



# Ordinary Meeting of the Council

## AGENDA

<b>Date:</b>	<b>Tuesday, 12 December 2017</b>
<b>Time:</b>	<b>7:00pm</b>
<b>Location:</b>	<b>Council Chamber, Civic Centre 699 Doncaster Road, Doncaster</b>

**This meeting is convened to transact the business listed below**

**Warwick Winn**  
**Chief Executive Officer**

*This meeting will be livestreamed. Members of the public who address Council will be heard on the live audio stream, and audio of them speaking will be recorded. All reasonable efforts will be made to avoid capturing live or recorded video footage of public attendees however there might be incidental capture.*

## COUNCIL MEETING SEATING PLAN

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COMMUNITY  
PROGRAMS**

*Chris Potter*

**DIRECTOR SHARED  
SERVICES**

*Philip Lee*

**MANAGER  
COMMUNICATIONS &  
MARKETING**

*Juanita Haisman*

**Warwick Winn**  
*Chief Executive Officer*

**Cr Andrew Conlon**  
*Mayor*  
Mullum Mullum Ward

**ACTING EXECUTIVE  
MANAGER PEOPLE  
& GOVERNANCE**

*Andrew McMaster*

**ACTING DIRECTOR  
PLANNING &  
ENVIRONMENT**

*Jill Colson*

**DIRECTOR ASSETS  
& ENGINEERING**

*Leigh Harrison*

**Cr Sophy Galbally**  
Mullum Mullum Ward

**Cr Michelle Kleinert**  
Heide Ward

**Cr Paula Piccinini**  
Heide Ward

**Cr Mike Zafiropoulos**  
Koonung Ward

**Cr Paul McLeish**  
Mullum Mullum Ward

**Cr Anna Chen**  
Koonung Ward

**Cr Dot Haynes**  
Koonung Ward

**Cr Geoff Gough**  
Heide Ward

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**1 OPENING PRAYER AND STATEMENTS OF  
ACKNOWLEDGEMENT**

**2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

**3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST**

**4 CONFIRMATION OF MINUTES**

Confirmation of the Minutes of the Ordinary Meeting of Council held on 28 November 2017.

**5 VERBAL QUESTIONS FROM THE PUBLIC**

**6 PRESENTATIONS**

**7 PETITIONS**

**8 ADMISSION OF URGENT BUSINESS**



**9 PLANNING PERMIT APPLICATIONS**

There are no Planning Permit Applications.



## 10 PLANNING & ENVIRONMENT

### 10.1 Amendment C117 to Manningham Planning Scheme - Rural Areas Discretionary Uses - Ministerial authorisation

File Number:	IN17/672
Responsible Director:	Director Planning and Environment
Attachments:	1 Attachment 1: Am C117 Amendment document <a href="#">↓</a> 
	2 Attachment 2: Am C117 Rural Areas Land Uses Position Paper (2017) <a href="#">↓</a> 

#### EXECUTIVE SUMMARY

*The purpose of this report is to consider the preparation and exhibition of an amendment to the Manningham Planning Scheme to improve the statutory framework for land use and development within Manningham's rural areas. Refer Attachment 1.*

*A review of land uses has been undertaken in relation to Manningham's rural areas known as the Green Wedge. The review was identified as an action in the 2014 review of the Manningham Planning Scheme.*

*As part of the implementation of that action, a Rural Areas Land Uses Position Paper (2017) has been prepared to identify potential improvements to the statutory framework for land use and development within Manningham's rural areas. Refer Attachment 2.*

*The Position Paper reinforces the importance of maintaining the existing Rural Conservation Zone (RCZ) as the most appropriate planning zone that should apply to the rural areas of the City of Manningham, to ensure the development of sustainable and viable land uses. It also recommends changes to the Manningham Planning Scheme to provide further strategic direction to guide non-residential uses in the Green Wedge; and to provide further policy direction in relation to outbuildings.*

*The Position Paper also proposes criteria to provide further guidance for Council in considering major proposals that may have strategic merit and respect and enhance the environmental values of the Green Wedge, but are currently prohibited. The changes proposed to the Manningham Planning Scheme include to:*

- amend the Municipal Strategic Statement to provide further strategic direction on appropriate land use applications;*
- include the Rural Areas Discretionary Land Uses Position Paper (2017) as a reference document in Clause 21.16.*
- expand the scope of Clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to outbuildings in the Rural Conservation Zone (RCZ); and*
- insert a new local planning policy in Clause 22 to guide non-residential uses in the Rural Conservation Zone (RCZ).*

**1. RECOMMENDATION**

**That Council:**

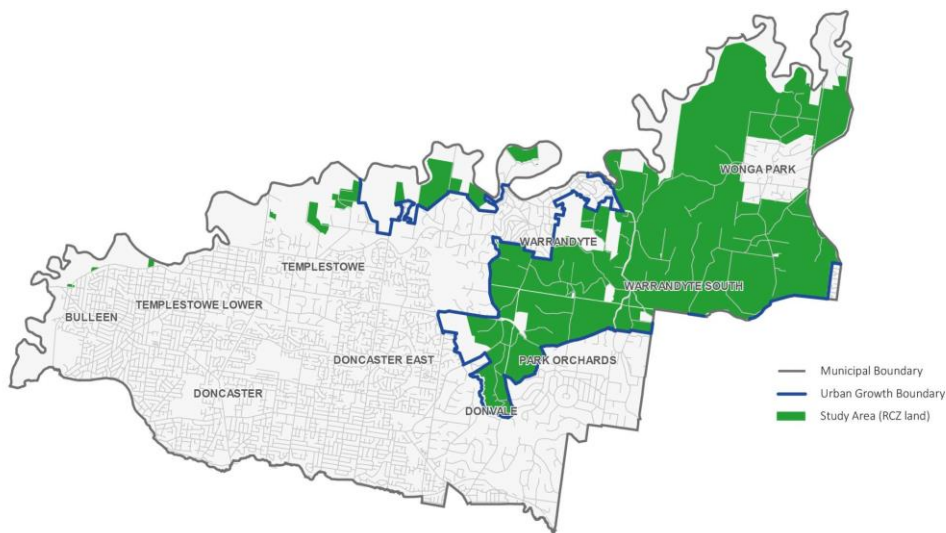
- A. Seeks authorisation from the Minister for Planning under section 8A of the Planning and Environment Act 1987 to prepare an amendment to the Manningham Planning Scheme (Amendment C117) to:**
- **amend the Municipal Strategic Statement to provide further strategic direction of appropriate land use applications;**
  - **include the Rural Areas Discretionary Land Uses Position Paper (2017) as a reference document in Clause 21.16;**
  - **expand the scope of Clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to outbuildings in the Rural Conservation Zone; and**
  - **insert a new local planning policy in Clause 22 (22.20) to guide non-residential uses in the Rural Conservation Zone;**
- generally in accordance with Attachment 1.**
- B. Endorses the Rural Areas Land Uses Position Paper (2017) included as Attachment 2 as the basis for the preparation of Amendment C117.**
- C. Subject to authorisation being granted by the Minister for Planning, resolves to place Amendment C117 on public exhibition for a period of eight weeks.**

**2. BACKGROUND**

- 2.1 The Manningham Green Wedge is defined as the area of the municipality that is outside of the Urban Growth Boundary (UGB). The State Government's introduction of the UGB in 2002 sought to limit urban development to protect non-urban values. Covering approximately 4,300 hectares of public and private land, the Manningham Green Wedge is mainly included within the Rural Conservation Zone (RCZ) and comprises approximately 1,050 properties.
- 2.2 The Core Planning Provisions (CPPs) contained in all Victorian Planning Schemes include Clause 57, which applies to all Metropolitan Green Wedge Land in Melbourne located outside of the UGB.
- 2.3 The purpose of Metropolitan Green Wedge Land (Clause 57) is:
- *To protect metropolitan Green Wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape, natural resource or recreational values*
  - *To protect productive agricultural land from incompatible uses and development*
  - *To ensure that the scale of use is compatible with the non-urban character of metropolitan Green Wedge land*

- To encourage the location of urban activities in urban areas
- To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004
- To provide deeming provisions for metropolitan Green Wedge land.

2.4 Clause 57 provides an additional layer of control to any zoning or overlay provision. Land uses that are listed in Clause 57 are prohibited, unless they comply with an associated condition listed in the table at Clause 57.01-1.



Map 1: Existing Rural Conservation Zone

Figure 1: Map identifying properties within the Rural Conservation Zone

2.5 A review of the planning controls applying to land use within Manningham’s Green Wedge was identified as a recommendation of the Manningham Planning Scheme Review 2014, as follows:

*Environment:*

<b>RECOMMENDATION</b>		<b>PRIORITY</b>
R1	<p><i>In relation to the Rural Conservation Zone:</i></p> <ul style="list-style-type: none"> <li>a. <i>Investigate the need for, and if appropriate, develop a policy to guide the land use;</i></li> <li>b. <i>Investigate the application of alternative green wedge zones to provide improved opportunities for protection and enhancement of the Manningham Green Wedge; and</i></li> <li>c. <i>Explore the need for advocacy relating to changes to prohibited uses in the zone.</i></li> </ul>	H

- 2.6 As part of the implementation of that action, a *Rural Areas Land Uses Position Paper (2017)* has been prepared to improve the statutory framework for land use and development within Manningham's rural areas. Councillors considered a report on the recommendations of the review, on 11 April 2017.
- 2.7 The recommendations of this paper have strategic support from, or are of relevance to, the following documents.

### **Green Wedge Action Plan 2020**

- 2.8 The Green Wedge Action Plan (GWAP) provides a strategic framework for the management of the Manningham Green Wedge to 2020. The Plan reviews the issues, opportunities and recommendations arising from the Green Wedge Strategy 2004 (GWS) and outlines a set of revised targets, monitoring mechanisms and review processes to facilitate a clear management direction.
- 2.9 The strategic framework identified in the GWAP builds upon the issues outlined in the GWS, broadly encompassing planning, governance, environmental and urban growth challenges.
- 2.10 The framework identifies the vision for the Green Wedge as 'a living place to be valued, cared for and enjoyed by all'. The framework also outlines four key objectives as follows:
- *To promote and support environmental care and stewardship.*
  - *To facilitate living and working sustainably.*
  - *To ensure sustainable built form and infrastructure.*
  - *To provide supportive planning policy and governance.*
  - *Implementation objectives and further actions are outlined to ensure that these objectives are satisfied and addressed in future planning priorities.*

### **Manningham Economic Development Strategy**

- 2.11 The Manningham Economic Development Strategy 2011-2030 (MEDS) sets out an economic vision for the municipality that will:
- 'Support diverse and well located businesses that excel through sustainable practice, technological advancement and support of healthy and accessible communities resulting in the long term generation of an attractive place to invest, personally and professionally'.*
- 2.12 The MEDS highlights the strengths of Manningham in the industry, employment and sustainable transport sector and reinforces Council's role in supporting and facilitating the economic development of the municipality.
- 2.13 Five strategic directions are outlined in the MEDS which may have both direct and indirect influences on the operation of particular land uses within the RCZ. The five strategic directions are:
- *Attracting and retaining business*
  - *Developing leading and local businesses*
  - *Enhancing Manningham tourism*
  - *Activating and improving activity centres*
  - *Integrating economic development.*

- 2.14 The Position Paper identified and addressed a broad range of issues within the Green Wedge, including emerging trends and the impacts of State Government changes to existing planning controls. Whilst agricultural activity is no longer the dominant land use, there is increasing demand for tourism and other niche employment activities.
- 2.15 The Position Paper concludes that:
- The Green Wedge Action Plan 2020 (GWAP) and the Manningham Economic Development Strategy 2011-2030 (MEDS) are generally consistent with respect to the balancing and protection of environmental values with economic opportunities.
  - The existing RCZ is the most appropriate planning zone that should apply to the rural areas of the City of Manningham to ensure the development of sustainable and viable land uses.
  - An amendment to the Manningham Planning Scheme is required to provide further strategic direction of appropriate land use applications; to guide non-residential uses in the Green Wedge; and to provide further policy direction in relation to outbuildings.
  - There needs to be a robust decision making framework (criteria) to provide further guidance for Council in dealing with major proposals that may have strategic merit and respect and enhance the environmental values of the Green Wedge, but are currently prohibited.

### 3. DISCUSSION/ISSUE

#### Recommendations of the Rural Areas Discretionary Uses Position Paper

- 3.1 The *Rural Areas Land Uses Position Paper (2017)* (refer **Attachment 2**), makes the following recommendations to assist in facilitating better strategic planning outcomes in the rural areas:
- Retain the Rural Conservation Zone (RCZ).
  - Amend the Municipal Strategic Statement (MSS) Clause 21.07 to provide further strategic direction of appropriate land use applications.
  - Insert a new Local Planning Policy at Clause 22 to guide non-residential uses in the Green Wedge (RCZ).
  - Expand the scope of Clause 22.19 (Outbuildings in the Low Density Residential Zone) to also apply to outbuildings in the Rural Conservation Zone (RCZ).
  - Include the Rural Areas Discretionary Land Uses Position Paper (2017) as a reference document in Clause 21.16.
- 3.2 The review also proposes a decision making framework (criteria) to provide further guidance for Council in dealing with major proposals and temporary events. These criteria will assist Council in determining the appropriateness of land use and development proposals within Manningham's rural areas.

