street trees and two thirds (2/3) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.7.1 This includes property number

- 145 King Street.

4.8 Council's tree reserve on the corner of King Street and Blackburn road will also be treated as a special case and will be apportioned half (0.5) a benefit unit for 75% of the cost of works associated with the landscaping and street trees and half (0.5) of the area of the property for 25% of the cost of works associated with the landscaping and street trees.

4.9 Vehicle crossings that have not been constructed will be apportioned to individual property owners at the estimated cost of the vehicle crossing to serve the property.

4.10 This includes property numbers:

- 117 King Street;
- 119-121 King Street;
- 123 King Street (two vehicle crossings);
- 133 King Street;
- 135 King Street;
- 155 King Street.

4.11 Property owners indicating that they require an indented parking bay will be apportioned the estimated cost of a parking bay. This includes property numbers:

- 135 King Street;
- 166 King Street.

4.12 The method of calculating the amount to be apportioned to individual property owners is as follows.

Apportionment	Benefit Units	Rate	Amount
75% of the cost of landscaping and street trees apportioned based on benefit units	21.5	\$2,139.484	\$45,998.91
25% of the cost of landscaping and street trees apportioned on area	17,128.32 m <sup>2</sup>	\$0.895/m <sup>2</sup>	\$15,332.97
Vehicle Crossings - 7 No.			\$15,881.25
Parking Bays – 2 No			\$4,601.98
<b>Total Scheme Costs to be Recovered from Owners</b>			<b>\$81,815.11</b>

4.13 Attachment 2 provides a list of owners and a description of properties within the special charge scheme, apportioned 75% of the cost of the landscaping

and street trees based on benefit units and 25% of the cost of the landscaping and street trees apportioned based on the property area. The attachment also details the estimated cost of vehicle crossings that have not previously been formally constructed by the individual property owners and the cost of indented parking bays that have been specifically requested by individual property owners.

- 4.14 The works have been deemed by Council officers as appropriate and necessary to complete the reconstruction of King Street.
- 4.15 None of the works are considered to be excessive, and the estimated cost of the works is considered to be reasonable, having regard to current contract rates and the cost of materials and services.
- 4.16 The proposed design and the construction standards adopted for the area are appropriate and will improve the amenity of the area.

**Final Cost**

- 4.17 On completion of the works, the actual amount to be recovered from owners of the properties will be calculated and estimated costs will be adjusted by the same proportion for all properties included in the special charge scheme.
- 4.18 In no case shall the actual amount to be recovered exceed the estimated amount by more than 10 percent.

**5 RELEVANT LEGISLATION**

- 5.1 The Local Government Act, 1989 Section 163 states that:
- “A Council may declare a special rate, a special charge or a combination of both only for the purpose of:
    - (a) *Defraying any expenses; or*
    - (b) *Repaying (with interest) any advance made to or debt incurred or loan raised by the Council –*
  - In relation to the performance of a function or the exercise of a power of the Council, if the Council considers that the performance of the function or the exercise of the power is or will be of special benefit to the persons required to pay the special rate or special charge.”
- 5.2 All owners required to pay the special charge will gain a “special benefit” because:
- The proposed construction works associated with the special charge will improve the amenity of the area.
  - Improve accessibility for residents without properly constructed vehicle crossings to and from King Street.

**6 PRIORITY/TIMING**

- 6.1 The declaration and the levying of the charge to owners should proceed at the earliest possible opportunity to allow the project program to be achieved.
- 6.2 The sequential steps to be followed to allow the project to proceed include notification of residents of Council’s intention to declare a special charge, declaration and levying of the special charge and construction.

- 6.3 The anticipated program for the project, assuming no objections are received or delays occur is as follows:

<b>Date</b>	<b>Activity</b>
30 <sup>th</sup> August 2016	Council Meeting – Intention to Declare Scheme
26 <sup>th</sup> October 2016	Public Notice – Intention to Declare Scheme
29 November 2016	Council nominate Councillors for Submissions Committee
14 <sup>th</sup> December 2016	Committee of Council to hear submissions
31 January 2017	Council Meeting – Declaration and Levy of Special Charge
3 <sup>rd</sup> February 2017	Submissions Close (VCAT)
15 <sup>th</sup> February 2017	Commence Construction (Assuming no VCAT appeals)
31 October 2017	Practical Completion of works
1 March 2018	Final Cost Notices Distributed

- 6.4 The contract will be structured such that the recoverable works are identified a separable portions, as a contingency in the event that there are issues with the final scheme adoption.

## **7 POLICY/PRECEDENT IMPLICATIONS**

- 7.1 Council's Contributory Projects, Special Rates and Charges Policy applies to the works proposed along King Street. The following criteria applies to the various components of work within the road reservation:-
- 7.1.1 On Arterial Roads and Link Roads, owners are required to contribute the full cost of street trees, landscaping works and individual vehicle crossings (except where crossings have previously been constructed at the owner's expense). Council pays the construction of all pavements, kerbing and drainage works.
- 7.1.2 Shared paths identified in the Council's Bicycle Strategy are constructed at full cost to Council. Similarly, footpaths identified as being part of the PPN are constructed at Council cost.
- 7.2 The policy recognises the long history of works undertaken at the cost to property owners through past schemes by requiring those owners, deriving special benefit from new works, to contribute to the cost of the scheme works.

- 7.3 The recoverable project costs are required to be distributed between property owners based on the apportionment method adopted, taking into consideration special cases, in compliance with the requirements of Council policy. Council's cost apportionment policy provisions take account of established precedents of apportioning costs that are considered to be fair, reasonable and equitable having regard to the benefit to be derived and the size of the allotment.
- 7.4 Under the provisions of section 163B of the Local Government Act 1989, a Council can declare a special charge without the support of the majority of property owners, if the Council contribution to the works is in excess of 33%. Under the current proposal, Council will fund \$2,178,466.61 of the total cost of the reconstruction of King Street stage 1 and accordingly majority support of those required to fund the scheme works is not required.

## **8 BEST VALUE**

- 8.1 The implementation of the road improvements, including the shared footpath and streetscape works will improve the safety and operation of the road including traffic, pedestrian and cyclist safety. The streetscape improvements, including the formalisation of the road with kerbs, underground drainage and vehicle crossings, will also improve the amenity of the street.
- 8.2 The road improvement works, which include the provision of a shared footpath, are a response to community requests over many years to upgrade this road to modern day standards.

## **9 CUSTOMER/COMMUNITY IMPACT**

- 9.1 With the exception of the properties on the south side of King Street between No's 168 and 110 King Street, all other properties that abut the street will be subject to a special charge for some components of the work, in accordance with the provisions of Councils Contributory Projects, Special Rates and Charges Policy.
- 9.2 The construction of the shared path along King Street will provide significant access improvements for the community and improve bicycle safety for cyclists using King Street.
- 9.3 King Street forms part of the DART (Doncaster Area Rapid Transport) route, and the construction of a shared path along the street will provide significant improvements for public transport patrons using King Street to access the bus stops along the street.
- 9.4 The formalization of the road to modern day standards will improve safety for motorists using the road. Construction of underground drainage will improve amenity for abutting properties and result in the removal of the existing open drains and vehicle crossing culverts, relieving property owners of their responsibility for maintaining their vehicle crossing culverts.
- 9.5 There will be some inconvenience to motorists, pedestrians and cyclists during construction, however, the appointed contractor will be required to implement appropriate traffic management measures to ensure the safety of the travelling public.



**10 FINANCIAL RESOURCE IMPLICATIONS**

- 10.1 The total estimated cost of King Street stage 1 works is estimated to be \$2,260,281.72. Under the provisions of Council's Policy, Council's contribution to the project cost is estimated at \$2,178,466.61 (96.38% of the total project cost). The remaining amount of \$81,815.11 (3.62% of the total cost) is to be funded by property owners that derive a special benefit from the proposed works.
- 10.2 The proposed individual property contributions are set out in Attachment 2.
- 10.3 Should the scheme proceed, it will be recommended that contributing property owners be given the option of contributing by quarterly instalments over a period of ten years. Payments would be subject to the current rate at the time of scheme adoption plus 1%.
- 10.4 Council's contribution to the project cost can be funded from the funding allocations in Council's Capital Works "*Road Management Upgrades-Council Link Roads*" program for 2016/2017 where \$1.435Mil has been allocated and Council's indicative 10 Year Capital Works Program where \$3.229Mil is proposed in 2017/18 for the upgrade of high priority Link Roads.

**11 SUSTAINABILITY**

- 11.1 The provision of a shared path along King Street will have a positive impact on the health and well being of residents and cyclists along King Street and adjoining streets that will use these facilities.
- 11.2 The provision of the shared path and improved bus stop hard standing areas will improve public transport access to the DART bus service that traverses King Street. These changes should improve public transport patronage, thereby reducing the volume of traffic on King Street.
- 11.3 The formal construction of King Street will have positive economic benefits, obviating the continued need to regrade open table drains and top up the existing gravel paths along the street and minimise the wash off of crushed rock and fine material into receiving waterways.

**12 CONSULTATION**

- 12.1 An initial public meeting was held on 5 December 2013, with residents abutting King Street and some adjoining streets, to discuss the potential upgrade of King Street and to reform the community reference panel to provide input into the design development for the construction of King Street between Blackburn Road and Victoria Street.
- 12.2 Following the re-establishment of the reference panel, 5 meetings have been held with the reference panel to discuss issues associated with the conceptual proposal for the construction of King Street, the finalisation of the detailed design plans and the special charge apportionment methodology.
- 12.3 A questionnaire survey was conducted of residents likely to be included in the scheme in December 2014, to assess the level of support for the construction of the road and secondly to assess the level of support for residents to make a contribution toward the construction of footpaths, landscaping and street tree works associated with the project.
- 12.4 The survey results were included in the report to the Council meeting on 28 June 2016.

- 12.5 Prior to the questionnaire survey, Council officers set up a 'Your Say Manningham' web page specifically for King Street, which provided the residents the opportunity to respond to the questionnaire on line. In addition, minutes of previous reference panel meetings, details of the proposed works and the progress of the reference panel decisions to date were included on the web page.
- 12.6 The web page also included 'Frequently Asked Questions' regarding the proposed special rates and charges scheme.
- 12.7 Following Council's resolution on the 28 June 2016, a letter was forwarded to all property owners on 1 August 2016 advising residents of Council's resolution to implement a special charge scheme and to also conduct a further survey of residents in respect of whether residents require indented parking bays. The initial response to parking bays was very poor and residents have been given a second opportunity to indicate their preference in this regard.
- 12.8 The formal process requires public notification and the issue of notices to affected property owners, to advise of Council's intention to declare a special charge, and again when Council declares and levies the special charge. Submissions to the intention to declare a special charge notification will be considered by a committee of the Council, which will also hear any oral submissions, before making a recommendation to Council.

### **13 COMMUNICATIONS STRATEGY**

- 13.1 Notice of Intention to Declare the Special Charge will be advertised in the Manningham Leader newspaper, and notices will be mailed to all owners whose properties are included in the scheme, advising of Council's intention to declare and levy a special charge, including their rights of appeal to Council, and inviting submissions. An opportunity will be made available for any interested person who has made a submission to present to a Committee of the Council.

### **14 CONCLUSION**

- 14.1 King Street is currently a declared arterial road under the care and management of VicRoads.
- 14.2 In order to facilitate the construction of the eastern section of King Street (Blackburn Road to Victoria Street), which primarily performs a local road function, Council has reached agreement with VicRoads, as a part of the state-wide review of the arterial road network, to revoke the arterial road status of the eastern section of King Street to a local road and to declare Blackburn Road, between King Street and Reynolds Road, as a declared arterial road.
- 14.3 Under these arrangements, the eastern section of King Street between Blackburn Road and Victoria Street will form part of Council's local road network as a Link Road under the care and management of Manningham. Responsibility for the maintenance and management of the subject section of Blackburn Road will become the responsibility of VicRoads.
- 14.4 In preparation for this road swap, Council officers have completed design plans for the reconstruction of this section of road, in consultation with the King Street Reference Panel.

- 14.5 Council's policy in relation to Link Roads is that Council will fund all costs associated with the upgrade, with the exception of footpaths that are not part of the Principal Pedestrian Network, landscaping, street trees and individual vehicle crossings that have not been formally constructed previously.
- 14.6 Council officers have prepared scheme documents, which are the subject of this report, in accordance with Council's Special Rates and Charges Policy, for the implementation of the Stage 1 King Street works. The scheme will recover the cost of landscaping the nature strips and installation of street trees on the north side of King Street, as well as the construction of unmade vehicle crossings for a select number of properties and the provision of parking bays for a select number of properties.
- 14.7 Funding is available in Council's 10 Year Capital Works Program as a part of Council's 'Road Management Upgrade' program, to upgrade substandard link roads within the municipality. Council's Link Road Strategy 2014 identifies priorities for road upgrades and, subject to revocation of the arterial road status of King Street, the eastern section is ranked as the highest Council priority for implementation.
- 14.8 In order to facilitate the construction of this road in a timely manner and to comply with Council policy requirements, it will be necessary for Council to give notice of its intention to declare a special charge for those components of works associated with the reconstruction of King Street Stage 1 that are recoverable from property owners, namely the, landscaping works, street trees, new vehicle crossings that have not been previously constructed and parking bays.

## OFFICER'S RECOMMENDATION

### That Council:

- Pursuant to Section 163 (1A) of the Local Government Act 1989 (Act), give public notice of its intention to declare a special charge at the Council meeting scheduled for 31 January 2017, generally in accordance with the process detailed in this recommendation.**
- Give notice of its intention to declare a special charge for the purpose of defraying any expenses in relation to the construction of various components of works associated with the construction of King Street Stage 1 for properties with an abuttal to King Street which include Lot 2 LP200912F, Lot 1 LP133196, Lot 2 LP133196, Lot 3 LP133196, Lot 4 LP133196, Lot 14 LP138862, CP160321M, Lot 67 LP149912N, Lot 68 LP149912N, Lot 69 LP149912N, Lot 70 LP149912N, Lot 71 LP149912N, Lot 65 LP149913L, Lot 66 LP149913L, Lot 1 PS 402943C, Lot 61 LP149912N Lot 62 LP149912N, Lot 63 LP149912N, Lot1 PS411314K, Lot2 PS411314K, Lot3 PS411314K, Lot 14 LP142626, Lot 1 SP034476E, Lot 2 SP034476E, Lot 3 SP034476E, Lot 4 SP034476E, Lot 5 SP034476E, Lot 6 SP034476E, Lot 1 SP027674Q, Lot 2 SP027674Q, Lot 3 SP027674Q, Lot 4 SP027674Q, and Reserve 1 LP149910S (as shown in Attachment 2) for which Council considers is or will be of special benefit to those persons required to pay the Special Charge, who are described in succeeding parts of this resolution."**

3. **Specify the following as the use for which the special charge is to be declared:**

“to raise the funds necessary for the design, construction and administration of the:

  - landscaping of nature strips and planting of street trees on the north side of King Street between Blackburn Road and Wyena Way
  - The construction of vehicle crossings that have not previously been constructed
  - The provision of indented parking bays at selected locations

as shown in the scope of works Plan No 4174, in the office of the Council”.
4. **Specify the following as the land in relation to which the special charge is to be declared:**

Lot 2 LP200912F, Lot 1 LP133196, Lot 2 LP133196, Lot 3 LP133196, Lot 4 LP133196, Lot 14 LP138862, CP160321M, Lot 67 LP149912N, Lot 68 LP149912N, Lot 69 LP149912N, Lot 70 LP149912N, Lot 71 LP149912N, Lot 65 LP149913L, Lot 66 LP149913L, Lot 1 PS 402943C, Lot 61 LP149912N Lot 62 LP149912N, Lot 63 LP149912N, Lot1 PS411314K, Lot2 PS411314K, Lot3 PS411314K, Lot 14 LP142626, Lot 1 SP034476E, Lot 2 SP034476E, Lot 3 SP034476E, Lot 4 SP034476E, Lot 5 SP034476E, Lot 6 SP034476E, Lot 1 SP027674Q, Lot 2 SP027674Q, Lot 3 SP027674Q, Lot 4 SP027674Q, and Reserve 1 LP149910S.
5. **Specify the following as the criteria which forms the basis of the special charge to be declared:**
  - The owners of the specified land, and identified as receiving a special benefit, are considered to receive differing levels of benefit, depending on whether they have direct access and frontage to King Street as opposed to properties that have a frontage to a side road and abuttal to King Street on the side boundary or have a rear abuttal to King Street and primary access to an adjoining street or have primary access from King Street and secondary access from an adjoining street.
  - The owners of the specified land, and identified as receiving a special benefit, are considered to receive differing levels of benefit if they have not previously paid for their vehicle crossing as opposed to residents that previously formalised their vehicle crossing.
  - The owners of the specified land, and identified as receiving a special benefit, are considered to receive differing levels of benefit if they require an indented parking bay as opposed to those residents who have not requested an indented parking bay at the front of their property.
6. **Specify the following as the manner in which the Special Charge to be declared will be assessed and levied:**

The recoverable cost has been apportioned to the owners of the specified land on the basis of:-

- **Seventy five percent (75%) of the cost of the nature strip landscaping works and tree planting to be recovered from the property owners based on benefit units, and**
  - **twenty five (25%) of the cost the nature strip landscaping works and tree planting are to be recovered from property owners based on the area of the property;**
  - **Unconstructed vehicle crossings will be apportioned directly to each property with unconstructed vehicle crossings;**
  - **Indented parking bays will be apportioned to property owners that requested a parking bay.**
- 7. Having regard to the preceding parts of the resolution, record that:**
- 7.1. the owners of the land, as described in Attachment 2 (Special Charge Apportionment), are liable for the respective estimated amounts set out in the last column of the Attachment – Cost (the proposed Special Charge Levy); and**
  - 7.2. such owners may, subject to any further resolution of Council, pay the special charge in the following manner:**
    - 7.2.1. by lump sum payment on the due date or where requested, by terms payment over a ten year period with interest payable at the Borrowing Rate applicable to Council at the time of adoption of the scheme plus 1%.**
- 8. Resolve that in accordance with Sections 163(1A) and 163B(3) of the Act, public notice be given of Council’s intention to declare a special charge advising:**
- 8.1. that copies of the proposed declaration are available for inspection at the Council’s office for a period of not less than 28 days after the publication of the notice;**
  - 8.2. state that submissions in respect of the proposed declaration and matters specified in the public notice received within 28 days of the notice, will be considered in accordance with Sections 163A, 163B and 223 of the Act; and**
  - 8.3. be given by publication of such notice in the Manningham Leader newspaper and in accordance with the provisions of Section 163 (1C) of the Act, separate letters enclosing a copy of the public notice be sent to the owners of the properties referred to and set out in Attachment 2 to this report.**
- 9. Authorise Council’s Director Assets and Engineering, or the person for the time being acting in that position, to carry out any and all administrative procedures necessary to enable Council to carry out its functions under Sections 163A, 163(1A), (1B) and (1C) and sections 163B and 223 of the Act.**
- 10. Appoint two Councillors to a Committee of Council under Section 223 (1)(b)(i) of the Act, to be known as the King Street Stage 1 Special Charge Scheme (Submissions) Committee, nominate the Chairperson of the Committee and nominate two councillors as substitute committee members, if required, at its November 2016 meeting.**

11. **Resolve that the purpose of the Committee is to:**
  - 11.1. **consider any written submissions received by Council within 28 days after the publication of the Public Notice;**
  - 11.2. **provide the opportunity for persons to be heard in support of their submissions in accordance with Section 223 of the Act; and**
  - 11.3. **report to the Council on the submissions made and recommendations to the Council on the appropriateness of the proposed special charge or any amendments to the scheme.**
12. **Note its estimated contribution to the reconstruction works is \$2,178,466.61 and that this amount has been allocated in Council's Capital Works Program for 2016/2017 and 2017/18 as part of the Road Management Strategy Upgrades – Council Link Roads program.**

**MOVED: GRIVOKOSTOPOULOS**  
**SECONDED: HAYNES**

**That the Recommendation be adopted.**

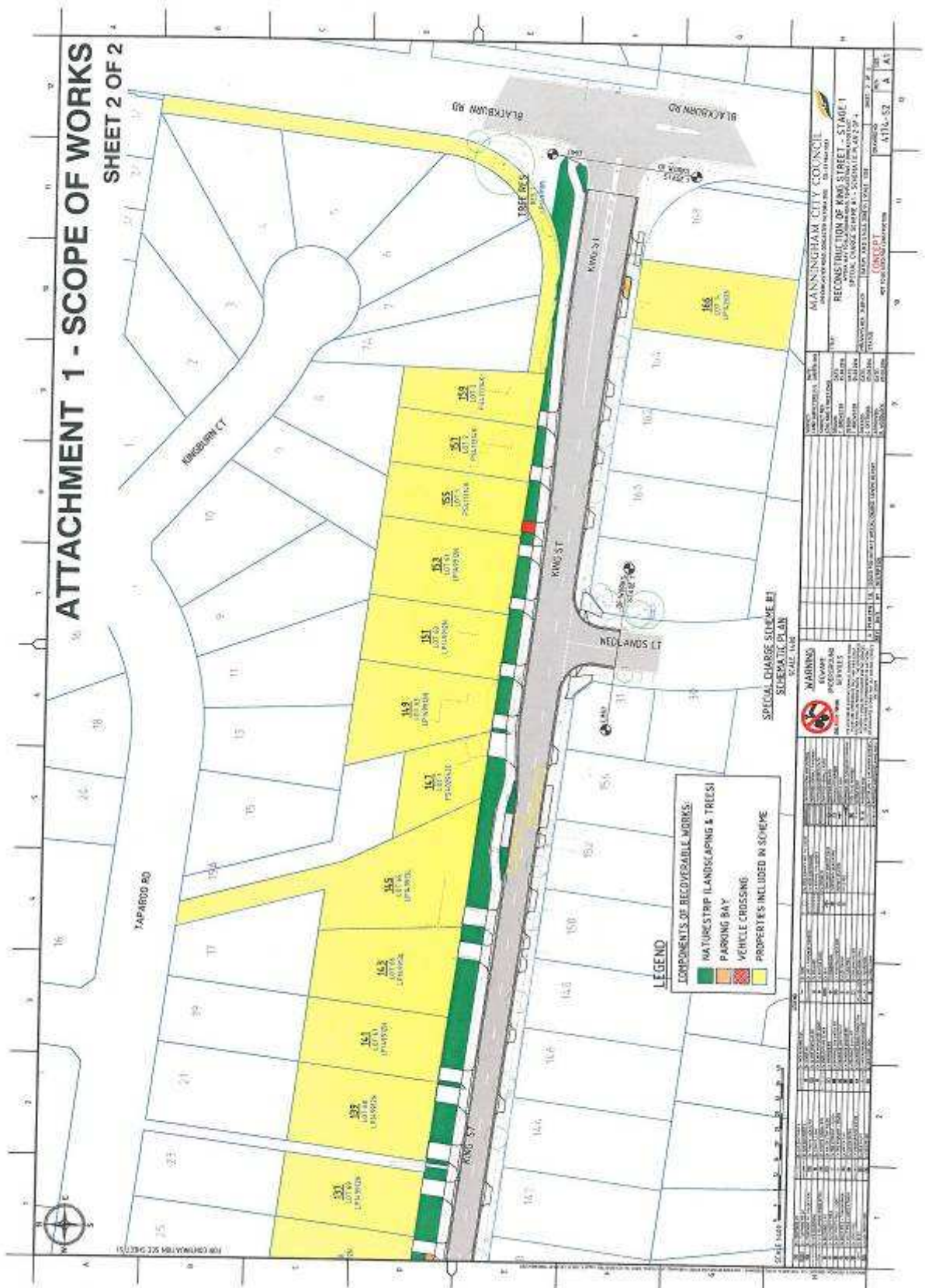
**CARRIED**

“Refer Attachments”

Attachment 1 – Scope of Works  
Attachment 2 – Special Charge Apportionment  
Attachment 3 – Engineering Estimate of Scheme Works  
Attachment 4 – Engineering Estimate of Total Works of Stage 1

\* \* \* \* \*







ATTACHMENT 2



MANNINGHAM CITY COUNCIL  
 SPECIAL RATES AND CHARGES - APPORTIONMENT - SCHEME 1 - 25% LANDSCAPE BY AREA & REMAINDER BY BENEFIT  
 KING STREET (Blackburn Road to Victoria Street) - (PRIVATE STREET PART CONSTRUCTION SCHEME)

App. No.	Description of Premises	Property No.	Lot No.	EP No.	Council Property No.	Frontage (m)	App. Proportion	Frontage Cost	Area (sq. m)	App. Area (sq. m)	Apportioned Estimated Cost				Veh X'ing Cost	Parking Bay	P Bay Cost	Total Cost
											Area Cost	Benefit Unit	Benefit Cost	Sub-Total				
1	101 King Street TEMPLESTON VIC 3115	101	2	2000127 501020716118	10480	0.94	6.34	-	319.99	360.33	3	246.12	0.2	1,264.78	3	-	1,306.96	1,306.96
2	113 King Street TEMPLESTON VIC 3115	113	1	13146 501000514124	10342	18.81	16.0	-	300.38	361.38	5	686.60	1	3,134.28	8	-	3,134.28	3,134.28
3	117 King Street TEMPLESTON VIC 3115	117	3	14119 501000410122	10311	14.80	10.00	-	269.17	360.17	4	441.80	1	2,129.00	8	-	2,129.00	2,129.00
4	119 James Street TEMPLESTON VIC 3115	119	1	11009 501000310110	10308	7.00	21.00	-	452.78	500.78	5	855.15	1	2,129.00	8	-	2,129.00	2,129.00
5	121 King Street TEMPLESTON VIC 3115	121	4	13148 501000514124	10355	26.0	24.00	-	501.68	361.68	5	853.00	1	2,129.00	8	-	2,129.00	2,129.00
6	123 King Street TEMPLESTON VIC 3115	123	14	10882 501000310110	10365	21.74	23.35	-	461.11	361.11	4	503.00	1	1,106.65	8	-	1,106.65	1,106.65
7	125 King Street TEMPLESTON VIC 3115	125	1	12010 501000210110	10359	16.13	24.14	-	491.99	361.99	4	511.75	1	1,106.65	8	-	1,106.65	1,106.65
8	133 King Street TEMPLESTON VIC 3115	133	7	149128 501000514124	10379	17.22	17.25	-	332.20	362.20	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
9	135 King Street TEMPLESTON VIC 3115	135	30	149818 501000514124	10387	24.00	20.00	-	382.26	362.26	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
10	137 King Street TEMPLESTON VIC 3115	137	40	149128 501000514124	10390	17.76	17.16	-	319.11	361.11	4	453.00	1	1,106.65	8	-	1,106.65	1,106.65
11	139 King Street TEMPLESTON VIC 3115	139	48	149128 501000514124	10392	20.00	20.00	-	392.20	362.20	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
12	141 King Street TEMPLESTON VIC 3115	141	47	149128 501000514124	10393	19.24	14.21	-	281.18	361.18	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
13	143 King Street TEMPLESTON VIC 3115	143	46	149128 501000514124	10394	24.00	24.00	-	462.24	362.24	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
14	145 King Street TEMPLESTON VIC 3115	145	45	149128 501000514124	10395	24.25	22.78	-	439.02	361.98	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
15	147 King Street TEMPLESTON VIC 3115	147	1	149128 501000514124	10396	19.80	16.00	-	312.20	361.20	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
16	149 King Street TEMPLESTON VIC 3115	149	43	149128 501000514124	10398	11.50	16.00	-	307.46	360.46	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
17	151 King Street TEMPLESTON VIC 3115	151	40	149128 501000514124	10399	12.0	10.5	-	201.19	361.19	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
18	153 King Street TEMPLESTON VIC 3115	153	41	149128 501000514124	10400	20.00	20.00	-	392.20	362.20	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
19	155 King Street TEMPLESTON VIC 3115	155	1	149128 501000514124	10401	14.49	14.00	-	281.18	361.18	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
20	157 King Street TEMPLESTON VIC 3115	157	3	149128 501000514124	10402	12.5	12.00	-	241.18	361.18	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
21	159 King Street TEMPLESTON VIC 3115	159	1	149128 501000514124	10403	14.2	14.2	-	281.18	361.18	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
22	161 King Street TEMPLESTON VIC 3115	161	14	149128 501000514124	10404	10.20	10.00	-	192.00	361.00	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
23	163 King Street TEMPLESTON VIC 3115	163	1	149128 501000514124	10405	25.29	1.41	-	305.24	361.24	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
24	165 King Street TEMPLESTON VIC 3115	165	1	149128 501000514124	10406	25.29	1.47	-	305.24	361.24	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00
25	167 King Street TEMPLESTON VIC 3115	167	1	149128 501000514124	10407	25.29	1.41	-	305.24	361.24	4	452.00	1	2,129.00	8	-	2,129.00	2,129.00

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APPORTIONMENT - SCHEME 1 - 25% LANDSCAPE BY AREA & REMAINDER BY BENEFIT  
 KING STREET (Bathurst Road to Vehicle Street) - PRIVATE STREET PART CONSTRUCTION SCHEME

App. No.	Property No.	Lot No.	LP No.	Council Property No.	Frontage (m)	App. Frontage	App. Frontage	Area (m <sup>2</sup> )	App. Area (m <sup>2</sup> )	Area Cost	Apportioned Estimated Cost					Total Cost							
											Percentage	Percentage Cost	Area Cost	Benefit Unit	Benefit Cost		Sub-Total	Vehicle X'ing	Veh X'ing Cost	Parking Bay	P Base Cost		
26	459	4	30044242	40007	28.29	471.0667	\$	3726.34	17124.32	\$	100.77	0.006	\$	110.00	\$	214.63	\$	15,881.25	2	\$	4,001.98	\$	81,815.13
27	459	7	30044242	40007	21.87	1.41	\$	1070.24	11.07	\$	100.17	0.106	\$	105.00	\$	214.63	\$	-	-	\$	-	\$	214.63
28	459	8	30044242	40007	37.26	1.41	\$	3428.24	11.41	\$	100.17	0.106	\$	110.00	\$	214.63	\$	-	-	\$	-	\$	214.63
29	459	1	30044242	40007	58.78	3.25	\$	1000.74	13.65	\$	114.16	0.125	\$	120.00	\$	262.68	\$	-	-	\$	-	\$	262.68
30	459	3	30044242	40007	30.79	1.25	\$	1400.76	13.65	\$	114.16	0.125	\$	120.00	\$	262.68	\$	-	-	\$	-	\$	262.68
31	459	1	30044242	40007	30.78	3.25	\$	1000.74	13.65	\$	114.16	0.125	\$	120.00	\$	262.68	\$	-	-	\$	-	\$	262.68
32	459	4	30044242	40007	26.15	3.25	\$	1000.74	13.65	\$	114.16	0.125	\$	120.00	\$	262.68	\$	-	-	\$	-	\$	262.68
33	459	5	30044242	40007	30.84	4.88	\$	114.69	17.02	\$	101.17	0.05	\$	130.00	\$	147.20	\$	-	-	\$	-	\$	147.20

## ATTACHMENT 3



MANNINGHAM CITY COUNCIL  
ENGINEERS ESTIMATE No.2

<b>Works:</b>	Reconstruction of King Street (Blackburn Rd to Wyena Way) <b>Estimated Cost of Recoverable Works</b>
<b>Job No:</b>	
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant:</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
1	Street trees including 2 year establishment	25	no.	\$330.00	\$8,250.00
2	Street garden beds including establishment and maintenance	225	m <sup>2</sup>	\$70.00	\$15,750.00
3	nature strip, road reserve and all disturbed areas with 100mm depth topsoil and seeded.	2135	m <sup>2</sup>	\$12.50	\$26,687.50
4	Construct existing un-constructed driveways (gravel, crushed rock etc.) with 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	105	m <sup>2</sup>	\$125.00	\$13,125.00
5	Parking bay pavement (see below)	23	m <sup>2</sup>	\$106.23	\$2,443.29
6	Parking bay barrier kerb (S202)	17	m	\$80.00	\$1,360.00
	<b>CONSTRUCTION COST</b>				<b>\$67,615.79</b>
	<b>CONTINGENCIES (10%)</b>				<b>\$6,761.58</b>
	<b>FEES (10%)</b>				<b>\$7,437.74</b>
<b>Total Estimate</b>					<b>\$81,815.11</b>