#### The Most Appropriate Zone for the Green Wedge

- 3.3 The review has identified that there are opportunities to enhance the tourism and commercial activity within Manningham's rural areas, particularly the Green

Wedge. Changes to the rural zones in 2013 increased the flexibility of permitted uses within the RCZ however given the green wedge falls outside the UGB, it is subject to the provisions of Clause 57 which restricts or prohibits a range of discretionary tourism-related land uses unless they occur 'in conjunction' with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

- 3.4 The primary purpose of the Rural Conservation Zone (RCZ) is to *'protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values'*. In other metropolitan Councils, the Green Wedge (GWZ) or Green Wedge A (GWAZ) Zones apply to green wedge areas. The primary purpose of these zones is to 'provide for the use of land for agriculture'. Although they allow for a slightly increased number of discretionary land uses, the replacement of the RCZ with the GWZ or GWAZ is not recommended as neither zone adequately reflects the existing land use conditions in Manningham. In addition the provisions of Clause 57 would still apply. As Clause 57 is a state wide provision there is no scope for Manningham to independently override its controls through local policy. This would be also undesirable as it would likely open up the potential for speculative development proposals that would conflict with the fundamental objectives of the Green Wedge.
- 3.5 Although there are statutory restrictions imposed by Clause 57, the Position Paper concludes that the RCZ is the most appropriate zone to apply to Manningham's rural areas due to its emphasis on the protection of environmental values.

### **Planning Scheme Amendment**

- 3.6 The Amendment documentation for Amendment C117 is included as **Attachment 1** to this report.

#### Amend the MSS

- 3.7 The Position Paper recommends that refinements be made to Clause 21.07 Green Wedge and Yarra River Corridor, to improve the guidance around what types of land use and developments are appropriate in Manningham's rural areas and thus provide policy support for existing and future land use applications consistent with the RCZ and Clause 57.
- 3.8 This includes:
- Providing direction to ensure that land uses within the Rural Conservation Zone are designed, constructed and operated to consider the amenity of nearby dwellings, consider traffic and car parking access, and regard to the built form and overall site layout.
  - Reinforcing the need for land uses to have regard to vegetation protection, fire hazards and utility infrastructure access.
  - Acknowledging the decline in agricultural uses in the Green Wedge whilst encouraging the retention and ongoing viability of those uses that remain.
  - Promoting sustainable land use practices, consistent with objectives identified in the GWAP and MEDS such as eco-tourism, integration of environmental awareness through biophilia and ecologically sustainable design.

*New Local Planning Policy – Non Residential Land uses in the Rural Conservation Zone*

- 3.9 A new Local Planning Policy is recommended to provide more specific guidance to applications for non-residential uses.
- 3.10 This policy guidance would assist Council in managing discretionary land use outcomes within the rural areas whilst also guiding larger-scale proposals.
- 3.11 The following policy objectives are recommended:
- *To protect and enhance the environmental and landscape values of the Rural Conservation Zone.*
  - *To support non-residential land uses that avoid environmental degradation and enhance the environmental significance and ecological function of the Rural Conservation Zone.*
  - *To avoid the removal of vegetation when sites are developed for non-residential purposes.*
  - *To ensure that development including buildings, driveways, earthworks and alterations to existing buildings, do not detract from the landscape and scenic values of the Rural Conservation Zone.*
  - *To ensure that access is appropriately provided to any proposed non-residential use.*
  - *To ensure that proposals do not adversely impact on existing land uses within the Rural Conservation Zone.*
  - *To ensure that a high standard of landscaping is achieved when sites are developed for non-residential purposes in the Rural Conservation Zone.*

*Expand the Scope of Clause 22.19 Outbuildings in the Low Density Residential Zone*

- 3.12 The Position Paper recommends that Clause 22.19 (Outbuildings in the Low Residential Zone local policy) be expanded to address specific built form issues associated with outbuildings in the Rural Conservation Zone.
- 3.13 Clause 22.19 was recently introduced into the Manningham Planning Scheme through Amendment C110 (approved 2015). It reflects the recommendations of the *Manningham City Council Development Guide: Outbuildings in the Low Density Residential Zone, October 2015*, which is included as a Reference Document to the Planning Scheme through that clause.
- 3.14 The Position Paper identified similar built form issues associated with outbuildings throughout Manningham's Rural Conservation Zone areas as to those addressed in the Low Density Residential Zone. As such, an expansion of the scope of the existing Policy at Clause 22.19 to also include the Rural Conservation Zone areas, would create a simpler policy framework to address built form related issues.
- 3.15 The objectives and policies contained within that Policy would address the issues identified with regard to building siting, layout, environmental constraints and access.

**Decision Making Framework (Criteria) for assessing major proposals in rural areas**

- 3.16 In some instances, a major proposal may be presented to Council for consideration that may have strategic merit however cannot be considered through a planning permit application due to the current planning provisions that apply to the land.
- 3.17 Based on analysis undertaken for the Position Paper, examples of land uses which may be considered appropriate in Manningham's rural areas, however are currently prohibited/restricted by Clause 57 could include:
- Cellar doors
  - Boutique breweries, cideries and distilleries
  - Farm gate and produce stores
  - Dining experiences (non compliant with requirements of Clause 57)
  - Event and function spaces
  - Accommodation (non compliant with requirements of Clause 57)
  - Arts experiences
  - Day spa and indulgence product
  - Leisure and recreation
- 3.18 To trigger the consideration of these options, any proposal would need to demonstrate a high level of consistency with the Local Planning Policy Framework for Manningham. Specifically, these options should only be considered where it can be demonstrated that the proposal:
- Achieves a high level of compliance with State and Local Planning Policy
  - Is consistent with the purpose of the Rural Conservation Zone and any associated overlay/s and/or particular provision
  - Satisfies the decision guidelines of Clause 65.
  - Is consistent with the objectives and key strategic directions outlined in the GWAP and the MEDS
  - Will significantly contribute to the social, cultural, environmental and economic development of Manningham
  - Is currently prohibited or restricted by Clause 57.
- 3.19 All land use proposals (including planning scheme amendment proposals) will be considered on a case-by-case basis and although they may demonstrate a high level of compliance with State and local policy, they must be also be compliant with all of the decision making framework outlined below (contained within the *Rural Areas Discretionary Land Uses Position Paper (2017)* – refer Attachment 2. Only those proposals that demonstrate a high level of strategic merit will be considered by Council.



Safety and bushfire risk mitigation

- 3.19.1 All proposals should demonstrate the prioritisation of safety and bushfire mitigation. This includes any proposed clearing of vegetation, emergency access points, internal road network.
- 3.19.2 Bushfire risk should be minimised through site responsive approaches that consider the existing development on the land, the scale and intensity of the proposed land use, the topography and any other associated hazards.

Amenity

- 3.19.3 Amenity impacts on the adjoining land should be minimised through appropriate boundary treatments such as fencing, landscaping, vegetation, design treatments.
- 3.19.4 The cumulative amenity impacts of the proposed land use and development should be considered with regard to noise, waste disposal, effluent disposal/sewer capacity increased access requirements, siting and environmental degradation.

Environmental and Landscape Values

- 3.19.5 The proposal must demonstrate that it protects the existing environmental character and ecological function of the Green Wedge. This includes the provision of canopy trees, native vegetation and other indigenous species.
- 3.19.6 The proposal must demonstrate compliance with AS4970-2009 Protection of Trees on Development Sites, including the protection of tree root zones and soil.
- 3.19.7 It must be responsive to the character and cultural heritage of the Green Wedge and integrate into the surrounding landscape.
- 3.19.8 If vegetation (and specifically native vegetation) is proposed for removal, destruction or lopping on the site, a report must be prepared by a suitably qualified professional to justify the removal of the vegetation.

Location and Proximity

- 3.19.9 Must be within close proximity to the Warrandyte township, Warrandyte South or along the Warrandyte-Ringwood Road.
- 3.19.10 Tourism related-uses are located along sealed roads that are capable of carrying forecast traffic volumes and are designated public transport routes, such as arterial or connector roads.

Infrastructure Provision

- 3.19.11 Any upgrades required to roads to facilitate a proposed land use or expansion should not require removal of native vegetation from road reserves, etc.

3.19.12 Existing infrastructure, such as drainage, reticulated sewerage and utilities should be existing, or can be easily supplied to the site without requirement for significant amounts of earthworks.

#### Design

3.19.13 Site specific controls, must require overall master plan showing all stages of development/ future development potential.

3.19.14 The design of buildings should be in accordance with existing Council design guidelines.

#### Access and traffic movement

3.19.15 Minimise the use of 'urban character' traffic treatments.

3.19.16 Integration of landscaping and vegetation into road reserves where required, to soften edges and retain the landscape values of the Green Wedge.

3.19.17 The prioritisation of safety and consideration of bushfire risk including access into and around the site and any clearing of native vegetation.

### **Communications and Engagement Action Plan**

3.20 It will be important to consult with the community in relation to both the proposed amendment to the Manningham Planning Scheme to include the specific changes recommended, as well as the criteria which Council proposes to use to assess any future changes to the Planning Scheme.

3.21 Key elements of communicating and engaging with the community will include:

- direct notification to all property owners/occupiers within the Rural Conservation Zone (approximately 1050), community groups, environmental groups and businesses;
- media releases and advertorial in the Manningham Leader and Warrandyte Diary;
- fact sheets and FAQs;
- articles in Manningham Matters, starting November 2017 which included a call for registration of interest;
- social media;
- Your Say Manningham portal for submissions; and
- information sessions for key stakeholders that can assist to build an understanding of the key issues.

3.22 Importantly, a key component of ensuring successful communication and engagement, will be to extend the statutory period for public exhibition of Amendment C117, from one month to an eight (8) week period. It is proposed that the consultation period will commence on 8 February 2018. This will allow time for community groups in particular to report back to their regular meetings.

- 3.23 There will be a focus on a practical and transparent process to seek comments on both the amendment and criteria, concurrently. Engaging with key stakeholders on both matters simultaneously will assist in clarifying, strengthening and refining when and how the planning provisions and the criteria will be applied.
- 3.24 Prior to the formal exhibition period, the November edition of Manningham Matters included an article about the Green Wedge, which forms part of the broader communication and community education process about the characteristics and role of the Green Wedge. Importantly, it includes a 'registration of interest' for any person who may wish to be directly notified during the exhibition of the amendment and criteria.

#### **4. COUNCIL PLAN / STRATEGY**

- 4.1 This action is consistent with and supports a number of themes and goals of the Council Plan 2017-2021. In particular under the theme Resilient Environment, Goal 3.1 is to Protect and enhance our environment and biodiversity.
- 4.2 Manningham's *Green Wedge Action Plan 2020 (GWAP)* provides a strategic framework for the management of the Manningham Green Wedge to 2020. The *Manningham Economic Development Strategy 2011-2030 (MEDS)* sets out an economic vision for the municipality that includes the Green Wedge. Both documents include actions relating to the Green Wedge and sustainable business uses.
- 4.3 The *Rural Areas Land Uses Position Paper (2017)* concludes that the *Green Wedge Action Plan 2020* and the *Manningham Economic Development Strategy 2011-2030* are generally consistent with respect to the balancing and protection of environmental values with economic opportunities.
- 4.4 The strategic basis for Amendment C117 are articulated in this report which includes the amendment documentation.

#### **5. IMPACTS AND IMPLICATIONS**

- 5.1 The Position Paper and resultant planning scheme amendment are likely to have positive social and economic effects. The Strategy recognises that opportunities exist to enhance Manningham's tourism offerings whilst at the same time ensuring that future tourism-related uses are carefully moderated to ensure that the special environmental and ecological values of Manningham's Green Wedge are enhanced and protected.
- 5.2 Communication and engagement with the community seeks to ensure that the key stakeholders are well informed in relation to the Green Wedge context and in particular, in relation to the background and basis for the proposed changes being considered as part of the Amendment (C117) and the criteria.
- 5.3 Whilst it will be important for the community to be aware of the changing nature of the Green Wedge and to provide the opportunity for those living and working in this area to provide feedback, it is will be critical to outline the parameters of what can be influenced in the context of the Amendment and the Criteria.

## 6. IMPLEMENTATION

### Finance / Resource Implications

- 6.1 Planning Scheme amendments are prepared and administered by the City Strategy (CS) Unit. The CS Unit will meet the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2016*, including any fees associated with a panel hearing.

### Communication and Engagement

- 6.2 A key outcome of the review was to gain a comprehensive understanding of tourism and commercial use and development in the rural areas of Manningham. This included undertaking consultation with businesses located in rural areas to inform analysis of drivers of location to rural areas, target markets, experiences with approvals processes and barriers to growth. A number of businesses in the rural areas of the municipality were contacted by Council officers for potential inclusion in the process.
- 6.3 In resolving to prepare and exhibit a Planning Scheme amendment to implement the recommendations of the review, exhibition of the amendment will be required pursuant to section 19 of the *Planning and Environment Act 1987*. As part of that exhibition, communication and engagement will ensure that key stakeholders are well informed in relation to the Green Wedge context and in particular, in relation to the background and basis for the proposed changes being considered as part of the Amendment (C117) and the Criteria.

### Timelines

- 6.4 Following authorisation of the Amendment by the Minister for Planning, it is expected to concurrently exhibit Amendment C117 and the *Rural Areas Land Uses Position Paper (2017)* for a period of eight (8) weeks.

## 7. DECLARATIONS OF CONFLICT OF INTEREST

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

*Planning and Environment Act 1987*

## **MANNINGHAM PLANNING SCHEME**

### **AMENDMENT C117**

#### **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 the Manningham City Council.

##### **Land affected by the Amendment**

The Amendment applies to all land within the Rural Conservation Zone (RCZ).

A map delineating the area affected is attached at Attachment 1 to this Explanatory Report.

##### **What the amendment does**

The Amendment proposes to:

- Amend the Municipal Strategic Statement at Clause 21.07 to improve guidance around what types of land use and developments are appropriate in Manningham's rural areas;
- Include the Rural Areas Land Uses Position Paper (2017) as a reference document in Clause 21.16;
- Expand the scope of the existing policy at Clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to the Rural Conservation Zone areas and to address specific built form issues that have been identified; and,
- Introduce a new local policy (Clause 22.20 - Non Residential Uses in the Rural Conservation Zone) to provide more specific guidance to non-residential planning applications within the Rural Conservation Zone.

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

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

Council has recently undertaken a review of land uses within Manningham's rural areas (known as the Green Wedge). The review of land uses in the rural areas has been undertaken in the context of the *Green Wedge Action Plan (GWAP) 2020* and the *Manningham Economic Development Strategy (MEDS) 2011-2030*, and comprises land zoned Rural Conservation (RCZ), both within and outside the Urban Growth Boundary (refer to Attachment A).

The landscape and environmental qualities of the Green Wedge are significant features of Manningham, with just over one third (37.5%) of the municipality supporting remnant indigenous vegetation. This indigenous vegetation is predominantly contained on private land and is located to the east of the Mullum Mullum Creek within the Green Wedge. In addition to this, a range of parks and reserves (including Warrandyte State Park) provide opportunities for active and passive recreation, and contribute to the landscape character of the area.

In addition to this, Manningham is well positioned to strengthen its economic, business and tourism development due to a number of locational drivers, such as its proximity to metropolitan Melbourne, proximity to the Yarra Valley, proximity to visitor markets, its rural setting and character, its access to/from major roads, and its linkages with rural functions.

In undertaking this review, the following key issues affecting Manningham's rural areas were identified:

- There is development pressure for residential additions and dwelling extensions throughout the Green Wedge;
- The intensification of land uses, such as home occupation, is resulting in undesirable outbuildings, storage sheds, and removal of vegetation;
- The removal of trees and native vegetation is resulting in degradation of the land;
- There are ongoing amenity impacts and land use conflicts, for example horse riding schools near residential property boundaries;
- There is an ongoing bushfire risk;
- Limitations within current planning framework which restrict some tourism opportunities, such as accommodation;
- Decline of agricultural land uses and limited availability of viable agricultural land.

Opportunities therefore exist to:

- Promote and support existing agricultural land uses and practices;
- Support existing businesses in achieving sustainable and well managed land use outcomes;
- Promote tourism based land use opportunities such as nature based eco-tourism;
- Cluster tourism development opportunities to enhance strategic position; and,
- Encourage sustainable home businesses which are sensitive to the environmental and landscape values of Manningham's Green Wedge.

In response to the issues and opportunities that have been identified and the review of land uses, Council has resolved to first and foremost to retain the Rural Conservation Zone, the primary purpose of which is to 'protect and enhance environmental and natural values'.

Having regard to both the strategic intent and direction of the GWAP and the MEDS and the identified issues and opportunities, this amendment is required to revise the local planning policy framework to improve guidance and assessment of non-residential uses and outbuildings in the Rural Conservation Zone. This amendment is also required to ensure that non-residential uses have proper regard to the environmental and landscape values of the Rural Conservation Zone.

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

Section 4 of the Act contains a number of key objectives for planning in Victoria, which among other things aims:

- *To provide for the fair, orderly, economic and sustainable use and development of land;*
- *To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria; and*
- *To balance the present and future interests of all Victorians.*

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

The proposed changes to the local policy provisions are intended to provide a balanced outcome taking into account environmental, social and economic considerations.

##### Environmental Effects:

The Amendment considers the environmental impact of discretionary non-residential uses and development by encouraging such use and development to be responsive to the existing or preferred character, amenity and environmental landscape values of their rural location.

##### Social and Economic Benefits:

The Amendment addresses social and economic impacts by recognising the need to provide business, tourism and employment opportunities in appropriate locations in the rural areas, while balancing these opportunities with the retention and preservation of environmental and landscape features.

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

The Amendment is not likely to result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. The Amendment does not alter the areas affected by the Bushfire Management Overlay.

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

The amendment has been prepared in accordance with Ministerial Direction on *The Form and Content of Planning Schemes* under section 7(5) of the Act. All planning schemes must have regard to section 12(2)(a) of the *Planning and Environment Act 1987*, being Ministerial Directions.

The Amendment also complies with Ministerial Direction No. 9 – *Metropolitan Planning Strategy* and Ministerial Direction No. 11 *Strategic Assessment of Amendments*.

**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: 11.06-1 Jobs and investment  
*To create a city structure that drives productivity, attracts investment, supports innovation and creates jobs.*
- Clause 11 – Settlement: 11.06-7 Green wedges  
*To protect the green wedges of Metropolitan Melbourne from inappropriate development.*
- Clause 12 – Environmental and Landscape Values: 12.01-1 Protection of biodiversity  
*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 12 – Environmental and Landscape Values: 12.01-2 Native vegetation management  
*To ensure that permitted clearing of native vegetation results in no net loss in the contribution made by native vegetation to Victoria's biodiversity.*
- Clause 12 – Environmental and Landscape Values: 12.04-1 Environmentally sensitive areas  
*To protect and conserve environmentally sensitive areas.*
- Clause 12 – Environmental and Landscape Values: 12.04-2 Landscapes  
*To protect landscapes and significant open spaces that contribute to character, identity and sustainable environments.*
- Clause 14 – Natural Resource Management: 14.01-1 Protection of agricultural land  
*To protect productive farmland which is of strategic significance in the local or regional context.*
- Clause 14 – Natural Resource Management: 14.01-2 Sustainable agricultural land use  
*To encourage sustainable agricultural land use.*
- Clause 17 – Economic Development: 17.01-1 Business  
*To encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.*
- Clause 17 – Economic Development: 17.01-2 Out-of-centre development  
*To manage out-of-centre development.*

- Clause 17 – Economic Development: 17.03-1 Facilitating tourism

*To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

- Clause 18 – Transport: 18.02-5 Car parking

*To ensure an adequate supply of car parking that is appropriately designed and located.*

- Clause 19 – Infrastructure: 19.03-5 Waste and resource recovery

*To reduce waste and maximise resource recovery so as to minimise environmental, community amenity and public health impacts and reduce reliance on landfills.*

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

The Amendment supports the objectives of the LPPF by providing further guidance in the exercise of discretion for considering proposals for non-residential uses in rural areas and outbuildings in the Rural Conservation Zone. In particular, the changes will implement the following MSS and policy objectives:

- Municipal Strategic Statement (MSS) objectives at Clause 21.07-4 – Built form and landscape character, which seeks to minimise the impact of built form on native vegetation, indigenous vegetation, landscape quality, and view lines, and minimise the extent of earthworks.
- Municipal Strategic Statement (MSS) objectives at Clause 21.07-5 – Environmental issues, which seeks 'to ensure that land use, development and land management practices protect and enhance biodiversity, soil, water and air quality, native flora and fauna and the character of these areas'.
- Municipal Strategic Statement (MSS) objectives at Clause 21.07-6 – Economic development issues, which seeks to encourage sustainable business opportunities which complement the qualities of the area, and do not adversely affect productive agricultural land and residential and environmental amenity.
- Municipal Strategic Statement (MSS) objectives at Clause 21.07-6 – Economic development issues, also identifies the need to investigate options for alternative sustainable business opportunities, as well as the need to review the appropriateness of the Rural Conservation Zone applying to green wedge land and the Yarra River corridor.
- Municipal Strategic Statement (MSS) objectives at Clause 21.10-8 – Urban Ecology, which seeks 'to protect and enhance environmental values and significant landscapes'.
- Municipal Strategic Statement (MSS) objectives at Clause 21.13-3 – Tourism, which seeks to encourage tourism opportunities while minimising any adverse impacts on local communities, surrounding land uses and natural resources.
- Clause 22.02 *Native Vegetation Policy*, which seeks 'to protect, conserve and where possible enhance the biodiversity values of the municipality'.
- Clause 22.14 *Environmental and Landscape Significance Protection in Identified Wildfire Areas Policy*, which seeks 'to retain vegetation and to preserve the recognised environmental and landscape significance of the municipality while also promoting development that is safe from the risk of wildfire'.
- Clause 22.19 *Outbuildings in the Low Density Residential Zone*, seeks 'to protect, conserve and where possible enhance the biodiversity values of the municipality'. Given this is also relevant to green wedge land, guidance with respect to outbuildings in the Rural Conservation Zone is also recommended.

**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 preparing and evaluating planning scheme amendments*.



In particular the Amendment makes proper use of the Victoria Planning Provisions as:

- Local planning policies are appropriate tools to guide decision making in relation to a specific discretion; and
- The Municipal Strategic Statement includes broad strategic support for the local policy position.

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

The views of relevant agencies and other servicing authorities will be sought during the exhibition period.

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

The proposed Amendment is not likely to have a significant impact on the transport system or the objectives under Part 2, Division 2 of the Transport Integration Act 2010.

**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 resource and administrative costs of the responsible authority. It is considered that by addressing the statutory and policy gaps, the amendment will provide clearer guidance with regards to the assessment of planning permits for non residential uses in rural areas, and outbuildings in the Rural Conservation Zone.

**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
- Online at [www.yoursaymanningham.com.au/-C117](http://www.yoursaymanningham.com.au/-C117)
- At the Doncaster, The Pines, Bulleen, Warrandyte and Box Hill 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 [and/or planning permit] may make a submission to the planning authority. Submissions about the Amendment [and/or planning permit] must be received by 16 April 2018.

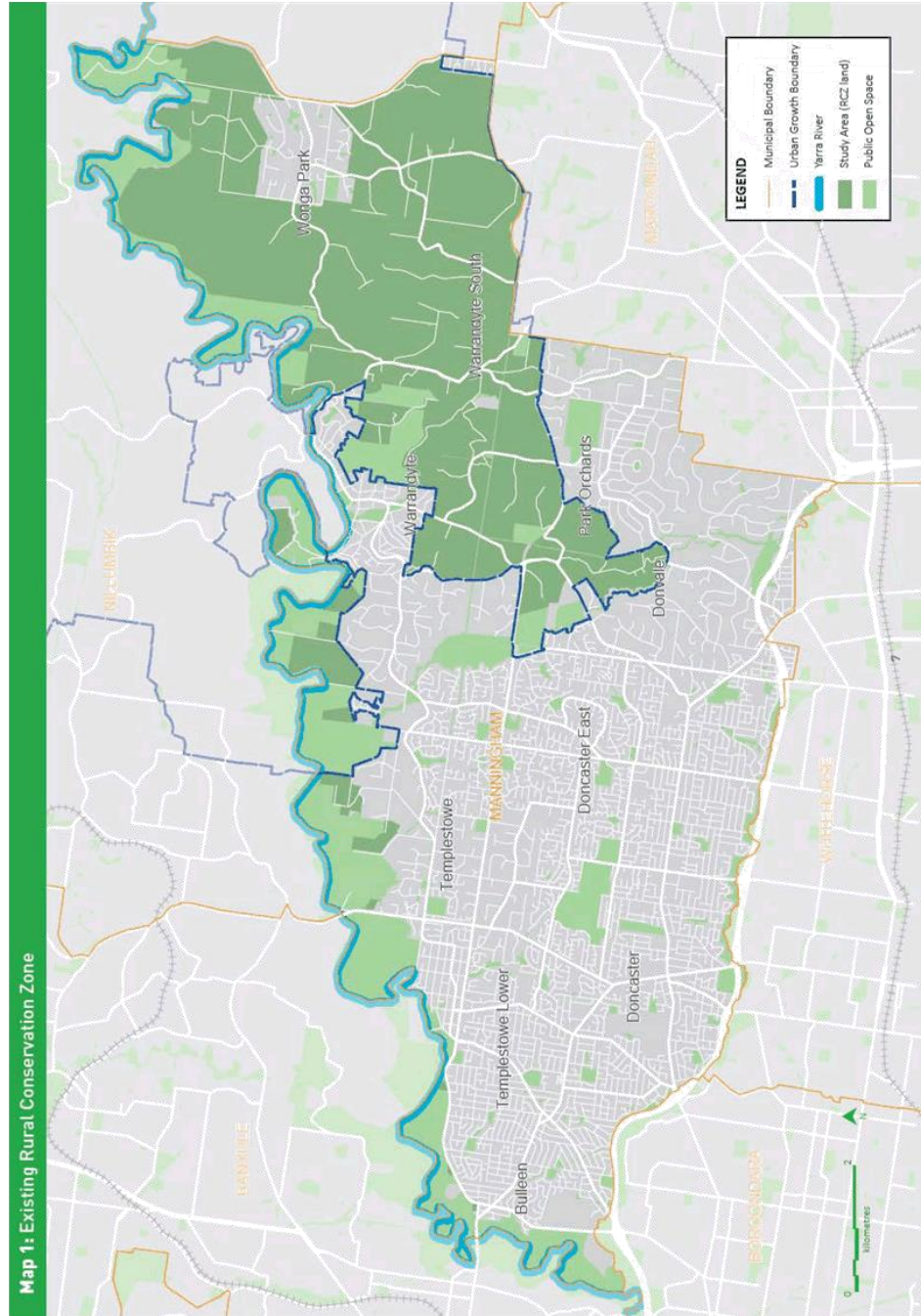
A submission must be sent to:  
Manager City Strategy  
Manningham City Council  
PO Box 1  
DONCASTER VIC 3108

**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]

ATTACHMENT 1 – Study Area (RCZ Land)



*Planning and Environment Act 1987***MANNINGHAM PLANNING SCHEME****AMENDMENT C117****INSTRUCTION SHEET**

The planning authority for this amendment is the City of Manningham.