## ATTACHMENT 4



MANNINGHAM CITY COUNCIL  
ENGINEERS ESTIMATE No.1

<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
<b>1</b>	<b>PRELIMINARIES</b>				
1.1	Site Establishment	1	Item	\$2,000.00	\$2,000.00
1.2	Insurance	1	Item	\$1,500.00	\$1,500.00
1.3	Supervision Costs	1	Item	\$20,000.00	\$20,000.00
1.4	Surveying	1	Item	\$2,500.00	\$2,500.00
1.5	Traffic Control (including provision of daily vehicles and pedestrians access), submission of Traffic Management Plans and liaison with affected abutting residents.	1	Item	\$35,000.00	\$35,000.00
1.6	Sedimentation and environmental control including submission of Environmental Management Plan	1	Item	\$2,000.00	\$2,000.00
1.7	QA System	1	Item	\$2,000.00	\$2,000.00
1.8	Liaison and co-ordination with service authorities	1	Item	\$2,000.00	\$2,000.00
<b>2</b>	<b>DEMOLITION AND SITE PREPARATION</b>				
2.1	Locate all existing services.	1	Item	\$2,000.00	\$2,000.00
2.2	Sawcut existing pavement, kerb & channel, concrete driveways & path, asphalt driveway & path at limits of works.	220	Lm	\$10.00	\$2,200.00
2.3	Breakout, remove and dispose of existing kerb and channel, pram crossings, laybacks, concrete edging etc.	740	Lm	\$25.00	\$18,500.00
2.4	Breakout, remove and dispose of existing concrete footpath, bus stop hard stand areas, vehicle crossings, etc.	810	m <sup>2</sup>	\$25.00	\$20,250.00
2.5	Breakout, remove and dispose of existing asphalt vehicle crossings, footpaths etc.	217	m <sup>2</sup>	\$15.00	\$3,255.00
2.6	Breakout, remove and dispose of redundant drainage pits and structures.	7	Nos.	\$500.00	\$3,500.00
2.7	Breakout, remove and dispose of redundant drainage pipes.	12	Nos.	\$250.00	\$3,000.00
2.8	Breakout, remove and dispose of existing driveable culvert endwall structures.	4	Nos.	\$150.00	\$600.00
2.9	Breakout, remove and dispose of existing vehicle crossing pipe culverts.	16	Item	\$150.00	\$2,400.00
2.10	Dismantle, store and re-erect existing signage (including provision for in-ground sleeves on all posts).	1	Item	\$500.00	\$500.00
2.11	Grind off redundant line marking.	1	Item	\$1,000.00	\$1,000.00
2.12	Trees removal	1	Item	\$3,000.00	\$3,000.00
<b>3</b>	<b>EARTHWORKS</b>				
3.1	Cut material to fill (solid volume)	70	m <sup>3</sup>	\$40.00	\$2,800.00

KingSt\_Estimate\_SCS1\_Wyena to Blackburn.xlsx

EXCEL U:\SHARED\QADOC\PMU117  
Friday 29 January, 1999

MANNINGHAM CITY COUNCIL  
ENGINEERS ESTIMATE No.1



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
3.2	Cut material to spoil including disposal (solid volume)	3321	m <sup>3</sup>	\$45.00	\$149,445.00
3.3	Testing of earthworks	1	Item	\$3,000.00	\$3,000.00
<b>4</b>	<b>DRAINAGE WORKS</b>				
4.1	<b>Drainage pits / structures</b>				
	Excavate and construct concrete drainage structures including all materials, plants, labour, all inclusive, construct to match surrounding & finished road levels, breaking, connecting and tapping into existing drainage structures, where applicable.				
4.1.1	Side Entry Pit (S113)	11	Nos.	\$1,750.00	\$19,250.00
4.1.2	Grated Side Entry Pit Type 2 (S115)	4	Nos.	\$2,500.00	\$10,000.00
4.1.3	Junction Pit (S111)	2	Nos.	\$1,750.00	\$3,500.00
4.1.4	Junction Pit (S112)	1	Nos.	\$1,250.00	\$1,250.00
4.1.5	Spoon Drainage Pit (S121)	2	Nos.	\$1,250.00	\$2,500.00
4.1.6	Double Grated Side Entry Pit (as detailed)	2	Nos.	\$7,500.00	\$15,000.00
4.1.7	Reconstruct Side Entry Pit	9	Nos.	\$750.00	\$6,750.00
4.1.8	Reconstruct Junction Pit	1	Nos.	\$750.00	\$750.00
4.1.9	Trench Grate (as detailed)	20	Lm	\$320.00	\$6,400.00
4.2	<b>Drainage pipes</b>				
	Excavation for and laying, including supply of all materials, filter wrap geofabric, trenching, removal of spoil, bedding, haunching, jointing, backfilling and compaction to receive pavement reinstatement all as specified, noted, detailed and as necessary				
4.2.1	100mm dia. 1000 AG drain, 20mm backfill	1176	Lm	\$20.00	\$23,520.00
4.2.2	225mm dia. RC, RRJ, Class 2, F.C.R. Backfill	15	Lm	\$180.00	\$2,700.00
4.2.3	300mm dia. RC, RRJ, Class 2, F.C.R. Backfill	178	Lm	\$200.00	\$35,600.00
4.2.4	375mm dia. RC, RRJ, Class 2, F.C.R. Backfill	103	Lm	\$250.00	\$25,750.00
4.2.5	450mm dia. RC, RRJ, Class 2, F.C.R. Backfill	42	Lm	\$300.00	\$12,600.00
4.2.6	600mm dia. RC, RRJ, Class 2, F.C.R. Backfill	39	Lm	\$400.00	\$15,600.00
<b>5</b>	<b>CONCRETE WORKS</b>				
	Construction of the following items is to include provision of all necessary plant and materials, excavation, trimming, CR bedding to build up to required levels, forming, mixing, paving, jointing, making and finishing. Matching-in and kerb transitions where necessary				
5.1	Driveway Layback (as detailed) on 20mm class 2 crushed rock to depth of subgrade	301	Lm	\$60.00	\$18,060.00

KingSt\_Estimate\_SCS1\_Wyena to Blackburn.xlsx

EXCEL U:\SHARED\QADOC\PMU117  
Friday 29 January, 1999

MANNINGHAM CITY COUNCIL  
ENGINEERS ESTIMATE No.1



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
5.2	SM2 Semi-Mountable Kerb & Channel (S206) on 20mm class 2 crushed rock to depth of subgrade	752	Lm	\$60.00	\$45,120.00
5.3	B2 Barrier & Channel (S212) on 20mm class 2 crushed rock to depth of subgrade	69	Lm	\$80.00	\$5,520.00
5.4	Pram Crossing (S215)	6	Nos.	\$750.00	\$4,500.00
5.5	Concrete shared path consisting of 100mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh, all on 50mm compacted depth of CR (20mm max. size)	953	m <sup>2</sup>	\$115.00	\$109,595.00
5.6	Concrete footpath as per S227	76	m <sup>2</sup>	\$100.00	\$7,600.00
5.7	Concrete footpath/shared path at vehicle crossings at 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh, all on 50mm compacted depth CR (20mm max. size)	550	m <sup>2</sup>	\$125.00	\$68,750.00
5.8	Bus Stop Hardstand Area consisting of 100mm compacted depth 32MPa concrete coloured 4% (by weight) charcoal with 1 row of SL82 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	85	m <sup>2</sup>	\$135.00	\$11,475.00
5.9	Reconstruct existing constructed driveways (concrete, asphalt etc.) with 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	450	m <sup>2</sup>	\$125.00	\$56,250.00
5.10	Construct existing un-constructed driveways (gravel, crushed rock etc.) with 125mm compacted depth 25MPa concrete including 1 row of SL62 reinforcement mesh all on 50mm compacted depth CR (20mm max. size)	105	m <sup>2</sup>	\$125.00	\$13,125.00
5.11	Parking Bay - B2 Barrier & Channel (S212) on 20mm class 2 crushed rock to depth of subgrade	17	Lm	\$80.00	\$1,360.00
<b>6</b>	<b>PAVEMENT WORKS</b>				
6.1	<b>Roadway</b>				
6.1.1	45mm compacted depth size 14 type N asphalt (class 320)	5,064	m <sup>2</sup>	\$18.00	\$91,152.00
6.1.2	155mm compacted depth size 20 type S1 asphalt in 2 layers	5,064	m <sup>2</sup>	\$60.00	\$303,840.00
6.1.3	150mm compacted depth 3% cement treated class 3 crushed rock in 2 layers	5,064	m <sup>2</sup>	\$20.00	\$101,280.00
6.2	<b>Parking Bay</b>				
6.2.1	20mm compacted depth size 7 type N asphalt	23	m <sup>2</sup>	\$18.20	\$418.60
6.2.2	35mm compacted depth size 14 type H asphalt	23	m <sup>2</sup>	\$30.00	\$690.00

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MANNINGHAM CITY COUNCIL

## ENGINEERS ESTIMATE No.1



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

## General Fund:

<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
6.2.3	Prime & seal	23	m <sup>2</sup>	\$10.00	\$230.00
6.2.4	170mm compacted depth class 2 crushed rock	23	m <sup>2</sup>	\$25.50	\$586.50
6.2.5	150mm compacted depth class 3 crushed rock	23	m <sup>2</sup>	\$22.50	\$517.50
6.3	Pavement joint as detailed	35	Lm	\$50.00	\$1,750.00
6.4	<b>Testing</b>				
6.4.1	Testing of pavement course compaction	1	Item	\$2,000.00	\$2,000.00
6.4.2	Testing of bitumen concrete	1	Item	\$2,000.00	\$2,000.00
6.4.3	Core sampling of finished pavement	1	Item	\$2,000.00	\$2,000.00
7	<b>MISCELLANEOUS WORKS</b>				
7.1	<b>Signs</b> complete with galvanised post & in-ground sleeves or green plastic totems as detailed on drawings:				
7.1.1	S2 - Shared Path	2	Nos.	\$250.00	\$500.00
7.1.2	S3 - End Shared Path	1	Nos.	\$250.00	\$250.00
7.1.3	S4 - Bus Zone Left	2	Nos.	\$150.00	\$300.00
7.1.4	S5 - Bus Zone Right	3	Nos.	\$150.00	\$450.00
7.1.5	S8 - Start Shared Path	1	Nos.	\$150.00	\$150.00
7.1.6	S9 - No Stopping (Left)	2	Nos.	\$150.00	\$300.00
7.1.7	S10 - No Stopping (Right)	1	Nos.	\$150.00	\$150.00
7.1.8	S11 - Bus Zone Left & No Stopping (Right)	1	Nos.	\$150.00	\$150.00
7.2	Road Line Marking	1	Item	\$30,000.00	\$30,000.00
7.3	<b>Tactile ground surface indicators (TGSI's)</b>				
7.3.1	Hazard	96	No.	\$95.00	\$9,120.00
7.3.1	Directional	64	No.	\$95.00	\$6,080.00
7.4	Adjust utility/service pit to match design levels to relevant authority requirements	12	Nos.	\$750.00	\$9,000.00
7.5	Relocate bus stop pedestals & associated electrical conduits/pits	2	Nos.	\$10,000.00	\$20,000.00
7.6	Relocate pedestrian signals & associated electrical conduits/pits	1	Item	\$20,000.00	\$20,000.00
7.7	Relocate Australia post box	1	Nos.	\$200.00	\$200.00
7.8	Retaining wall as detailed	55	m <sup>2</sup>	\$400.00	\$22,000.00
7.9	Pedestrian fence as detailed	42	Lm	\$200.00	\$8,400.00
8	<b>REINSTATEMENT WORKS</b>				
8.1	Backfill batter as required, reinstate nature strip, road reserve and all disturbed areas with 100mm depth topsoil and seeded.	3040	m <sup>2</sup>	\$12.50	\$38,000.00
8.2	Street trees including 2 year establishment	31	Nos.	\$330.00	\$10,230.00
8.3	Street garden beds including establishment and maintenance	225	m <sup>2</sup>	\$70.00	\$15,750.00

KingSt\_Estimate\_SCSI\_Wyena to Blackburn.xlsx

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Friday 29 January, 1999

MANNINGHAM CITY COUNCIL  
**ENGINEERS ESTIMATE No.1**



<b>Works:</b>	Reconstruction of King Street (Wyena Way to Blackburn Rd) <b>Total Project Estimate</b>
<b>Job No:</b>	C23002.0000
<b>File Ref:</b>	

<b>General Fund:</b>	
<b>Loan:</b>	
<b>VicRoads:</b>	
<b>Gov't Grant</b>	
<b>Other:</b>	

Item	Description of Works	Quantity	Unit	Rate	Amount
8.4	Demobilisation, removal of all temporary structures and final cleaning up.	1	Item	\$2,000.00	\$2,000.00
<b>9</b>	<b>PROVISIONS</b>				
9.1	Dayworks	1	Item	\$50,000.00	\$50,000.00
9.2	<b>Soft Spots</b>				
9.2.1	Remove & replace unsuitable subgrade material with Type B Fill	50	m <sup>3</sup>	\$60.00	\$3,000.00
9.2.2	Remove & replace unsuitable subgrade material with Class 3 crushed rock	50	m <sup>3</sup>	\$130.00	\$6,500.00
9.2.3	Remove & replace unsuitable subgrade material with Class 3, 3% cement treated crushed rock	50	m <sup>3</sup>	\$140.00	\$7,000.00
9.3	Reconnection of property services	90	Nos.	\$150.00	\$13,500.00
9.4	Connection of house drains to underground drainage system as per S103	13	Nos.	\$500.00	\$6,500.00
9.5	Tree Protection fencing	150	Lm	\$10.00	\$1,500.00
<b>10</b>	<b>SERVICE ALTERATIONS</b>				
10.1	Power Poles	1	Item	\$175,531.82	\$175,531.82
10.2	Water Main	1	Item	\$100,000.00	\$100,000.00
	<b>CONSTRUCTION COST</b>				\$1,868,001.42
	<b>CONTINGENCIES (10%)</b>				\$186,800.14
	<b>FEES (10%)</b>				\$205,480.16
<b>Total Estimate</b>					<b>\$2,260,281.72</b>



## 11.2 Mullum Mullum Stadium – Construction Contract Award & Project Update

Responsible Director: Director Assets and Engineering

File No. T16/188

The ultimate destination for this report is: COUNCIL AGENDA

### **CONFIDENTIAL MATTERS**

*Attachment 1 to this report has been declared confidential by the Chief Executive Officer pursuant to S77(2)(c) of the Local Government Act 1989. The relevant ground for making this declaration pursuant to S89 (2) of the Act is that the information contained in the report concerns contractual matters.*

Neither the responsible director, manager nor the officer authoring this report has a conflict of interest in this matter.

### **SUMMARY**

*This report recommends that Council, under the authority granted to it under section 186 of the Local Government Act 1989, enter into a contract for the construction of the Mullum Mullum Stadium for the adjusted lump sum price contained in Confidential Attachment 1.*

*That Council delegate to its Chief Executive Officer the power to sign contract documents to formalise the construction between Manningham City Council and CICG.*

*That, subject to Council's annual budgetary processes, Council defer \$980,000 of other capital investment to assist in funding the construction of the Mullum Mullum Stadium.*

### **1 BACKGROUND**

The construction of the five court multi-sport, Mullum Mullum Stadium, at Mullum Mullum Reserve (1-41 Springvale Road, Donvale) is a major strategic investment guided by Council's Highball Infrastructure Plan (2013) and the Mullum Mullum Reserve Management Plan endorsed by Council in 2014.

- 1.1 The construction of the state of the art facility will go towards addressing the current demand for highball facilities through the municipality.
- 1.2 The development of the stadium has been the subject of extensive community consultation during the preparation of the reserve management plan and through the statutory planning process.
- 1.3 In accordance with the Highball Infrastructure Plan and the reserve management plan, the new stadium will be operated by an independent management group under contract to Council.
- 1.4 The stadium was granted statutory planning approval with the issuing of planning permit PL15/025480 on 5 January 2016.

- 1.5 Council has recently concluded construction works at the reserve, implementing other actions identified in the reserve management plan and preparing the site for the construction of the stadium. The works have included:
  - 1.5.1 Modification to the entrances to the reserve at Springvale Road and Reynolds Road;
  - 1.5.2 Modification of the existing reserve carparks and construction of additional spaces;
  - 1.5.3 Construction of new pedestrian and cyclist paths throughout the reserve; and
  - 1.5.4 The installation of utilities to service the new stadium.

## **2 PROPOSAL/ISSUE**

- 2.1 The Mullum Mullum Stadium will be constructed on a large cleared level area at the southern end of the Mullum Mullum Reserve.
- 2.2 The development includes the construction of:
  - 2.2.1 Five multi-sport timber sports courts, broken into two separate halls of two and three courts;
  - 2.2.2 A double storey amenities block that separates the court halls and contains public bathrooms, change facilities and associated services on the ground floor. On the second floor, a multipurpose function room, re-heat kitchen, meeting room, additional public amenities and an internal plant and equipment room.
  - 2.2.3 A large entrance foyer located to the north that contains reception and office amenities for the use of the management group operating the facility, along with a cafe and semi-commercial kitchen.
  - 2.2.4 Fixed tiered seating for approximately 400 spectators in the two court hall.
  - 2.2.5 Approximately 180 addition carpark spaces, in addition to those additional spaces already constructed as part of the management plan works, circulation roadways, and drop-off zones to the north and east of the building.
  - 2.2.6 Landscaping works, including the installation of stormwater treatment raingardens and a stormwater recycling facility.
- 2.3 The design and development of the stadium has been heavily influenced by the site constraints, including the existing reserve uses, the adjacent residential properties in Parklands Close and the proximity of the site to the environmentally sensitive Mullum Mullum Creek corridor.
- 2.4 The design includes extensive articulation to reduce the height of the building, architectural feature cladding on the northern and western façades, and the cutting-in of the southern side of the building into the existing earth batters to reduce overall height.
- 2.5 The design also includes widespread acoustic attenuation and insulation features, to both prevent excessive acoustic migration and improve the thermal efficiency of the building.

- 2.6 Council called for tenders for the construction of the stadium commencing on 28 May 2016 and closing on 6 July 2016. In response, Council received nine submissions, of which five were determined to conform with the tender requirements and were subject to further assessment using Council value for money methodology.
- 2.7 Throughout the tender process, a number of potential cost saving opportunities were identified. These included alternative construction techniques, substitution of particular products and the nomination of alternative finishes. Each potential cost saving was assessed against a number of criteria, including the impact on the end users and managers of the facility, impact on operation expenses and compliance with building regulations, project statutory planning approval, acoustic and fire engineering requirements.
- 2.8 The lowest tenderers were subject to detailed review, including interview by the design team, and detailed financial and performance assessments.
- 2.9 The recommended adjusted tender submission has been determined to be most advantageous to Council. The submission is the lowest conforming tender of those received, the contractor has an excellent track record of delivering similar projects within time and budgetary constraints, and has the requisite financial position to deliver the project successfully.
- 2.10 Further details of the assessment of the tenders, including details of referee interviews and financial performance assessments, are provided in the appended confidential attachment.
- 2.11 Council officers are currently negotiating the appointment of the independent management group to run the stadium on Council's behalf.
- 2.12 The independent management group appointed by Council will be responsible for running a publically advertised expression of interest (EOI) process to allocate available stadium time to users.
- 2.13 The EOI process will be guided by the priority of use as outlined in the Highball Infrastructure and Priority of Use Report (2013).
- 2.14 The EOI process will be run in accordance with Council's Community Facilities Access and Allocation Policy.

### **3 PRIORITY/TIMING**

#### Stadium Construction

- 3.1 It is anticipated that construction works will commence onsite during September 2016.
- 3.2 Council's tender called for construction to be completed by no later than the end of April 2018.

#### User Group Expression of Interest

- 3.3 It is estimated that the independent management group will be appointed by January 2017.
- 3.4 The commencement of the user group EOI process will commence in March 2017 with public advertising, followed by prioritisation and negotiation.
- 3.5 It is estimated that the EOI process will take approximately 12 months.

#### **4 CUSTOMER/COMMUNITY IMPACT**

- 4.1 Council has attempted to reduce the impact of the construction of the stadium upon formal and informal recreation users of the reserve, through the construction of the management plan works ahead of the commencement of the stadium works.
- 4.2 The stadium construction works will be confined to the southern area of the reserve and be defined by tall hoardings around its full perimeter.
- 4.3 Controls will be in place throughout the duration of the construction to reduce potential impacts upon other reserve users through the allocation of car parking spaces for construction vehicles, and the provision of temporary amenities and material storage facilities within the construction compound.
- 4.4 Environmental controls will be in place throughout the construction to limit the impact of the works upon the surrounding area and, in particular, the adjacent residential properties in Parklands Close, as well as Mullum Mullum Creek.

##### User Group Expression of Interest:

- 4.5 Commencing in March 2017, Council and the independent management group will begin liaising with potential user groups through the expression of interest process.

#### **5 FINANCIAL PLAN**

- 5.1 Council has allocated \$16,131,945.08 over the period 2013/14-2017/18 in the annual capital works programs for the delivery of actions arising from the reserve management plan, the major item being the construction of the stadium.
- 5.2 Council has been successful in securing \$893,317.27 of external funding from other parties towards to the project, including Sport & Recreation Victoria, Melbourne Water and the Victorian Taxi Directorate.
- 5.3 Council has allocated \$200,000 from its water initiatives strategy program to fund the stormwater quality improvement elements of the project helping to improve the quality of water entering the adjacent Mullum Mullum Creek. The works include the construction of innovative reduced maintenance raingardens, a comprehensive grey water recycling system and the installation of educational signage throughout the reserve.
- 5.4 Council is awaiting the outcome of an application to the National Stronger Regions Fund. An announcement is not expected prior to contract award, but Council has agreed to underwrite the \$2M in grant funding.
- 5.5 Council is in the final stages of concluding commercial negotiations with a third-party to fully fund the installation of solar panels, a photovoltaic (PV) system, on the roof of the stadium. The proposed agreement will entirely fund the capital investment required and will subsidise the operational costs of the facility through reduced electricity demand.
- 5.6 The construction tender includes the installation of the PV system as a separable portion, allowing for the tender to be awarded, but for the PV system works to not commence until a commercial agreement is signed

by Council. This contractual approach presents no financial risk to Council.

- 5.7 Whilst extensive value management was undertaken throughout the project, further scope reductions would result in a significant degradation of the quality of the facility and may mean that it will no longer meet the strategic objectives of addressing the shortfall of available facilities within the municipality. Therefore, it is proposed to wholly or partially defer discretionary projects in year-one and year-two of the draft ten-year capital works program to fund the project shortfall.
- 5.8 Projects deferred will be funded in future years. The nominated projects, as outlined in Confidential Attachment 1, are only indicative at this time, as their funding lies beyond the adopted 2016/17 budget, and the final decision on this will be dependent on the overall budget considerations for the 2017/18 financial year.
- 5.9 Council's existing funding commitments, secured and underwritten grant funds, and the deferral of CWP combine to provide a total budget figure of \$21,205,262.35 over the 2013/14-2017/18 period.

## **6 CONSULTATION**

- 6.1 The community was fully consulted in the development of the management plan for the reserve.
- 6.2 The most recent community update was published in mid July, informing the community of the proposed timelines for implementation of the project.
- 6.3 Throughout the construction, updates will be provided to potential future users, existing reserve users, impact residents and motorists, and the broader community through community updates, site signage, and publications on the project website [yoursaymanningham.vic.gov.au/mullummullum](http://yoursaymanningham.vic.gov.au/mullummullum).

## **7 CONCLUSION**

- 7.1 The construction of the Mullum Mullum Stadium will help to address a major shortfall of highball facilities within the municipality. This state of the art facility will not only increase the quantum of facilities but also provide access to a broader cross-section of the community to participate in organise sporting activities.
- 7.2 To ensure that the facility meets its strategic objectives, it is necessary to reallocate \$980,000 from future discretionary capital works projects to fund the shortfall in the construction of the Mullum Mullum Stadium.
- 7.3 The recommended adjusted tender is the most financially advantageous for Council, in that it is the lowest conforming tender of those received and represents the greatest savings identified through an exhaustive value management process, undertaken in conjunction with the design team.
- 7.4 The preferred tenderer has an excellent proven track record of delivering similar community facilities within budget and program.
- 7.5 The preferred tenderer is in a strong financial position to undertake the project and represent minimal financial risk to Council.

**OFFICER'S RECOMMENDATION**

That:

1. Council, under the authority granted to it under section 186 of the Local Government Act, enter into a contract with the preferred tenderer for the construction of the Mullum Mullum Stadium for an adjusted lump sum price contained in Confidential Attachment 1;
2. Council delegate to its Chief Executive Officer the power to sign contract documents to formalise the construction agreement between Manningham City Council and the preferred tenderer in Confidential Attachment 1; and
3. Subject to Council's annual budgetary processes, that Council defer \$980,000 of other capital investment in the 2017/18 fiscal year to fund the shortfall in the current funding for the Mullum Mullum Stadium, the details of which are to be determined as a part of the 2017/18 Council budget preparation.

**MOVED: GALBALLY**  
**SECONDED: DOWNIE**

That the Recommendation be adopted, but Attachment 1 to the report remains confidential.

**CARRIED**

"Refer Attachment"

\* \* \* \* \*

**12. COMMUNITY PROGRAMS**

There were no Community Programs reports.

## 13. CORPORATE SERVICES

### 13.1 Evaluating Community Engagement

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*The aim of this report is to seek Council endorsement of an addendum to the Community Engagement Framework that was adopted by Council in October 2014. The purpose of the addendum is to further enhance the existing Framework which is a guiding policy document for all engagement activities undertaken by Manningham Council. The addendum on Engagement Evaluation also meets the requirements of the Victorian Auditor –General’s Office (VAGO) Better Practice Guide on Public Participation in Government Decision-making.*

#### 1 BACKGROUND

- 1.1 Manningham City Council is committed to consulting and engaging with the community and considers it an essential component of good governance and leadership.
- 1.2 Community engagement is an important element of the democratic process. An empowered community is one that actively participates to influence decisions that affect their lives.
- 1.3 In October 2014, Council adopted the Community Engagement Framework. The Framework was designed to align our existing engagement processes at Manningham Council and to ensure we have a strategic, consistent and best practice approach to community engagement.
- 1.4 The Community Engagement Framework is the guiding policy document for all engagement activities undertaken by Manningham City Council.
- 1.5 The inclusion of the Engagement Evaluation addendum (pages 10 – 12) is to further enhance our existing Community Engagement Framework. The Engagement Evaluation addendum includes information and guidance on a number of key focus areas such as – what is engagement evaluation; why do we evaluate community engagement; how we evaluate engagement; and what we evaluate. There is also a focus on lessons learned to see how these could be applied to ensure successful engagement programs in the future.
- 1.6 The addendum on Engagement Evaluation will also meet the requirements of VAGO’s Better Practice Guide on Public Participation in Government Decision-making. Since the development of the guide in 2015, VAGO’s conducted performance audits with a focus on whether agencies, including



Councils, are efficiently and effectively engaging the public to inform government decision-making and implementation.

## **2 PROPOSAL/ISSUE**

- 2.1 For future projects requiring community engagement, the process will need a more rigorous approach, including:
- Early project planning
  - Documented evidence that those affected by the decision have been involved in the engagement process
  - Evaluation of the outcomes against engagement objectives
  - Documenting the lessons learned
  - Recommendations for improvement.
- 2.2 The proposal is for Council to endorse the Community Engagement Framework with the addendum of the new Engagement Evaluation component.

## **3 PRIORITY/TIMING**

- 3.1 We are seeking endorsement of the addendum to the Community Engagement Framework.
- 3.2 Following the endorsement, an awareness campaign will be held to inform staff of the changes to the Framework and how to apply it to all engagement projects.

## **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 Community engagement provides guidance to enhance Council's ability to make well informed and sustainable decisions however, it does not replace the final decision making power of the elected Councillors.
- 4.2 The Community Engagement Framework is the guiding policy document for all engagement activities undertaken by Manningham City Council.
- 4.3 The Community Engagement Framework enables Council to meet its requirements as part of the LGPRF (Local Government Performance Reporting Framework) indicators.

## **5 COMMUNICATIONS STRATEGY**

- 5.1 Following the endorsement, an awareness campaign will be held to inform staff of the changes to the Framework and how to apply it to all engagement projects.
- 5.2 The Community Engagement Framework including the new Engagement Evaluation addendum to the Framework will be available on the corporate website and through Your Say Manningham.

## **6 CONCLUSION**

- 6.1 The inclusion of the Engagement Evaluation is to further enhance our existing Community Engagement Framework.

- 6.2 The addendum on Engagement Evaluation will meet the requirements of VAGO's Better Practice Guide on Public Participation in Government Decision-making.
- 6.3 An awareness campaign to inform staff of the changes to the Community Engagement Framework will be implemented.
- 6.4 The Community Engagement Framework and Engagement Evaluation addendum to the Framework will be available on the corporate website and through Your Say Manningham.

**OFFICER'S RECOMMENDATION**

**That Council endorses the Engagement Evaluation addendum to the Community Engagement Framework.**

**MOVED: GRIVOKOSTOPOULOS  
SECONDED: KLEINERT**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*



# Community Engagement Framework

Updated July 2016





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# Acknowledgements

We would like to acknowledge the following resources in the development of this Community Engagement Framework:

- ▶ International Association for Public Participation (IAP2)
- ▶ Community Engagement Strategy, Adelaide City Council
- ▶ Community Engagement Framework, Sunshine Coast Council

## Introduction

**Manningham City Council is committed to consulting and engaging with the community and considers it an essential component of good governance and leadership.**

Community engagement is an important element of the democratic process. An empowered community is one that actively participates to influence decisions that affect their lives.

Both Council and the community are passionate about our local area and want to ensure that it continues to prosper. Making balanced decisions together as a community and Council ensures that we have a shared vision for the future of our local area.

In order to achieve balanced decisions, Council is committed to hearing and understanding the many different views, experiences and expertise from all the different groups and individuals in the community. Strengthening relationships and listening to diverse views ensures that Council can make better, more informed decisions.

This Community Engagement Framework is the guiding policy document for all engagement activities undertaken by Manningham City Council.

**Community engagement provides guidance to enhance Council's ability to make well informed and sustainable decisions however, it does not replace the final decision making power of the elected Councillors.**

## What is Community Engagement?

**Community Engagement is about involving stakeholders (those people affected by a decision) and the community in a decision making process.**

A sound engagement process offers opportunities for residents and key stakeholders to contribute to and influence decisions that directly affect their community.

Engaging the community in the decision making process, strengthens the relationship the Council has with its community. This process should clearly articulate to the community their level of influence in the decision making. The level of influence the community has may depend on the impact the decision has on their lives.

As part of our engagement process, there are a variety of techniques that can be used to reach a diverse range of stakeholders. The feedback received throughout the decision making process, allows Council to have a greater understanding of diverse points of view, help identify issues which may not have been thought of, consider alternate options and identify common areas of agreement.

## Aim of the Community Engagement Framework

The aim of the Community Engagement Framework is to ensure Council provides a best practice approach to community engagement in its decision making. Council will commit to this approach by ensuring those that are affected by a decision will be given the opportunity to provide feedback and inform the decisions made by Council.

The objectives of the Community Engagement Framework are to:

- Ensure Councillors and Council staff (including external contractors and consultants) engage with the community in a meaningful way about decisions that affect them
- Provide a consistent approach to community engagement
- Assist in selecting the method and level to engage the community in projects or the decision to be made
- Increase trust and community confidence by fostering positive relationships between Council and communities of interest.