The Manningham Planning Scheme is amended as follows:

**Planning Scheme Ordinance**

The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.07 with a new Clause 21.07 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 21.16 with a new Clause 21.16 in the form of the attached document.
3. In Local Planning Policy Framework – replace Clause 22.19 with a new Clause 22.19 in the form of the attached document.
4. In Local Planning Policy Framework - insert a new Clause 22.20 in the form of the attached document.

End of document

## MANNINGHAM PLANNING SCHEME

**21.07 GREEN WEDGE AND YARRA RIVER CORRIDOR**

21/02/2013  
C54  
Proposed C117

**21.07-1 Overview**

21/02/2013  
C54  
Proposed  
C117

This section applies to land shown on the Green Wedge and Yarra River Corridor Framework Plan 3 which includes all land outside the Urban Growth Boundary (UGB) and public and privately owned land within the Yarra River corridor. The State Government introduced the UGB around the edge of Melbourne in October 2002. All land in Manningham located outside the UGB became part of a green wedge.

Manningham's Green Wedge largely includes land within the Rural Conservation Zone and the Wonga Park township, which is included within the Low Density Residential Zone. The Yarra River corridor includes public and privately owned land located within the UGB and which is identified as having high environmental and landscape values.

These areas are primarily rural residential in character and include some agricultural enterprises, hobby farms, tourism related activities and environmentally significant properties. A key challenge for Council is to balance competing interests between use of land for rural living, biodiversity protection, agricultural pursuits and economic development activities.

**Housing**

There are few opportunities for additional housing development within the green wedge and the Yarra River corridor area. The provision of housing in these areas is directed by strategies that protect and enhance landscape character and environmental values. Development will need to have regard to issues of native vegetation, topography, landslip, wildfire, flooding, and cultural, environmental and landscape values and available physical and community infrastructure.

The rural qualities and remnant bushland provide a setting and lifestyle quality which is very attractive to residents and potential home owners.

**Subdivision**

The current planning controls significantly limit scope for further subdivision of the green wedge and Yarra River corridor areas. Any proposal to subdivide land will need to consider land capability and constraints, adjoining land uses, environmental and landscape values and physical and community infrastructure.

**Built form and landscape character**

These areas have an attractive, undulating topography. The slopes and extensive vegetation cover contribute to the landscape and environmental qualities. Development should protect and enhance the natural environment, including the Yarra River and other waterways, topography, open space, habitat and fauna links within the green wedge and Yarra River corridor.

**Environmental issues**

Large parts of Manningham's Green Wedge and Yarra River corridor have significant biological values. They contain the majority of Manningham's Sites of Biological Significance (Biosites) and supporting buffer habitat. The sites are identified as being of National, State or Regional significance. The habitat defined by the biosites and associated buffer habitat constitutes the most important areas of remnant indigenous vegetation within the municipality.

## MANNINGHAM PLANNING SCHEME

Planning controls seek to protect important remnant vegetation providing habitat for fauna, preserving biodiversity and providing lifestyle choices, whilst creating a desirable destination for residents, visitors and recreational users. The bushland and rural character is under threat from vegetation clearance for development, agriculture, pest plant and animal invasion, overgrazing, soil erosion, changes in hydrology and burning regimes, mismanagement and climate change.

The challenge for the municipality is to provide for sustainable land use and development in these areas while achieving a Net Gain of native vegetation. Biodiversity protection and enhancement will be facilitated by having regard to land capability and environmental management while also protecting the character, landscape and other natural and environmental characteristics.

#### Economic development issues

Traditional broadacre agricultural land uses have been declining over recent years and with now occupying only a small proportion of the total land area of the Green Wedge. It is noted that much of the land within these areas is not high quality agricultural land. Existing agricultural businesses and their ongoing viability should be retained and encouraged.

There are a number of key tourism assets within Manningham's Green Wedge, which attract visitors both locally and across Victoria. Tourism offerings should be increased where land use conflicts can be minimised and any adverse amenity and environmental impacts are appropriately considered.

Balancing the expansion of business and commercial activity with the protection of the natural environment is a key strategic challenge. Commercial activity should complement and enhance the landscape and visual character and environmental significance of these areas. The focus will be to protect and support the viability of existing agricultural activities and promote other appropriate business activities, which use best practice sustainable land management techniques and provide benefits to the local economy.

Council encourages home occupations as an important means of achieving economic development and providing opportunities that enable residents to work at home. The needs of home occupations should be addressed while ensuring that local amenity and environmental and landscape values are not adversely affected.

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C54

#### Housing

##### Key issues

- Limited opportunity for additional housing development.
- Housing development, which does not have regard to land capability, wildfire risk, environmental and landscape values.
- Inappropriate location of infrastructure and services.
- Impact of housing on biodiversity.

##### Objectives

- To ensure that housing development in the green wedge and Yarra River corridor responds appropriately to land capability, wildfire risk, environmental, landscape and cultural values, adjoining land uses and physical and community infrastructure.
- To ensure that siting and design of housing development and associated infrastructure and services minimises the extent of earthworks and avoids, minimises and offsets vegetation removal and impacts.

## MANNINGHAM PLANNING SCHEME

**Strategies**

Strategies to achieve these objectives include:

- Prepare and implement a Land Management Plan for all development applications as appropriate.
- Maintain existing patterns of development and the character of the green wedge and Yarra River corridor areas.
- Ensure that the scale of development is appropriate to the capability of the land to retain effluent on site.
- Avoid, minimise and offset native vegetation removal and impacts.
- Ensure that the siting and design of housing development and associated infrastructure and services minimises the extent of earthworks and responds to site constraints including slope, waterways and wildfire risk.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Rural Conservation Zone.
- Applying the Low Density Residential Zone to the Wonga Park township.
- Applying the Wildfire Management Overlay.
- Applying the Environmental Significance Overlay.
- Applying the Erosion Management Overlay.
- Applying the Land Subject to Inundation Overlay.

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004).
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).
- Implementing the *Manningham (Biosites) Sites of Biological Significance Review* (2004).
- Implementing the *Wildlife Movement and Habitat Needs in Manningham* (2009).
- Implementing the *Locally Threatened Plants in Manningham* (2010).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).

**Further strategic work**

- Reviewing the appropriate zoning of land currently zoned Rural Conservation Zone within the Urban Growth Boundary.

**Other actions**

- Implementing the *Domestic Wastewater Management Plan* (2002).

## MANNINGHAM PLANNING SCHEME

**21.07-3 Subdivision**21/02/2013  
C54**Key issues**

- Loss of productive agricultural land.
- Pressure for subdivision of the green wedge.
- Impact on environmental and landscape values from subdivision.
- Loss of biodiversity
- Poor land capability for development.
- Lack of physical and community infrastructure.
- Creation of environmental hazards such as flooding, landslip and wildfire risk,

**Objectives**

- To discourage fragmentation of land within the green wedge and Yarra River corridor.
- To discourage subdivision where it will result in the loss of productive agricultural land.
- To ensure that any application for subdivision responds appropriately to land capability, wildfire risk, landscape, cultural and environmental values, adjoining land uses and physical and community infrastructure.
- To ensure that any application for subdivision avoids, minimises and offsets the removal of and impacts upon native vegetation.
- To ensure that adequate provision is made for appropriate physical infrastructure and services.
- To ensure that subdivision adopts ecologically sustainable design principles.

**Strategies**

Strategies to achieve these objectives include:

- Prepare and implement a Land Management Plan for all applications for subdivision.
- Encourage landowners of new subdivisions to identify building envelopes to limit the impacts of development, with consideration to environmental, cultural and landscape qualities, wildfire risk, topography, watercourses, lot size/design and servicing constraints.
- Ensure that subdivision design and layout responds appropriately to topography and vegetation cover and is consistent with Net Gain objectives and principles to avoid, minimise and offset native vegetation removal and impacts.
- Avoid the creation of new lots with a slope greater than 20%.
- Ensure subdivision design and layout considers lot orientation, size and location of building and effluent envelopes and integrated water management to achieve ecologically sustainable design outcomes.
- Ensure that subdivision, buildings and/or works in wildfire areas are appropriately sited, designed and managed to address wildfire risk.

**Implementation**

These strategies will be implemented by:



## MANNINGHAM PLANNING SCHEME

**Zones and overlays**

- Applying the Rural Conservation Zone.
- Applying the Low Density Residential Zone to the Wonga Park township.
- Applying the Wildfire Management Overlay.
- Applying the Environmental Significance Overlay.
- Applying the Erosion Management Overlay.
- Applying the Land Subject to Inundation Overlay.

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004)
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).
- Implementing the *Manningham (Biosites) Sites of Biological Significance Review* (2004).
- Implementing the *Wildlife Movement and Habitat Needs in Manningham* (2009).
- Implementing the *Locally Threatened Plants in Manningham* (2010).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).
- Using Local Policy to guide subdivision incorporating irregular battle axe type allotments (*Battle axe blocks policy, Clause 22.11*).
- Using Local Policy to guide the protection of environmental and landscape values in identified Wildfire Areas (*Environmental and landscape significance protection in identified wildfire areas policy, Clause 22.14*).
- [Implementing the Manningham Green Wedge Infrastructure – Site Responsive Design Guide \(2013\)](#)

**Further strategic work****Other actions**

- Implementing the *Domestic Wastewater Management Plan* (2002).

**21.07-4 Built form and landscape character**

21/02/2013  
C54  
[Proposed C117](#)

**Key issues**

- Design and construction of development in areas with topographical constraints, wildfire risk, landscape character, visual and environmental significance.
- Impact of vegetation removal [and earthworks](#) on landscape character.
- Loss of scenic values of the Yarra River corridor.

**Objectives**



## MANNINGHAM PLANNING SCHEME

- ~~To encourage building form that responds appropriately to the landscape and minimises risk. To encourage built form that responds appropriately and sympathetically to landscape character, topographical constraints and risks to life and property.~~
- To encourage retention of native vegetation.
- To minimise the extent of earthworks and to preserve and enhance natural drainage lines.
- To encourage the planting of indigenous vegetation.
- To protect and enhance landscape **character and** quality, view lines and vistas.

**Strategies**

Strategies to achieve these objectives include:

- Avoid the construction of buildings on ridgelines.
- Design and site buildings to minimise visual impact.
- Encourage the siting and design of buildings and works, selection of materials and landscaping to minimise wildfire risk.
- Encourage development that meets higher construction standards and/or utilises alternative treatments to address wildfire risk in preference to vegetation removal.
- Ensure building design is site responsive.
- Avoid development on land with slopes greater than 20%.
- Ensure that the siting and design of development including landscaping, minimises impacts on adjacent State Parks and other conservation reserves

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying an Environmental Significance Overlay.
- Applying the Wildfire Management Overlay.
- Applying the Erosion Management Overlay.
- Applying the Land Subject to Inundation Overlay.

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004).
- [Implementing the Manningham Green Wedge Action Plan 2020 \(2011\)](#)
- [Implementing the Manningham Green Wedge Infrastructure – Site Responsive Design Guide \(2013\)](#)
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).
- Implementing the Manningham Heritage Garden & Significant Tree Study – Stage 2 (April 2006) which identified vegetation of significance to be protected and maintained.

## MANNINGHAM PLANNING SCHEME

- Using Local Policy to guide the protection of environmental and landscape values in identified Wildfire Areas (*Environmental and landscape significance protection in identified wildfire areas policy, Clause 22.14*).
- Using Local Policy to guide the siting and location of outbuildings in the Rural Conservation Zone (Outbuildings in the Low Density Residential Zone and the Rural Conservation Zone Clause 22.19).
- Using Local Policy to guide non-residential land uses and development the Rural Conservation Zone (Non-Residential Land Uses in the Rural Conservation Zone, Clause 22.20).

**Further strategic work**

- Investigate the need for a Local Planning Policy to address built form and earthworks.

**Other actions**

21.07-5

21/02/2013  
C54  
Proposed  
C117**Environmental issues****Key issues**

- Loss of biodiversity.
- Loss and fragmentation of habitat for fauna and flora.
- Impacts upon threatened species.
- Impact of land use and development on biodiversity.
- Degradation of waterways, aquatic and riparian habitats.
- Invasion and spread of pest plants and pest animals.

**Objectives**

- To conserve and enhance the significant environmental qualities of the green wedge and Yarra River corridor.
- To ensure that land use, development and land management practices protect and enhance biodiversity, soil, water and air quality, native flora and fauna and the character of these areas.
- To achieve developments which are site responsive and which complement the topography and environmental qualities of an area.
- To improve the habitat, vegetation, soil, water and visual qualities alongside streamside environments.

**Strategies**

Strategies to achieve these objectives include:

- Require the preparation of a site analysis plan of the site and surrounds for all development and subdivision proposals showing the opportunities and constraints, and how a proposal appropriately responds to this analysis.
- Prepare and implement Land Management Plans that enhance the land's environmental values.

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- Protect and enhance native vegetation, including roadside vegetation as wildlife habitat and as corridors for flora and fauna.
- Protect and enhance wetland, stream and waterway environments to conserve soils, ensure water quality, avoid sedimentation and retention of native vegetation as wildlife habitat and as a corridor for wildlife movement.
- Require land use and development proposals to demonstrate compliance with Net gain objectives and principles to avoid, minimise and offset removal of and impacts upon native vegetation.
- Promote the re-vegetation of cleared areas or gaps in habitat corridors with indigenous species.
- Ensure that subdivision, buildings and/or works in wildfire areas are appropriately sited, designed and managed to address wildfire risk.
- Encourage development that meets higher construction standards and/or utilises alternative treatments to address wildfire risk in preference to vegetation removal.
- Require proposals to be supported by the outcomes of a proper land capability assessment.
- Ensure that sediment run-off is contained on site using best practice techniques during the use and development of any land.
- Require development and landscaping to protect and enhance habitat corridors.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying an Environmental Significance Overlay.
- Applying the Erosion Management Overlay.
- Applying the Wildfire Management Overlay.
- Applying the Land Subject to Inundation Overlay

**Policy and exercise of discretion**

- Implementing the *Manningham Green Wedge Strategy* (2004).
- [Implementing the Manningham Green Wedge Action Plan 2020 \(2011\)](#)
- Implementing the *Manningham Biosites: Sites of (Biological) Significance Review* (2004).
- Implementing the *Development Guide for Areas of Environmental and Landscape Significance* (2011).
- Implementing the *Wildlife Movement and Habitat Needs in Manningham* (2009).
- Implementing the *Locally Threatened Plants in Manningham* (2010).
- Implementing the *Roadside Environmental Management Strategy* (2004).
- Using local policy to conserve native vegetation (*Native vegetation policy, Clause 22.02*).
- Using Local Policy to guide land use and development in areas of known or potential archaeological significance (*Cultural heritage policy, Clause 22.03*).

## MANNINGHAM PLANNING SCHEME

- Using Local Policy to guide the protection of environmental and landscape values in identified Wildfire Areas (*Environmental and landscape significance protection in identified wildfire areas policy, Clause 22.14*).
- Using Local Policy to guide the siting and location of outbuildings in the Rural Conservation Zone (*Outbuildings in the Low Density Residential Zone and the Rural Conservation Zone, Clause 22.19*).
- Using Local Policy to guide non-residential land uses and development in the Rural Conservation Zone (*Non-Residential Land Uses in the Rural Conservation Zone, Clause 22.20*).

**Further strategic work**

- Identifying and mapping additional sites of identified wildfire risk and including the sites in the Wildfire Management Overlay.
- Identifying the location of weed species to assist in developing appropriate management techniques.
- Investigating the potential for the establishment and enhancement of fauna habitat and linking corridors between sites of environmental significance.
- Investigating the areas where the Council order in relation to prohibition of dogs and cats should be applied.

**Other actions**

- Continuing to control and remove introduced pest plants and animals on a priority basis with special emphasis on the provisions made under the *Catchment and Land Protection Act 1994* and direction from the Catchment Management Authority.
- Continue to support private landowners in conserving biodiversity through Council's Biodiversity Incentive Programs.
- Developing an environmental checklist for new buildings to ensure that environmentally sound materials are used where possible.
- Implementing the *Domestic Wastewater Management Plan (2003)*.
- Implementing the *Horse Riding Strategy (2001)* with respect to best practice pasture management, horse trail management and environmental education for riders and identify implementation opportunities through the planning scheme.

21.07-6

02/10/2008  
C52  
Proposed  
C117**Economic development issues****Key issues**

- The restrictions of the Rural Conservation Zone on opportunities for potential business activities.
- Environmental and amenity impacts of agricultural and commercial businesses.
- Attracting sustainable businesses.
- Threat to viability of existing agricultural and commercial businesses

**Objectives**

## MANNINGHAM PLANNING SCHEME

- To encourage sustainable business and tourism opportunities that complement the scenic, landscape and environmental qualities of the area and enhances the environmental significance and ecological function of the Green Wedge.
- To ensure that commercial activities have minimal impact on residential and environmental amenity and environmental significance and ecological function of the Green Wedge further development does not impact on existing productive agricultural land and activities.
- To support the retention of agricultural uses and their ongoing commercial viability.
- To ensure residential and environmental amenity is not affected by business activities.
- To encourage sustainable business opportunities which complement the scenic, landscape and environmental qualities of the area.
- 

**Strategies**

Strategies to achieve these objectives include:

- Increase local employment opportunities.
- Support the establishment of a mix of appropriate, sustainable, non-intensive agricultural uses in the Yarra River Corridor and green wedge areas.
- Encourage business opportunities including nature based tourism in the Yarra River corridor and green wedge areas, which complement the remnant bushland and rural living environment.
- Cluster tourism development opportunities to enhance strategic position.
- Ensure that home occupations have minimal impact on the amenity of the surrounding area, including noise.
- 

**Implementation**

These strategies will be implemented by:

**Policy and exercise of discretion**

- Implementing the *Home-Based Business Strategy* (1996) that encourages the establishment of appropriate businesses that do not compromise residential amenity.
- Implementing the *Manningham Green Wedge Strategy* (2004)
- [Implementing the Manningham Green Wedge Action Plan 2020 \(2011\)](#)
- [Implementing the Development Guide for Areas of Environmental and Landscape Significance \(2011\)](#)
- Implementing the *Manningham City Council 2003-2006 Economic Development Strategy* (2003).

**Zones and overlays****Further strategic work**

- Investigating options for alternative 'sustainable' business opportunities.

## MANNINGHAM PLANNING SCHEME

- ~~Reviewing the appropriateness and implications of the Rural Conservation Zone applying to green wedge land and the Yarra River corridor area.~~

**Other actions**

- Promoting and distributing Manningham's *Home-based Business Kit* (2005).
- Ensuring the benefits of the Bush Gain and Local Environment Assistance Fund Programs are available to businesses.
- Implementing the *Manningham Land Capability Study* (2004).

**21.07-7**21/02/2013  
C54**Reference documents**

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- [Manningham City Council \(2013\) \*Manningham Green Wedge Infrastructure – Site Responsive Design Guide\*, Manningham City Council, Doncaster](#)
- [Manningham Rural Areas Discretionary Land Uses Position Paper \(2017\), Manningham City Council, Doncaster](#)
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MANNINGHAM PLANNING SCHEME

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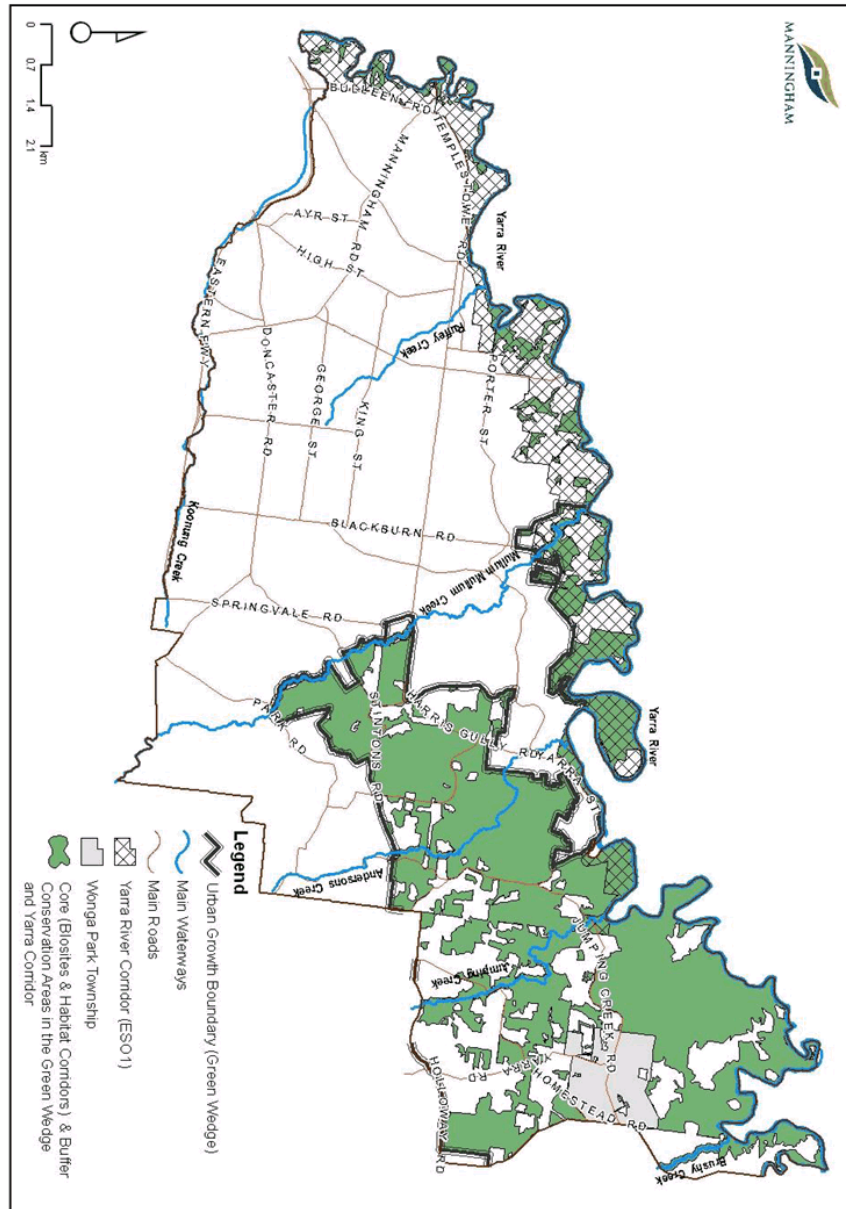


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MANNINGHAM PLANNING SCHEME

GREEN WEDGE AND YARRA RIVER CORRIDOR FRAMEWORK PLAN 3





## MANNINGHAM PLANNING SCHEME

**21.16**

03/03/2016

[C117](#)**KEY REFERENCES**

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## MANNINGHAM PLANNING SCHEME

**22.19 OUTBUILDINGS IN THE LOW DENSITY RESIDENTIAL ZONE AND THE RURAL CONSERVATION ZONE**

03/03/2016  
C110  
Proposed  
C117

This policy applies to all land within the Low Density Residential Zone [and the Rural Conservation Zone](#).

**22.19-1 Policy basis**

03/03/2016  
C110  
Proposed  
C110

This policy builds on the Municipal Strategic Statement (MSS) objectives in clause 21.06 [and 21.07](#) to ensure that new outbuildings are designed and sited to reinforce and be respectful of the landscape and environmental characteristics of a site and its surroundings [in the Low Density Residential Zone and the Rural Conservations Zones](#). [Manningham's Green Wedge areas are predominantly zoned Rural Conservation Zone](#).

Manningham's Low Density Residential Zone [and Rural Conservation Zone](#) ~~are~~ characterised by undulating form with prominent ridgelines, dissected by creeks and drainage lines, and contains vegetation of landscape and environmental significance. [In particular, Manningham's Rural Conservation Zone contains the majority of the municipalities Sites of Biological Significances \(Biosites\) and supporting buffer habitat](#).

Areas within [these](#) zones offer a unique lifestyle choice for people looking for a more spacious and attractive environmental and landscape setting and there is a need to ensure that outbuildings do not negatively impact on the character of the area.

**22.19-2 Objectives**

03/03/2016  
C110  
Proposed  
C117

The objectives of this policy are:

- To ensure that land is developed in a way that is compatible with the use and character of the area, its landscape qualities, pattern of vegetation and environmental values.
- To minimise the extent of earthworks and to preserve and enhance natural drainage lines.
- To ensure the retention of existing vegetation, where appropriate, and that the design of outbuildings and any replacement landscaping complements the [landscape and scenic value](#) and character of the area.
- To protect and enhance landscape quality, viewlines and vistas.
- To ensure that the size, design and siting of outbuildings is acceptable, having regard to the [character of the](#) low density residential [or rural](#) character of the area.