## Community Engagement Principles

Council actively promotes a best practice approach to community engagement adhering to the International Association of Public Participation (IAP2) standards and abiding by their core values. Based on the IAP2 core values, Council has adopted a set of Community Engagement Principles that underpin our engagement process.

These principles aim to ensure:

- Those who are affected by a decision have a right to be involved in the decision making process
- The public's contribution will be considered in making the decision
- The needs and interests of all participants should be recognised
- The process seeks out and involves all those potentially affected
- Participants have an opportunity to have a say in how they are consulted
- Participants are well informed to enable meaningful participation
- Participants are informed about how their input affected the decision.



## Why We Engage

**Community engagement provides decision makers with better opportunities to make informed decisions. By engaging the expertise and experience of the community, Council is better able to understand local issues and needs.**

Community engagement can help decision makers by:

-  Gathering information, meaningful feedback and diverse points of view prior to making decisions.
-  Fostering strong working relationships with the community.
-  Increasing trust and community confidence.
-  Informing the community about decisions that affect their lives and that their contribution to project outcomes will be considered.
-  Minimising risk and community outrage by identifying and addressing any potential or existing concerns early.
-  Building community support for projects.
-  Reducing delays in implementing projects, services or new initiatives.

## Who We Engage

**Manningham Council engages with a broad range of people all with differing interests. For the purpose of this framework we identify the "community" as anyone affected by Council's decisions.**

These could be individuals or groups identified but not limited to residents, ratepayers, business owners, customers, community groups, sporting groups, youth, agencies, funding bodies, developers, internal Council stakeholders and diverse groups.



## When We Engage

**If there is a decision to be made by Council that will impact and affect the community and other key stakeholders then community engagement is required.**

Council is committed to informing the community and key stakeholders during the early stages of project development to provide real opportunities for the community to influence decisions. Doing this not only gives the community the opportunity to participate in a meaningful way, it also puts Council in a better position to respond proactively to any emerging issues.

For any successful community engagement activity, consideration needs to be given to the timing of the project relative to the timing of the decision. It is important Council provides the community with sufficient time to participate in any engagement activity.

What constitutes 'sufficient time' will depend on the scale and/or complexity of the project and the number of people who will participate in the engagement activity. As a general rule, two to four weeks should be allowed from the time of notification until the close of time for comment by any stakeholder group. For some projects there are legislative requirements that will need to be considered.

Community engagement can take place at any time of year however, it is important any planning for engagement activities take account of school and public holidays and wherever possible, avoid these times.

## How We Engage

**As part of the decision making process, the level of engagement will vary depending on the nature of the project and the complexity.**

Determining the most appropriate level of engagement and which engagement technique to use depends on many factors. Consideration should be given to meeting engagement objectives, statutory processes, community interest, political sensitivity, time, resources and monetary constraints.

Successful community engagement is well planned, inclusive and accessible to those people that may be affected by the decision. Effective engagement relies on Council, the community and key stakeholders being clear about the purpose of the engagement, key stages and timelines and the respective roles, responsibilities and expectations of Council and the community throughout the engagement process.

To ensure the community engagement process is well planned, Council has a robust engagement process featuring a three stage approach to engagement emphasising:

-  Plan (developing the engagement plan)
-  Do (implementing engagement activities and receiving input); and
-  Report (providing feedback).

## Levels of Engagement

IAP2 has designed an internationally recognised spectrum for community engagement that guides the level of engagement based on the level of influence the community has over a decision. This table is based on IAP2's approach.

Level	Approach	Our Promise	Example Techniques	Role Community
<b>Inform</b>	Provide balanced and objective information to improve understanding about something that is going to happen.	We will keep you informed	Newsletters Fact Sheets Information Sessions	Listen
<b>Consult</b>	Engage in a two way process to obtain feedback to inform decision making.	We will seek your views, listen to and acknowledge ideas and concerns in decision making, and provide feedback on the decision	Focus Group Surveys Public Exhibition	Contribute
<b>Involve</b>	Participatory process to help identify issues and views to ensure concerns and aspirations are understood and considered prior to decision making.	We will work with you to ensure that your ideas and concerns are reflected in the recommendations and that you are informed about your input and the decision.	Workshops Project Steering Committees World cafe	Participate
<b>Collaborate</b>	Working together to develop an understanding of all issues and interests to work out alternatives and identify preferred solutions for joint decision making.	We will work together to develop solutions and incorporate your advice and recommendations into the decision making.	Appreciative Inquiry Processes Democracy Circles Advisory Committees	Partner
<b>Empower</b>	To give the community an opportunity to deliberate on key community issues and make recommendations to Council.	We will give you the opportunity to deliberate on key community issues and incorporate your recommendations into the decision making.	Deliberative processes eg. citizens panel	Deliberate

The Spectrum identifies and defines each of the five levels of engagement. It details "Our Promise", ensuring what Council will do for the community if they get involved in community engagement. It also defines what the role of the community is at each level, from listening through to deliberating.

**Community engagement provides guidance to enhance Council's ability to make well informed and sustainable decisions however, it does not replace the final decision making power of the elected Councillors.**

## Inform

Inform includes providing balanced and objective information to enhance greater understanding of the problem, alternatives, opportunities and/or solutions. Information can also include details of engagement activities, Council's decisions, policies, services and feedback. For example, a letter to residents or a factsheet to community groups.

### **Our Promise to the Community:**

We will keep you informed.

## Consult

Consult requires Council to engage in a two way process or dialogue with the community and key stakeholders to obtain feedback on analysis, alternatives and/or decisions. For example, the community are asked to provide feedback on a draft management plan for a local park or a community satisfaction survey.

### **Our Promise to the Community:**

We will seek your views, listen to and acknowledge ideas and concerns in decision making, and provide feedback on the decision.

## Involve

Involve allows Council to work directly with the community throughout the process to ensure that community concerns and aspirations are consistently understood and considered. For example the development of a masterplan where the community may be required to map areas or discuss how they see an area functioning best.

### **Our Promise to the Community:**

We will work with you to ensure that your ideas and concerns are reflected in the recommendations and that you are informed about your input and the decision.

## Collaborate

Council will partner with the community in each aspect of the decision, including the development of alternatives and the identification of the preferred solution. For example, the development of a community plan or participatory budgeting.

### **Our Promise to the Community:**

We will work together to develop solutions and incorporate your advice and recommendations into the decision making.

## Empower

Empower places the community at the centre of a deliberative process through for example, a citizens panel. This gives the community an opportunity to be directly involved in making recommendations on key issues affecting them.

### **Our Promise to the Community:**

We will give you the opportunity to deliberate on key community issues and incorporate your recommendations into the decision making.

# Engagement Evaluation

## What is Engagement Evaluation?

**Evaluation is a fundamental part of the engagement process.**

It involves making judgements and helps us to understand our successes, challenges and improvements throughout the engagement program. The results of evaluation should be used to improve the work that we do. It assists us to check in and see whether we are achieving our intended outcomes and, if not, then what we need to change to achieve it. Being able to highlight our achievements, our best practice approach and potential areas for improvement, will be critical in delivering more successful engagement programs in the future.

The evaluation should focus on both the process to deliver the engagement and the outcome of the community engagement to assess its effectiveness.

## Why do we evaluate community engagement?

**Effective evaluation of community engagement activities can provide considerable benefits including:**

- ▶ Improving community engagement practice by identifying achievements and providing evidence of how effective engagement works
- ▶ Identifying and articulating lessons learned and improving current practices
- ▶ Contributing to setting best practice standards
- ▶ Assisting in developing an evidence base for innovative approaches to community engagement
- ▶ Meeting our requirements for the Victorian Auditor-General's Office.

## How we evaluate engagement?

### Build evaluation in from the start of the engagement

It is easier to plan evaluation at the start of a project to ensure the criteria against which success will be measured, what data needs to be collected along the way and when would be a good time to conduct the evaluation.

### Develop an evaluation plan

Scope the requirements of the evaluation. What does success look like? Were engagement objectives met? How will data be gathered? What questions will be asked? How will the data collected be used?

### The engagement evaluation should reflect the extent of the engagement activity

Simple engagement processes could be evaluated with a simple evaluation process. High profile engagement that may be of high risk will benefit from a more rigorous approach.

### Focus the evaluation on the most relevant criteria

Effective evaluation should be focused and consider the key things that need to be known.

### Use a mix of methods to evaluate

Combine qualitative and quantitative methods to evaluate the engagement process.

### Focus on lessons learned

It is important that the engagement evaluation focuses on learning opportunities and how these can be applied to future engagement projects.



## What we evaluate?

<b>Process</b>	How well were the engagement activities designed? Were the stakeholders who might be affected by a decision, given sufficient materials to meaningfully engage in the process?
<b>Appropriateness</b>	Were those people who may be affected by a decision engaged sufficiently enough in the process? Did stakeholders receive feedback on how the engagement influenced the final decision? Was the engagement conducted in an independent and unbiased manner? To what extent were the promises made to the community upheld?
<b>Reach</b>	To what extent were those engaged in the process sufficiently representative of those affected by the decision?
<b>Outcomes</b>	Did the engagement have sufficient influence on the decision-making process? Was the community engagement objective achieved? Did Council build trust and develop relationships with the community? Was the engagement process value for money?
<b>Lessons learned</b>	What has been learned that could be applied to future projects?



## Community Engagement Resources

**The Community Engagement Framework provides Council with a best practice approach to community engagement.**

This framework is supported by the following Council resources:

The **Engagement Process** is a step by step process for staff to follow for planning their engagement activity.

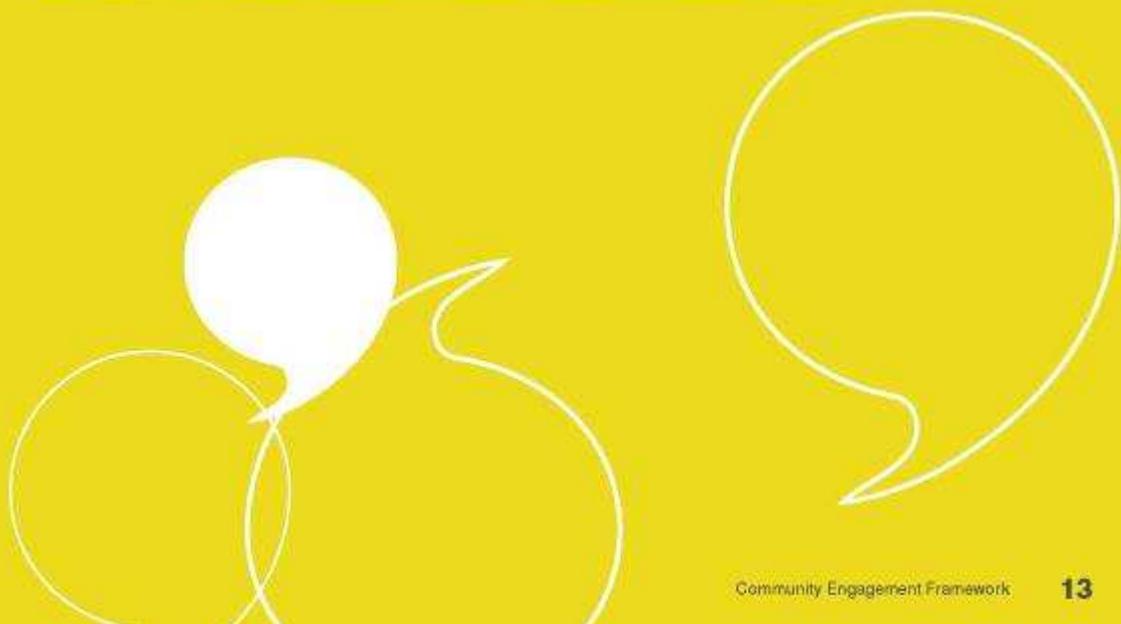
The **Community Engagement Guide** provides guidance to staff on planning for engagement, tips, tools, techniques and the levels of engagement.

**Techniques Toolkit** provides practical advice for staff on selecting and using the most appropriate tools to implement their engagement activities.

Ongoing **Training** will be provided to staff to increase their knowledge of Council's best practice engagement processes and build capacity in order for staff to deliver sound engagement activities across the organisation.

**Your Say Manningham** is an interactive online consultation portal with a range of engagement tools on offer allowing the community and stakeholders to provide feedback. The portal enhances the transparency of Council's engagement processes by providing information on final outcomes or decisions.

**Community engagement branding** has been developed to provide consistency across all promotional material inviting the community and stakeholders to participate in Council's engagement activities.





[www.yoursaymanningham.com.au](http://www.yoursaymanningham.com.au)



#### Translation details



An interpreting service is available if required by contacting Manningham City Council on 9840 9333.

**Arabic / عربي**  
 خدمة الترجمة متاحة إذا لزم الأمر عن طريق الاتصال بمجلس بلدية مانينغهام على هاتف رقم 9840 9333.

**Chinese / 中文**  
 需要的话可以提供翻译服务。联系 Manningham 市政厅电话 9840 9333。

**Greek / Ελληνικά**  
 Υπηρεσία διερμηνείας είναι διαθέσιμη, αν απαιτείται, επικοινωνώντας με το Δημοτικό Συμβούλιο του Manningham στο 9840 9333.

**Italian / Italiano**  
 È possibile utilizzare il servizio d'interpretariato se necessario telefonando al comune di Manningham, al 9840 9333.

**Korean / 한국어**  
 통역 서비스를 원하시면 맨닝햄 시의회에 9840 9333으로 연락하셔서 요청하시면 됩니다.

**Macedonian / Македонски**  
 Ако ви треба преведувачка услуга јавете се на Општина Манингам на 9840 9333.

**Persian / فارسی**  
 خدمات ترجمه شفاهی موجود است. در صورت نیاز می توانید با شهرداری منینگهام به شماره تلفن 9840 9333 تماس بگیرید.

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[twitter.com/manninghamcc](https://twitter.com/manninghamcc)



## 13.2 2015/16 Financial Report and Performance Statement; Adoption in Principle

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*The completed 2015/16 Financial Report and 2015/16 Performance Statement are presented to Council for adoption in principal prior to their lodgement with the Auditor-General.*

*A detailed audit of the Financial Report and Performance Statement was undertaken by the Auditor-General's agent during August 2016. A "Closing report to the Audit Committee" for the financial year ended 30 June 2016", has been prepared by Mr Tim Fairclough, Partner, HLB Mann Judd. The Audit Conclusion was that "...the financial report of Manningham City Council is presented fairly". Mr Fairclough will be recommending to the Auditor General to issue a clear audit opinion for Manningham City Council on the two reports.*

*The draft 2015/16 Financial Report and 2015/16 Performance Statement together with the external audit Closing report were presented to the Audit Committee on 26 August 2016. The Audit Committee recommended a number of non-material changes and these have been incorporated into the final documents attached to this report.*

*The Audit Committee is satisfied that an appropriate external audit process has taken place and that the Audit Committee's review of the reports did not identify any issues that would prevent the Council from adopting the Statements "in principle" for submission to the Auditor- General.*

*This report also recommends that Councillor Paul McLeish and Councillor Dorothy Haynes be authorised to certify the Financial Report and Performance Statement.*

### 1 BACKGROUND

- 1.1 The 2015/16 Financial Report is presented in accordance with the Model Financial Report issued by Local Government Victoria. It provides a comprehensive reporting of the revenues and expenses of Council for the 2015/16 financial year and the financial position of Council as at 30 June 2016. The notes accompanying the Financial Statements provide information relevant to Council's accountability obligations and additional information to assist users of the report to form an opinion on the financial performance of Council.
- 1.2 Under the Local Government Act 1989 and the Local Government (Planning and Reporting) Regulations 2014, Councils must now also report their performance against a set of prescribed service performance, financial and

sustainability indicators. These indicators are reported in the Performance Statement.

- 1.3 The Performance Statement details twelve service performance indicators, twelve financial performance indicators and six sustainable capacity indicators that are subject to audit. The draft the Financial Statements (Attachment 2) and Performance Statement (Attachment 3) must be approved in principle by Council prior to being forwarded to the Auditor-General.
- 1.4 The Financial Report and Performance Statement are included in full in Council's Annual report.

## **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that Council approve "in principle" the draft Financial Report and Performance Statement for the year ended 30 June 2016.
- 2.2 Further, that Councillor Paul McLeish and Councillor Dorothy Haynes are authorised to certify the Financial Report and Performance Statement in their final form. In the event that Councillors McLeish or Haynes is not available to certify the Statements, then any other Manningham Councillor is authorised to certify the Statements.

## **3 PRIORITY/TIMING**

- 3.1 Following approval in principle by Council, the statutory statements will be submitted to the Auditor-General's Office for final audit clearance, which should be received prior to final sign off of Council's Annual Report.

## **4 POLICY/PRECEDENT IMPLICATIONS**

- 4.1 The financial forecasts in Council's long term Financial Strategy will be updated to reflect the positive operating result and actual financial position of Council as at 30 June 2016.

## **5 FINANCIAL PLAN**

- 5.1 The financial forecasts in Council's long term Financial Strategy will be updated to reflect the positive operating result and actual financial position of Council as at 30 June 2016.

## **6 COMMUNICATIONS STRATEGY**

- 6.1 The Financial Report and Performance Statement will be published in Council's 2015/16 Annual Report.

## **7 CONCLUSION**

- 7.1 That the 2015/16 Financial Report and Performance Statement, having been reviewed by the Auditor-General's Agent and Council's Audit Committee, be adopted in principle for submission to the Auditor-General.

**OFFICER'S RECOMMENDATION**

That

**(A) Council notes:**

1. The Audit Committee is satisfied that an appropriate external audit process has taken place on the proposed 2015/16 Financial Report and 2015/16 Performance Statement;
2. The Audit Committee has noted the contents and findings of the Victorian Auditor General's Office closing audit report to the Audit Committee of Manningham City Council for the financial year ended 30 June 2016;
3. That no issues of significance arose during the audit that needed to be brought to management's attention;
4. The Audit Committee's review of the draft 2015/16 Financial Report and the 2015/16 Performance Statement did not identify any issues that would prevent the Council from adopting the 2015/16 Financial Report and the Performance Statement in principle;

**(B) Council authorises Councillor Paul McLeish and Councillor Dorothy Haynes to certify the 2015/16 Financial Report and 2015/16 Performance Statement in their final form. In the event that either Councillor McLeish or Haynes is not available to certify the Statements, then any other Manningham Councillor is authorised to certify the Statements.**

**(C) Council approves in principle the proposed 2015/16 Financial Report and 2015/16 Performance Statement.**

**MOVED: GOUGH  
SECONDED: HAYNES**

That the Recommendation be adopted.

**CARRIED**

"Refer Attachments"

1. **Attachment 1: Manningham City Council – Closing report for the financial year ended 30 June 2016**
2. **Attachment 2 2015/16 Financial Report**
3. **Attachment 3 2015/16 Performance Statement**

\* \* \* \* \*

Attachment 1

Attachment 5B – Closing report

*Manningham City Council Closing report 2015-16*

**VAGO**

Victorian Auditor-General's Office

**Manningham City Council**  
**Closing report to the Audit Committee**  
**Year ended 30 June 2016**

Our aim is to provide assurance to Parliament on the accountability and performance of the Victorian public sector.

*Auditing in the Public Interest*

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## 1 Purpose of the report

---

This closing report has been prepared to communicate significant issues arising from our audit and as such is incidental to the audit. This document forms the basis for discussion at the Audit and Risk Management Committee meeting of **26 August 2016** and is a key tool for discharging our responsibilities in relation to communicating with those charged with the governance of Manningham City Council.

## 2 Scope of the audit

---

The Auditor-General is an independent officer of Parliament appointed to report to Parliament on the management of public sector resources.

The *Audit Act 1994* requires the Auditor-General to form an opinion on your financial report and performance statement and provide a copy of the auditor's report to you, the Minister responsible for your entity and the Minister for Finance. The audit has been conducted to gather sufficient appropriate evidence to form that opinion.

The audit approach focused on key financial report audit risks. This involved gaining an understanding of significant financial reporting processes and a combination of internal control testing and substantive audit procedures to assess the residual risk of material misstatement of the financial report.

We also considered the issues of waste, probity and lack of financial prudence in the use of public resources.

We did not design our audit approach to identify matters that may be appropriate to report to you.

Consequently, this report cannot be relied upon as a comprehensive report of all significant accountability and governance issues. You cannot assume that any matters reported to you indicate that there are no additional matters that you should be aware of in meeting your responsibilities.

## 3 Audit conclusion

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Subject to satisfactory resolution of the outstanding items outlined in Appendix A, we conclude that the financial report of Manningham City Council is presented fairly.

After the issue of the auditor's report we are required to undertake additional procedures. Any issues identified from this review will be reported to the CEO for remedial action.

We have arrived at this opinion after consideration of the issues outlined below.

## 4 Disposition of key audit risks

This section examines the key risks of material misstatement identified in the audit, our audit response in relation to each and the results of our procedures.

### 4.1 Summary of audit risks relating to the financial report

The table below summarises the risks identified in the audit strategy and whether or not these risks have been satisfactorily addressed by audit procedures.

**Table: Summary of audit risks relating to the financial report**

Risk	Fraud	Error	Significant judgements	Pervasive or Specific (P or S)	Risk addressed by audit procedures (Y or N)
1 Risk of fraud through management override of controls	✓	NA	NA	P	
2 Fair value assessment and revaluation of non-current physical assets	✓	✓	✓	S	
3 Revenue recognition	✓	✓	✓	S	
4 Form and content of Financial Report	NA	✓	✓	P	
5 Local Government Council elections	NA	✓	✓	P	

### 4.2 Detailed audit risks relating to the financial report

The table below provides additional details about the risks summarised in section 4.1 as well as providing detail about the audit procedures performed to respond to those risks.

**Table: Detailed audit risks relating to the financial report**

Description of risks	Audit procedures performed	Results of procedures
<b>Risk of fraud through management override of controls</b>		
There is a risk of fraud due to management override of controls. While the level of risk of management override of controls will vary from entity to entity, the risk is nevertheless present in all entities.	We assessed the processes in place to prevent and detect fraud. ASA 240 imposed specific audit procedures: <ul style="list-style-type: none"> <li>Tested the appropriateness of journal entries and other adjustments made in preparing the financial report;</li> <li>Reviewed accounting estimates for biases; and</li> <li>Reviewed significant unusual transactions.</li> </ul>	Satisfactory
<b>Fair value assessment and revaluation of non-current physical assets</b>		
Non-current physical assets represent a material component of the total assets of the entity. The <i>Local Government Act 1989</i> requires these assets to be measured at fair value, which is based on significant estimation uncertainty and uses management's judgements and assumptions.	We: <ul style="list-style-type: none"> <li>tested the effectiveness of key controls and placed reliance on them;</li> <li>considered reports of expert valuers including the reasonableness of assumptions used and the processes for consulting with the Council;</li> </ul>	Satisfactory



Manningham City Council Closing report 2015-16

<p>Land and buildings and infrastructure are revalued by management's internal expert.</p>	<ul style="list-style-type: none"> <li>• reviewed the reasonableness of assumptions used ;</li> <li>• substantiated the processed adjustments;</li> <li>• assessed management's processes in place in assessing potential indicators for impairment; and</li> <li>• reviewed compliance with AASB 13 <i>Fair Value</i>, including the adoption of highest and best use fair valuations and disclosure of fair value hierarchy information for assets carried at fair value.</li> </ul>	
<p><b>Revenue recognition</b></p>		
<p><b>Rates revenue</b> Rates are determined by different rating categories applied to valuations of individual properties. Additional rates are charged for capital improvements. Calculation of rates, however, is determined at the beginning of the year.</p> <p><b>Grants Revenue</b> Numerous grants originated from various agencies; and Grant revenue may not be adequately accounted for in compliance with AASB 1004 <i>Contributions</i>.</p> <p><b>User Fees and Charges</b> Numerous categories of user fees and charges from multiple sources, with a large number of transactions processed throughout the year.</p>	<p>We:</p> <ul style="list-style-type: none"> <li>• reviewed the procedures and supporting documentation underlying the establishment and notification of the rates budget;</li> <li>• reviewed the general ledger reconciliation between rate debtors and rate receiving applications within the general ledger;</li> <li>• reviewed management controls for the monitoring of actual rates revenue to budget ;</li> <li>• performed an analytical review over year end balances; and</li> <li>• ensured grants, particularly capital grants, were accounted for in accordance with AASB 1004 <i>Contributions</i>, based on the stated terms and conditions in the funding agreement.</li> </ul>	<p>Satisfactory</p>
<p><b>Form and content of financial report</b></p>		
<p>There financial reporting requirements of the Australian accounting standards and <i>Local Government Act 1989</i> are extensive.</p>	<p>We reviewed 'shell' accounts and draft financial report against the requirements of the Australian accounting standards and the <i>Local Government Act 1989</i> and associated regulations.</p>	<p>Satisfactory</p>
<p><b>Local Government Council elections</b></p>		
<p>The Council is due to hold general elections in October 2016. This is expected to occur soon after the financial statements, performance statement and annual report are finalised and published.</p>	<p>We:</p> <ul style="list-style-type: none"> <li>• made enquires of management on any changes occurring in advance of the elections;</li> <li>• reviewed minutes and management reports for large or unusual transactions; and</li> <li>• monitored and assessed any subsequent events for disclosure requirements.</li> </ul>	<p>Satisfactory</p>

### 4.3 Audit risks relating to the performance statement

**Table: Audit risks relating to the performance statement**

Description of risks	Audit procedures performed	Results of procedures
<b>Performance statement</b>		
The performance statement contains financial and non-financial data. Financial systems are predominantly established to capture financial data. Systems may not capture the non-financial data required to support figures in the performance statement.	We: <ul style="list-style-type: none"> <li>reviewed the systems in place to capture the financial and non-financial data;</li> <li>checked the calculations and assessed the reasonableness of explanations included in the report of significant variations; and</li> <li>reviewed the performance statement for compliance with legislative requirements.</li> </ul>	Satisfactory

### 4.4 Risks from fraud, irregularities, or regulatory non-compliance

The Board and management have responsibility for maintaining internal controls that prevent or detect fraud or error and for ensuring regulatory compliance. The audit committee should be informed by management of any fraud or material errors.

We are not responsible for preventing or detecting fraud. However, we are required to consider the risk of material misstatement due to fraud when performing our risk assessments and analytical procedures.

The recent changes to the *Audit Act 1994* require us to notify the Independent Broad-based Anti-corruption Commission (IBAC) where we become aware of any matter that appears to involve corrupt conduct. If we need to notify IBAC, this will override the existing confidentiality provisions in the *Audit Act*.

Aside from the required standard risk due to management override of controls (as detailed in section 4) our audit procedures did not identify any further areas of material fraud risk or exposure, or regulatory non-compliance.

### 4.5 Other areas of audit focus

#### 4.5.1 Waste, probity and financial prudence

In forming an opinion on the financial report, consistent with section 3A of the *Audit Act 1994*, we have considered waste, probity and lack of financial prudence.

Our audit procedures have not identified any material issues concerning waste, probity or lack of financial prudence.

#### 4.5.2 Accounting policies

The audit committee/governing body should be made aware by management of the material accounting policies adopted or changes to policies; and of methods used to account for material unusual transactions.

We are not aware of any material unusual transactions or of accounting policies adopted that relate to controversial or emerging areas where there is a lack of authoritative guidance.

## 5 Audit adjustments and unadjusted differences

In the course of our audit we may identify amounts that we believe should be recorded differently in the financial report. In the interest of better practice and enhanced public accountability we have requested that management adjust the financial report for all identified amounts. Material amounts must be adjusted in the financial report.

We identified no differences during our audit.

## 6 Internal control issues

As advised in our arrangement letter, the governing body and management are responsible for establishing and maintaining effective internal controls which will enable the preparation of the financial report that presents fairly and is free from material misstatement, whether due to fraud or error.

We have considered the internal control framework as part of our audit procedures. Our audit of the financial report was not designed to assess, nor do we provide an opinion on, the effectiveness of internal control. However, we communicate to you—using our interim and final management letters—any significant weaknesses identified in the design or implementation of internal control over financial reporting that come to our attention during the audit.

### 6.1 Deficiencies in the design or operation of key internal controls

During the course of our audit we have noted areas that could be improved. In the interim management letter issued on 27 May 2016, we reported issues identified in the interim phase of the audit including internal control deficiencies, recommendations and management action plans.

On completion of the audit, we will issue the final management letter containing the extreme, high and moderate risk rated matters, identified in the final phase of the audit.

### 6.2 Sector wide financial audit focus areas

The audit included a sector-wide review of areas of focus for reporting to Parliament in our Local Government Audit Snapshot report. This year the area of focus were the asset valuation process relating to property and infrastructure assets held by Councils.

The results of our review, which entails an analysis of observations across the sector, are still subject to our internal quality control assurance process.

The *Audit Act 1994* prohibits the Auditor-General from including in a report to Parliament any information that would prejudice any criminal investigation or proceeding, or any IBAC or Victorian Inspectorate investigation. If at any stage prior to the report being published you become aware of any such investigation or proceeding in relation to this audit or associated parliamentary report, please notify us immediately.

## 7 Additional matters for communication

The following section includes additional matters and findings from the audit which the auditing standards require us to communicate to those charged with governance.

*Manningham City Council Closing report 2015-16*

## 7.1 Management representations

As part of our evidence gathering, we plan to obtain formal management representations in relation to a number of matters. A management representation letter has been requested and will be required to be signed by the chief executive officer on the same date as the certification of the financial report. A draft copy of the letter has been included with this report for your information. We do not rely solely on these representations, except where they are the only audit evidence reasonably available.

There were no representations made by management on which we found it solely necessary to rely for the purpose of forming our audit opinion.

Manningham City Council Closing report 2015-16

## Appendix A – Outstanding issues

The following items relating to the completion of our audit procedures are outstanding at the date of this report and need to be resolved before we issue our auditor's report.

Item	Action required	Responsibility
Subsequent events update	Review transactions and events up to date of signing.	Management and audit
Financial report certification	To be signed on adoption of the accounts by the Council.	Management
Management representation letter	To be signed on same date as the certification.	Management

After the issue of the auditor's report we are required to undertake the following procedures. Any issues identified from this review will be reported to the secretary/chief executive officer for remedial action.

Item	Action required	Responsibility
Annual report	Review contents of annual report and confirm that correct audit report is included	Management and audit
Website	Review website for correct audit report	Management and audit

**Attachment 2**

**DRAFT 26 Aug 2016**

**MANNINGHAM CITY COUNCIL  
ANNUAL FINANCIAL REPORT  
FOR THE YEAR ENDED 30 JUNE 2016**

**MANNINGHAM CITY COUNCIL**  
**Financial Report**  
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2015/16 Financial Report

**Comprehensive Income Statement  
For the Year Ended 30 June 2016**

	Note	2016 \$'000	2015 \$'000
<b>Income</b>			
Rates and charges	3	81,370	75,142
Waste charges	3	12,040	12,149
Statutory fees and fines	4	2,002	1,665
User fees and charges	5	10,551	10,272
Contributions - monetary	6	5,430	2,094
Contributions - non-monetary	6	494	1,618
Grants - operating	7	10,023	12,136
Grants - capital	7	7,188	2,441
Interest income	8	1,874	1,767
Other income	8	814	750
Share of gain from investment in associate	9	522	153
<b>Total income</b>		<b>132,308</b>	<b>120,207</b>
<b>Expenses</b>			
Employee costs	10	47,890	45,948
Materials, services and contracts	11	21,596	19,951
Net loss on disposal of property, plant and equipment, infrastructure, and other fixed assets	12	129	2,330
Depreciation and amortisation	13	20,221	19,754
Borrowing costs	14	309	294
Community grants and contributions	15	5,203	5,137
Utilities	15	2,186	2,538
Other expenses	15	10,110	10,093
<b>Total expenses</b>		<b>107,643</b>	<b>106,045</b>
<b>Surplus for the year</b>		<b>24,666</b>	<b>14,162</b>
<b>Other comprehensive income</b>			
<b>Item that will not be reclassified to surplus or deficit in future periods</b>			
Net asset revaluation increment/(decrement)	27(a)	56,538	180,582
<b>Total comprehensive result</b>		<b>81,205</b>	<b>194,744</b>

The above comprehensive income statement should be read in conjunction with the accompanying notes.



MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Balance Sheet**  
**As at 30 June 2016**

	Note	2016 \$'000	2015 \$'000
<b>Assets</b>			
<b>Current assets</b>			
Cash and cash equivalents	16	39,470	48,821
Trade and other receivables	17	9,276	7,706
Other financial assets	19	23,500	-
Other assets	18	1,444	963
<b>Total current assets</b>		<b>73,690</b>	<b>57,490</b>
<b>Non-current assets</b>			
Trade and other receivables	17	31	31
Other financial assets	19	-	169
Investment in associate	9	2,514	1,962
Property, plant, equipment and other fixed assets, infrastructure	20	1,845,383	1,774,798
Intangible assets	21	1,819	1,617
<b>Total non-current assets</b>		<b>1,849,747</b>	<b>1,778,607</b>
<b>Total assets</b>		<b>1,923,437</b>	<b>1,836,097</b>
<b>Liabilities</b>			
<b>Current liabilities</b>			
Trade and other payables	22	13,338	9,702
Trust funds and deposits	23	7,676	6,103
Provisions	24	12,197	11,442
Income received in advance	25	741	643
<b>Total current liabilities</b>		<b>33,952</b>	<b>27,890</b>
<b>Non-current liabilities</b>			
Provisions	24	914	841
Interest-bearing loans and borrowings	26	7,279	7,279
<b>Total non-current liabilities</b>		<b>8,193</b>	<b>8,120</b>
<b>Total liabilities</b>		<b>42,145</b>	<b>36,010</b>
<b>Net Assets</b>		<b>1,881,292</b>	<b>1,800,087</b>
<b>Equity</b>			
Accumulated surplus		639,709	615,922
Reserves	27	1,241,583	1,184,165
<b>Total Equity</b>		<b>1,881,292</b>	<b>1,800,087</b>

The above balance sheet should be read in conjunction with the accompanying notes.

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Statement of Changes in Equity  
For the Year Ended 30 June 2016**

2016	Note	Accumulated surplus \$'000	Asset revaluation reserves \$'000	Other reserves \$'000	Total \$'000
Balance at beginning of the financial year		615,822	1,180,397	3,768	1,800,087
Surplus for the year		24,866	-	-	24,866
Net asset revaluation increment/(decrement)	27(a)	5	56,534	-	56,539
Transfers from other reserves	27(b)	3,072	-	(3,072)	-
Transfers to other reserves	27(b)	(3,956)	-	3,956	-
<b>Balance at end of the financial year</b>		<b>639,709</b>	<b>1,236,931</b>	<b>4,652</b>	<b>1,881,292</b>
Change in equity for the financial year		23,787	56,534	884	81,205

2015	Note	Accumulated surplus \$'000	Asset revaluation reserves \$'000	Other reserves \$'000	Total \$'000
Balance at beginning of the financial year		602,090	999,858	3,385	1,605,343
Surplus for the year		14,162	-	-	14,162
Net asset revaluation increment/(decrement)	27(a)	53	180,529	-	180,582
Transfers from other reserves	27(b)	1,891	-	(1,891)	-
Transfers to other reserves	27(b)	(2,074)	-	2,074	-
<b>Balance at end of the financial year</b>		<b>615,922</b>	<b>1,180,397</b>	<b>3,768</b>	<b>1,800,087</b>
Change in equity for the financial year		13,832	180,529	383	194,744

The above statement of changes in equity should be read in conjunction with the accompanying notes.

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Statement of Cash Flows  
For the Year Ended 30 June 2016**

	Note	2016 Inflows/(Outflows) \$'000	2015 Inflows/(Outflows) \$'000
<b>Cash flows from operating activities</b>			
Rates and charges		93,042	87,138
User charges, fees and fines		12,113	11,379
Grants - operating		10,023	12,136
Grants - capital		7,243	2,174
Contributions - monetary		4,738	2,239
Interest received		1,787	1,821
Net increase in trust funds and deposits		1,573	924
Other receipts		535	532
GST on receipts		1,008	899
Payments to suppliers		(35,815)	(37,305)
GST on payments to suppliers		(4,099)	(3,638)
Payments to employees		(46,870)	(45,980)
Net GST refund		2,895	2,727
<b>Net cash provided by/(used in) operating activities</b>	28	<b>48,173</b>	<b>35,046</b>
<b>Cash flows from investing activities</b>			
Payments for property, plant and equipment, infrastructure, and other fixed assets		(34,794)	(29,181)
Proceeds from disposal of property, plant and equipment, infrastructure, and other fixed assets	12	601	439
Payments for other financial assets	19	(23,500)	-
Proceeds from other financial assets	19	169	-
<b>Net cash provided by/(used in) investing activities</b>		<b>(57,524)</b>	<b>(28,742)</b>
Net increase (decrease) in cash and cash equivalents		(9,351)	6,304
Cash and cash equivalents at the beginning of the financial year		48,821	42,517
<b>Cash and cash equivalents at the end of the financial year</b>	16	<b>39,470</b>	<b>48,821</b>
Financing arrangements	30		
Restrictions on cash assets	16		

The above statement of cash flows should be read with the accompanying notes.

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Statement of Capital Works  
For the Year Ended 30 June 2016**

	2016 \$'000	2015 \$'000
<b>Property</b>		
Land	1,996	835
Buildings	13,302	8,973
<b>Total property</b>	<b>15,298</b>	<b>9,808</b>
<b>Plant, machinery and other assets</b>		
Plant, machinery and equipment	1,410	1,404
Fixtures, fittings and furniture	86	108
Computers and telecommunications	308	98
Arterials	17	3
<b>Total plant, machinery and other assets</b>	<b>1,821</b>	<b>1,703</b>
<b>Infrastructure</b>		
Roads	7,565	6,953
Bridges	370	216
Footpaths and cycleways	2,688	2,780
Off street car parks	114	390
Drainage	1,654	3,924
Recreational, leisure and community facilities	1,349	1,456
Parks, open space and streetscapes	3,306	1,372
<b>Total infrastructure</b>	<b>17,026</b>	<b>17,131</b>
<b>Intangible assets</b>		
Software	649	539
<b>Total intangible assets</b>	<b>649</b>	<b>539</b>
<b>Total capital works expenditure</b>	<b>34,794</b>	<b>29,181</b>
<b>Represented by:</b>		
New asset expenditure	13,147	9,735
Asset renewal expenditure	14,578	13,701
Asset expansion expenditure	2,907	2,578
Asset upgrade expenditure	4,162	3,167
<b>Total capital works expenditure</b>	<b>34,794</b>	<b>29,181</b>

The above statement of capital works should be read with the accompanying notes.

## Notes to the Financial Report For the Year Ended 30 June 2016

### Introduction

- (a) The City of Manningham was established by an Order of the Governor in Council on 15 December 1994 and is a body corporate. The Council's main office is located at 699 Doncaster Road, Doncaster, Victoria.
- (b) The purpose of the Council is to:
- provide for the peace, order, and good government of the municipal district;
  - promote the social, economic and environmental viability, and sustainability of the municipal district;
  - ensure that resources are used efficiently and effectively and services are provided in accordance with the Best Value Principles to best meet the needs of the local community;
  - improve the overall quality of life of people in the local community;
  - promote appropriate business and employment opportunities;
  - ensure that services and facilities provided by the Council are accessible and equitable;
  - ensure the equitable imposition of rates and charges; and
  - ensure transparency and accountability in Council decision making.
- (c) Other Disclosures:
- External Auditor - Auditor-General of Victoria  
Internal Auditor - Croise Horwath  
Solicitors - Maddocks  
Bankers - Commonwealth Bank of Australia  
Website address - [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au)

### Statement of compliance

These financial statements are a general purpose financial report that consists of Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and notes accompanying these financial statements. The general purpose financial report complies with Australian Accounting Standards, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2014*.

### Note 1 Significant accounting policies

#### (a) Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 1 (d));
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 1 (e));
- the determination of employee provisions (refer to Note 1 (m)).

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision.

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

#### (b) Changes of accounting policies

There have been no changes in accounting policies from the previous period.

**Note 1 Significant accounting policies (cont.)****(c) Revenue recognition**

Income is recognised when the Council obtains control of the contribution or the right to receive the contribution. It is probable that the economic benefits comprising the contribution will flow to the Council.

**Rates and charges**

Annual rates and charges are recognised as revenues when Council issues annual rates notices. Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

A provision for doubtful debts on rates has not been established as unpaid rates represents a charge against the rateable property that will be recovered when the property is next sold.

**Grants**

Grant income is recognised when Council obtains control of the contribution. This is normally obtained upon their receipt (or acquittal) or upon earlier notification that a grant has been secured, and are valued at their fair value at the date of transfer.

Where grants or contributions recognised as revenues during the financial year were obtained on condition that they be expended in a particular manner or used over a particular period and those conditions were undischarged at balance date, the unused grant or contribution is disclosed in Note 7. The note also discloses the amount of unused grant or contribution from prior years that was expended on Council's operations during the current year.

**Contributions**

Monetary and non-monetary contributions are recognised as revenue when Council obtains control over the contributed asset.

**User fees and fines**

User fees and fines (including parking fines) are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

A provision for doubtful debts is recognised when collection in full is no longer probable.

**Sale of property, plant and equipment and infrastructure**

The profit or loss on disposal of an asset is determined when control of the asset has irrevocably passed to the buyer.

**Rents**

Rents are recognised as revenue when the payment is due or the payment is received, whichever first occurs.

**Interest**

Interest is recognised progressively as it is earned.

**Other income**

Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

**(d) Fair Value Measurement**

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

AASB 13 defines fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction in the principal (or most advantageous) market at the measurement date under current market conditions. Fair value under AASB 13 is an exit price regardless of whether that price is directly observable or estimated using another valuation technique.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Note 1 Significant accounting policies (cont.)**

**(d) Fair Value Measurement (cont.)**

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within the fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

**(e) Depreciation and amortisation of property, plant and equipment, infrastructure, intangible assets**

Buildings, plant and equipment, infrastructure, intangible assets, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Artworks are not depreciated.

Straight line depreciation is charged based on the residual useful life as determined each year.

Major depreciation periods used are listed below and are consistent with the prior year unless otherwise stated:

Asset class	Depreciation Period
<b>Property</b>	
Land	Infinite life
Land under roads	Infinite life
Buildings	75 - 100 years
Buildings on leased land	Term of lease or 75 yrs
<b>Plant, equipment and other assets</b>	
Plant, machinery and equipment	5 - 25 years
Furniture, fittings and furniture	4 - 20 years
Computers and telecommunications	4 - 10 years
Artworks	Not depreciated
<b>Infrastructure</b>	
Road - pavement	25 years
Road - sub-pavement	100 years
Bridges	60 - 100 years
Footpaths and cycleways	60 - 100 years
Carparks	60 - 100 years
Drainage	100 years
Recreational, leisure and community facilities	20 years
Parks, open space and streetscapes	20 years
Waste garbage bins	15 years
<b>Intangible assets</b>	
Software	5 years

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Note 1 Significant accounting policies (cont.)**

**(f) Repairs and maintenance**

Routine maintenance, repair costs, and minor renewal costs are expensed as incurred. Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

**(g) Borrowings**

Borrowings are initially measured at fair value, being the cost of the interest bearing liabilities, net of transaction costs. The measurement basis subsequent to initial recognition depends on whether the Council has categorised its interest-bearing liabilities as either financial liabilities designated at fair value through the profit and loss, or financial liabilities at amortised cost. Any difference between the initial recognised amount and the redemption value is recognised in net result over the period of the borrowing using the effective interest method.

The classification depends on the nature and purpose of the interest bearing liabilities. The Council determines the classification of its interest bearing liabilities at initial recognition.

**Borrowing costs**

Borrowing costs are recognised as an expense in the period in which they are incurred, except where they are capitalised as part of a qualifying asset constructed by Council. Except where specific borrowings are obtained for the purpose of specific asset acquisition, the weighted average interest rate applicable to borrowings at balance date, excluding borrowings associated with superannuation, is used to determine the borrowing costs to be capitalised.

Borrowing costs include interest on bank overdrafts, interest on borrowings, and finance lease charges.

**(h) Recognition and measurement of property, plant, equipment and other fixed assets, infrastructure, intangible assets**

**Acquisition**

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the amount for which the asset could be exchanged between knowledgeable willing parties in an arm's length transaction.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, and an appropriate share of directly attributable variable and fixed overheads.

The following classes of assets have been recognised in note 20. In accordance with Council's policy, the threshold limits detailed below have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year:

Asset Class	Threshold limit \$'000
<b>Property</b>	
Land	0
Land under Roads	0
Buildings	5
<b>Plant, equipment and other fixed assets</b>	
Plant, machinery and equipment	1
Fixtures, fittings and furniture	1
Computers and telecommunications	1
Artworks	1
<b>Infrastructure</b>	
Roads	10
Bridges	10
Footpaths and cycleways	10
Off street car parks	10
Other Infrastructure	10
Drainage	10
Recreational, leisure and community facilities	10
Parks, open space and streetscapes	10
Waste garbage bins	10
<b>Intangible assets</b>	
Software	1



**Note 1 Significant accounting policies (cont.)****(h) Recognition and measurement of property, plant, equipment and other fixed assets, infrastructure, intangible assets (cont.)****Revaluation**

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use on an asset result in changes to the permissible or practical highest and best use of the asset. Further details regarding the fair value hierarchy are disclosed at Note 20, Property, plant and equipment, infrastructure and other fixed assets.

In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 1 to 3 years. The valuation is performed either by experienced Council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

**Land under roads**

Land under roads acquired after 30 June 2008 is brought to account at cost adjusted for engloba characteristics, access rights and private interests of other parties and entitlements of infrastructure assets and services. Council does not recognise land under roads that it controlled prior to that period in its financial report.

**Impairment of assets**

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, is compared to the asset's carrying value. Value in use is the depreciated replacement cost. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

**(i) Cash and cash equivalents**

Cash and cash equivalents include cash on hand, deposits at call and other highly liquid investments with maturities of three months or less from the date of acquisition, net of outstanding bank overdrafts.

Council invests funds in accordance with the power of investment under section 143 of the Local Government Act 1989.

**(j) Financial assets**

Term Deposits are measured at amortised cost.

**(k) Investment in associate**

Associates are all entities over which Council has significant influence but not control or joint control. Council's investment in an associate is accounted for by the equity method as the Council has the ability to influence rather than control the operations of the entity. The investment is initially recorded at the cost of acquisition and adjusted thereafter for post-acquisition changes in the Council's share of the net assets of the entity. The Council's share of the financial result of the entity is recognised in the Comprehensive Income Statement.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Note 1 Significant accounting policies (cont.)**

**(l) Trust funds and deposits**

Amounts received as trust deposits and retention amounts controlled by Council are recognised as trust funds until they are returned or forfeited (refer to note 23).

**(m) Employee costs and benefits**

The calculations of employee costs includes all relevant oncosts and are calculated as follows at reporting date:

*Wages and salaries*

Liabilities for wages and salaries, rostered days off and sick leave are recognised and measured as the amount unpaid at balance date.

*Annual leave*

Annual leave entitlements are accrued on a pro-rata basis in respect of services provided by employees up to balance date and are measured at the amount expected to be paid, including superannuation and annual leave loading, when the accrued obligation is settled. All annual leave entitlements are classified as current liabilities. Annual leave entitlements that are expected to be settled within 12 months of balance date, based on past experience of payments, are classified as a short term liability and measured at nominal value. Annual leave entitlements that are expected to be settled later than 12 months after balance date are classified as a long term current liability and measured at the present value of the estimated future cash outflows. Council uses Commonwealth bond rates for discounting future cash flows.

*Long service leave*

Long service leave entitlements are assessed at balance date having regard to expected employee remuneration rates on settlement, superannuation payable on the entitlement, and other factors including accumulated years of employment and experience of employee departure per year of service. Unconditional long service leave entitlements are classified as current liabilities. Long service leave entitlements classified as current liabilities that are expected to be settled within 12 months of balance date, based on past experience of payments, are classified as a short term liability and measured at nominal value. Long service leave entitlements classified as current liabilities that are expected to be settled later than 12 months after balance date are classified as a long term current liability and are measured at the present value of the estimated future cash outflows. Long service leave accruals for employees with less than 7 years service are classified as a non-current liability and are valued at the present value of expected future cash flows. Council uses Commonwealth bond rates for discounting future cash flows.

*Termination benefits*

Termination benefits are payable when employment is terminated before the normal retirement date, or when an employee accepts voluntary redundancy in exchange for these benefits. The council recognises termination benefits when it is demonstrably committed to either terminating the employment of current employees according to a detailed formal plan without possibility of withdrawal or providing termination benefits as a result of an offer made to encourage voluntary redundancy. Benefits falling due more than 12 months after balance sheet date are discounted to present value.

*Salary on-costs*

Salary on-costs (workers compensation, superannuation, annual leave and long service leave accrued while on LSL) are recognised separately from provision for employee benefits.

*Superannuation*

The superannuation expense for the reporting year is the amount of the statutory contribution made to the superannuation plans which provide benefits to employees, including past employees who are members of a defined benefits scheme, together with any movements in Council's liabilities arising from re-measurement of the superannuation fund's obligations for defined benefit scheme members. Details of these arrangements are recorded in note 10 and 23.

**(n) Leases**

*Operating leases*

Lease payments for operating leases are required by the accounting standard to be recognised on a straight line basis, rather than expensed in the years in which they are incurred.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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**Note 1 Significant accounting policies (cont.)**

**(o) Allocation between current and non-current**

**Liabilities**

A liability is classified as a current liability if it is expected, or due, to be settled in the entity's normal 12 month operating cycle, or it is held primarily for the purpose of being traded, or the Council does not have an unconditional right to defer settlement of the liability for at least twelve months after the reporting date. All other liabilities are classified as non-current liabilities.

**Assets**

An asset is classified as a current asset if it is expected to be realised in, or is intended for sale or consumption in, the entity's normal 12 month operating cycle, or held primarily for the purpose of trading or is a cash or a cash equivalent (as defined in AASB 107 Cash Flow Statements) that is restricted from being exchanged or used to settle a liability for at least twelve months after the reporting date. All other assets are classified as non-current.

**(p) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an expense. Receivables and payables are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a net basis. The GST on receipts, GST on payments and the net GST recoverable from, or payable to, the ATO are disclosed separately.

**(q) Rounding**

Unless otherwise stated, amounts in the financial report have been rounded to the nearest thousand dollars. Figures in the financial statement may not equate due to rounding.

**(r) Non-current assets held for sale**

A non-current asset held for sale is measured at the lower of its carrying amount and fair value less costs to sell and are not subject to depreciation and treated as current. For a non-current asset to be classified as held for sale, the asset must be available for immediate sale in its present condition subject only to terms that are usual and customary for sales of such assets and its sale must be highly probable and the asset's sale (or disposal group sale) is expected to be completed within 12 months from the date of classification.

**(s) Contingent assets and contingent liabilities and commitments**

Contingent assets and contingent liabilities are not recognised in the Balance Sheet but are disclosed by way of a note and, if quantifiable, are measured at nominal value. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value by way of Note and presented exclusive of the GST payable.

**(t) Trade and other receivables**

Receivables are carried at nominal amounts.

A provision for doubtful debts is recognised when there is objective evidence that an impairment has occurred.

**(u) Financial guarantees**

Financial guarantee contracts are not recognised as a liability in the balance sheet unless the lender has exercised their right to call on the guarantee or Council has other reasons to believe that it is probable that the right will be exercised. Details of guarantee that Council has provided, that is not recognised in the balance sheet, is disclosed at Note 34 Contingent liabilities and contingent assets.

**(v) Pending accounting standards**

Certain new AAS's have been issued that are not mandatory for the 30 June 2016 reporting period. Council has assessed these pending standards and has identified that no material impact will flow from the application of these standards in future reporting periods.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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**Note 2 Budget comparison**

The budget comparison notes compare Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2014* requires explanation of any material variances. Council has adopted a materiality threshold based on 10% variation to budget on a line item basis, or where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figures detailed below are those adopted by Council on 23 June 2015. The Budget was based on assumptions that were relevant at the time of adoption of the Budget. Council sets guidelines and parameters for revenue and expense targets in this budget in order to meet Council's planning and financial performance targets for both the short and long-term.

These notes are prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

**a) Income and expenditure**

	Budget 2016 \$'000	Actual 2016 \$'000	Variance 2016 \$'000	Ref
<b>Income</b>				
Rates and charges	80,211	81,370	1,159	1
Waste charges	11,980	12,040	60	
Statutory fees and fines	1,785	2,002	237	2
User fees and charges	9,709	10,551	842	3
Contributions - monetary	2,351	5,430	3,079	4
Contributions - non-monetary	464	494	30	
Grants - operating	10,828	10,023	(805)	5
Grants - capital	4,506	7,189	2,683	6
Interest income	1,598	1,874	276	7
Other income	850	814	(36)	
Share of gain from investment in associate	-	522	522	8
<b>Total income</b>	<b>124,262</b>	<b>132,309</b>	<b>8,047</b>	
<b>Expenses</b>				
Employee costs	47,917	47,890	27	
Materials, services and contracts	22,183	21,595	588	9
Net loss on disposal of property, plant and equipment, infrastructure, and other fixed assets	(402)	129	(531)	10
Depreciation and amortisation	20,347	20,221	126	
Borrowing costs	309	309	-	
Community grants and contributions	5,329	5,203	126	
Utilities	2,818	2,186	632	11
Other expenses	9,495	10,110	(615)	12
<b>Total expenses</b>	<b>107,996</b>	<b>107,643</b>	<b>353</b>	
<b>Surplus for the year</b>	<b>16,266</b>	<b>24,666</b>	<b>8,400</b>	
<b>Other comprehensive income</b>				
Net asset revaluation increment/(decrement)	32,695	56,539	23,844	13
<b>Total comprehensive result</b>	<b>48,961</b>	<b>81,205</b>	<b>32,244</b>	

variances in brackets = unfavourable

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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Note 2 Budget comparison (cont.)

a) Income and expenditure (cont.)

Explanation of material variations		
Ref.	Item	Explanation
1	Rates and charges	<p><b>Outcome: Greater than budget \$1,159,000 or 1.4 %</b></p> <p>Rates and charges are \$1.16 million favourable to budget mainly due to rates payable on the former Eastern Golf Club site following its sale and an increase of 641 properties rated for the first time during the year.</p>
2	Statutory fees and fines	<p><b>Outcome: Greater than budget \$237,000 or 13.4 %</b></p> <p>During the year, Council raised \$2.00 million in statutory charges, \$0.24 million favourable to budget. The increase was mainly due to strong demand for statutory building services and higher traffic compliance income.</p>
3	User fees and charges	<p><b>Outcome: Greater than budget \$842,000 or 8.7 %</b></p> <p>User fees and charges were greater than budget by \$0.84 million and mainly due to higher than anticipated planning applications (\$0.38 million) and higher engineering referral fees (\$0.28 million).</p>
4	Contributions - monetary	<p><b>Outcome: Greater than budget \$3,079,000 or 131 %</b></p> <p>Cash developer contributions in lieu of public open space was \$3.08 million greater than budget. These funds are placed into a cash backed reserve to be used for recreation and open space improvements for the community.</p>
5	Grants - operating	<p><b>Outcome: Less than budget \$405,000 or 7.4 %</b></p> <p>Council received \$1.21 million of the 2015/16 budgeted Victoria Grants Commission allocation late in the 2014/15 financial year. This unfavourable variance is partly offset by higher aged care funding of \$0.14 million and \$0.12 million for children and immunisation services.</p>
6	Grants - capital	<p><b>Outcome: Greater than budget \$2,683,000 or 59.5 %</b></p> <p>During 2015/16 Council received \$1.93 million of capital grants in advance for works to be undertaken in 2016/17, \$0.37 million from the Federal Government Roads to Recovery program for works completed in 2014/15.</p>
7	Interest income	<p><b>Outcome: Greater than budget \$276,000 or 17.3 %</b></p> <p>Interest on investments was greater than budget due to increased cash holdings resulting mainly from unbudgeted cash developer contributions (\$3.08 million), capital works funded in 2015/16 to be completed in 2016/17 (\$6.16 million) and grants received in advance for 2016/17 works and services.</p>
8	Share of gain from investment in associate	<p><b>Outcome: Greater than budget \$522,000 or 100 %</b></p> <p>Council has a 32.0% equity interest in the Whitehorse Manningham Regional Library Corporation (WMRLC). During 2015/16, Council's share of the WMRLC assets increased by \$0.52 million and this is recorded as income for the year.</p>
9	Materials, services and contracts	<p><b>Outcome: Greater than budget \$588,000 or 2.7 %</b></p> <p>A major redevelopment of Council's Aquarena aquatic facility resulted in higher than budgeted business interruption costs to the operator.</p>
10	Net loss on disposal of property, plant and equipment, infrastructure, and other fixed assets	<p><b>Outcome: Less than budget \$531,000 or 132.1 %</b></p> <p>The replacement of existing assets as part of the capital works program resulted in a write-down of infrastructure assets (roads, footpaths and cycleways and drainage) of \$0.41 million.</p>

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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**Note 2 Budget comparison (cont.)**

**a) Income and expenditure (cont.)**

**Explanation of material variations**

Ref.	Item	Explanation
11	Utilities	<p><b>Outcome: Less than budget \$632,000 or 22.4 %</b></p> <p>Street lighting expenses were \$0.17 million lower than budget due to a price variation approved by the Australian Energy Regulators in January 2016. A one off lease adjustment to land leased by Council from the State Government resulted in a \$0.46 million favourable variance to the adopted budget.</p>
12	Other expenses	<p><b>Outcome: Greater than budget \$615,000 or 6.5 %</b></p> <p>Expenditure of \$1.28 million originally funded through the capital works program has been classified as non capital as part of the year end capitalisation process and transferred to operating expenditure. Savings were made in operating expenses including insurance premiums (\$0.24 million), equipment leases (\$0.16 million) and general operational expenses (\$0.29 million).</p>
13	Net asset revaluation increment(decrement)	<p><b>Outcome: Greater than budget \$23,844,000 or 72.9 %</b></p> <p>The 2016 revaluation of Council property and infrastructure resulted in an increase in asset values by \$56.54 million, mainly driven by the continued strong growth in property values in Manningham.</p>

Notes to the Financial Report  
For the Year Ended 30 June 2016

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**Note 2 Budget comparison (cont.)**

**b) Capital Works**

	Budget 2016 \$'000	Actual 2016 \$'000	Variance 2016 \$'000	Ref
<b>Property</b>				
Land	-	1,996	(1,996)	14
Buildings	11,065	13,302	(2,237)	15
<b>Total property</b>	<b>11,065</b>	<b>15,298</b>	<b>(4,233)</b>	
<b>Plant, machinery and other assets</b>				
Plant, machinery and equipment	1,970	1,410	560	16
Fixtures, fittings and furniture	43	86	(43)	
Computers and telecommunications	346	308	38	
Artworks	-	17	(17)	
<b>Total plant, machinery and other assets</b>	<b>2,359</b>	<b>1,821</b>	<b>538</b>	
<b>Infrastructure</b>				
Roads	9,635	7,565	2,070	17
Bridges	-	370	(370)	18
Footpaths and cycleways	1,160	2,668	(1,508)	19
Off street car parks	324	114	210	20
Drainage	3,396	1,654	1,742	21
Recreational, leisure and community facilities	2,413	1,349	1,064	22
Parks, open space and streetscapes	6,427	3,306	3,121	23
Waste management	-	-	-	
<b>Total infrastructure</b>	<b>23,355</b>	<b>17,026</b>	<b>6,329</b>	
<b>Intangible assets</b>				
Software	837	649	188	24
<b>Total intangible assets</b>	<b>837</b>	<b>649</b>	<b>188</b>	
<b>Total capital works expenditure</b>	<b>37,616</b>	<b>34,794</b>	<b>2,822</b>	
<b>Represented by:</b>				
New asset expenditure	13,699	13,147	552	
Asset renewal expenditure	16,987	14,578	2,409	
Asset expansion expenditure	2,179	2,907	(728)	
Asset upgrade expenditure	4,751	4,162	589	
<b>Total capital works expenditure</b>	<b>37,616</b>	<b>34,794</b>	<b>2,822</b>	

variances in brackets = unfavourable

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

Note 2 Budget comparison (cont.)

b) Capital Works (cont.)

Explanation of material variations		Explanation
Ref.	Item	
14	Land	<b>Outcome: Greater than budget \$1,996,000 or 100 %</b> Council acquired land at 3-7A Glenvill Court, Templestowe as part of the Mullum Mullum Linear Path development. This is funded from the resort and recreation reserve but was not budgeted.
15	Buildings	<b>Outcome: Greater than budget \$2,237,000 or 20.2 %</b> During 2015/16 Council completed a major upgrade of its Aquarena aquatic and leisure facility. The capital expenditure was funded from within the existing capital works program.
16	Plant, machinery and equipment	<b>Outcome: Less than budget \$560,000 or 28.4 %</b> The programmed replacement of Council's vehicles and mobile plant was \$0.35 million less than budget and can be attributed to a reduction in the sale prices of vehicles disposed.
17	Roads	<b>Outcome: Less than budget \$2,070,000 or 21.5 %</b> Capital expenditure of \$1.67 million budgeted in roads was reclassified into footpath and cycleways (\$1.10 million), bridges (\$0.37 million) and drainage (\$0.20 million) asset classes.
18	Bridges	<b>Outcome: Greater than budget \$370,000 or 100 %</b> Capital expenditure of \$0.37 million to improve bridges in the municipality was initially budgeted under the roads asset category.
19	Footpaths and cycleways	<b>Outcome: Greater than budget \$1,508,000 or 130 %</b> Capital expenditure of \$1.10 million associated with Bicycle Strategy, footpaths in parks and roadways was reclassified from the roads asset class to the footpath and cycleway asset class.
20	Off street car parks	<b>Outcome: Less than budget \$210,000 or 64.8 %</b> The Leeds Street Indented parking bays project was deferred pending further work relating to the proposed Shephans Road highball facility.
21	Drainage	<b>Outcome: Less than budget \$1,742,000 or 51.3 %</b> Capital expenditure relating to drainage was less than budget by \$1.74 million due to delays in a number of projects including: Boin Boin Wetlands, Gregory Court, Prospect Road and Melbourne Hill Road drainage works. These projects are listed in the 2016/17 capital works program.
22	Recreational, leisure and community facilities	<b>Outcome: Less than budget \$1,064,000 or 44.1 %</b> The Park Avenue Reserve synthetic soccer pitch budgeted at \$0.95 million encountered planning and design delays resulting in expenditure of \$0.1 million during 2015/16. This project is included in the 2016/17 capital work program.
23	Parks, open space and streetscapes	<b>Outcome: Less than budget \$3,121,000 or 48.6 %</b> Capital expenditure relating to Parks, open space and streetscapes was less than budget by \$3.12 million. A number of projects encountered delays including: Mullum Mullum Linear Park footbridge and trail works (\$1.15 million), 100 Acres Reserve path and signage upgrade (\$0.25 million), Koonung Creek Linear Park trail works (\$0.23 million). These projects are included in the 2016/17 capital works program. In addition, capital expenditure budgeted in open space was reclassified into drainage (\$0.42 million) and footpath and cycleways (\$0.37 million) asset classes.
24	Software	<b>Outcome: Less than budget \$188,000 or 22.5 %</b> Capital expenditure on the Project and Contract Management System and Asset Management System was \$0.22 million less than budget. These projects are listed for completion as part of the 2016/17 capital program.