**22.19-3 Policy**

03/03/2016  
C110  
Proposed  
C117

It is policy that:

- Outbuildings [must shall](#) be used for purposes ancillary to the domestic use of the dwelling or the residential activities conducted on the property and sited in close proximity to a dwelling.
- Numbers of outbuildings are [minimised limited and that buildings are co-located](#), to reduce the scattered visual impact of buildings on the landscape.
- ~~Outbuildings to use existing access ways provided for the dwelling unless it can be demonstrated that a second access way to the outbuilding avoids or minimises earthworks and vegetation removal~~[On a corner site, outbuildings are discouraged from fronting onto a different street frontage from the dwelling.](#)

## MANNINGHAM PLANNING SCHEME

- Outbuildings other than a carport are not to be located within the primary street frontage.
- ~~Outbuildings should be encouraged~~ to be located ~~wholly~~ below the alignment of ridgelines to ensure silhouetting against the skyline does not occur and to allow buildings to blend into the natural landscape with the elevated ridgeline providing the appropriate backdrop.
- The siting of outbuildings on hill-tops/ridgelines ~~is discouraged~~ and will only be considered when it can be demonstrated that a building will be sited and designed so that it will be adequately screened from other properties and roads so as to not be prominent in the landscape.
- Outbuildings should not be located ~~over on top of any~~ easements, without prior approval from Council or the relevant authority responsible that benefits from the easement.
- Outbuildings are sited to reinforce and be respectful of the landscape and environmental characteristics of the site and its surroundings.
- The amenity of adjoining and surrounding properties is protected by ensuring that outbuildings are set back or developed appropriately to minimise visual bulk.
- The removal of native vegetation ~~and earthworks~~ is minimised by ensuring that the outbuilding ~~and associated access~~ is appropriately sited.
- ~~The environmental impacts, from clearing of native vegetation, increased access requirements, siting, proposed earthworks or environmental degradation associated with an outbuilding, do not detract from the environmental significance of the area.~~
- The design, scale, external colour and finishes of outbuildings respects the character of the area, by addressing the following:
  - The use of reflective building materials such as zincalume is ~~not supported discouraged where a building would be clearly visible from surrounding properties or roads~~; and
  - The use of muted tones on external surfaces is ~~supported encouraged, while the use of bright or contrasting colours is discouraged in areas that are clearly visible from surrounding properties or road.~~
- Appropriate mature screen planting is utilised to reduce the visual impact of the outbuilding from the adjoining and surrounding properties and from the road.
- ~~The building be used for the storage of goods or vehicles that the property owner can demonstrate they own.~~
- ~~Shipping containers are not converted for the purpose of an outbuilding.~~
- Development of outbuildings that have a greater floor space or height than the existing dwelling, is ~~not supported discouraged.~~

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**22.19-4 Application Requirements**

03/03/2016  
C410  
Proposed  
C110

An application for an outbuilding in a Low Density Residential Zone ~~and a Rural Conservation Zone~~ must be accompanied by the following information, as appropriate:

- A site analysis of the site and surrounding area including:
  - The location of the existing or proposed dwelling and associated outbuilding(s);
  - Existing land uses and buildings and works on the site and adjoining properties;
  - Demonstration of the impact on effluent disposal and location of septic systems;

## MANNINGHAM PLANNING SCHEME

- [Topography, existing vegetation and details of any proposed earthworks;](#)
- [A floor plan to demonstrate how the outbuilding is to be used,](#) and
- Any other matters explaining the proposal and how it addresses this policy.

**22.19-5 Decision guidelines**

03/03/2016  
C440  
[Proposed](#)  
[C117](#)

In assessing an application for the use and development of an outbuilding, the Responsible Authority will consider:

- The extent to which the application for an outbuilding meets the objectives and directions of this policy and the objectives and requirements of the Low Density Residential Zone, [the Rural Conservation Zone](#) and any other relevant State and Local planning provisions.

**22.19-6 Policy references**

03/03/2016  
C440  
[Proposed](#)  
[C117](#)

*Manningham City Council Development Guide: Outbuildings in the Low Density Residential Zone, October 2015.*

[Manningham Rural Areas Discretionary Land Uses Position Paper \(2017\)](#)

## MANNINGHAM PLANNING SCHEME

**22.20 NON RESIDENTIAL LAND USES IN THE RURAL CONSERVATION ZONE**

1 / 2017  
C117

This policy applies to all non-residential land use and development in the the Rural Conservation Zone.

**22.20-1 Policy basis**

1 / 2017  
C117

This policy builds on the Municipal Strategic Statement (MSS) objectives in Clause 21.03 Key Influences and Clause 21.07 Green Wedge and Yarra River Corridor, which recognise that Manningham's Green Wedge areas that are predominantly within the Rural Conservation Zone, are a unique asset that must be protected from land uses that are incompatible with its strong environmental values and ecological significance.

The landscape and environmental qualities of the Green Wedge are significant features of Manningham, with just over one third (37.5%) of the municipality supporting remnant indigenous vegetation.

Opportunities exist to support sustainable commercial and tourism-related land uses that enhance and reinforce the environmental and biodiversity values of the Green Wedge, and minimise the removal of native vegetation and other landscape impacts.

Non-residential uses in the Green Wedge need to be responsive to the environmental and landscape values. They have the potential to adversely impact on the landscape and environmental qualities of the area through increased levels of on-site activity, traffic generation, the emission of noise and light, visual clutter and the removal of native vegetation.

**22.20-2 Objectives**

1 / 2017  
C117

The objectives of this policy are:

- To protect and enhance the environmental and landscape values of the Rural Conservation Zone.
- To support non-residential land uses that avoid environmental degradation and enhance the environmental significance and ecological function of the Rural Conservation Zone.
- To avoid the removal of vegetation.
- To ensure that development including new buildings, access, earthworks and alterations to existing buildings, do not detract from the landscape and scenic values of the Rural Conservation Zone.
- To ensure the provision of appropriate access is appropriately provided to any proposed non-residential use.
- To ensure that proposals do not adversely impact on existing land uses within the Rural Conservation Zone.
- To ensure that a high standard of landscaping is achieved.

**22.20-3 Policy**

1 / 2017  
C117

It is policy that non-residential uses are assessed against the following criteria and considerations:

**General**

- The overall cumulative impact of land uses on the natural environment, surrounding land uses and other sensitive interfaces is minimised.
- Uses are encouraged that enhance and promote sustainable land use practices and enhance the environmental values of the Rural Conservation Zone.

## MANNINGHAM PLANNING SCHEME

- Existing native vegetation both on site and adjacent sites is not detrimentally affected by non-residential uses.
- The design, scale and intensity of the land use, including the number of persons working or visiting the site and the proposed hours of operation, is not detrimental to the environmental values and amenity of the Rural Conservation Zone.
- Uses that contribute to the economic or tourism development and employment opportunities within Manningham are encouraged in appropriate locations.
- Access to utility services (including gas, electricity and water, reticulated sewerage), is available.
- Where reticulated sewerage is not available, then an adequate effluent disposal system must be provided.
- Infrastructure upgrades may be required at the discretion of the Responsible Authority, in order to facilitate the proposed non-residential land use or expansion.

**Environment**

- The cumulative potential risks and environmental impacts, including clearing of native vegetation, waste disposal/sewer capacity, increased access requirements, siting and proposed earthworks or environmental degradation, must not detract from the environmental significance of the area.
- Removal of vegetation is minimized.
- Any proposal protects the existing environmental character and ecological function of the Rural Conservation Zone, including the provision of replacement canopy trees, native vegetation and other indigenous species.
- New development is responsive to the character and cultural heritage of the Rural Conservation Zone areas and integrates into the surrounding landscape.
- Earthworks generated by the land use and development must not detrimentally impact on waterways, habitats, natural systems and landscapes.
- Infrastructure such as drainage, reticulated sewerage and utilities should be located to minimize earthworks and vegetation removal.

**Traffic, carparking and access**

- Non-residential uses are to be located along sealed roads that are capable of carrying forecast traffic volumes.
- Any expected increase in traffic should not adversely affect the amenity or environmental sensitivity of the surrounding area.
- The location of proposed accessways and vehicle entry points on the site should minimise removal of native vegetation from road reserves
- Landscaping and vegetation abutting road reserves should create a continuous landscape corridor and retain the landscape values of the Rural Conservation Zone areas.
- The capacity of the land and the surrounding area to accommodate increased pedestrian/vehicular flows must be demonstrated.
- Car parking areas should be located at the side or rear of a property to minimise the visual intrusion on the natural landscape.
- Car parks, accessways and set down areas should provide for safe and efficient traffic movement.

**Design & siting**

- The location, scale and siting of new development should be subordinate to the existing scale and height of development and landscape character, and should minimise earthworks.



## MANNINGHAM PLANNING SCHEME

- Development should be setback sufficient distances from boundaries to prevent detrimental impacts on neighbouring properties by way of building bulk and scale to enable appropriate landscape treatment to be provided.
- Buildings should be encouraged to be located wholly below the alignment of ridgelines to ensure silhouetting against the skyline does not occur and to allow buildings to blend into the natural landscape with the elevated ridgeline providing the appropriate backdrop.
- Numbers of buildings are limited and buildings are co-located, to reduce the scattered visual impact of buildings on the landscape.

**Amenity**

- Uses should not adversely affect sensitive residential interfaces or the amenity of nearby residents by way of noise, loss of privacy, traffic, carparking, lighting, signage, location of storage or disturbance associated with hours of operation, frequency of events and expected numbers of visitors.
- Amenity impacts on adjoining land should be minimised through sufficient setbacks and retention of vegetation, as well as appropriate boundary treatments such as fencing, landscaping, additional vegetation and design treatments.
- Minimise visual intrusion through the conservation, enhancement and introduction of vegetation buffers.
- Appropriate noise attenuation measures are provided that inhibit the transmission of noise from buildings, car parking areas and external plant equipment including exhaust fans and air conditioning units.
- The design, scale, external colour and finishes of non-residential buildings should respect the landscape character of the area, by avoiding the use of reflective building materials such as zincalume whilst encouraging use of muted tones on external surfaces in areas that are clearly visible from surrounding properties or roads.
- Adequate waste disposal and storage facilities should be appropriately located on site to minimize the potential for noise, visual appearance, lighting and odour impacts.

**22.20-4 Application Requirements**/ 2017  
CT17

In addition to the zone requirements, the following information is to be provided with an application to the satisfaction of the responsible authority as appropriate:

- A written statement with details about the proposed use including, but not limited to:
  - The number of staff, hours of operation, attendees, and number of car spaces provided.
  - Information regarding how the use will serve the needs of the local residential community.
  - A traffic and parking demand impact assessment.
- A site context assessment, outlining how the proposed development will respond to the following:
  - The location of the existing or proposed building;
  - Existing land uses and buildings on the site and adjoining properties;
  - Demonstration of the impact on effluent disposal and location of septic systems;
  - Topography, existing vegetation and details of any proposed earthworks; and
  - Vehicle access and entry points on the site
  - Protection of trees on the site and justification for removal of vegetation
  - Any other matters explaining the proposal and how it addresses the policy.

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## MANNINGHAM PLANNING SCHEME

**22.20-5 Decision guidelines**

<sup>1</sup>/<sub>2016</sub>  
C117

In assessing an application for the use and development of an outbuilding, the Responsible Authority will consider:

- The extent to which the application for non-residential land uses meets the objectives and directions of this policy and the objectives and requirements of the Green Wedge and Rural Conservation Zone and any other relevant State and Local planning provisions.

**22.20-6 Policy references**

<sup>1</sup>/<sub>2017</sub>  
C117

*Manningham Economic Development Strategy 2011-2030*

*Green Wedge Action Plan 2020*

*Manningham Rural Areas Discretionary Land Uses Position Paper (2017)*



MANNINGHAM CITY COUNCIL

# RURAL AREAS LAND USES POSITION PAPER



NOVEMBER 2017

## 1. EXECUTIVE SUMMARY

This paper reviews the appropriateness of the municipality's rural zones, having regard to green wedge and economic development objectives, noting that it is important to balance economic and social benefits with the enhancement and protection of the natural environment.

A number of recommendations are outlined to improve the statutory framework for land use and development within Manningham's rural areas, informed by the following key Council strategic documents:

- Planning Scheme Review 2014 (Recommendations R1 & R25)
- Green Wedge Action Plan (Actions L9, P1 & P2)
- Manningham Economic Development Strategy (Action C-13)

In particular, this paper draws on research undertaken, and conclusions made, by Planisphere Pty Ltd (now Ethos Urban Pty Ltd) and Urban Enterprise Pty Ltd. This background research and conclusions have not been specifically referenced within this document, as private information in relation to businesses is included within that work.

More specifically, this paper:

- Provides information in relation to the study area and the municipal profile.
- Summarises the strategic policy framework that underpins this research and these recommendations. This includes a review of the *Green Wedge Action Plan 2020 (GWAP)* and the *Manningham Economic Development Strategy 2011-2030 (MEDS)*, and any potential conflict between the two.
- Identifies the existing statutory framework that applies to the rural areas.
- Reviews significant land use themes within the rural areas, and provides observations and conclusions to inform changes to the statutory framework.
- Considers the most appropriate zone for the rural areas, having regard to the strategic direction contained within the GWAP and the MEDS.
- Provides a suite of recommendations in relation to the above, including:
  - Retaining the Rural Conservation Zone (RCZ) as the predominant zone in Manningham's Green Wedge.
  - Amending the MSS to provide further strategic direction of appropriate land use applications.
  - Inserting a new Local Planning Policy in Clause 22 to guide non-residential uses in the Green Wedge.
  - Expanding the Scope of Clause 22.19 to apply to outbuildings in the Green Wedge.
  - Providing a framework for Council to consider whether, in instances where there may be a land use proposal that has strategic merit but is currently prohibited by the RCZ or Clause 57, site specific rezoning, exclusions within Clause 57 or site specific controls within Clause 52.03.

## 2. STUDY AREA

The study area comprises all land within the City of Manningham included in the Rural Conservation (RCZ) under the Manningham Planning Scheme. It includes land both within and outside Melbourne's Urban Growth Boundary (UGB), as shown in **Map 1**. These areas are identified as Manningham's rural areas.

Those rural areas within the UGB are located adjacent to, or in close proximity of the Yarra River, generally integrated into public open space areas. Those rural areas outside the UGB are commonly described as being part of the Manningham 'Green Wedge' located in the eastern part of the municipality, and are the focus of this paper.

The Green Wedge also includes a number of townships and suburbs, including parts of Warrandyte, Warrandyte South, Park Orchards, Wonga Park, Templestowe and Donvale. Manningham's rural areas comprise approximately 27% of the total land area of the municipality, and include approximately 1,050 properties.

## 3. MUNICIPAL PROFILE

Manningham provides a gateway between established metropolitan and peri-urban municipalities. The iconic Yarra Valley region to the east of Manningham provides an abundance of quality wineries and cellar doors, farm gate, dining, golf, accommodation and nature based attractions and experiences.

The Yarra River corridor along Manningham's northern boundary is popular for nature based, recreational and tourism activities. It includes major tourism attractions, such as the Heide Museum of Modern Art, as well as other tourism attractions, including Banksia Park, Westerfolds Park and Petty's Orchard. Yarra Street in

Warrandyte is a hub of commercial activity adjacent to the Yarra River.

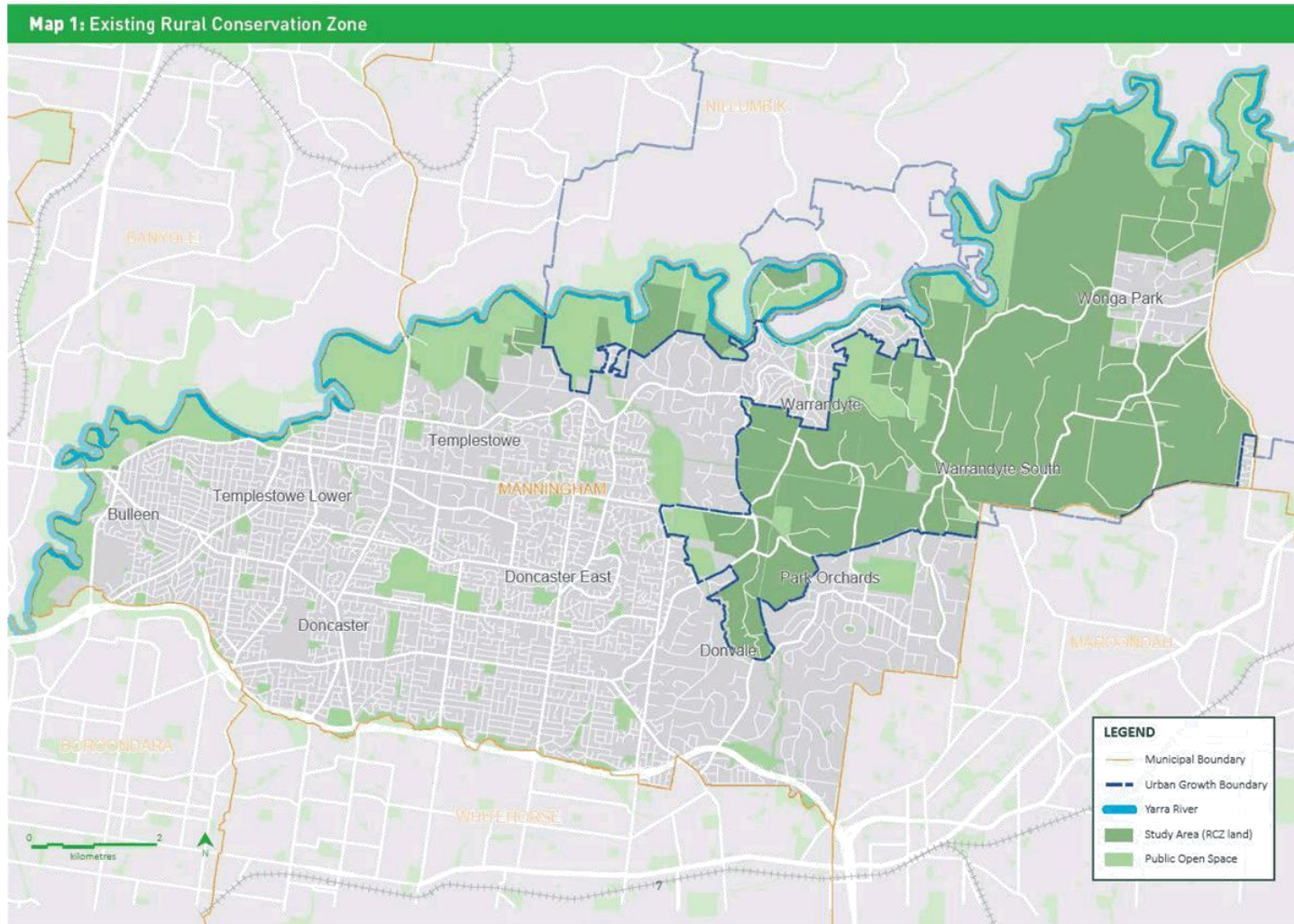
The landscape and environmental qualities of the Green Wedge are significant features of Manningham, with just over one third (37.5%) of the municipality supporting remnant indigenous vegetation. This indigenous vegetation is predominantly contained on private land and is located to the east of the Mullum Mullum Creek within the Green Wedge. In addition to this, a range of parks and reserves (including Warrandyte State Park) provide opportunities for active and passive recreation, and contribute to the landscape character of the area.

Commercial agricultural land uses now occupy only a small proportion of the total land area of the Green Wedge. A limited number of agricultural and related businesses remain in operation. These businesses include viticulture, wineries, a berry farm, orchards, beef cattle grazing and horse breeding.

There are a number of key tourism assets within Manningham's Green Wedge, which attract visitors both locally and from across Victoria. The natural environment and close proximity to Melbourne's CBD, provide a strong foundation for tourism. Tourist trails such as the Heidelberg School Artists Trail and Main Yarra Trail serve as popular activities. Tourism-related businesses operating within the Green Wedge include wineries, cafés, restaurants, vineyards, orchards, bed and breakfasts and horse riding schools.

Within the Green Wedge there is also a diverse range of rural residential and rural lifestyle lots. Residential development in the Green Wedge is often set among sensitive environmental areas, many of which display distinctive visual and landscape qualities, and as such, residential development has a number of associated environmental impacts and hazards.





3

#### 4. STRATEGIC POLICY FRAMEWORK

The recommendations of this paper are strategically informed by the following documents:

##### a. Green Wedge Action Plan 2020

The GWAP provides a strategic framework for the management of the Manningham Green Wedge to 2020. The Plan reviews the issues, opportunities and recommendations arising from the *Green Wedge Strategy 2004* (GWS) and outlines a set of revised targets, monitoring mechanisms and review processes to facilitate a clear management direction.

The strategic framework identified in the GWAP builds upon the issues outlined in the GWS, broadly encompassing planning, governance, environmental and urban growth challenges.

The framework identifies the vision for the Green Wedge as 'a living place to be valued, cared for and enjoyed by all'. The framework also outlines four key objectives as follows:

- To promote and support environmental care and stewardship.
- To facilitate living and working sustainably.
- To ensure sustainable built form and infrastructure.
- To provide supportive planning policy and governance.

Implementation objectives and further actions are outlined to ensure that these objectives are satisfied and addressed in future planning priorities.

##### b. Manningham Economic Development Strategy 2011-2030

The MEDS sets out an economic vision for the municipality that will:

*Support diverse and well located businesses that excel through sustainable practice, technological advancement and support of healthy and accessible communities resulting in the long term generation of an attractive place to invest, personally and professionally.*

The MEDS highlights the strengths of Manningham in the industry, employment and sustainable transport sector and reinforces Council's role in supporting and facilitating the economic development of the municipality.

Five strategic directions are outlined in the MEDS which may have both direct and indirect influences on the operation of particular land uses within the RCZ. The five strategic directions are:

- Attracting and retaining business
- Developing leading local businesses
- Enhancing Manningham tourism
- Activating and improving activity centres
- Integrating economic development.



### c. State Planning Policy

The State Planning Policy Framework (SPPF) sets overarching objectives and strategies to ensure that planning supports balanced strategic approaches. The following SPPF provisions are relevant to this paper:

- Clause 11.06-1 Jobs and investment
- Clause 11.06-7 Green wedges
- Clause 12.01-1 Protection of biodiversity
- Clause 12.01-2 Native vegetation management
- Clause 12.04-1 Environmentally sensitive areas
- Clause 12.04-2 Landscapes
- Clause 14.01-1 Protection of agricultural land
- Clause 14.01-2 Sustainable agricultural land use
- Clause 17.01-1 Business
- Clause 17.03-1 Facilitating tourism
- Clause 18.02-5 Car parking
- Clause 19.03-5 Waste and resource recovery

### d. Local Planning Policies

The Local Planning Policy Framework (LPPF) consists of the Municipal Strategic Statement and Local Policies. It sets out the planning imperatives to support orderly planning, growth and development in Manningham.

There are a number of policies, objectives and strategies which are relevant to this Strategy. The LPPF outlines objectives and strategies to protect Green Wedge Land from subdivision and more intensive urban development. Relevant policies include:

- Green Wedge and Yarra River Corridor (Clause 21.07)
- Ecologically Sustainable Development (Clause 21.10)

- Open Space and Tourism (Clause 21.13)
- Community Health and Wellbeing (Clause 21.14)
- Native Vegetation Policy (Clause 22.02)
- Cultural Heritage Policy (Clause 22.03)
- Residential Accommodation (Clause 22.04)
- Non-Residential Uses in Residential Areas Policy (Clause 22.05)
- Environmental and Landscape Significance Protection in Identified Wildfire Areas (Clause 22.14)
- Outbuildings in The Low Density Residential Zone (Clause 22.19)

The LPPF recognises the lack of viable agricultural land within the Green Wedge and promotes strategies to encourage environmentally sensitive development and design. This is also reflected in the actions and objectives of the GWAP and the MEDS.

### e. Summary

Upon review of Council's *Green Wedge Action Plan 2020* and the *Manningham Economic Development Strategy*, it is apparent that the strategies are generally consistent.

While there are minor policy tensions between balancing the protection of environmental values with economic development opportunities, principally the documents align.

## 5. EXISTING STATUTORY FRAMEWORK

The following information describes the existing statutory framework, as it has relevance to the discussions later in this paper.

### a. Rural Conservation Zone

The RCZ applies to the majority of land within the Manningham Green Wedge. The purpose of the RCZ is to protect land for its environmental and conservation values.

The minimum lot size under this zone ranges from 4ha to 40ha.

### b. Overlays

There are six overlays that apply within the study area. These include the:

- Environmental Significance Overlay Schedule 2
- Significant Landscape Schedule 2
- Design and Development Overlay Schedule 2
- Erosion Management Overlay
- Heritage Overlay
- Land Subject to Inundation Overlay
- Bushfire Management Overlay
- Public Acquisition Overlay
- Vegetation Protection Overlay

### c. Clause 57

The Core Planning Provisions (CPPs) contained in all Victorian Planning Schemes include Clause 57, which applies to all Metropolitan Green Wedge Land in Melbourne located outside of the UGB.

The purpose of Clause 57 (Metropolitan Green Wedge Land) is:

- To protect metropolitan Green Wedge land from uses and development that would diminish its agricultural, environmental, cultural heritage, conservation, landscape, natural resource or recreational values.
- To protect productive agricultural land from incompatible uses and development.
- To ensure that the scale of use is compatible with the non-urban character of metropolitan Green Wedge land.
- To encourage the location of urban activities in urban areas.
- To provide transitional arrangements for permit applications made to the responsible authority before 19 May 2004.
- To provide deeming provisions for metropolitan Green Wedge land.

Clause 57 provides an additional layer of control to any zoning or overlay provision. Land uses that are listed in Clause 57 are prohibited, unless they comply with an associated condition listed in the table at Clause 57.01-1.

#### d. The 'In Conjunction' Test

Many tourism-related uses listed in Clause 57 are prohibited unless they are 'in conjunction with' Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

In 2006, Amendment VC43 introduced a definition of 'in conjunction with', which states that:

*There must be an essential association between the two uses;  
and*

*The use must have a genuine, close and continuing functional  
relationship in its operation with the other use.*

Further to this, the two uses do not have to be co-dependent but the association must be more than co-existence.

## 6. LAND USE THEMES

The following observations and conclusions are provided in relation to land use themes, which are relevant to Manningham's Green Wedge. These observations and conclusions inform the recommended changes to the statutory framework.

### a. Agriculture

#### Issues

- Decline of productive agricultural land
- Environmental limitations on availability of viable agricultural land
- Overgrazing of land
- Agricultural land is expensive for the return
- Urban encroachment may affect agricultural operations
- Conflict between 'right to farm' practices adjoining rural living and low density residential land
- Impact of wildlife on farming activities, e.g. fruit bats, kangaroos, lorikeets, etc.
- Policy anomalies that restrict sustainable business opportunities
- Amenity impacts associated with horse riding schools and agistment
- Land use impacts on sites of biological significance

#### Opportunities

- Support and promote existing agricultural land uses to retain commercial viability
- Support opportunities for agricultural businesses to explore off farm income avenues

- Improve water and land management practices to ensure the ongoing and sustainable agricultural viability of the area.