Notes to the Financial Report  
For the Year Ended 30 June 2016

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	2016 \$'000	2015 \$'000
<b>Note 3 Rates and charges</b>		
The Council uses Capital Improved Value (CIV) as the basis of valuation of all properties within the municipal district. The CIV of a property is its land value and the value of improvements such as buildings and other improvements.		
The CIV used to calculate general rates for 2015/16 was \$35,981 million (2014/15, \$35,224 million). The 2015/16 rate in the CIV dollar was 0.002213 (2014/15, 0.002118).		
General rates	78,616	74,584
Supplementary rates	2,723	486
Waste charges	12,040	12,149
Recreational land	31	72
<b>Total rates and charges</b>	<b>93,410</b>	<b>87,291</b>
The date of the last general revaluation of land for rating purposes within the municipal district was 1 January 2014, and the valuation first applied to the rating period commencing 1 July 2014.		
The date of the recent general revaluation of land for rating purposes within the municipal district was 1 January 2016, and the valuation first applied to the rating period commencing 1 July 2016.		
<b>Note 4 Statutory fees and fines</b>		
Infringements and costs	1,496	1,175
Land and property information certificates	305	284
Permits	201	206
<b>Total statutory fees and fines</b>	<b>2,002</b>	<b>1,665</b>
<b>Note 5 User fees and charges</b>		
Hall hire and function centre charges	1,936	1,920
Social and community services charges	732	621
Town planning fees	1,251	959
Aged services fees	811	840
Registration fees	1,259	1,264
Advertising fees	540	534
Culture and recreation fees	192	189
Chargeable works fees	820	594
Rent and lease charges	1,819	1,794
Other fees and charges	1,191	1,557
<b>Total user fees and charges</b>	<b>10,551</b>	<b>10,272</b>

Notes to the Financial Report For the Year Ended 30 June 2016		MANNINGHAM CITY COUNCIL 2015/16 Financial Report	
		2016 \$'000	2015 \$'000
<b>Note 6</b>	<b>Contributions</b>		
	<b>Monetary</b>		
	Resort and recreation contributions (a)	3,956	1,837
	Doncaster hill activity centre contributions (b)	1,474	237
	Other contributions	-	20
	<b>Total monetary contributions</b>	<b>5,430</b>	<b>2,094</b>
	(a) Resort and recreation contributions received during the year are transferred to Other reserves pursuant to section 18 of the Subdivision Act 1988 (Resort and recreation reserve) (refer note 27(b)).		
	(b) Doncaster hill activity centre contributions are made under the provisions of the Municipal Planning Scheme requiring developer contributions towards the cost of specific infrastructure and services in the Doncaster hill activity centre area (refer note 27(b)).		
	Contributions recognised as revenue during the year that were obtained on condition that they be expended in a specified manner that had not occurred at balance date were:		
	Other contributions	-	32
	Net increase(decrease) in restricted assets resulting from contributions revenue for the year.	-	32
	<b>Non-Monetary</b>		
	Developer contributed assets	494	1,618
	<b>Total non-monetary contributions</b>	<b>494</b>	<b>1,618</b>
	Contributions of non-monetary assets were received in relation to the following asset:		
	Land	62	823
	Land under roads	-	124
	Infrastructure	432	671
		<b>494</b>	<b>1,618</b>

Notes to the Financial Report  
For the Year Ended 30 June 2016

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	2016 \$'000	2015 \$'000
<b>Note 7 Grants</b>		
Grants were received in respect of the following:		
<b>Summary of grants</b>		
Commonwealth funded grants	3,162	4,952
State funded grants	11,299	8,975
Others	2,751	650
<b>Total grants</b>	<b>17,212</b>	<b>14,577</b>
<b>Operating grants</b>		
<b>Recurrent - Commonwealth Government</b>		
Victoria Grants Commission - general purpose grant	1,188	3,646
Social and community	140	154
<b>Recurrent - State Government</b>		
Aged services	6,546	6,399
Social and community	608	587
Maternal and child health, and immunisation	594	572
School crossing supervisors	153	146
Immunisation	122	103
Other	389	293
<b>Total recurrent operating grants</b>	<b>9,740</b>	<b>11,900</b>
<b>Non-recurrent - Commonwealth Government</b>		
Social and community	8	-
<b>Non-recurrent - State Government</b>		
Maternal and child health	50	-
Aged services	31	2
Economic and environment	20	3
Community health	13	34
Immunisation	-	26
Other	14	2
<b>Non-recurrent - Others</b>		
Community health	78	20
Social and community	6	-
Aged services	5	-
Economic and environment	3	4
Other	55	145
<b>Total non-recurrent operating grants</b>	<b>283</b>	<b>236</b>
<b>Total operating grants</b>	<b>10,023</b>	<b>12,136</b>
<b>Capital grants</b>		
<b>Recurrent - Commonwealth Government</b>		
Victoria Grants Commission - local roads	360	1,137
Roads to Recovery	1,432	-
<b>Total recurrent capital grants</b>	<b>1,812</b>	<b>1,137</b>
<b>Non-recurrent - Commonwealth Government</b>		
Economic and environment	10	15
Recreation	5	-
<b>Non-recurrent - State Government</b>		
Aquasana Masterplan Implementation	503	-
Economic and environment	605	29
Recreation	890	128
Sportsground refurbishment	88	162
Other	704	488
<b>Non-recurrent - Others</b>		
Economic and environment	1	96
Recreation	1,609	217
Transport	450	-
Sportsground refurbishment	271	15
Other	271	154
<b>Total non-recurrent capital grants</b>	<b>5,377</b>	<b>1,304</b>
<b>Total capital grants</b>	<b>7,189</b>	<b>2,441</b>

Notes to the Financial Report For the Year Ended 30 June 2016		MANNINGHAM CITY COUNCIL 2015/16 Financial Report	
		2016 \$'000	2015 \$'000
<b>Note 7</b>	<b>Grants (cont.)</b>		
	<b>Conditions on grants</b>		
	Grants recognised as revenue during the year that were obtained on condition that they be expended in a specified manner that had not occurred at balance date were:		
	Victoria Grants Commission - general purpose grant	-	1,212
	Victoria Grants Commission - local roads	-	378
	Aged services	35	45
	Community health	-	25
	Economic and environment	20	59
	Immunisation	-	7
	Recreation	1,342	38
	Social and community	22	12
	Sportsground refurbishment	-	42
	Community safety	6	-
	Maternal and child health	38	-
	Other	583	411
		<b>2,046</b>	<b>2,230</b>
	Grants which were recognised as revenue in prior years and were expended during the current year in the manner specified by the grantor were:		
	Aged Services	45	-
	Economic and environment	374	135
	Recreation	119	-
	Community health	26	-
	Social and community	22	61
	Sportsground refurbishment	8	72
	Immunisation	7	-
	Victoria Grants Commission - general purpose	1,212	-
	Victoria Grants Commission - local roads	493	-
	Other	102	175
		<b>2,408</b>	<b>443</b>
	Net increase(decrease) in restricted assets resulting from grant revenues for the year:	<b>(362)</b>	<b>1,787</b>
<b>Note 8</b>	<b>Other income</b>		
	Interest on investments	1,523	1,487
	Interest on rates and charges	351	300
	Other	814	750
	Total other income	<b>2,688</b>	<b>2,537</b>

Notes to the Financial Report  
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	2016 \$'000	2015 \$'000
<b>Note 9 Investment in associate</b>		
<b>Whitehorse-Manningham Regional Library Corporation</b>		
<b>Background</b>		
Manningham City Council has a 32% equity interest in the Whitehorse Manningham Regional Library Corporation (WMRLC) that was incorporated on 21 December 1995. Council has reported its interest in the WMRLC on the basis of equity accounting principles. Manningham City Council's share of the movement in net assets as at 30 June 2016, per draft WMRLC financial statements, has been taken up as income of \$521,854 during the year ended 30 June 2016 (income of \$153,497 in 2014/15). As neither council has a controlling interest, the participating councils show their contributions towards the operating expenditure of the library as an expense.		
<b>Current assets</b>		
Cash and cash equivalents	2,114	2,290
Trade and other receivables	77	89
Other assets	156	129
	<u>2,347</u>	<u>2,488</u>
<b>Non-current assets</b>		
Property & equipment	7,462	6,294
	<u>7,462</u>	<u>6,294</u>
<b>Total assets</b>	<u>9,809</u>	<u>8,782</u>
<b>Current liabilities</b>		
Payables	412	631
Provisions	1,463	1,444
	<u>1,875</u>	<u>2,075</u>
<b>Non-current liabilities</b>		
Provisions	78	105
	<u>78</u>	<u>105</u>
<b>Total liabilities</b>	<u>1,953</u>	<u>2,180</u>
<b>Net assets</b>	<u>7,856</u>	<u>6,602</u>
<b>Movement in carrying value of investment</b>		
Carrying value of investment at start of year	1,992	1,839
Share of surplus/(deficit) for year	522	153
Carrying value of investment at end of year	<u>2,514</u>	<u>1,992</u>

Notes to the Financial Report For the Year Ended 30 June 2016		MANNINGHAM CITY COUNCIL 2015/16 Financial Report	
		2016 \$'000	2015 \$'000
<b>Note 10 (a) Employee costs</b>			
Wages and salaries		39,698	38,650
Casual staff		1,900	1,116
Salary oncost *		5,909	5,901
Other employee costs		383	281
Total employee costs		<u>47,890</u>	<u>45,948</u>
<i>Engineering design work and capital project supervision completed by employees to the value of \$1,895 million (\$1,730 million 2014/15) is reported in the Statement of Capital Works, and is not included in employee costs.</i>			
* Salary oncost includes annual leave and long service leave provision, Workcover and superannuation costs.			
<b>Note 10 (b) Superannuation</b>			
Manningham City Council made contributions to the following funds:			
<b>Defined benefit fund</b>			
Employer contributions to Local Authorities Superannuation Fund (Vision Super)		354	358
Employer contributions - other funds		-	-
		<u>354</u>	<u>358</u>
Employer contributions payable as at 30 June		-	-
<b>Accumulation funds</b>			
Employer contributions to Local Authorities Superannuation Fund (Vision Super)		2,546	2,437
Employer contributions - other funds		978	832
		<u>3,524</u>	<u>3,269</u>
Employer contributions payable as at 30 June		-	-
<i>There was \$nil unfunded liability payments to Vision Super for the year ended 30 June 2016 (2014/15, nil).</i>			
Refer to note 33 for further information relating to Council's superannuation obligations.			
<b>Note 11 Materials, services and contracts</b>			
Materials and services		3,731	3,442
Fleet costs - fuel, oil tyres		547	676
Contractors - community building repairs and maintenance		1,391	1,244
Contractors - parks, gardens, sporting reserves and street trees		4,421	3,795
Contractors - drains, roads and footpaths		1,382	1,342
Contractors - waste collection services		10,123	9,452
Total materials, services and contracts		<u>21,595</u>	<u>19,951</u>
<b>Note 12 Net loss on disposal of property, plant and equipment, infrastructure, and other fixed assets</b>			
Proceeds from disposal		601	438
Written down value of assets disposed		(318)	(239)
Written down value of assets scrapped		(412)	(2,529)
Total net loss on disposal		<u>(129)</u>	<u>(2,330)</u>

Notes to the Financial Report  
For the Year Ended 30 June 2016

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	2016 \$'000	2015 \$'000
<b>Note 13 Depreciation and amortisation</b>		
Property	3,249	3,183
Plant, machinery and other assets	1,902	2,060
Infrastructure	14,544	13,977
Total depreciation	19,695	19,220
Intangible assets	526	534
Total depreciation and amortisation	20,221	19,754
<i>Refer to note 20 and 21 for a more detailed breakdown of depreciation and amortisation charges.</i>		
<b>Note 14 Borrowing costs</b>		
Interest - Borrowings	309	294
Total borrowing costs	309	294
Rate used to capitalise borrowing costs	4.24%	4.24%
<b>Note 15 Other expenses</b>		
<b>Community grants and contributions</b>		
Community grants	1,781	1,787
Library contributions	3,422	3,350
Total community grants and contributions cost	5,203	5,137
<b>Utilities</b>		
Utilities, rent, and cleaning	1,150	1,465
Street lighting	1,036	1,073
Total utilities cost	2,186	2,538
<b>Other miscellaneous expenses</b>		
Auditor's remuneration - VAGO - annual financial statement and grant acquittals	59	53
Auditor's remuneration - other parties	30	30
Auditor's remuneration - internal audit	174	160
Councillors' allowances	283	283
Fire levy	142	139
Insurance	809	909
Leases	225	269
Consultants - engineering	508	350
Consultants - human resources	119	123
Consultants - economic and environmental	416	350
Consultants - other	322	368
Bank charges	313	299
Catering (including junction centre)	663	742
Legal	794	707
Software licences	1,013	838
Telephone	542	628
Postage	377	231
Printing	257	242
Training	300	285
Design fees and maintenance - non capital	1,291	1,506
Other	1,473	1,581
Total other miscellaneous expenses	10,110	10,093
Total other expenses	17,499	17,766

Notes to the Financial Report  
For the Year Ended 30 June 2016

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	2016 \$'000	2015 \$'000
<b>Note 16 Cash and cash equivalents</b>		
Cash on hand	8	8
Cash at bank	962	2,313
Term deposits (with term up to 3 months) and at-call with banks	38,500	46,500
<b>Total cash and cash equivalents</b>	<b>39,470</b>	<b>48,821</b>
Council also has \$23.5 million in term deposits with a term between 3 and 12 months. This is recorded as a financial asset (see note 19).		
Users of the financial report should refer to note 31 for details of Council's commitments.		
<b>Restrictions on cash assets</b>		
Council's cash and cash equivalents are subject to external restrictions that limit amounts available for discretionary use. These include:		
- Trust funds and deposits (Note 23)	7,676	6,103
- Reserve funds (note 27(b))**	4,456	3,572
- Waste initiative funds *	14,626	14,005
<b>Total restricted funds</b>	<b>26,958</b>	<b>23,680</b>
<b>Total unrestricted cash and cash equivalents</b>	<b>12,512</b>	<b>25,141</b>
* The Waste initiative fund is the value of waste charges collected under s162 of the Local Government Act, and is to be applied to fund future waste collection and disposal activities.		
** Represented by Resort and recreation reserve and Doncaster Hill activities centre reserve.		
<b>Intended allocations</b>		
Although not externally restricted the following amounts have been allocated for specific future purposes by Council:		
- Cash held to fund future capital works	6,158	5,154
- Loan repayment *	1,456	728
- Family day care workover	196	196
- Manningham Recreation Association contribution for future capital works	400	-
- Grants received in advanced	1,646	2,230
<b>Total funds subject to intended allocations</b>	<b>9,856</b>	<b>8,308</b>
* Council has a \$7.279 million interest only loan which is due for settlement in November 2019 (refer note 26). This intended allocation represents cash set aside by Council to fund future principal repayments.		
<b>Note 17 Trade and other receivables</b>		
<b>Current</b>		
Rates debtors	4,257	3,889
Infringement debtors	623	378
Special rate schemes	254	331
Net GST receivable	958	762
Other debtors	3,294	2,357
Provision for doubtful debts - other debtors	(10)	(11)
	<b>9,276</b>	<b>7,706</b>
<b>Non-current</b>		
Other receivables	31	31
Infringement court	826	821
Provision for doubtful debts - infringement court	(826)	(821)
	<b>31</b>	<b>31</b>
<b>Total trade and other receivables</b>	<b>9,307</b>	<b>7,737</b>



Notes to the Financial Report For the Year Ended 30 June 2016		MANNINGHAM CITY COUNCIL 2015/16 Financial Report	
		2016 \$'000	2015 \$'000
<b>Note 17</b>	<b>Trade and other receivables (cont.)</b>		
	a) Ageing of other debtors		
	At balance date other debtors representing financial assets were past due but not impaired. These amounts relate to a number of independent customers for whom there is no recent history of default. The ageing of the Council's other debtors (excluding statutory receivables) was:		
	Up to 3 months	2,638	1,914
	3 to 6 months	223	136
	Over 6 months	433	307
	Total other debtors	<u>3,294</u>	<u>2,357</u>
	b) Movement in provisions for doubtful debts - other debtors		
	Balance at the beginning of the year	11	4
	New Provisions recognised during the year	-	9
	Amounts already provided for and written off as uncollectible	-	(2)
	Amounts provided for but recovered during the year	(1)	-
	Balance at end of year	<u>10</u>	<u>11</u>
<b>Note 18</b>	<b>Other assets</b>		
	<b>Current</b>		
	Accrued income - interest	189	102
	Accrued income - other	951	502
	Prepayments	276	359
	Other	28	-
	Total other assets	<u>1,444</u>	<u>963</u>
<b>Note 19</b>	<b>Other financial assets</b>		
	<b>Current</b>		
	Term deposits (with term between 3 and 12 months)	23,500	-
	Total other financial assets - current	<u>23,500</u>	<u>-</u>
	<b>Non Current</b>		
	Term deposit - refundable Manningham Centre Association bond *	-	169
	Total other financial assets - non current	<u>-</u>	<u>169</u>
	* Term deposit investment was withdrawn on 30 June 2016. Principal and interest were refunded to Manningham Centre Association on 30 June 2016.		
	A new bond of \$500,000 was received on 30 June 2016. This amount is shown in Council's cash at bank.		

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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**Note 20 Property, plant, equipment and other fixed assets, infrastructure**

Summary of property, plant, equipment and other fixed assets, infrastructure

As at 30 June 2016	At Fair Value \$'000	Accumulated Depreciation \$'000	Written Down Value \$'000
Land	1,147,567	-	1,147,567
Buildings	909,610	(124,244)	185,366
Plant, equipment and other fixed assets	26,302	(16,740)	9,562
Infrastructure	872,021	(377,841)	494,180
Work in progress	8,708	-	8,708
	<b>2,364,208</b>	<b>(518,825)</b>	<b>1,845,383</b>

As at 30 June 2015	At Fair Value \$'000	Accumulated Depreciation \$'000	Written Down Value \$'000
Land	1,068,101	-	1,068,101
Buildings	293,519	(109,055)	184,464
Plant, equipment and other fixed assets	25,680	(15,962)	9,708
Infrastructure	853,090	(365,647)	487,443
Work in progress	15,082	-	15,082
	<b>2,265,452</b>	<b>(490,654)</b>	<b>1,774,798</b>

Summary of work in progress

	Opening WIP 1 July 2015 \$'000	Additions \$'000	Transfers \$'000	Closing WIP 30 June 2016 \$'000
Land	8	-	(8)	-
Buildings	8,809	2,438	(8,295)	2,952
Plant, equipment and other fixed assets	619	282	(618)	283
Infrastructure	5,646	3,554	(3,727)	5,473
Total	<b>15,082</b>	<b>6,274</b>	<b>(12,648)</b>	<b>8,708</b>

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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**Note 20 Property, plant, equipment and other fixed assets, infrastructure (cont.)**

Property	Land	Land under roads	Total Land	Total Buildings	Total Property	Work in Progress
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2015	1,067,429	672	1,068,101	293,519	1,361,620	8,817
Accumulated depreciation at 1 July 2015	-	-	-	(109,055)	(109,055)	-
	1,067,429	672	1,068,101	184,464	1,252,565	8,817
<b>Movements in fair value</b>						
Acquisition of assets at fair value	1,996	2	1,998	10,547	12,545	2,438
Revaluation increments/decrements	77,406	-	77,406	(2,736)	74,670	-
Fair value of assets disposed	-	-	-	-	-	-
Contributed assets	62	-	62	-	62	-
Transfer	-	-	-	8,280	8,280	(8,303)
	79,464	2	79,466	16,091	95,557	(5,865)
<b>Movements in accumulated depreciation</b>						
Depreciation and amortisation	-	-	-	(3,249)	(3,249)	-
Revaluation increments/decrements	-	-	-	(11,940)	(11,940)	-
Accumulated depreciation of disposals	-	-	-	-	-	-
Transfer	-	-	-	-	-	-
	-	-	-	(15,189)	(15,189)	-
At fair value 30 June 2016	1,146,893	674	1,147,567	309,610	1,457,177	2,952
Accumulated depreciation at 30 June 2016	-	-	-	(124,244)	(124,244)	-
	1,146,893	674	1,147,567	185,366	1,332,933	2,952

Plant, equipment and other fixed assets	Plant, machinery and equipment	Fidures, fittings and furniture	Computers and telecommunications	Artworks	Total plant, equipment and other assets	Work in Progress
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2015	11,734	9,259	2,781	1,886	25,660	619
Accumulated depreciation at 1 July 2015	(6,809)	(6,983)	(2,160)	-	(15,952)	-
	4,925	2,276	621	1,886	9,768	619
<b>Movements in fair value</b>						
Acquisition of assets at fair value	1,405	86	308	17	1,816	282
Revaluation increments/decrements	-	-	-	-	-	-
Fair value of assets disposed	(1,432)	-	-	-	(1,432)	-
Contributed assets	-	-	-	-	-	-
Transfer	258	-	-	-	258	(618)
	231	86	308	17	642	(336)
<b>Movements in accumulated depreciation</b>						
Depreciation and amortisation	(1,177)	(558)	(167)	-	(1,902)	-
Revaluation increments/decrements	-	-	-	-	-	-
Accumulated depreciation of disposals	1,114	-	-	-	1,114	-
Transfer	-	-	-	-	-	-
	(63)	(558)	(167)	-	(788)	-
At fair value 30 June 2016	11,965	9,345	3,089	1,903	26,302	283
Accumulated depreciation at 30 June 2016	(6,872)	(7,541)	(2,327)	-	(16,740)	-
	5,093	1,804	762	1,903	9,562	283

Notes to the Financial Report  
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Note 20 Property, plant, equipment and other fixed assets, infrastructure (cont.)

Infrastructure	Roofs	Buildings	Furniture and fixtures	Off street car parks	Drainage	Recreational leisure and amenity	Parks open spaces and streetscapes	Main Management	Total Infrastructure	Work in Progress
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
At fair value 1 July 2015	330,196	19,533	101,261	17,434	347,226	19,292	26,294	2,875	833,095	5,649
Accumulated depreciation at 1 July 2015	(162,869)	(5,855)	(44,911)	(5,954)	(27,304)	(5,195)	(8,226)	(2,875)	(208,647)	-
	167,327	13,678	56,350	11,479	219,922	14,097	18,068	-	624,448	5,649
<b>Movements in fair value</b>										
Acquisition of assets at fair value	6,353	370	2,531	114	1,244	1,268	1,712	-	13,792	3,954
Revaluation increments/decrements	567	743	2,390	(538)	(10,745)	-	-	-	(7,683)	-
Fair value of assets disposed	(661)	-	(324)	-	(27)	-	-	-	(1,022)	-
Contributed assets	28	-	-	-	394	-	-	-	422	-
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-	-	-
Transfers	1,163	-	300	326	1,306	72	267	-	3,964	(3,727)
	7,589	1,113	4,597	306	(7,633)	1,340	2,009	-	8,991	(173)
<b>Movements in accumulated depreciation</b>										
Depreciation and amortisation	(7,944)	(325)	(1,069)	(349)	(3,487)	(889)	(1,181)	-	(14,644)	-
Revaluation increments/decrements	(84)	(151)	(1,530)	419	3,998	-	-	-	1,742	-
Accumulated depreciation of disposals	306	-	124	-	18	-	-	-	508	-
Impairment losses recognised in operating result	-	-	-	-	-	-	-	-	-	-
Transfers	-	-	-	-	-	-	-	-	-	-
	(7,722)	(476)	(2,475)	170	(381)	(889)	(1,181)	-	(12,194)	-
At fair value 30 June 2016	337,199	20,636	105,858	17,336	329,592	19,699	26,207	2,875	835,021	5,473
Accumulated depreciation at 30 June 2016	(170,641)	(6,134)	(47,216)	(6,498)	(27,605)	(5,984)	(10,497)	(2,875)	(217,841)	-
	166,558	14,502	58,642	10,837	201,987	13,715	15,710	-	617,180	5,473

**Note 20 Property, plant, equipment and other fixed assets, infrastructure (cont.)****Valuation basis**

Valuations were completed as at 30 June 2016 for Council. Valuations for 30 June 2016 are at fair value.

The basis of valuation is included under Note 1(h) in the Financial Statements and have been conducted as follows:

**Non-specialised land and non-specialised buildings**

Non-specialised land and non-specialised buildings are valued using the market based direct comparison method. Under this valuation method, the assets are compared to recent comparable sales or sales of comparable assets which are considered to have nominal or no added improvement value.

For non-specialised land and non-specialised buildings, an valuation was performed by Council's Valuer, Mr Graham Brewer FAPI, Certified Practising Valuer (Registration Number 61916) to determine the fair value using the market based direct comparison method. Valuation of the assets was determined by analysing comparable sales and allowing for share, size, topography, location and other relevant factors specific to the asset being valued. From the sales analysed, an appropriate rate per square metre has been applied to the subject asset. The effective date of the valuation is 30 June 2016.

To the extent that non-specialised land and non-specialised buildings do not contain significant, unobservable adjustments, these assets are classified as Level 2 under the market based direct comparison approach.

**Specialised land and specialised buildings**

The market based direct comparison method is also used for specialised land but adjusted to reflect the specialised nature of the assets being valued. For Council specialised buildings, the depreciated replacement cost method is used, adjusting for the associated depreciation. Specialised assets contain significant, unobservable adjustments, therefore these assets are classified as Level 3 fair value measurements.

An adjustment is made to reflect a restriction on the sale or use of an asset by Council. The adjustment is an allowance made to reflect the difference in value between unrestricted assets and those held by the Council which are impacted by external restraints on their use.

The valuation of Council's specialised land and specialised buildings was performed by Council's Valuer, Mr Graham Brewer FAPI, Certified Practising Valuer (Registration Number 61916). The valuation was performed using either the market based direct comparison method or depreciated replacement cost, adjusted for restrictions in use. The effective date of the valuation is 30 June 2016.

Details of the Council's land and buildings and information about the fair value hierarchy as at 30 June 2016 are as follows:

	Level 1 \$'000	Level 2 \$'000	Level 3 \$'000
Land	-	6,755	1,140,812
Buildings	-	2,460	182,905
Total	-	9,215	1,323,718

Notes to the Financial Report  
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**Note 20 Property, plant, equipment and other fixed assets, infrastructure (cont.)**

*Infrastructure assets*

Infrastructure assets are valued using the written down replacement cost of each asset. The written down replacement cost is calculated based on the remaining life of the asset, which in turn is determined based on their condition of roads, footpaths, kerb and channel, bridges and drains.

Infrastructure assets contain significant unobservable adjustments, therefore these assets are classified as Level 3.

A valuation of Council's infrastructure assets was performed by Council's Manager, Engineering and Technical Service, Mr Roger Woodlock B.Eng (CivE). The valuation was performed based on the depreciated replacement cost of the assets. The effective date of the valuation is 30 June 2016.

There were no changes in valuation techniques throughout the period to 30 June 2016.

For all assets measured at fair value, the current use is considered the highest and best use.

Details of the Council's infrastructure information about the fair value hierarchy as at 30 June 2016 are as follows:

	Level 1	Level 2	Level 3
	\$'000	\$'000	\$'000
Roads	-	-	166,849
Bridges	-	-	14,502
Footpaths and cycleways	-	-	58,542
Off street car parks	-	-	10,847
Drainage	-	-	211,908
<b>Total</b>	<b>-</b>	<b>-</b>	<b>462,648</b>

Notes to the Financial Report For the Year Ended 30 June 2016		MANNINGHAM CITY COUNCIL 2015/16 Financial Report	
		2016 \$'000	2015 \$'000
<b>Note 21</b>	<b>Intangible assets</b>		
	Software	1,819	1,617
	Total intangible assets	<u>1,819</u>	<u>1,617</u>
	<b>Gross carrying amount</b>		
	Balance at 1 July	8,127	7,784
	Additions from internal developments	728	343
	Balance at 30 June	<u>8,855</u>	<u>8,127</u>
	<b>Accumulated amortisation</b>		
	Balance at 1 July	(6,510)	(5,978)
	Amortisation expense	(526)	(534)
	Balance at 30 June	<u>(7,036)</u>	<u>(6,510)</u>
	Net book value at 30 June	<u>1,819</u>	<u>1,617</u>
<b>Note 22</b>	<b>Trade and other payables</b>		
	Current		
	Trade payables	441	517
	Employees benefits and related costs	1,485	1,484
	Accrued expenses	11,412	7,701
	Total trade and other payables	<u>13,338</u>	<u>9,702</u>
<b>Note 23</b>	<b>Trust funds and deposits</b>		
	Current		
	Contract retention	707	606
	Landscape bonds	3,434	2,969
	Miscellaneous works deposits	142	133
	Asset protection bonds	2,240	1,787
	Subdivider deposits	395	138
	Refundable Manningham Centre Association bond	500	169
	Other refundable deposits	298	212
	Total trust funds and deposits	<u>7,678</u>	<u>6,103</u>
	<i>Purpose and nature of items</i>		
	Refundable deposits - Deposits are taken by council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.		
	Retention amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.		

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Note 24 Provisions		Annual leave	Long service leave	Total
		\$ '000	\$ '000	\$ '000
2016				
Balance at beginning of the financial year		3,952	8,331	12,283
Amounts used		(2,773)	(1,534)	(4,307)
Additional provisions		3,039	2,096	5,135
Balance at the end of the financial year		4,218	8,893	13,111
2015				
Balance at beginning of the financial year		3,722	7,744	11,466
Amounts used		(2,414)	(1,154)	(3,568)
Additional provisions		2,644	1,741	4,385
Balance at the end of the financial year		3,952	8,331	12,283
			2016	2015
			\$'000	\$'000
<b>Employee benefits</b>				
<b>Current</b>				
Annual leave				
Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after reporting date. Assessments indicate that actual settlement of the liabilities will occur as follows and where the settlement is forecast for more than 12 months after reporting date is reported at present value using the 5 year treasury bond as the discount factor.				
Current short-term: settlement within 12 months of balance date			2,872	2,781
Current long-term: settlement beyond 12 months of balance date (note 1m)			1,346	1,171
			4,218	3,952
Long service leave				
Long service leave liabilities for staff with greater than 7 years service have been classified as current where there is no unconditional right to defer settlement for at least 12 months after reporting date. Assessments indicate that actual settlement of the liabilities will occur as follows and where the settlement is forecast for more than 12 months after reporting date is reported at present value using the 5 year treasury bond as the discount factor.				
Current short-term: settlement within 12 months of balance date			583	546
Current long-term: settlement beyond 12 months of balance date (note 1m)			7,396	6,944
			7,979	7,490
<b>Non-current</b>				
Long service leave				
			914	841
			914	841
Aggregate carrying amount of employee benefits:				
Current			12,197	11,442
Non-current			914	841
Total			13,111	12,283
<b>Total all provisions</b>				
Current			12,197	11,442
Non-current			914	841
			13,111	12,283



Notes to the Financial Report For the Year Ended 30 June 2016	MANNINGHAM CITY COUNCIL 2015/16 Financial Report	
	2016 \$'000	2015 \$'000
<b>Note 25</b> Income received in advance		
Rent	298	319
Fees	443	324
Total income received in advance	<u>741</u>	<u>643</u>
<b>Note 26</b> Interest-bearing loans and borrowings		
Non-Current		
Borrowings - secured (a)	7,279	7,279
	<u>7,279</u>	<u>7,279</u>
Total interest-bearing loans and borrowings	<u>7,279</u>	<u>7,279</u>
The maturity profile for Council's borrowings is:		
Not later than one year	-	-
Later than one year and not later than five years	7,279	7,279
Later than five years	-	-
	<u>7,279</u>	<u>7,279</u>
Aggregate carrying amount of interest-bearing loans and borrowings:		
Current	-	-
Non-current	7,279	7,279
	<u>7,279</u>	<u>7,279</u>
(a) The borrowings are secured over the future general rates of Council.		

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Note 27 Reserves**

(a) **Asset revaluation reserves**

2016	Balance at beginning of reporting year \$'000	Increment/ (decrement) \$'000	Realised Revaluation Reserve \$'000	Balance at end of reporting year \$'000
<b>Property</b>				
Land	872,896	77,406	-	950,302
Buildings	62,445	(14,678)	-	47,769
	935,341	62,730	-	998,071
<b>Plant, equipment and other fixed assets</b>				
Plant, machinery and equipment	57	-	(5)	52
Fixtures, fittings and furniture	1,008	-	-	1,008
Computers and telecommunications	75	-	-	75
Artworks	887	-	-	887
	2,027	-	(5)	2,022
<b>Infrastructure</b>				
Roads	83,009	423	-	83,432
Bridges	1,699	597	-	2,296
Footpaths and cycleways	28,857	560	-	29,417
Off street car parks	5,327	(119)	-	5,208
Drainage	123,932	(7,652)	-	116,280
Parks, open space and streetscapes	205	-	-	205
	243,029	(6,191)	-	236,838
<b>Total</b>	<b>1,180,397</b>	<b>56,539</b>	<b>(5)</b>	<b>1,236,931</b>

2015	Balance at beginning of reporting year \$'000	Increment/ (decrement) \$'000	Realised Revaluation Reserve \$'000	Balance at end of reporting year \$'000
<b>Property</b>				
Land	691,325	181,571	-	872,896
Buildings	81,886	(19,395)	(45)	62,445
	773,211	162,176	(45)	935,341
<b>Plant, equipment and other fixed assets</b>				
Plant, machinery and equipment	62	-	(5)	57
Fixtures, fittings and furniture	1,008	-	-	1,008
Computers and telecommunications	75	-	-	75
Artworks	1,276	(387)	(2)	887
	2,421	(387)	(7)	2,027
<b>Infrastructure</b>				
Roads	71,009	12,009	-	83,009
Bridges	1,241	458	-	1,699
Footpaths and cycleways	28,432	425	-	28,857
Off street car parks	5,229	98	-	5,327
Drainage	118,129	5,803	-	123,932
Parks, open space and streetscapes	205	-	-	205
	224,236	18,793	-	243,029
<b>Total</b>	<b>999,868</b>	<b>180,582</b>	<b>(53)</b>	<b>1,180,397</b>

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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Note 27 Reserves (cont.)

(b) Other reserves

	Balance at beginning of reporting year \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting year \$'000
<b>2016</b>				
Resort and recreation reserve (a)	3,460	(2,960)	3,956	4,456
Doncaster Hill activity centre reserve (b)	112	(112)	-	-
Family day care workover levy reserve (c)	196	-	-	196
<b>Total</b>	<b>3,768</b>	<b>(3,072)</b>	<b>3,956</b>	<b>4,652</b>
	Balance at beginning of reporting year \$'000	Transfer from accumulated surplus \$'000	Transfer to accumulated surplus \$'000	Balance at end of reporting year \$'000
<b>2015</b>				
Resort and recreation reserve (a)	3,127	(1,504)	1,837	3,460
Doncaster Hill activity centre reserve (b)	62	(187)	237	112
Family day care workover levy reserve (c)	196	-	-	196
<b>Total</b>	<b>3,385</b>	<b>(1,691)</b>	<b>2,074</b>	<b>3,768</b>

(a) The Resort and recreation reserve was established to control contributions received from developers that will, upon completion of developments be utilised to develop recreation and other facilities for residents in the respective development areas.

(b) The Doncaster Hill activity centre reserve was established to control contributions levied on developers under the Doncaster Hill Development Contributions Plan Overlay (DCPO) and funds will be utilised to develop social and community infrastructure in accordance with the conditions contained in the DCPO.

(c) The Family day care Workover levy was established to control funds collected from family day care user charges to assist in defraying the cost of future claims for Workover by family day care providers. Council discontinued this service in 2009/10.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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	2016 \$'000	2015 \$'000
<b>Note 28 Reconciliation of cash flows from operating activities to surplus for the year</b>		
Surplus for the year	24,666	14,162
Depreciation/amortisation	20,221	19,754
Loss on disposal of property, plant and equipment, infrastructure	129	2,330
Contributed assets	(494)	(1,618)
Share of gain from associate	(522)	(153)
Adjustment for work in progress write-off to other expenses	88	265
Change in assets and liabilities:		
(Increase)/decrease in trade and other receivables	(1,570)	(1,498)
(Increase)/decrease in other assets	(481)	194
Increase/(decrease) in trade and other payables	5,216	723
(Decrease)/increase in other assets and liabilities	98	70
(Increase)/decrease in provisions	628	617
Net cash provided by operating activities	48,173	35,046
<b>Note 29 Reconciliation of cash and cash equivalents</b>		
Cash and cash equivalents (note 16)	39,470	48,821
	39,470	48,821
<b>Note 30 Financing arrangements</b>		
Bank overdraft	1,000	1,000
Used facilities	-	-
Unused facilities	1,000	1,000

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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**Note 31 Commitments**

Council has entered into the following commitments

2016	Not later than 1 year	Later than 1 year and not later than 2 years	Later than 2 years and not later than 5 years	Later than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating</b>					
Garbage collection	4,262	4,412	14,186	-	22,860
Meals for delivery	237	243	766	-	1,246
Hard and green waste collection	798	870	3,108	-	4,777
Property valuation	140	289	589	-	1,018
<b>Total</b>	<b>5,437</b>	<b>5,814</b>	<b>18,650</b>	<b>-</b>	<b>29,901</b>
<b>Capital</b>					
Roads	2,554	-	-	-	2,554
Drainage	894	-	-	-	894
Other - recreation and open space	1,253	-	-	-	1,253
Buildings	1,972	-	-	-	1,972
Plant and equipment	646	-	-	-	646
Waste management replacement bins	2,933	-	-	-	2,933
<b>Total</b>	<b>10,252</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>10,251</b>

2015	Not later than 1 year	Later than 1 year and not later than 2 years	Later than 2 years and not later than 5 years	Later than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
<b>Operating</b>					
Garbage collection	5,205	5,416	17,599	-	28,220
Meals for delivery	254	262	825	-	1,341
Hard and green waste collection	793	865	3,099	-	4,751
Property valuation	269	140	589	-	999
<b>Total</b>	<b>6,521</b>	<b>6,683</b>	<b>22,106</b>	<b>-</b>	<b>35,310</b>
<b>Capital</b>					
Roads	2,017	-	-	-	2,017
Drainage	383	-	-	-	383
Other - recreation & open space	1,241	-	-	-	1,241
Buildings	6,172	-	-	-	6,172
Plant and equipment	113	-	-	-	113
<b>Total</b>	<b>9,926</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>9,926</b>

**Note 32 Operating leases**

**(a) Operating lease commitments**

At the reporting date, Council had the following obligations under non-cancellable operating leases for the lease of equipment and land and buildings for use within Council's activities (these obligations are not recognised as liabilities):

	2016 \$'000	2015 \$'000
Not later than one year	724	420
Later than one year and not later than five years	2,435	1,260
Later than five years	1,933	1,048
<b>Total</b>	<b>5,092</b>	<b>2,728</b>

**(b) Operating lease receivables**

At the reporting date, Council had the following operating leases for the lease of Council owned land and buildings:

	2016 \$'000	2015 \$'000
Not later than one year	1,588	1,490
Later than one year and not later than five years	5,145	4,291
Later than five years	6,225	25
<b>Total</b>	<b>12,958</b>	<b>5,806</b>

**Note 33 Superannuation**

Manningham City Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in Comprehensive Income Statement when they are made or due.

**Accumulation**

The Fund's accumulation categories, Vision MySuper/Vision Super Saver, receives both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2016 this was 9.9% as required under Superannuation Guarantee legislation).

**Defined Benefit**

Manningham City Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Manningham City Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

**Funding arrangements**

Manningham City Council makes employer contributions to the defined benefit category of the Fund at rates determined by the Trustee on the advice of the Fund's Actuary.

As at 30 June 2015, an interim actuarial investigation was held as the Fund provides lifetime pensions in the Defined Benefit category. The vested benefit index (VBI) of the Defined Benefit category of which Manningham City Council is a contributing employer was 105.8%. To determine the VBI, the fund Actuary used the following long-term assumptions:

Net investment returns	7.00% pa
Salary inflation	4.25% pa
Price inflation (CPI)	2.50% pa

Vision Super has advised that actual VBI as at 30 June 2016 was 102.0% subject to the finalisation of Fund Actuary report.

The VBI is to be used as the primary funding indicator. Because the VBI was above 100%, the actuarial investigation determined the defined benefit category was in a satisfactory financial position and that no change was necessary to the defined benefit category's funding arrangements from prior years.

**Employer contributions****Regular contributions**

On the basis of the results of the 2015 interim actuarial investigation conducted by the Fund's Actuary, Manningham City Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2016, this rate was 9.9% of members' salaries (9.9% in 2014/15). This rate will increase in line with any increase to the Superannuation Guarantee (SG) contribution rate. In addition, Manningham City Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

**Funding calls**

If the defined benefit category is in an unsatisfactory financial position at actuarial investigation or the defined benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the defined benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers including Manningham City Council are required to make an employer contribution to cover the shortfall. Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's defined benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
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**Note 33 Superannuation (cont.)**

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up. If there is a surplus in the Fund, the surplus cannot be returned to the participating employers. In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

**2015 Interim actuarial investigation surplus amounts**

The Fund's latest actuarial investigation as at 30 June 2015 identified the following in the defined benefit category of which Manningham City Council is a contributing employer:

- A VBI surplus of \$130.8 million; and
- A total service liability surplus of \$239 million.

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2015. The total service liability surplus means that the current value of the assets in the Fund's defined benefit category plus expected future contributions exceeds the value of expected future benefits and expenses. Manningham City Council was notified of the 30 June 2015 VBI during August 2015.

**Future superannuation contributions**

The expected contributions to be paid to the Defined Benefit category of Vision Super for the year ending 30 June 2017 is \$350,000.

**Note 34 Contingent liabilities and contingent assets**

**(a) Contingent liabilities**

**General**

Council controls large areas of public open space, provides general and personal services to residents, visitors and ratepayers, has responsibilities and regulatory authorities including the issue of permits and approvals, and controls significant buildings and infrastructure assets. Council is, from time to time, met with claims and demands for damages allegedly arising from the actions, or inactions, of Council or its Officers.

Council's Risk Management Plan includes securing insurance to cover insurable risks to limit exposure to liabilities arising from actions of the Council or its Officers where it is appropriate to do so.

A recent tender was undertaken for the provision of Insurance Broking Services and as a result Council changed to AON Risk Services Australia Limited in June 2016.

**Open claims**

Council is presently involved in 4 minor open claims, all of which are under Council's insurance policy excess. No allowance has been made for these contingencies in the financial report. Council is not aware of any other contingent liability or claims that would fall outside of the terms of Council's insurance policies.

**Bank guarantees issues**

Council is responsible for the following bank guarantees:  
Department of Primary Industries for \$150,000 in connection with Extractive Industry Licence No. 54-1.

**Capital funding grant**

Council has exposure to contingent liabilities where the conditions attached to a capital funding grant requires repayment in full or part of the granted sum should the terms of the grant agreement not be fulfilled by Council.

**Note 34 Contingent liabilities and contingent assets (cont.)****(a) Contingent liabilities (cont.)****Superannuation contribution**

Council has obligations under a defined benefit superannuation scheme, matters relating to this potential obligation are outlined in Note 33. As a result of the volatility in financial markets, the likelihood of making such contributions in future periods exists. At this point in time, it is not known if additional contributions will be required, their timing or potential amount.

**(b) Contingent assets****Developer contributed assets**

Developer contributions to be received in respect of estates subject to future subdivisions total \$4,662,025 (2014/15, \$4,073,289).



**Note 35 Financial instruments****(a) Objectives and policies**

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in Note 1 of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

**(b) Market risk**

Market risk is the risk that the fair value or future cash flows of our financial instruments will fluctuate because of changes in market prices. The Council's exposures to market risk is primarily through interest rate risk with insignificant exposure to other price risks and no exposure to foreign currency risk. Components of market risk to which the council are expose are discussed below.

**Interest rate risk**

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Interest rate risk arises from interest bearing financial assets and liabilities. Interest bearing assets are predominantly short term liquid assets. As at 30 June 2016 Council had long term loans or borrowings and is therefore exposed to interest rate risk on these classes of financial liabilities.

Interest rate risk on financial assets are managed through Council's investment policy which requires the investment of surplus funds only with financial institutions approved under the section 143 of the Local Government Act 1989. The Council's investment policy provides for investment restrictions such as investment placement with authorised deposit taking institutions (ADIs), placement according to Standard and Poor's credit ratings for investment institutions, staging of investment duration, and for the regular monitoring of investment performance and investment institution credit ratings. Investment performance and investment placement are reported regularly to Council.

**(c) Credit risk**

Credit risk is the risk of financial loss to Council arising from the non-completion of an obligation under a financial instrument by a party with whom Council has contracted. Council has exposure to credit risk on all financial assets included in the balance sheet. The maximum exposure to credit risk at balance date in relation to each class of recognised financial asset is represented by the carrying amount of that financial asset.

Council manages credit risk exposure through the application of debtor management policies that include arrangement for the timely collection of debts, escalation of recovery actions, and monitoring of debt collection performance. Council also managed credit risk exposure through the application of security bonds and provisions of the Local Government Act 1989 that permit the classification of certain debts as charges against property.

Financial assets classed as trade and other receivables consist of a large number of customers, spread across the consumer, business and government sectors. As Council's main debtors are government departments the credit risk associated with the Council's financial assets is assessed as minimal. Where a credit risk is assessed as probable of realisation an allowance for doubtful debts is raised.

Details of credit risk for transactions that are not included in the balance sheet are disclosed in note 34, contingent liabilities and contingent assets.

**(d) Liquidity risk**

Liquidity risk includes the risk that, as a result of our operational liquidity requirements:

- we will not have sufficient funds to settle a transaction on the date;
- we will be forced to sell financial assets at a value which is less than what they are worth; or
- we may be unable to settle or recover a financial assets at all.

To mitigate liquidity risk the entity has developed long term financial management strategies containing liquidity and cash flow targets, and regularly monitors budget performance and cash flows against forecasts. The entity has established access to overdraft facilities.

Council's exposure to liquidity risk is deemed insignificant based on prior periods' data, cash flow and liquidity forecasts, and current assessment of risk.

**(e) Fair value**

Unless otherwise stated, the carrying amount of financial instruments reflect their fair value.

**Fair value hierarchy**

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy. Council's financial assets and liabilities are measured at amortised cost.

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Note 35 Financial Instruments (cont.)**

**(f) Sensitivity disclosure analysis**

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, the consolidated entity believes the following movements are 'reasonably possible' over the next 12 months. Market interest rates are sourced from the Reserve Bank of Australia.

- a parallel shift of +1% and -2% in market interest rates from year-end rates of 1.75%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

**Note 36 Related party transactions**

**(i) Responsible Persons**

Names of persons holding the position of a Responsible Person at the Council at any time during the year are:

**Councillors**

Councillor Downie (Re-elected 8 November 2012)  
 Councillor Galbally (Elected 8 November 2012)  
 Councillor Gough (Re-elected 8 November 2012)  
 Councillor Orvokostopoulos (Elected 8 November 2012)  
 Councillor Haynes (Elected 8 November 2012)  
 Councillor Kleinert (Elected 8 November 2012)  
 Councillor McLish (Elected 8 November 2012, Mayor from 3 December 2014 to 10 November 2015, Mayor from 17 May 2016)  
 Councillor O'Brien (Elected 8 November 2012)  
 Councillor Yang (Re-elected 8 November 2012, Mayor from 11 November 2015 to 30 April 2016, resigned on 30 April 2016)

**Chief Executive Officer**

Mr Warwick Winn (Appointed Chief Executive Officer on 9 April 2016)  
 Mr Joe Carbone (Appointed Chief Executive Officer on 21 January 2013, resigned on 29 January 2016)  
 Mr Leigh Harrison (Appointed as Acting Chief Executive Officer between 11 November 2015 to 27 November 2015)  
 Mr Chris Potter (Appointed as Acting Chief Executive Officer between 19 January 2016 to 8 April 2016)

**(ii) Remuneration of Responsible Persons**

The numbers of Responsible Officers, whose total remuneration from Council and any related entities fell within the following bands:

	2016 No.	2015 No.
Less than \$20,000	-	-
\$20,000 - \$29,999	7	7
\$30,000 - \$39,999	1	1
\$40,000 - \$49,999	1	1
\$50,000 - \$59,999	1	-
\$60,000 - \$69,999	1	-
\$70,000 - \$79,999	1	-
\$80,000 - \$89,999	-	1
\$90,000 - \$99,999	-	-
\$100,000 - \$109,999	-	-
\$110,000 - \$119,999	-	-
\$120,000 - \$129,999	-	-
\$130,000 - \$139,999	-	-
	11	10
	\$'000	\$'000
Total remuneration for the reporting year for Responsible Persons included above amounted to:	571	615

**(iii) Responsible persons retirement benefits**

Retirement payments of \$nil were made by the Council to a person who held a position of Responsible Person during the reporting year 2015/16 (2014/15, nil).

**(iv) Loans to responsible persons**

No loans have been made, guaranteed or secured by the Council to a Responsible Person during the reporting year 2015/16 (2014/15, nil).

**(v) Transactions with responsible persons**

No transactions other than remuneration payments, or the reimbursement of expenses as approved by Council with Responsible Persons, or Related Parties of such Responsible Persons, during the reporting year (2014/15, nil).

Notes to the Financial Report  
For the Year Ended 30 June 2016

MANNINGHAM CITY COUNCIL  
2015/16 Financial Report

**Note 36 - Related party transactions (cont.)**

**(M) Senior Officers Remuneration**

A Senior Officer other than a Responsible Person, is an officer of Council who:  
a) has management responsibilities and reports directly to the Chief Executive; or  
b) whose total annual remuneration exceeds \$139,000.

The number of Senior Officers other than the Responsible Persons, are shown below in their relevant income bands and includes Senior Officers who commenced or retired during the year:

Income Range:	2016 No.	2015 No.
<\$130,000	-	-
\$130,000 - \$139,999	1	4
\$140,000 - \$149,999	5	3
\$150,000 - \$159,999	8	10
\$160,000 - \$169,999	5	3
\$170,000 - \$179,999	2	2
\$180,000 - \$189,999	1	-
\$190,000 - \$199,999	-	1
\$200,000 - \$209,999	1	1
\$210,000 - \$219,999	1	-
\$220,000 - \$229,999	1	1
\$230,000 - \$239,999	-	1
\$240,000 - \$249,999	1	1
\$250,000 - \$259,999	1	-
	<u>27</u>	<u>27</u>
	\$'000	\$'000
Total Remuneration, excluding resignation benefits, for the reporting year for Senior Officers included above, amounted to:	4,595	4,481

**Note 37 - Events occurring after balance date**

No matters have occurred since reporting date that require disclosure in the financial statements.

### Certification of the Financial Report

In my opinion, the accompanying financial report has been prepared in accordance with the Local Government Act 1989, the Local Government (Planning and Reporting) Regulations 2014, Australian Accounting Standards and other mandatory professional reporting requirements.

Kevin Ayre CPA  
Principal Accounting Officer  
30 August 2016  
Doncaster

In our opinion, the accompanying financial report presents fairly the financial transactions of Manningham City Council for the year ended 30 June 2016 and the financial position of Council as at that date.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the financial report to be misleading or inaccurate.

We, the Councillors, have been authorised by the Council and by the Local Government (Planning and Reporting) Regulations 2014 to certify the financial report in its final form.

Paul McLeish  
Mayor  
30 August 2016  
Doncaster

Dorothy Haynes  
Deputy Mayor  
30 August 2016  
Doncaster

Warwick Winn  
Chief Executive Officer  
30 August 2016  
Doncaster

## Attachment 3

**Manningham City Council****Performance Statement**For the year ended 30 June 2016

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**Description of municipality**

Manningham City Council is located in Melbourne's north-eastern suburbs, commencing with its western boundary in Bulleen, 10 kilometres from the Melbourne CBD and extending to Wonga Park at its eastern extremity, 32 kilometres from the CBD. The City is bounded by the Yarra River, Banyule City and Nillumbik Shire in the north, Yarra Ranges Shire in the east, Koonung Creek, Maroondah City and the Cities of Whitehorse and Boroondara in the south and Banyule City and the Yarra River in the west.

The City encompasses a total land area of 114 square kilometres, including a substantial 17% green open spaces. The nonurban areas include a large tract of the Green Wedge, and are used mainly for rural residential living, conservation and small scale agriculture.

As at 30 June 2015, our estimated population was 119,442 people across the City includes the suburbs of Bulleen, Doncaster, Doncaster East, Donvale, Nunawading (part), Park Orchards, Ringwood North (part), Templestowe, Templestowe Lower, Warrandyte, Warrandyte South and Wonga Park (part).

Version 1.0

**Sustainable Capacity Indicators**

For the year ended 30 June 2016

<b>Indicator/measure</b>	<b>Results 2015</b>	<b>Results 2016</b>	<b>Material Variations</b>
<b>Own-source revenue</b> <i>Own-source revenue per head of municipal population</i> [Own-source revenue / Municipal population]	\$860	\$914	This is line with budget forecasts and based on \$109 million own source revenue and a population of 119,442.
<b>Recurrent grants</b> <i>Recurrent grants per head of municipal population</i> [Recurrent grants / Municipal population]	\$110	\$97	Manningham receives the minimum grant from the Victoria Grants Commission, and as such relies heavily on rates to meet community service and infrastructure needs.
<b>Population</b> <i>Expenses per head of municipal population</i> [Total expenses / Municipal population]	\$895	\$901	This result is at the lower end of the permissible range and reflects on Council's intended aim to limit the growth of expenditure.
<i>Infrastructure per head of municipal population</i> [Value of infrastructure / Municipal population]	\$5,944	\$5,762	Manningham has in excess of \$680 million in infrastructure assets (including buildings). This result is consistent with budget forecasts.
<i>Population density per length of road</i> [Municipal population / Kilometres of local roads]	198	200	Manningham has approximately 600 km of roads.
<b>Disadvantage</b> <i>Relative socio-economic disadvantage</i> [Index of Relative Socio-economic Disadvantage by decile]	.10	.10	No material variation.

**Service Performance Indicators**

For the year ended 30 June 2016

<b>Service/indicator/measure</b>	<b>Results 2015</b>	<b>Results 2016</b>	<b>Material Variations</b>
<b>Aquatic Facilities Utilisation</b> <i>Utilisation of aquatic facilities</i> AF6 [Number of visits to aquatic facilities / Municipal population]	3.91	2.93	A significant redevelopment of the municipal aquatic facilities impacted visitor door counters over 2015/16. The new facilities will be open in July 2016.
<b>Animal Management Health and safety</b> <i>Animal management prosecutions</i> AM4 [Number of successful animal management prosecutions]	24.00	15.00	Council's approach to animal management is outlined in the Council's 2013-2017 Domestic Animal Plan to protect the community. Prosecutions occur when animal or animal owner behaviour is inconsistent with this approach and attempts at mediation have not been successful. 2015/16 saw less reported incidents that required court action, which could indicate an increased effectiveness in the animal management service.
<b>Food Safety Health and safety</b> <i>Critical and major non-compliance outcome notifications</i> FS4 [Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance outcome notifications and major non-compliance notifications about a food premises] x100	92.00%	98.33%	Council is vigilant in ensuring all food premises are followed up after a major or critical non-conformance is detected to protect the residents and visitors to the municipality from unsafe food. The remaining 1.7 per cent are in the process of being followed up but were incomplete as at 30 June 2016.
<b>Governance Satisfaction</b> <i>Satisfaction with council decisions</i> G5 [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	60	57	An independent research company conducts the community satisfaction survey annually on behalf of State Government. Performance on the condition of local sealed roads (64) was lower than the previous years result, but 10 points ahead of the State-wide average

	<b>Results 2015</b>	<b>Results 2016</b>	<b>Material Variations</b>
<p><b>Home and Community Care (HACC)</b> <b>Participation</b> <i>Participation in HACC service</i> [Number of people that received a HACC service / Municipal target population for HACC services] x100</p> <p>HC6 23.00% 24.04%</p> <p><b>Participation</b> <i>Participation in HACC service by CALD people</i> [Number of CALD people who receive a HACC service / Municipal target population in relation to CALD people for HACC services] x100</p> <p>HC7 19.00% 18.08%</p>			<p>This calculation includes data relating to the provision of domestic assistance, personal care and respite care services. Where a client receives a combination of services they are only counted once.</p> <p>This calculation includes data relating to the provision of domestic assistance, personal care and respite care services. Where a client receives a combination of services they are only counted once.</p>
<p><b>Libraries</b> <b>Participation</b> <i>Active library members</i> [Number of active library members / Municipal population] x100</p> <p>LB4 16.00% 16.23%</p>			<p>The number of borrowers and borrowings increased slightly in 2015/16. This year the definition of "active member" expanded to include not only members who have borrowed a physical collection item, but also eBooks.</p>
<p><b>Maternal and Child Health (MCH)</b> <b>Participation</b> <i>Participation in the MCH service</i> [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100</p> <p>MC4 99.00% n/a</p> <p><b>Participation</b> <i>Participation in the MCH service by Aboriginal children</i> [Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100</p> <p>MC5 92.00% n/a</p>			<p>This information is hosted on the Childhood Development Information System (CDIS) managed by the Department of Education. Accurate data was not available at the time of the reporting deadline.</p>



	<b>Service/indicator/measure</b>	<b>Results 2015</b>	<b>Results 2016</b>	<b>Material Variations</b>
R5	<p><b>Roads</b></p> <p><b>Satisfaction</b> <i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]</p>	68	64	An independent research company conducts the community satisfaction survey annually on behalf of State Government. Performance on the condition of local sealed roads (64) was lower than the 2014 result, but 10 points ahead of the State-wide average
SP4	<p><b>Statutory Planning</b> <b>Decision making</b> <i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100</p>	44.00%	72.73%	Manningham is dedicated to consulting with its community to achieve acceptable outcomes in planning. 2015/16 realised 22 applications determined by VCAT and 6 decisions were overturned. This result also reflects a sound process of decision making consistent with State and Local Planning Policy.
WC5	<p><b>Waste Collection</b> <b>Waste diversion</b> <i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100</p>	54.00%	53.10%	The decrease in diversion is due to the decreasing reliance on printed material (i.e. less junk mail and more online advertising). Products being recycled are lighter in weight but same in volume (such as plastic bottles)

**Financial Performance Indicators**  
For the year ended 30 June 2016

Dimension/indicator /measure	Results		Forecasts				Material Variations
	2015	2016	2017	2018	2019	2020	
<b>Operating position</b>							
<b>Adjusted underlying result</b>							
<i>Adjusted underlying surplus (or deficit)</i>	7.0%	9.7%	5.3%	9.7%	10.6%	11.8%	Council is forecasting long-term positive operating surpluses. Underlying surpluses underpin capital investment in infrastructure and community facilities.
[Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x100							
<b>Liquidity</b>							
<b>Working capital</b>							
<i>Current assets compared to current liabilities</i>	206.1%	217.0%	170.6%	172.6%	155.3%	161.3%	The working capital ratio for 2016 is higher than the forecast years due to higher cash holdings at the end of the year. This primarily relates to higher developer contributions, capital works funded in 2015/16 which will be completed in 2016/17 and grants received in advance. In each of the forecast years Council retains a strong working capital ratio.
[Current assets / Current liabilities] x100							

Dimension/indicator /measure	Results		Forecasts				Material Variations
	2015	2016	2017	2018	2019	2020	
<b>Unrestricted cash</b> <i>Unrestricted cash compared to current liabilities</i> [Unrestricted cash / Current liabilities] x100	60.4%	77.0%	56.4%	51.9%	43.9%	47.5%	Refer above.
<b>Obligations</b> <b>Loans and borrowings</b> <i>Loans and borrowings compared to rates</i> [Interest bearing loans and borrowings / Rate revenue] x100	8.3%	7.8%	9.6%	9.0%	8.3%	4.3%	Council has a low level of borrowing relative to rates. The reduction in the ratio in 2020 relates to the repayment of \$3.6 million of loan funds.

Dimension/indicator /measure	Results		Forecasts				Material Variations
	2015	2016	2017	2018	2019	2020	
<i>Loans and borrowings repayments compared to rates</i> [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	0.3%	0.3%	0.7%	0.6%	0.6%	3.9%	Refer above.
<b>Indebtedness</b> <i>Non-current liabilities compared to own source revenue</i> [Non-current liabilities / Own source revenue] x100	8.0%	7.5%	8.7%	7.9%	4.4%	3.9%	Refer above.

Dimension/indicator / measure	Results		Forecasts				Material Variations
	2015	2016	2017	2018	2019	2020	
<b>Asset renewal</b> Asset renewal compared to depreciation [Asset renewal expenses / Asset depreciation] x100	71.3%	74.0%	122.3%	81.6%	86.8%	85.8%	The high asset renewal in 2017 relates to the planned replacement of Council's bin fleet as part of the renewed kerbside waste and recycling service.
<b>Stability</b> <b>Rates concentration</b> Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	76.5%	78.3%	77.9%	77.3%	78.6%	78.9%	The result is consistent throughout the forecast period and reflects Manningham's heavy reliance on rates to fund services and community assets.
<b>Rates effort</b> Rates compared to property values [Rate revenue / Capital Improved value of rateable properties in the municipality ] x100	0.2%	0.3%	0.2%	0.2%	0.2%	0.2%	No material change.

Dimension/indicator /measure	Results		Forecasts				Material Variations
	2015	2016	2017	2018	2019	2020	
<b>Efficiency</b> <b>Expenditure level</b> Expenses per property assessment [Total expenses / Number of property assessments]	\$2,262	\$2,278	\$2,334	\$2,309	\$2,300	\$2,334	This result is at the lower end of the permissible range and reflects on Council's intended aim to limit the growth of expenditure.
<b>Revenue level</b> Average residential rate per residential property assessment [Residential rate revenue / Number of residential property assessments]	\$1,832	\$1,881	\$1,870	\$1,924	\$1,966	\$2,033	Council has a high reliance on rate revenue from residential properties with 95% of all properties in the municipality being residential. The outcome for 2016 is within budget forecasts, and the longer term trend reflects the introduction of rate capping.
<b>Workforce turnover</b> Resignations and terminations compared to average staff [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x100	8.3%	8.7%	8.5%	8.5%	8.5%	8.5%	The result is within the expected range.

**Other Information**

For the year ended 30 June 2016

**Basis of preparation**

Council is required to prepare and include a performance statement within its Annual Report. The performance statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 1989* and Local Government (Planning and Reporting) Regulations 2014.

Where applicable the results in the performance statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The performance statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by the council's Strategic Resource Plan.

Council adopted a set of materiality thresholds on the 28 June 2016.

The forecast figures included in the performance statement are those adopted by council in its Strategic Resource Plan on 28 June 2016 and which forms part of the Council Plan. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The Strategic Resource Plan can be obtained by contacting council.

**Certification of the performance statement**

In my opinion, the accompanying performance statement has been prepared in accordance with the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

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Kevin Ayre, CPA  
**Principal Accounting Officer**  
**Dated:** *(Date)*

In our opinion, the accompanying performance statement of the Manningham City Council for the year ended 30 June 2016 presents fairly the results of council's performance in accordance with the *Local Government Act 1989* and the Local Government (Planning and Reporting) Regulations 2014.

The performance statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the performance statement to be misleading or inaccurate.

We have been authorised by the council and by the Local Government (Planning and Reporting) Regulations 2014 to certify this performance statement in its final form.

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*{ Councillor 1 Name }*  
**Councillor**  
**Dated:** *(Date)*

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*{ Councillor 2 Name }*  
**Councillor**  
**Dated:** *(Date)*

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*{ Chief Executive Officer Name }*  
**Chief Executive Officer**  
**Dated:** *(Date)*



### 13.3 Financial Status Report - June 2016

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### **SUMMARY**

*This Financial Status Report for the year ending 30 June 2016 reports variances to the end of year forecasts (as expressed in preparing the 2016/17 Annual Budget).*

*Council finished 2015/16 with a strong financial performance that gives it a secure base to commence the 2016/17 Annual Budget. Key financial results were:*

- *Operating surplus of \$24.66 million, an improvement of \$5.30 million*
- *Underlying surplus of \$32.09 million, an improvement of \$2.91 million*
- *Total cash and investments \$62.97 million, an improvement of \$10.99 million*
- *Unrestricted cash \$26.16 million, an improvement of \$7.38 million*

*The underlying surplus excludes non cash revenues and expenses, capital income, sale of assets and transfer to reserves.*

*In addition to this report, the 2015/16 audited Financial Report details financial performance to the Adopted 2015/16 Budget targets and compares 2014/15 and 2015/16 actual results. The Financial Report will be tabled at the Audit Committee on 26 August and Council on 30 August.*

*The 2015/16 Annual Report includes the Financial Report, Performance Statement and the Report of Operations incorporating the Local Government Performance and Reporting Framework (LGPRF) performance indicators.*

#### **1 BACKGROUND**

- 1.1 The attached Financial Status Report for the year ending 30 June 2016 reflects a positive performance against the end of year forecasts.
- 1.2 Reporting on the performance of the Capital Works Program, Customer Feedback System, Council Plan Initiatives, Local Government Performance and Reporting Framework and Councillor expenditure is provided through alternate reporting mechanisms.

#### **2 PROPOSAL/ISSUE**

- 2.1 It is proposed that the attached Financial Status Report for the year ending 30 June 2016 be noted.

**3 CONCLUSION**

- 3.1 Council performed better than the 2015/16 end of year financial forecasts and this result provides a sound base for the 2016/17 Annual Budget.

**OFFICER'S RECOMMENDATION**

**That the attached Financial Status Report detailing the financial performance of Council to year ending 30 June 2016 be noted.**

**MOVED: O'BRIEN  
SECONDED: GRIVOKOSTOPOULOS**

**That the Recommendation be adopted.**

**CARRIED**

\* \* \* \* \*

"Refer Attachments"



# **Financial Status Report**

## **June 2016**

## FINANCIAL STATUS REPORT - JUNE 2016

### Overview

This Financial Status Report covers the period ending 30 June 2016. Variances are reported against the end of year forecasts endorsed by Council on 28 June 2016.

The report is subject to an external audit process and final results will be presented to Council through the statutory year end reporting process as part of the 2015/16 Annual Report which includes the Annual Financial Statements, Performance Statement and Report of Operations.

### Operating Surplus

	Year to 30 June 2016			
	EOY Forecast \$'000	Actual \$'000	Variance \$'000	Variance %
Total Revenues	128,333	131,659	3,326	F 2.6%
Total Expenses	108,965	106,995	1,970	F 1.8%
Operating surplus	19,368	24,664	5,296	F 27.3%
<i>Adjustment for underlying surplus:</i>				
Capital revenues & non cash expenses	9,810	7,424	(2,386)	UF (24.3%)
Underlying surplus <sup>^</sup>	29,178	32,088	2,910	F 10.0%

### Commentary

Council's financial position reflects an overall \$5.3 million positive performance against the year end forecast. The key revenue and expenses include:

#### Revenue \$3.33 million favourable

\* \$1,107,000 in unbudgeted developer contributions income

\* capital grants and contributions of \$1,825,000, being a combination of income received in advance and unbudgeted grants

\* user fees and charges \$356,000

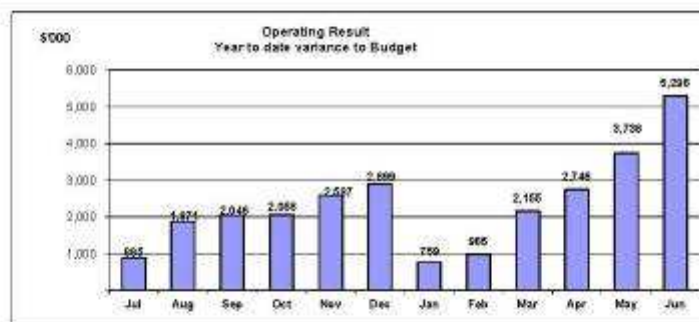
#### Expenses \$1.97 million favourable

\* utility costs \$592,000 - including one off adjustment to a land rental liability associated with State Government land at the Manningham Centre, and favourable street electricity costs.

\* materials and contracts \$572,000.

\* employee costs \$407,000, other office expenses \$273,000 and depreciation \$126,000.

<sup>^</sup> The underlying surplus is a measure of the actual surplus realised by the Council excluding capital grants and contributions, sale of assets, developer contributions and other non cash revenues and expenses like depreciation and amortisation. Council uses the underlying surplus, in addition to external grants, to fund the capital program.



The June year to date variance is reported against the End Of Year forecast, as developed through the 2016/17 budget.

### Other key indicators

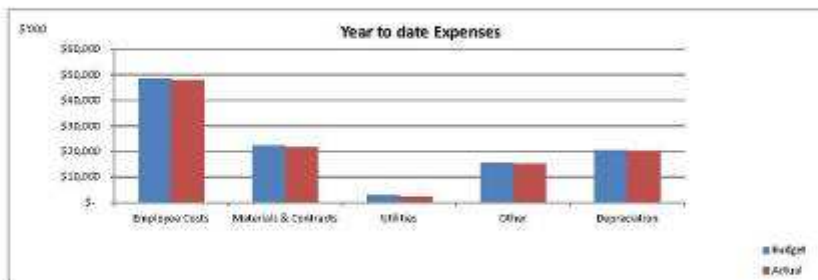
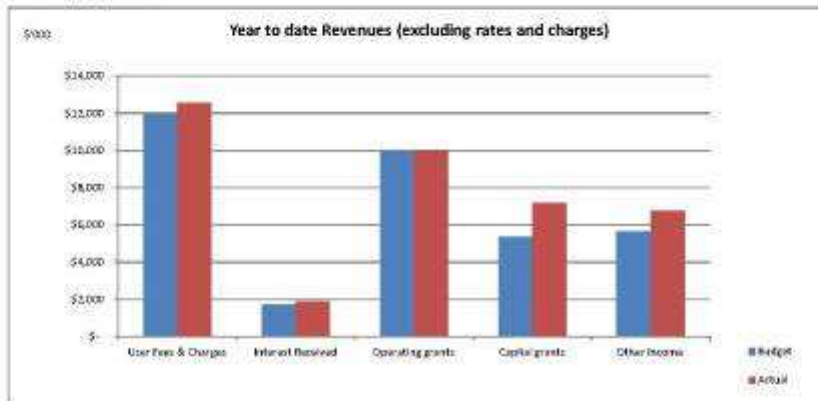
Cash and investment balance	\$62.97 million, favourable variance of \$10.99 million
Unrestricted cash	\$26.16 million, favourable variance of \$7.36 million
Rates and charges debtors	\$3.85 million (97.25% of the \$39.41 m raised in 2015/16 have been collected)

The increase in unrestricted cash from a year end forecasts of \$18.78 million to an actual of \$26.16 million is chiefly due to the increased underlying surplus of \$2.91 million and a \$3.05 million higher creditor balance than forecasts.

FINANCIAL STATUS REPORT - JUNE 2016

**Income and Expenditure**

This section details the year to date results against each major revenue and expenditure groupings. Explanations of key variances have been provided where the line item has a variance of greater than 10 per cent reporting threshold or where further explanation is deemed appropriate.



Reason for year-to-date variances	
1	<p><b>Statutory Charges, Fees &amp; Fines \$272,000 Favourable</b></p> <p>During the year, Council raised \$2.00 million in statutory charges, \$0.27 million favourable to forecasts. The increase was mainly due to strong demand for statutory building services and higher traffic compliance income as a result of improved technology to identify and monitor traffic behaviour.</p>
2	<p><b>Interest Received \$179,000 Favourable</b></p> <p>Interest on investments was greater than forecasts due to increased cash holdings resulting mainly from higher than expected developer contributions (\$1.11 million), capital works funded in 2015/16 to be completed in 2016/17 (\$1.36 million) and grants received in advance for 2016/17 works and services.</p> <p>Also interest on unpaid rates was \$351,000, \$105,000 above forecasts.</p>
3	<p><b>Capital Grants &amp; Contributions \$1,825,000 Favourable</b></p> <p>Unbudgeted capital contributions have been received for following projects:</p> <ul style="list-style-type: none"> <li>* Mullum Mullum Highball Facility in advance 2016/17 \$452,000</li> <li>* Sheehans Road Highball Facility in advance 2016/17 \$600,000</li> <li>* Arterial Road Pavements \$450,000</li> <li>* Bolin Bolin Billabong Footpath \$400,000</li> </ul> <p>Unbudgeted revenue has been included in the capital works program. These new capital grants will be used for capital works in the 2016/17 financial year.</p>
4	<p><b>Other Income \$1,068,000 Favourable</b></p> <p>Cash developer contributions in lieu of public open space was \$1.11 million greater than forecasts. These funds are placed into a cash backed reserve to be used for recreation and open space improvements for the community.</p>

**FINANCIAL STATUS REPORT - JUNE 2016**

Reason for year-to-date variances	
5	Utilities \$592,000 Favourable
	Mainly relating to one off lease adjustment to land leased by Council from the State Government resulted in favourable variance to the end of year forecasts. In addition, street lighting expenses were lower than forecasts due to a price variation approved by the Australian Energy Regulators during the year.

**Conclusion**

The June 2016 financial results indicate that Council has performed better than the end of year forecasts endorsed by Council on 28 June 2016. The final results for 2015/16 will be reported to Council through the statutory year end reporting process as part of the 2015/16 Annual Report which includes the Annual Financial Statements, Performance Statement and Report of Operations.

## 13.4 Citizen Connect

Responsible Director: Director Shared Services

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Director, Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

Manningham Council has increased its focus on delivering services that meet our citizens' needs, expectations and preferences.

While the organisation has a reasonable customer service culture and focus, a number of IT transformational projects have already commenced to uplift our service, business processes and to make the organisation more contemporary. However, the challenge we face is continuing the momentum by adequately supporting the delivery and maintenance of this program of works while also broadening our capability to better connect with our citizens.

A 2015/16 Council Plan Annual Initiative set the wheels in motion to undertake a review and identify the future customer service roadmap and strategy.

*To bring to life Manningham's vision, a number of strategies need to be adopted. Our current decentralised approach to customer service needs to be replaced with a centralised service model. This model needs to be supported by the implementation of a contact centre, a Knowledge Base System and an enterprise Customer Relationship Management (CRM) to better manage and support our interactions with our citizens.*

The review identified that our existing de-centralised service model (switchboard and satellite service unit based customer contact centres) has limitations for improvement; particularly in terms of service efficiencies, meaningful data capture, performance and customer satisfaction measurement.

Underpinning these issues, without a CRM we are currently unable to offer our customers a range of self-service options, access to end to end on-line transactions, and limited ability to improve our enterprise architecture. This significantly impedes efficiency improvements.

## 1 BACKGROUND

### De-Centralised Customer Contact Centre

- 1.1 Our current de-centralised service model operates with a switchboard with transfers to eight small service unit based customer contact centres.
- 1.2 This mode of operation results in:
  - Inconsistent customer management practices
  - Multiple transfers for customer transactions

- High call abandonment rate
- The inability to capture consistent data
- Difficulty in measuring customer satisfaction and performance measuring
- Difficulty in introducing multi-channel access
- Specialists and senior staff spending time on issues front line should handle
- A lack of documented processes and procedures
- No central Knowledge Base for staff
- No holistic view of the organisation, its systems, processes and methods, and their interaction.

## 2 PROPOSAL/ISSUE

### (1) Citizen Connect: Transformation to a Centralised Contact Centre

- 2.1 The transformation to a Centralised Citizen Connect Centre would result in the customer being able to access services by calling one number and in most instances receiving first call resolution.
- 2.2 Benefits of a Centralised Citizen Connect Centre include:
- Single point of contact for multiple services, first call resolution
  - Increased accountability for service delivery and performance monitoring
  - By introducing service standards, skills and protocols, we will improve the quality and consistency of the customer experience
  - Increase the speed with which we answer calls & decrease our call abandonment rate
  - Increase in self-service transactions
  - The ability to capture accessible customer data, improve reporting capabilities and the customer experience
  - Positive change in corporate culture
  - The development of a Knowledge Base - providing greater efficiencies as staff will have readily accessible, standardised information, processes and customer solutions available in a single source of truth, ensuring greater consistency and quality in the service provided.

### (2) Citizen Connect: Implementing a Customer Relationship Management (CRM) Solution

- 2.3 Our staff are currently running legacy systems that have not kept pace with the demands of our citizens. Many services and transactional processes remain manual and require duplicated data entry from system to system for our staff.
- 2.4 CRM is a term that refers to practices, strategies and technologies that organisations use to manage and analyse customer interactions and data throughout the customer lifecycle.
- 2.5 Benefits of a CRM system include:
- Giving us a complete view of our citizens and the many and various transactions and interactions they have with us



- Building a better picture of why customers contact us, creating valuable insights, understanding, and visibility
- Leveraging insights into improved customer experience, processes and products
- Linking our back-office systems to provide our citizens with a 'single view' of their interactions with Council
- Providing a centralised portal where citizens can easily submit and track service requests, submit an application, or pay an account from anywhere, at any time, and on any device – self service
- Providing citizens with easier access to information relevant to their immediate neighbourhood and to improve the methods by which they report local incidents.

**(3) Citizen Connect - Information Technology and I.T. Transformation: To continue developing our I.T. adequate resourcing and funding will be required.**

- 2.6 Though significant progress has been made to some of our IT systems, we still remain substantively behind our expectations, and Council needs. The breadth and depth of the transformation cannot be underestimated. This follows many years of under investment.
- 2.7 We also require an improved foundation to deliver and support the outcomes of the following additional projects to drive a more efficient and productive organisation:
- CRM (Customer Relationship Management) system
  - Citizen Connect On-line Payments
  - Telephony Upgrade
  - Online planning applications - viewing and lodgement
  - Vehicle detection system
  - Event Management System
  - Data cleansing and warehousing
  - Infringement Reforms
- 2.8 Benefits of additional resourcing in Information Technology and IT Transformation include:
- Creation and fulfillment of a detailed staged plan of how the ultimate vision for Citizen Connect can be achieved
  - Development of a detailed enterprise architecture to support how Council should be operating into the future, including its systems, processes and methods
  - Improvement in the ability of Information Technology to support both current and future systems, with 12 new applications and systems in progress or recently implemented
  - Enabling of more efficient project delivery, through additional internal delivery expertise providing knowledge retention as well as a lower operating cost.
- 2.9 There will need to be a certain degree of flexibility in resources required, both permanent staff and contractors, so that this can be scaled up or down

dependant on the requirements at any given time to ensure the successful implementation and sustainability of these projects.

### **3 CUSTOMER/COMMUNITY IMPACT**

- 3.1 Implementation of the listed projects will provide the community with a contemporary, efficient and effective interaction with Council and its services.

#### **OFFICER'S RECOMMENDATION**

**That Council's vision for a more contemporary, connected and citizen centric organisation through the implementation of the above mentioned systems, processes and resources, which are all critical to building a high-performing, customer-focused Manningham, be adopted.**

**MOVED: GRIVOKOSTOPOULOS  
SECONDED: KLEINERT**

**That the Recommendation be adopted.**

**CARRIED**

\* \* \* \* \*

**14. CHIEF EXECUTIVE OFFICER****14.1 Local Government Act Review Directions Paper - Submission**

Responsible Director: Executive Manager People & Governance

File No. T16/171

The ultimate destination for this report is: COUNCIL MEETING

Neither the responsible Executive Manager nor the Officer authoring this report has a conflict of interest in this matter.

**SUMMARY**

*The State Government intends to reform local government by reinvigorating democratic practices and helping councils serve their communities more effectively and efficiently. A Directions Paper has been released seeking comments on a number of proposed directions for a new Local Government Act. This Paper provides a blueprint for a contemporary Act that will be clear, consistent and responsive to the needs of Victorians and municipal councils.*

*Local Government Victoria are seeking submissions on the Directions Paper by 16 September.*

*A Draft Submission is being prepared with input from Councillors and is recommended for adoption and submission the Local Government Victoria by the due date.*

**1 BACKGROUND**

- 1.1 The review of the Local Government Act 1989 was a major election commitment of the Victorian Government as the Act is now outdated and flawed, and the local government sector has sought its reform for some time.
- 1.2 It is proposed that a new Act will provide a framework to revitalise participatory local democracy and reflect the diversity of contemporary Victorian community values and ideas in the vital decisions councils make. The Act's renewal will enable councils to adopt modern business practices and engage in stronger partnerships to deliver real public value in the interests of all Victorians.
- 1.3 Consultation was carried by Local Government Victoria in 2015 and Council made an initial submission in December 2015.
- 1.4 A Directions Paper containing proposed directions for the new Act has been released and submissions are sought by 16 September.
- 1.5 It is intended that following the lodgement of submissions, Local Government Victoria will analysis the comments made and give the State Government reform options to consider with the aim of again consulting with local government on a draft Bill in the last quarter of next year. It intends to have the new Act adopted in 2018.

- 1.6 The Directions Paper is divided into ten Headline Direction groupings. These are:-
- Mayors – Greater powers and longer terms
  - Consistent representative structures
  - Democratic voting rules supporting high participation
  - Council plans driven by participatory democracy
  - Integrated planning
  - Stronger Ministerial powers to resolve dysfunction
  - Transparency in CEO remuneration policy
  - Autonomous councils with independent decision making
  - Financially sustainable councils – innovative and collaborative
  - Consistency in rating – CIV to be the valuation methodology
- 1.7 Councillor's have provided feedback on various proposed Directions to assist in the formation of the attached draft submission.

**RECOMMENDATION**

**That Council adopt the draft submission as presented and forward it to Local Government Victoria by Friday 16 September, 2016.**

**MOVED: O'BRIEN  
SECONDED: GRIVOKOSTOPOULOS**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"  
Attachment 1 – Draft Submission

\* \* \* \* \*

**MANNINGHAM CITY COUNCIL****ATTACHMENT 1****Directions for a new Local Government Act****Draft Submission for Council 30 August 2016****Chapter 1: Introduction**

No Directions

**Chapter 2: Contemporary councils capable of meeting future challenges****Direction 1 proposes to:**

Require councils to take the following principles into account when performing their functions and exercising their powers:

- the need for transparency and accountability
- the need for deliberative community engagement processes
- the principles of sound financial management
- the economic, social and environmental sustainability of the municipality
- the potential to cooperate with other councils, tiers of government and organisations
- plans and policies about the municipality, region, state and nation
- the need for innovation and continuous improvement
- any other requirements under the Act or other state or federal legislation.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

The inclusion of good governance principles into the Act is supported provided they do not get too prescriptive and allow for flexibility to permit individual municipalities to adapt to suit local needs and circumstances.

**MANNINGHAM CITY COUNCIL****Direction 2 proposes to:**

Provide that the role of a council is to:

- plan for and ensure the delivery of services, infrastructure and amenity for its municipality, informed by deliberative community engagement
- collaborate with other councils, tiers of government and organisations
- act as an advocate for its local community
- perform functions required under the Act and any other legislation.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

This Direction is supported provided it is the elected councillors who have the final decision making authority following engagement with the local community.

**Direction 4 proposes to:**

Make the following reforms to the election of mayors:

- Elect all mayors for two-year terms
- Retain election of the mayor by their fellow councillors for most councils
- Provide the minister with power to approve the direct election of mayors for councils where:
  - the size of the council is sufficient to support the additional costs of direct election
  - the significance of the council in its own terms or in terms of the region in which it is situated supports a directly elected mayor
  - community consultation provides evidence of strong support for a directly elected mayor, recognising the additional costs to the community.
- Should the minister approve direct election of a mayor for a municipality, the City of Melbourne model will apply. This is that the mayor and deputy mayor are jointly elected by voters and councillors are elected at large to represent the entire municipality.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council believes that the current power in the Act for a council to elect a Mayor for a period of two years should remain at the discretion of the council and not be mandatory. The ability of a councillor to perform the role of the Mayor is never really known in advance of the person performing the role. Therefore, it is important to retain the term of office unencumbered by a two year term and allow a council to reappoint on merit. The imposition of a two year term may also inadvertently deny a good qualified councillor from taking on the demanding role of Mayor for such a long period of time due to family or work commitments. Council supports the election of the Mayor by his or her peers.

**MANNINGHAM CITY COUNCIL****Direction 5 proposes to:**

Expand the role of the mayor to include the following powers and responsibilities:

- to lead engagement with the community on the development, and the reporting to the community at least annually about the implementation, of the council plan
- to require the CEO to report to the council about the implementation of council decisions
- to appoint chairs of council committees and appoint councillors to external committees that seek council representation
- to support councillors—and promote their good behaviour—to understand the separation of responsibilities between the elected and administrative arms of the council
- to remove a councillor from a meeting if the councillor disrupts the meeting
- to mutually set council meeting agendas with the CEO
- to be informed by the CEO before the CEO undertakes any significant organisational restructuring that affects the council plan
- to lead and report to council on oversight of the CEO's performance
- to be a spokesperson for the council and represent it in conduct of public civic duties.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council does not fully support this Direction.

It agrees that the Mayor is the spokesperson for the council and represent it in the conduct of public civic duties as well as to support councillors in the performance of their duties and the promotion of the separation of responsibilities between elected councillors and the administrative arms of council under the control of the Chief Executive Officer.

Council does not agree that the Mayor should appoint the chairs of council committees and external committees as this may potentially result in a Mayor 'playing favourites'. Similarly, Council views the performance of the CEO as being a 'whole of Council' responsibility.

Council does not see the need for the Mayor, at a special meeting of council, to report on the Annual Report. This could more simply and less time consuming be undertaken each year at the last meeting of the term of council which corresponds in most years the with meeting to elect a Mayor.

Council disagrees that the Mayor should have a significant role in the setting of meeting agendas as this blurs the separation of responsibilities between Mayor and CEO.

**MANNINGHAM CITY COUNCIL****Direction 8 proposes to:**

Require all councils to appoint a deputy mayor elected in a manner consistent with the mayor. That is:

- where councillors elect their mayor, councillors elect the deputy mayor for the same two-year period
- where the mayor is directly elected, a deputy mayor is jointly elected with the mayor on the same ticket.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

This Direction is not supported as Council does not agree that a two year term of office should be mandatory for the Mayor and therefore does not agree for the same to apply to a Deputy Mayor. Council is of the view that the new Act should allow for the automatic replacement of the Mayor by the Deputy when the Mayor is absent from a meeting instead of having to appoint by vote a councillor to be the temporary chairperson.

**Direction 10 proposes to:**

Require councillors to actively participate in engagement processes mandated by the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council agrees with a strengthening of engagement processes but does not believe that they should be mandated in the new Act as council need to be able to tailor their engagement activities to suit their individual communities and resources. Council also believes that all councillors should engage with their local communities and it not be left for the Mayor alone to lead the way.

**Direction 11 proposes to:**

Require councillors to recognise and support the role of the mayor specified in the Act.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council supports the proposal for the Mayor to have a higher level of authority than previously existed, in order to support, promote and provide leadership amongst councillors. Council endorses the new provisions introduced by the Local Government (Improved Governance) Act in respect to the role of Mayor, Councillors and the CEO.



## MANNINGHAM CITY COUNCIL

### Direction 12 proposes to:

Provide that councillors are entitled to all relevant entitlements consistent with other significant public offices (such as for disability support, maternity leave and childcare).

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council is of the view that councillors are not employees of a council and as such, are not entitled to the same entitlements which are applicable to State Government public offices. If extended leave periods are granted as entitlements, Council is concerned about the loss of local community representation over a long period of time, the burden placed on other councillors and believe that the councillor allowance should not apply for such leave. Council believes that this Direction needs further clarification.

### Direction 13 proposes to:

Require the CEO to provide support to the mayor by:

- consulting the mayor when setting council agendas
- keeping the mayor informed about progress implementing significant council decisions, including reporting on implementation when asked to do so
- providing information the mayor requires to meet the responsibilities of the role
- informing the mayor before making significant organisation changes that that affect the council plan
- supporting the mayor in their leadership role (such as by ensuring adequate council resources and access to staff for the proper conduct of council meetings and for civic engagements).

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council believes strongly in the clear separation of responsibilities between a council, councillors and the CEO. The manner by which the Mayor is consulted when setting council meeting agendas should be structured in a way that the final determination as to what is published on agendas stays with the CEO. The involvement of the Mayor in setting agendas, organisational changes, etc involves the Mayor in administrative matters and can lead to the blurring of responsibilities between the Mayor and CEO.

### Direction 14 proposes to:

Require all councils to have a CEO remuneration policy that broadly aligns with the Remuneration Principles of the Victorian Public Sector Commission's *Policy on Executive Remuneration for Public Entities in the Broader Public Sector*.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council supports this Direction in principle, but further clarification is needed if included in the new Act.

**MANNINGHAM CITY COUNCIL****Direction 15 proposes to:**

Require the audit and risk committee to monitor and report on a council's performance against the remuneration policy.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council is of the firm view that this is a matter for Council itself and not one for the Audit and Risk Committee to be involved in, as it is the Council which employs the Chief Executive Officer.

**Direction 16 proposes to:**

Require the mayor to get independent advice in overseeing CEO recruitment, contractual arrangements and performance monitoring.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

While it is customary for many Councils to engage external consultancies to assist with CEO recruitment, contractual arrangements and/or performance monitoring, Council does not consider this should be enshrined in legislation. Rather it is up to each Council to determine the best method for undertaken each.

Whilst the Mayor can often plays a coordination role in all of these matters, Council considers that they are 'whole of Council' responsibilities.

**Chapter 3: Democratic and representative councils****Direction 34 proposes to:**

Extend the band (currently 5–12) for the number of councillors per council to 5–15 and provide the minister with the power to increase the number of councillors per council within this band after receiving advice of the VEC.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council supports the increase in the range of councillors to 5 – 15, but does not support the Minister having the power to appoint additional councillors to a municipality. Council is of the view that any consideration of an increase in council numbers should have both the council and local community support and not be mandated by the State Government.

## MANNINGHAM CITY COUNCIL

### Direction 35 proposes to:

Include in Regulations a formula for determining councillor numbers and require that the VEC consistently apply it. Base the formula on the ratio of councillors to residents, mediated by the geographic scale of the local government area, loading councillor numbers by one, two or three for geographically vast local government areas.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

It is agreed that a formula be determined to set the number of councillors a municipality needs. This ensures a politically neutral stance to councillor numbers and quickens the time to elect new councillors if needed over the representation reviews.

### Direction 36 proposes to:

Allow for one of two representative structures—unsubdivided or entirely uniform multi-member wards—to be applied in each municipality. (Option 1) or

Allow for one of three representative structures—unsubdivided, entirely uniform multi-member wards or entirely single-member wards—to be applied in each municipality. (Option 2)

Initially this would require the VEC to conduct representation reviews to arrive at new council structures for the first council elections after the Act is enacted.

Do you support option 1?  Yes  No

Do you support option 2?  Yes  No

What other comments would you make for this proposal?

Council prefers Option 2 as it offers the best range of representation models and retains the option of having single-member wards if the voter ratio of 10% variation can be adequately provided for. This currently exists successfully in several large populated metropolitan councils.

Council is of the view that multi-member wards set up a model of contestation between Councillors at the onset, which may result in disunity throughout a Council term

### Direction 37 proposes to:

Subject to fixing councillor numbers by formula and reducing the range of representative structures, conduct future electoral representation reviews by exception when the minister directs the VEC to conduct a review on the basis of:

- evidence of a marked increase in population in a municipality
- a request to the minister from a council or members of the community supported by evidence of the need for a review
- in response to a recommendation from the VEC
- on any grounds determined by the minister published in the government gazette.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council agrees with this approach provided it commences after the conduct of any representation review after the new Act is introduced.

## MANNINGHAM CITY COUNCIL

### Direction 38 proposes to:

Introduce partial preferential voting, consistent with Victorian Legislative Council elections, for multi-member wards and unsubdivided elections, such that the voter is only required to mark the ballot paper with the number of consecutive preferences for which there are vacancies to be filled.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

The introduction of partial (optional) preferential voting for only multi-member wards or unsubdivided municipalities as applied to the Victorian Legislative Council has a benefit over full (exhaustive) preferential voting in cutting the informal rate, and in not forcing voters to express preferences they do not have.  
Council prefers the full preferential voting method if single member wards exist within a municipality.

### Direction 39 proposes to:

Implement a countback method to fill casual vacancies between general elections by which all valid votes cast at the general election would be counted, not just those of the vacating councillor (excluding the votes that made up the quotas of the continuing councillors).

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

The proposed voting change is fully supported by Council.

### Direction 41 proposes to:

Make the entitlement to vote in a council election to be on the register of electors for the Victorian Legislative Assembly (the state roll) for an address in their municipality. Grandfather the voting entitlement of existing property-franchise voters in that municipality. Institute compulsory voting for all enrolled voters. (Option 1) or

Maintain the existing franchise but cease automatic enrolment of property owners and require these voters to apply to enrol for future council elections if they choose to do so. Institute compulsory voting for all enrolled voters. (Option 2)

Do you support option 1?  Yes  No

Do you support option 2?  Yes  No

What other comments would you make for this proposal?

Council supports retaining the current provisions that permit non-resident property owners or ratepayers occupying a property within the municipality. These property owners and businesses (rate paying lessees) are a very important part of any Local Government's community and both make a significant contribution to the built form and economy of the municipality. Council believes that any person paying rates to the municipality whether they live within its borders or not or is an Australian citizen or not has a right to one vote within that municipality.  
Council agrees with full compulsory voting being implemented in line with State and Federal Government elections.

## MANNINGHAM CITY COUNCIL

### Direction 42 proposes to:

Require the VEC to revise the candidate's nomination form to require candidates to explicitly state that no disqualification conditions apply to them.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council fully supports this direction to place the responsibility on to the candidate wanting to be elected to council.

### Direction 43 proposes to:

Require a council CEO to complete a police check and a check of the Australian Securities & Investments Commission (ASIC) register of persons disqualified under the *Corporations Act 2001* for elected candidates within three months after the general election. **(Option 1)** or

Require each candidate to submit a completed ASIC and police check when nominating. **(Option 2)**

Do you support option 1?  Yes  No

Do you support option 2?  Yes  No

What other comments would you make for this proposal?

Council considers that it should be the responsibility of individual candidates to provide the certification and not the CEO. This will assist in ensuring only persons seriously seeking election will nominate and will avoid the disruption caused by a countback if a police check is not provided within three months after an election.

### Direction 44 proposes to:

Require adoption of a uniform voting method for council elections as determined by the minister after receiving advice from the VEC. Have the minister publish the method to be used in the government gazette 12 months before the general elections.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Manningham City Council has used postal voting for all elections and has achieved higher participation rates than most councils using attendance voting. Council is of the view that individual municipalities should determine the method of voting as circumstances may vary from one municipality to another with differing communities of interest and resources.

### Direction 47 proposes to:

Require a council to conduct a deliberative community engagement process to prepare its council plan and to demonstrate how the plan reflects the outcomes of the community engagement process.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Whilst Council is supportive of community engagement processes the term 'deliberative' is not properly defined. Council is of the view that as elected representatives, it maintains final decision making responsibility.

## MANNINGHAM CITY COUNCIL

### Chapter 6: Ministerial oversight of councils

#### Direction 69 proposes to:

Empower the minister to recommend that a councillor be suspended by an order in council where the councillor is contributing to or causing serious governance failures at a council. This power to only be exercisable in exceptional circumstances in that:

- the councillor has caused or substantially contributed to a breach of the Act or Regulations by the council or to a failure by the council to deliver good government and
- a council (by resolution), a municipal monitor, the CMI, the Ombudsman or the Independent Broad-based Anti-corruption Commission have recommended that the minister suspend the councillor on these grounds and
- the council, the municipal monitor, the CMI, the Ombudsman or the Independent Broad-based Anti-corruption Commission have satisfied the minister that the councillor has been provided with detailed reasons for the recommendation and was given an opportunity to respond to their recommendation and
- the minister is satisfied that if the councillor is not suspended that there is an unreasonable risk that the council will continue to breach the Act or continue to be unable to provide good government for its constituents.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council supports this Direction for increasing Ministerial powers provided it is underpinned with protocols that clearly outline the roles and responsibilities of the Minister when exercising this power to ensure fair and due process.

#### Direction 70 proposes to:

Retain the provisions in the Act about the suspension and dismissal of a council in their current form; including the provisions allowing appointment of administrators.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council supports this Direction for increasing Ministerial powers.

#### Direction 74 proposes to:

Bring all provisions (and all other elements) of the Fair Go Rates System into the new Act consistent with the legislative hierarchy in Chapter 10.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council does not support this Direction, as the Directions Paper in one area calls for long term financial planning, but simultaneously seeks to enshrine a system whereby Councils do not know the quantum of their rates income from year to year.

MANNINGHAM CITY COUNCIL

Chapter 10: A rational legislative hierarchy

Direction 145 proposes to:

Require councils to take the following principles into account when performing their functions and exercising their powers:

- the need for transparency and accountability
- the need for deliberative community engagement
- the principles of sound financial management
- the economic, social and environmental sustainability of the municipality
- the potential for cooperation with other councils, tiers of government or other organisations
- plans and policies in relation to the municipality, region, state and nation

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

The inclusion of good governance principles into the Act is supported provided they do not get too prescriptive and allows for flexibility to permit individual municipalities to adapt to suit local needs and circumstances.

Direction 146 proposes to:

Retain the current power of the minister to intervene where a council does not comply with the obligations set out in the Act or regulations by imposing a municipal monitor or by issuing a ministerial governance direction.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council supports this Direction for increasing Ministerial powers. See comments re: Direction 69.

Direction 157 proposes to:

Consider matters relating to the *Municipal Associations Act 1907* independently of this directions paper in consultation with the Municipal Association of Victoria.

Do you support this direction?  Yes  No

What other comments would you make for this proposal?

Council supports this Direction.

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## 14.2 Council Meeting Schedule for September to November 2016

Responsible Director: Executive Manager People & Governance

File No. T16/173

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Executive Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*Due to the holding of Council's general elections in October, the operation of the Election Period from 21 September to 22 October and the extended period after the elections for the declaration of the result of the elections, it is necessary to hold two special meetings of Council to conduct normal business and change a meeting date to better assist in the conduct of Council business.*

### 1 BACKGROUND

- 1.1 The Council Meeting Schedule for the 2015-2016 Municipal Year was adopted by Council on 24 November 2016. This schedule set the meeting dates for ordinary meetings of Council up to December 2016. It is proposed to amend this schedule for the remainder of the year due to the affect of the election period, the extended period for the declaration of the October elections and the need to better align the post election council meetings.
- 1.2 In addition to these changes, this report concerns the date for the Special Meeting required after the elections for the election of the Mayor, Deputy Mayor and other related matters. Under the Local Government Act 1989 it is the Chief Executive Officer pursuant to section 84A of the Local Government Act 1989 that can summon a special meeting of the Council for this purpose. This meeting needs to be called within 14 days after the day the returning officer for a general election publicly declares the result of the election. Given the recent changes to the Local Government (Electoral) Regulations 2016, the date of this meeting will be Tuesday 8 November, 2016.

### 2 PROPOSAL/ISSUE

- 2.1 It is proposed that Council resolve to call two special meetings of Council and change the date of the November ordinary meeting of Council.
- 2.2 The first special meeting of Council is to be on Tuesday 13 September at 7.00pm. This date is outside the election period and will be in lieu of an SBS meeting. This special meeting is required to approve 'in principle' the Annual report 2015/2016. The adoption of the Annual Report is a two part process with this meeting being the first part. The special meeting will also include statutory or routine matters needing to be determined in a timely manner such as Planning Permit applications, documents for sealing, etc.
- 2.3 The second special meeting is to be on Tuesday 4 October. This is inside the election period and conforms to the Council's Election Period policy. It is required to consider and adopt the Annual Report after it has been submitted



to the Minister. The Annual Report is an exempt document permitted to be dealt with in the election period. This meeting will be three weeks after the first Special Meeting and there may be additional minor routine matters to be considered as permitted by the Election Period Policy.

- 2.4 It is also proposed that the date of the Ordinary Meeting of Council scheduled for 29 November be changed to 15 November to bring it forward two weeks. This is considered necessary as it will be the first Council Meeting unencumbered by the Election Period being eleven weeks after the last Council Meeting on 30 August.
- 2.5 The Council Meeting previously approved for 13 December will remain as it will be four weeks after the proposed November Council Meeting.

### **3 POLICY/PRECEDENT IMPLICATIONS**

- 3.1 The proposed changes are in line with the Council policy on the Election Period.

### **4 COMMUNICATIONS STRATEGY**

- 4.1 The changed meeting dates will be shown on Council's website.

### **OFFICER'S RECOMMENDATION**

That:-

- A. The Mayor be authorised to call, by written notice, a special meeting of Council for 7.00pm on 13 September and 4 October, 2016, and to specify within that notice the business to be transacted at each meeting;**
- B. The Ordinary Meeting of Council approved for 29 November be cancelled and replaced by an Ordinary Meeting of Council on 15 November; and**
- C. Council note the Chief Executive Officer expects to call a special Meeting of the newly elected Council on Tuesday 8 November, 2016.**

**MOVED: O'BRIEN  
SECONDED: GOUGH**

**That the Recommendation be adopted.**

**CARRIED**

\* \* \* \* \*

### 14.3 Record of Assembly of Councillors - August 2016

Responsible Director: Executive Manager People & Governance

File No. T16/190

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Executive Manager nor the Officer authoring this report has a conflict of interest in this matter.

#### SUMMARY

*Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to the next ordinary meeting of Council and those records be incorporated into the minutes of the Council Meeting.*

*The Assemblies to be reported to this Council Meeting took place between 18 July and 19 August (both dates inclusive). They are:-*

- Access and Equity Advisory Committee on 1 August
- Council Meeting Briefing on 26 July
- Integrated Transport Advisory Committee on 8 August
- Manningham Arts Advisory Committee on 20 July
- Municipal Emergency Management Planning Committee on 5 August
- Municipal Fire Management Planning Committee on 5 August\*
- Senior Citizens Reference Group on 10 August
- Strategic Briefing Sessions on 19 July, 2,9 &16 August
- Submitters Meeting on 18 August

*\*Not available at the time of agenda publication*

#### 1 BACKGROUND

1.1 An Assembly of Councillors is defined in the Local Government Act 1989 as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be:-

1.1.1 the subject of a decision of the Council; or

1.1.2 subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

1.2 An advisory committee can be any committee or group appointed by Council and does not necessarily have to have the term 'advisory' or 'advisory committee' in its title.

- 1.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of the matters considered, any conflict of interest disclosures made by a Councillor and whether a Councillor who has disclosed a conflict of interest leaves the Assembly for the item in which he or she has an interest.
- 1.4 The details of each Assembly are shown in the Attachments to this report.

## **2 PROPOSAL/ISSUE**

- 2.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989.

### **OFFICER'S RECOMMENDATION**

**That the records of the Assemblies as shown attached be noted and incorporated in the minutes of this Council Meeting.**

**MOVED: GRIVOKOSTOPOULOS**  
**SECONDED: DOWNIE**

**That the Recommendation be adopted.**

**CARRIED**

"Refer Attachments"

\* \* \* \* \*

Record of an Assembly of Councillors

Manningham City Council

**ACCESS & EQUITY ADVISORY COMMITTEE**

**Meeting Date:** Monday 1 August 2016  
**Venue:** Function Room 3  
**Starting Time:** 5.00pm

**Attendance & Apologies****Councillors in Attendance**

Cr Michelle Kleinert

**Other Committee Members in Attendance**

Eva Salvo, Rev Shenouda Boutros, Jenny Carson, Anna Di Pietrantonio, Georgina Earl, Varvara Ioannou (skype), Aaron Jones, Audrey Kelly, Emmie Lidis, Amanda Marshal, Dilnaz Billimoria, Janice O'Connor, Saarah Ozeer, Sue Rosenhain, Fiona Tuomy, Mei Yu, Mike Zafiroopoulos.

**Officers in Attendance**

Malcolm Foard, Kirsten Reedy, Keri Kennealy, Lydia Winstanley

**Apologies Received From**

Carla Reardon, Michelle Thompson, Emmie Lidis, Chris Potter

**Disclosure of any Conflict of Interest**

No disclosures were made

**Items Considered:**

1. Amendment C104, Westfield Doncaster future expansion - consultation
2. National Disability Insurance Scheme (NDIS): Sector reform and increasing awareness and access for the most disadvantaged in our community
3. Access, Equity and Diversity Strategy and Disability Access and Inclusion Plan update
4. Organisation and Community Representative Updates

**Finishing Time:** 7.00pm

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Completed By -

Name: Kirsten Reedy Title: Social Planning and Development Officer Date: 19 August 2016

Record of an Assembly of Councillors

Manningham City Council

### **Council Meeting Briefing Session**

**Meeting Date:** 26 July 2016.  
**Venue:** Council Chamber, City Office, 699 Doncaster Rd, Doncaster.  
**Starting Time:** 7.00pm.

**Present:**

Councillor Paul McLeish (Mayor)  
Councillor Dot Haynes (Deputy Mayor)  
Councillor Meg Downie  
Councillor Sophy Galbally  
Councillor Jim Grivokostopoulos  
Councillor Michelle Kleinert  
Councillor Stephen O'Brien

**Officers Present:**

Chief Executive Officer, Mr Warwick Winn  
Director Assets & Engineering, Mr Leigh Harrison  
Director Community Programs, Mr Chris Potter  
Director Planning & Environment, Ms Teresa Dominik  
Director Shared Services, Mr Philip Lee  
Executive Manager People & Governance, Ms Jill Colson

**Apology:**

Cr Geoff Gough

1. **Prior Notification of Conflicts of Interest**  
There were no Disclosures of Interest
2. **Confirmation of Minutes**
3. **Amended Planning Application PL12/022747.01 for 659-669 Doncaster Road, 4-6 Tower Street and 1A-5 Council Street, Doncaster**
4. **Amendment C112 to Manningham Planning Scheme 775-779 Doncaster Road, Doncaster - Removal of Restrictive Covenant**
5. **Koonung Park - Management Plan Endorsement**
6. **Economic and Environmental Planning Annual Reports**
7. **Jumping Creek Road Upgrade - Endorsement of the Development Framework**
8. **Finalisation of Deviation of Springvale Road at Mullum Mullum Reserve (1-41 Springvale Road, Donvale)**
9. **2015-2016 Capital Works Program - End of June Status Report**
10. **Investment Policy - 2016 Review**
11. **8-10 Montgomery Street, Doncaster East - Notice of Intention to Sell (Post Statutory Advertising)**
12. **25B Morna Rd, Doncaster East - Sale of Part Drainage Reserve**
13. **11 Hepburn Road, Doncaster - Property Acquisition**
14. **Strategic Risk Register Report to Council - six month period ending 30 June 2016**
15. **Delegations - Update July 2016 Instrument of Delegation (S6)**
16. **Documents for Sealing - 26 July 2016**
17. **Record of Assembly of Councillors - July 2016**
18. **Greater Warrandyte Fireball Committee**
19. **Notice of Motion by Cr Dot Haynes (Nom No.5/2016)**
20. **Notice of Motion by Cr Meg Downie (Nom No.6/2016)**

The Meeting ended at 8.43pm.

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Record of an Assembly of Councillors

Manningham City Council

**INTEGRATED TRANSPORT ADVISORY COMMITTEE**

**Meeting Date:** Monday 8 August  
**Venue:** Council Chambers  
**Starting Time:** 6.00 p.m.

**Attendance & Apologies**

Councillors in Attendance: Cr Paul McLeish &amp; Cr Jim Grivas

**Other Committee Members in Attendance:**Cynthia Pilli, Stuart McKenzie, Christos Kativelis, Liz Taylor, Robin Spragg,  
James Adams & Timothy Benedict**Officers in Attendance**Leigh Harrison, Roger Woodlock, Frank Vassilacos, Liz Lambropoulos & Teresa  
Dominik.**Disclosure of any Conflict of Interest**

None.

**Items Considered:**

1. Infrastructure Victoria – Draft Infrastructure Strategy
2. Transport Advocacy Priorities
3. Brain Storming of Ideas for Transport Advocacy
4. Confirmation of Action Items and key advocacy items to focus on.
5. Other Business

**Finishing Time:** 7.50 p.m.

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## Manningham Arts Advisory Committee

**Meeting Date:** 20 July 2016  
**Venue:** Andersons Room, Municipal Offices  
**Starting Time:** 5.30pm

### **Attendance & Apologies**

**Councillors in Attendance**

Cr Stephen O'Brien

**Officers in Attendance**

Gregory Cleave, Elissa Pachacz

**Other Committee Members in Attendance**

Kirsty Grant, Mervyn Hayman-Danker, Deborah Lasky-Davison

**Apologies Received From**

### **Disclosure of any Conflict of Interest**

No disclosures were made.

### **Items Considered:**

1. Actions from previous minutes
2. Manningham Art Gallery Update
3. Cultural Planning & Development Update
4. Other Business

**Finishing Time:** 6.45pm

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## **Municipal Emergency Management Planning Committee**

**Meeting Date**        5 August 2016  
**Venue**                Council Chambers – Municipal Offices  
**Starting Time**        10.00am

### **Attendance & Apologies**

**Councillors in Attendance** – Councillor Meg Downie

**Officers in Attendance** – Helen Napier, John O'Brien, Leigh Harrison, Jan Loughman, Esther Daniel, Malcolm Foard, Gavin Tyler, Noel McMahon

**Other Committee Members in Attendance** – Jeanette Lacy, Pauline Bradley, Brian Whittaker, Kevin Morrish, Shane Murphy, Brian Hillier, Jamie Hansen, Jan Mattrow, John Gawne, Russell Langley, Gerabeth Abbott, Marguerite Bissett, Michelle Jordan, Bill McGillivray, Phil O'Connell, Peter Maw, Caroline Brown, Peter Higgins, Tammy Garrett, Bob Raaymakers, David Alexander, Linda Jamieson, Lynda Hamilton, Michael Davis, Michael Downing, Mike Cusack, Samantha Ross, Suzanne Glendenning, Toby O'Leary.

**Apologies Received From** – Richard Bramham, Eddy Holman, Jeff Young, Adrian Mullens, Andrew Haywood, Andrew Mills, Dan White, Diana Ferguson, Greg Kennedy, Houa Tia, John Chaplain, Juanita Haisman, Mick Stephenson, Nando Castauro, Roger Woodlock, Roy Marshall, Vicki Miller, Vivien Williamson, Mark Kennedy, Stuart Stuart, Tony McCoy, Lawson Chan, Luke Perry, Geoff Darlison, Roy Marshall, Damien Bale, Greg Mitchell

### **Disclosure of any Conflict of Interest**

No disclosures were made.

### **Items Considered:**

1. **Apologies**
2. **Confirmation of Minutes**
3. **Actions Arising From Previous Minutes**
4. **Correspondence**
  - 4.1 Assorted General Items to be Tabled
5. **General Business Items**
  - 5.1 Update of Contacts – distributed electronically to all members, Committee and General Contacts Documents (Standing Agenda Item)
  - 5.2 Community Sirens Proposal – Sue from Brackenbury Street Central Community Fireguard Group.
  - 5.3 Garden Waste Disposal Vouchers – Changed date range update for 2016/17 - Helen Napier
  - 5.4 Community awareness/resilience initiatives update – Helen Napier
    - Winter Clean Up Campaign
    - Fire Display Garden Update



- Pre-summer scenario event planning
- MCC Resilience Framework Update
- 5.5 Training & Exercising Update - **Helen Napier**
- 5.6 Impact Assessment Update – **Helen Napier**
- 5.7 Red Cross – Single incident update and release of the *Needs assessment and psychosocial support after emergencies* Framework and Guidelines. – **Jan Mattrow**
- 5.7 Review of Risks (Standing Agenda Item) – Relief and Recovery: Multi story residential incidents.
- 5.8 **Presentation: *Christine Drummond (City of Melbourne)***  
Relief requirements from a local government perspective.
- 6. **Sub Committee Reports**
  - 6.1 Municipal Fire Management Planning Committee – **Jamie Hansen**
  - 6.2 Response Review Sub-Committee – **Helen Napier**
  - 6.3 Community Resilience Sub-Committee – **Helen Napier**
- 7. **Agency Reports**
  - 7.1 Reports provided by MFB, Plenty Valley FM, DET, SES.

**Finishing Time** 12.00pm

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Record of an Assembly of Councillors

Manningham City Council

## **Senior Citizens Reference Group Committee**

**Meeting Date: Wednesday 10 August 2016**

**Venue: Manningham City Council, Heide Room**

**Starting Time: 9.30am**

### **Apologies**

Pamela Rose – Greek Elderly Citizens Club of Manningham Inc.  
Anna Eminagov – Macedonian Senior Citizens of Manningham.

### **Councillors in Attendance**

Cr. Meg Downie

### **Other Committee Members in Attendance**

David Jenz – Manningham U3A Incorporated  
Gordon Gee Wah – The Chinese Senior Citizens Club of Manningham Inc.  
Helen Jurcevic OAM– Women’s Friendship Group Inc.  
Ali Shaigan – Australian Iranian Senior Citizens Society of Victoria.  
Joan Good – Bulleen and Templestowe Senior Citizens Club Inc.  
Pamela Rose – Greek Elderly Citizens Club of Manningham Inc.  
John Kostoulas, Bulleen and Templestowe Pensions Association  
Malcolm Burgess – Doncaster Senior Citizens Club.  
Hussein Pourasgheri – Warrandyte Senior Citizens Centre  
Antonio Guerra – Italian Senior Citizens Group – Doncaster Inc  
John Tomson – National Seniors Australia, Doncaster Branch.  
Barry Holding – Probus Reference Group.  
Yvette Manoli – The Australian Coptic Senior Citizens Club of Manningham

### **Officers in Attendance**

Keri Kennealy and Catherine Walker – Manningham City Council

### **Disclosure of any Conflict of Interest**

Confirmation that there were no items on Agenda where conflict of interest was declared.

### **Items Considered:**

#### **Guest Speaker**

- Carol Edmeades, YMCA Pryme movers Program update

#### **Group Undertaking**

- Code of Conduct feedback
- Guest speaker resource list

#### **Other Business**

- Dementia Alliance group
- Community Dementia Awareness Session
- Go live “My Aged Care” update.
- Census Online Form Help for Mandarin speakers at Box Hill Library.
- Seniors Morning Tea – Friday 7 October 2016
- RDNS – Information sessions.

**Finishing Time: 10.45am**

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Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 19 July 2016.  
**Venue:** Council Chamber, City Office, 699 Doncaster Rd, Doncaster.  
**Starting Time:** 6.35pm.

1. **Attendance & Apologies**  
**Councillors in Attendance**  
Cr Paul McLeish (Mayor), Cr Dot Haynes (Deputy Mayor), Cr Jim Grivokostopoulos, Cr Michelle Kleinert, Cr Meg Downie, Cr Stephen O'Brien  
  
**Apologies from Councillors**  
Cr Sophy Galbally, Cr Geoff Gough  
  
**Executive Officers Present**  
Warwick Winn, Chief Executive Officer  
Leigh Harrison, Director Assets & Engineering  
Philip Lee, Director Shared Services  
Jill Colson, Executive Manager People & Governance  
  
**Other Officers in Attendance**  
Vicky Miller, Risk Management & Safety Co-ordinator  
Michael Simentriadis, Governance Officer
2. **Conflict of Interest – Disclosure**  
There were no disclosures of conflict of interest.
3. **Identification of Confidential & Sensitive Issues**
4. **Communications & Media Report**
5. **Forward Agenda**
6. **Strategic Risk Register Report – 6 Monthly Ending 30<sup>th</sup> June 2016**
7. **Investment Policy – 2016 Review**
8. **25b Morna Road, Doncaster East – Sale of Part Drainage Reserve**
9. **Delegation Update – July 2016 Instrument of Delegation (S6)**
10. **2015-2016 Capital Works Program – End of June Status Report**
11. **Other Matters Not Listed**
  - 11.1 **Pop-up Cafe at the Park & Ride in Doncaster**
  - 11.2 **Use of Sportsgrounds by Schools on Fridays**
  - 11.3 **Facebook Page Opposing Inappropriate Development**
  - 11.4 **Delegation Update – Further Comment**
  - 11.5 **Notices of Motion for Next Council Meeting**

The meeting concluded at 7.30pm.

Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 2 August 2016.  
**Venue:** Council Chamber, City Office, 699 Doncaster Rd, Doncaster.  
**Starting Time:** 6.32pm.

1. **Attendance & Apologies**  
**Councillors in Attendance**  
Cr Paul McLeish (Mayor), Cr Dot Haynes (Deputy Mayor), Cr Jim Grivokostopoulos, Cr Michelle Kleinert, Cr Meg Downie, Cr Sophy Galbally, Cr Geoff Gough  
  
**Apologies from Councillors**  
Cr Stephen O'Brien  
  
**Executive Officers Present**  
Warwick Winn, Chief Executive Officer  
Leigh Harrison, Director Assets & Engineering  
Teresa Dominik, Director Planning & Environment  
Chris Potter, Director Community Programs  
Jill Colson, Executive Manager People & Governance  
  
**Other Officers in Attendance**  
Jeff Young, Manager Parks & Recreation  
Julie Wilson, Leisure Facilities Contracts Officer  
Barbra Gaiotto, Co-ordinator Sports & Recreation  
Juanita Haisman, Manager Community Relations & Marketing  
Michael Simentriadis, Governance Officer
2. **Conflict of Interest – Disclosure**  
There were no disclosures of conflict of interest.
3. **Identification of Confidential & Sensitive Issues**
4. **Communications & Media Report**
5. **Forward Agenda**
6. **Community Safety Forum**
7. **Indoor Stadium Pricing**
8. **Draft Lawford Reserve Plan – Consideration of Submissions**
9. **Community Engagement Evaluation**
10. **Other Matters Not Listed**
  - 10.1 MAV State Council
  - 10.2 Buddy Zero and Fireball Events
  - 10.3 Rescission Motion for Next Council Meeting
  - 10.4 Dog Activity Centre
  - 10.5 Doncaster Road

The meeting concluded at 8.15pm.

Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 9 August 2016.  
**Venue:** Council Chamber, City Office, 699 Doncaster Rd, Doncaster.  
**Starting Time:** 6.35pm.

1. **Attendance & Apologies**  
**Councillors in Attendance**  
Cr P McLeish (Mayor), Cr D Haynes (Deputy Mayor), Cr M Downie, Cr G Gough,  
Cr J Grivokostopoulos, Cr M Kleinert and Cr S O'Brien (6.45pm)  
  
**Apologies from Councillors**  
Cr S Galbally  
  
**Executive Officers Present**  
W Winn, Chief Executive Officer  
J Colson, Executive Manager People & Governance  
  
**Other Officers in Attendance**  
P Thomson, Governance Coordinator
2. **Conflict of Interest – Disclosure**  
There were no disclosures of conflict of interest.
3. **Identification of Confidential & Sensitive Issues**
4. **Communications & Media Report**
5. **Forward Agenda**
6. **Council Meeting Schedule for September to November 2016**
7. **Local Government Act Review Directions Paper - Feedback**
8. **CEO 100 Day Update**

The meeting concluded at 9.00pm.

Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 19 August 2016.  
**Venue:** Council Chamber, City Office, 699 Doncaster Rd, Doncaster.  
**Starting Time:** 6.35pm.

1. **Attendance & Apologies**

**Councillors in Attendance**  
Cr Paul McLeish (Mayor), Cr Dot Haynes (Deputy Mayor), Cr Jim Grivokostopoulos, Cr Michelle Kleinert, Cr Meg Downie, Cr Geoff Gough

**Apologies from Councillors**  
Cr Sophy Galbally, Cr Stephen O'Brien

**Executive Officers Present**  
Warwick Winn, Chief Executive Officer  
Leigh Harrison, Director Assets & Engineering  
Teresa Dominik, Director Planning & Environment  
Jill Colson, Executive Manager People & Governance

**Other Officers in Attendance**  
Roger Woodlock, Manager Engineering & Technical Services  
Vivien Williamson, Manager Economic & Environmental Planning  
Peter Thomson, Co-ordinator Governance  
Michael Simentriadis, Governance Officer
2. **Conflict of Interest – Disclosure**  
There were no disclosures of conflict of interest.
3. **Identification of Confidential & Sensitive Issues**
4. **Communications & Media Report**
5. **Forward Agenda**
6. **Protecting the Yarra River – State Government Project**
7. **King Street Reconstruction Stage 1 – Intention to Declare Special Charge**
8. **Minor land Acquisition Policy (Sensitive)**
9. **Potential Parkiteer Siting Investigation**
10. **Local Government Act Review – Draft Submission**
11. **Protecting the Yarra River – Discussion Paper Response**
12. **Amendment C113: Heritage Overlay Amendments including Warrandyte South Hall**
13. **Planning Scheme Amendment GC42 Environmentally Sustainable Development Policy: Consideration of Panel Report**
14. **Heritage Restoration Fund**
15. **Other Matters Not Listed**
  - 15.1 **New Bin Rollout**
  - 15.2 **Former Temporary Library Building**
  - 15.3 **Bus Incident at Tunstall Square**
  - 15.4 **Sheahans Road Stadium Refurbishment (Confidential)**
  - 15.5 **Exit Survey**

The meeting concluded at 9.32pm.

Record of an Assembly of Councillors

Manningham City Council

## **SUBMITTERS MEETING**

**Meeting Date:** Thursday 18 August 2016  
**Venue:** Council Chambers  
**Starting Time:** 6pm

### **Attendance & Apologies**

Cr Paul McLeish  
Cr Jim Grivokostopoulos  
Cr Michelle Kleinert  
Cr Geoff Gough  
Cr Dot Haynes

### **Officers in Attendance**

Teresa Dominik  
Sarah Griffiths  
Shaan Brooker

### **Apologies**

Nil

### **Disclosure of any Conflict of Interest**

No disclosures were made.

### **Items Considered:**

1. Planning Application PL16/026094, 135 Manningham Road Bulleen

**Finishing Time:** 7pm

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Record of an Assembly of Councillors

Manningham City Council

**Municipal Fire Management Planning Committee**

**Meeting Date:** 5 August 2016  
**Venue:** Manningham City Council Chambers  
**Starting Time:** 8:15am

**Attendance & Apologies****Councillors in Attendance**

Meg Downie

**Other Committee Members in Attendance**

Jamie Hansen, Tammy Garrett, Michelle Jordan, Damien Bale, Russell Langley

**Officers in Attendance**

Anthony Petherbridge, Samantha Bradley, Esther Daniel, Helen Napier, Gavin Tyler

**Disclosure of any Conflict of Interest**

N/A

**Items Considered:**

- Proposed changes to Bushfire Management Overlay
- Annual review of the Victorian Fire Risk Register
- Classifying Fire Access Tracks and Fire Breaks
- Application for Fire Access Road Subsidy Scheme

**Finishing Time:** 9:50am

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## 14.4 Documents for Sealing - 30 August 2016

Responsible Director: Executive Manager People & Governance

File No. .

The ultimate destination for this report is: COUNCIL AGENDA

Neither the responsible Executive Manager nor the Officer authoring this report has a conflict of interest in this matter.

### SUMMARY

*The following documents are submitted for signing and sealing by Council.*

#### 1 BACKGROUND

- 1.1 The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the Recommendation section of this report.

### OFFICER'S RECOMMENDATION

**That the following documents be signed and sealed:**

**Deed of Renewal and Variation of Lease  
Council and Bulleen Templestowe Sports Club Inc  
Part 284-302 Thompsons Road, Templestowe Lower**

**Deed of Renewal and Variation of Lease  
Council and Yarra Junior Football League Inc  
Part 175-189 Bulleen Road, Bulleen**

**Deed of Renewal and Variation of Lease  
Council and Templestowe Sports Club Inc  
Part 94-140 Porter Street, Templestowe**

**Consent Agreement to Build Over an Easement  
Section 173 of the Planning and Environment Act 1987  
Council and Manningham Investment Pty Ltd  
23 Whittens Lane, Doncaster**

**MOVED: GRIVOKOSTOPOULOS  
SECONDED: HAYNES**

**That the Recommendation be adopted with the addition of the following agreements:**

**Deed of Renewal and Variation of Lease  
Council and Living and Learning at Ajani Inc  
Part 284-302 Thompsons Road, Templestowe Lower**

**Deed of Renewal And Variation of Lease  
Council and Doncaster Kindergarten Association Inc  
Part 687 Doncaster Road, Doncaster**

**CARRIED**

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**15. URGENT BUSINESS REPORTS**

There were no Urgent Business reports.

**16. RESCISSION OR ALTERATION MOTIONS**

**16.1 Rescission Motion No. 1/2016 by Cr O'Brien**

**MOVED: O'BRIEN**  
**SECONDED: GALBALLY**

**That Council rescind the motion passed at the Council Meeting held on 26 July, 2016, in relation to item 16.1 – Notice of Motion by Cr Dot Haynes (Nom No. 5/2016) concerning the former St John's Church and Hall at 283 Springvale Road, Donvale.**

**LOST**

**DIVISION**

A Division having been demanded the Council divided as follows:

**FOR (6):** Councillors Haynes, Grivokostopoulos, Downie, Gough, Kleinert, and McLeish.

**AGAINST (2):** Councillors O'Brien and Galbally.

**CARRIED**

## 17. NOTICES OF MOTION

### 17.1 Notice of Motion by Cr Sophy Galbally (Nom No.7/2016)

MOVED: GALBALLY  
SECONDED: KLEINERT

That Council provide advice and support to the group of Manningham Non Government Organisations, who have joined together under the auspices of Now Not Yet Inc. seeking to manage and operate Westerfolds Manor in Westerfolds Park, Templestowe, in preparing an expression of interest registration with Parks Victoria or other State Government agencies.

CARRIED

### 17.2 Notice of Motion by Cr Meg Downie (Nom No.8/2016)

MOVED: DOWNIE  
SECONDED: GALBALLY

Manningham's indoor highball stadiums form part of a wider network of leisure and sporting facilities across the city to provide participation in a range of competitions, training, fitness activities and social opportunities to improve the overall health and wellbeing of the community. In recognition of this, Council's stadium pricing schedule is to be maintained at the following rates for high users (ie. usage is greater than 30 hours per week):

Court Hire	2016	2017	2018	2019
Peak Inc discount + 10 % direct debit	\$40.50 D:40% \$24.30	\$42.00 D:30% \$29.40	\$43.60 D:20% \$34.80	\$45.20 D:20% \$36.15
Off Peak Inc discount + 10% direct debit	\$30.10 D:40% \$18.05	\$31.25 D:30% \$21.90	\$32.45 D:20% \$26.00	\$33.65 D:20% \$26.90

This schedule applies to the end of the financial year 2019/2020.

CARRIED

**18. QUESTIONS FROM THE PUBLIC**

There were no questions from the public.

**19. QUESTIONS WITHOUT NOTICE**

There were no questions raised that required referral to a future Council Meeting or required any further action.

**20. CONFIDENTIAL REPORTS**

**20.1 Confidential Governance Matter**

*This matter has been declared confidential by the Chief Executive Officer pursuant to Section 89(2)(h) of the Local Government Act 1989 due to it involving matters which would prejudice the Council or any person and is proposed to be considered in closed meeting.*

**MOVED: GRIVOKOSTOPOULOS**  
**SECONDED: O'BRIEN**

**That the Council consider this matter in closed Council Meeting as public disclosure may be prejudicial to the interests of the Council and/or other parties.**

The Meeting then went into confidential closed session at 9.04pm and reopened at 9.30pm

The meeting concluded at 9.31pm

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Chairperson  
CONFIRMED THIS 15 NOVEMBER 2016

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