#### Summary

It is important to support the viability of agricultural productivity where possible, however it is also necessary to ensure that existing and future policy accurately reflects the Manningham's context.

- Broad acre farming practices are declining and no longer a dominant land use activity within the Green Wedge.
- Large scale commercial agriculture is no longer viable due to a range of land use constraints that restrict the productivity.
- There is an inability to achieve the necessary scale to ensure agricultural business viability and commercial sustainability.
- Concern about environmental degradation and amenity conflicts with sensitive land uses are likely to preclude the expansion or intensification of agricultural activity.
- Policy tensions exist in balancing economic growth within green wedge areas while protecting inherent environmental values.
- The in conjunction test has limited relevance within the Manningham context.

## b. Rural Living

### Issues

- Large variations in the size of RCZ lots
- Residential additions and extensions and associated environmental impacts
- Operation of existing non-conforming issues
- Land use restrictions on tourist accommodation
- Expansion of home occupation businesses
- Lack of understanding of planning process by residents (existing and future)
- Ongoing bushfire risk
- Removal of significant trees and vegetation
- Significant earthworks that disrupt natural systems

### Opportunities

- Manage the development, design and siting of residential dwellings
- Increase awareness of environmental impacts of large buildings in sensitive areas
- Promote the viability of home based business
- Protect the environmental values and enhance landscape assets that attract residents and visitors to Manningham

### Summary

As Manningham becomes a popular location to live and work, land values will continue to rise. It will become increasingly important to ensure that residential development is respectful and not intrusive within the environmental values and characteristics of the Green Wedge.

- Rural living within the Manningham Green Wedge must continue to be carefully managed to minimise adverse impacts on landscape and environmental values.
- Pressure for new residential development and extensions to existing dwellings will increase as Manningham becomes more populated and land values rise.
- Growth pressure from surrounding townships will also increase and this must be carefully managed through the planning policy framework.
- Existing strategic policy could be expanded to address some of the design and siting issues associated with dwellings and outbuildings.

### c. Tourism

#### Issues

- Existing zoning provisions restrict tourism opportunities
- Complex layers of planning policy within the Manningham Planning Scheme which conflict with Council's strategic vision.
- Lack of definition around 'in conjunction' uses
- Ancillary uses not being well defined
- Access constraints/traffic management

#### Opportunities

- Promote tourism based land use opportunities
- Increase the supply of tourism opportunities in Manningham and promote nature based ecotourism
- Cluster tourism development opportunities to enhance strategic position

#### Summary

The role of tourism within the Green Wedge and more broadly within Manningham's rural areas is vital in supporting the economic development and growth objectives identified in Council policy.

- Tourism is a growing sector and the Manningham Green Wedge plays an important role in accommodating municipal and regional level tourism opportunities.
- Opportunities to increase tourism offerings must be carefully managed to ensure that they promote sustainable business models that are consistent with the environmental values of the Green Wedge and consider existing land constraints.
- Clause 57 restricts the types of tourism related land uses which may operate due to the requirement that they must be 'in conjunction with' agriculture, or other non-urban land uses.
- There are existing mechanisms through the Planning and Environment Act 1987 to amend the Manningham Planning Scheme in order to facilitate the orderly development of tourism land uses through either site specific exclusions or site specific rezoning as an alternative to the RCZ.
- There is a strong existing tourism cluster around the Ringwood-Warrandyte Road between Warrandyte and Warrandyte South. Opportunities exist to concentrate tourism land uses around this cluster.

#### d. Commercial Activity

##### Issues

- Zoning (RCZ) and overlay provisions inhibit development opportunities in the Green Wedge
- Lack of commercial activity does not allow for economic development or future growth

##### Opportunities

- Encourage businesses that are compatible with the sensitive environmental values of the Green Wedge area
- Identify appropriate land uses which may operate within the Green Wedge that contribute to sustainable practices

##### Summary

The key considerations for commercial activities within the Green Wedge are as follows:

- Analysis of building permits data shows that there has been limited commercial development activity within the RCZ in recent years.
- Three permits were issued relating to a tourism use. These were located within the business cluster along Ringwood-Warrandyte Rd.
- The lack of activity suggests that the current planning provisions may be too restrictive, potentially hindering appropriate tourism and commercial uses from establishing in the rural areas of Manningham.

#### e. Summary

These land use themes demonstrate that existing agricultural uses should be supported, and potentially some business and tourism opportunities can be considered, as long as they are compatible with, and do not detrimentally impact, the environmental values of the Green Wedge area.

In response to these themes, this paper makes recommendations to refine the policy framework to ensure any new use or development considers the context in which it occurs, and sets out a decision making framework to assist Council in determining, on a variety of scales, whether particular land use proposals are appropriate within the context of Manningham.



## 7. ZONING BACKGROUND AND DISCUSSION

One of the key objectives of the Rural Areas Land Uses Position Paper is to consider the most appropriate zone for Manningham's rural areas, having regard to the strategic policy framework discussed earlier in this paper. A discussion in relation to zones is provided below.

- Changes to the RCZ in 2013 increased the scope and the flexibility of the zone to accommodate a wider range of uses, including accommodation.
- Clause 57 however still applies to many discretionary uses permitted by the RCZ.
- The 'in conjunction' condition still applies to all land outside the UGB, pursuant to Clause 57. This condition is contrary to the provisions of the existing RCZ, which has removed this requirement.
- The association between two 'in conjunction' uses can be broad, and does not necessarily have to be co-dependent.
- The option to remove the 'in conjunction' requirements is available in certain instances, for example via site specific exclusions or rezoning. These options would need to be exercised cautiously to ensure that future land use and development was consistent with the environmental values and constraints of the land.
- Refinements to the Municipal Strategic Statement and the introduction of a Local Policy could improve the effectiveness of the current planning framework by clarifying how the 'in conjunction' test should be interpreted.

## 8. RECOMMENDATIONS

There are statutory restrictions within the Planning Scheme that limit the types of tourism activities and associated commercial land uses which may be compatible in Manningham's rural areas, particularly in the Green Wedge.

The following recommendations are made to assist Council in facilitating better strategic planning outcomes. Each of these recommendations is discussed in further detail on the following pages.

1. Retain the RCZ
2. Amend the MSS at Clause 21.07 Green Wedge and Yarra River Corridor
3. Expand the scope of Clause 22.19 Outbuildings In The Low Density Residential Zone
4. Insert a new Local Planning Policy at Clause 22 Non-residential Land Uses in the Green Wedge

### a. Retain the RCZ

There are opportunities to enhance the tourism and commercial activity within Manningham's rural areas, particularly the Green Wedge. Changes to the rural zones in 2013 increased the flexibility of permitted uses within the RCZ. However, given that the Green Wedge falls outside the UGB, it is subject to the provisions of Clause 57 which restricts or prohibits a range of discretionary tourism-related land uses unless they occur 'in conjunction' with Agriculture, Natural systems, Outdoor recreation facility, Rural industry or Winery.

The primary purpose of the Rural Conservation Zone is to 'protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape,



fauna habitat and cultural values’.

In other metropolitan municipalities, the Green Wedge Zone (GWZ) or the Green Wedge A Zone (GWAZ) apply to green wedge areas. The primary purpose of those zones is to ‘provide for the use of land for agriculture’. Although they allow for a slightly increased number of discretionary land uses, the replacement of the RCZ with the GWZ or GWAZ is not recommended as neither zone adequately reflects the existing land use conditions in Manningham. In addition the provisions of Clause 57 would still apply. As Clause 57 is a state-wide provision there is no scope for Manningham to independently override its controls through local policy. This would be also undesirable as it would likely open up the potential for speculative development proposals that would conflict with the fundamental objectives of the Green Wedge.

Although there are statutory restrictions imposed by Clause 57, the RCZ remains the most appropriate zone to apply to Manningham’s rural areas due to its emphasis on the protection of environmental values. Opportunities exist to allow for site specific proposals that are appropriate within the context of the RCZ. Furthermore, issues arising from ‘in conjunction’ requirement pursuant to Clause 57 can be addressed through further refinements and additions to the LPPF.

It therefore is recommended that the RCZ remains.

#### b. Amend the MSS

It is recommended that refinements to the Green Wedge and Yarra River Corridor policy (Clause 21.07) are made to improve the guidance around what types of land use and developments are appropriate in Manningham’s rural areas. This could include:

- Providing direction to ensure that land uses within the Green Wedge are designed, constructed and operated to consider the amenity of nearby dwellings, consider traffic and car parking access, and regard to the built form and overall site layout.
- Reinforcing the need for land uses to have regard to vegetation protection, fire hazards and utility infrastructure access.
- Removing references to productive agricultural land practices as this is no longer relevant in the context of Manningham, particularly in the Green Wedge.
- Promoting sustainable land use practices, consistent with objectives identified in the GWAP and MEDS such as eco-tourism, integration of environmental awareness through biophilia (humans seeking a connection with nature) and ecologically sustainable design.
- Including this Paper as a reference document.

This further strategic direction will assist in providing policy support for existing and future land use applications consistent with the RCZ and Clause 57.

**c. Introduce a new Local Planning Policy**

A new local planning policy is recommended at Clause 22.20 Non-residential Land Uses in the Green Wedge, to provide more specific guidance to non-residential applications.

This policy guidance will assist Council in managing discretionary land use outcomes within the rural areas whilst also guiding larger-scale proposals.

The following policy objectives should apply:

- To ensure the orderly planning of the Manningham Green Wedge to give effect to Council's vision for the area.
- To protect and enhance the environmental values of the Green Wedge, including avoiding the removal of significant vegetation.
- To ensure that new development, including buildings, driveways, earthworks and alterations to existing buildings, do not detract from the landscape and scenic values of Green Wedge areas.
- To discourage the intrusion of uses that detract from the character of the Green Wedge.
- To ensure that new proposals do not adversely impact on existing land uses within the Green Wedge.
- To encourage sustainable land use practices that enhance the environmental significance and ecological function of the Green Wedge.

**d. Expand the scope of Clause 22.19**

It is recommended that Clause 22.19 Outbuildings in the Low Density Residential Zone be expanded to address specific built form issues identified in this paper.

Clause 22.19 was introduced into the Manningham Planning Scheme via Amendment C110 on 3 March 2016. It reflects the recommendations of Manningham City Council Development Guide: Outbuildings in the Low Density Residential Zone, October 2015, which is included as a Reference Document to the Planning Scheme through this clause.

The assessment undertaken as part of this paper has identified similar built form issues associated with outbuildings throughout Manningham's Green Wedge as to those addressed by Clause 22.19 in the Low Density Residential Zone. As such, an expansion of the scope of the existing Clause 22.19 to also include Green Wedge areas would create a more holistic policy framework to address built form related issues.

The objectives and policies contained within this Clause would address the issues identified in this Paper with regard to building siting, layout, environmental constraints and access.

## 9. MAJOR PROPOSALS AND TEMPORARY EVENTS IN THE GREEN WEDGE

Based on this review of the rural areas, it is important that Council provides further guidance for major proposals and temporary events, to assist in determining the appropriateness of land use and development proposals within Manningham's rural areas.

### a. Major Proposals

In some instances, a major proposal may be presented to Council for consideration that may have strategic merit however cannot be considered through a planning permit application due to the current planning provisions that apply to the land. In certain circumstances, Council may choose to consider a request to amend the Manningham Planning Scheme that would allow these major proposals to occur.

Based on analysis undertaken as part of this paper, examples of land uses which may be considered appropriate in Manningham's rural areas, however are currently prohibited/restricted by Clause 57 could include:

- Cellar doors
- Boutique breweries, cideries and distilleries
- Farm gate and produce stores
- Dining experiences (non-compliant with requirements by Clause 57)
- Event and function spaces
- Accommodation (non-compliant with requirements by Clause 57)
- Arts experiences
- Day spa and indulgence product.
- Leisure and recreation.

### Decision Making Framework

To trigger the consideration of these options, any proposal would need to demonstrate a high level of consistency with the local planning policy framework for Manningham. Specifically, these options should only be considered where it can be demonstrated that the proposal:

- Achieves a high level of compliance with State and Local Planning Policies.
- Is consistent with the purpose of the Rural Conservation Zone.
- Is consistent with the purpose and requirements of all applicable overlay/s and/or particular provisions.
- Satisfies the decision guidelines of Clause 65.
- Is consistent with the objectives and key strategic directions outlined in the GWAP (as relevant) and the MEDS..
- Will significantly contribute to the social, cultural, environmental and economic development of Manningham
- Is currently prohibited or restricted by Clause 57.

### Additional considerations

All land use proposals will be considered on a case-by-case basis. Although they may demonstrate a high level of compliance with State and local policy, they must also address the following matters for Council's consideration:

#### 1. Safety and bushfire risk mitigation

- All proposals should demonstrate the prioritisation of safety and bushfire mitigation. This includes any proposed clearing of vegetation, emergency access points, and internal road network.

- Bushfire risk should be minimised through site responsive approaches that consider any existing development on the land, the scale and intensity of the proposed land use, the topography and any other associated hazards.

#### 2. Amenity

- Amenity impacts of the adjoining land should be minimised through appropriate boundary treatments, such as fencing, landscaping, vegetation, and design treatments.
- The cumulative amenity impacts of the proposed land use and development should be considered with regard to noise, waste disposal, effluent disposal/sewer capacity, increased access requirements, siting and environmental degradation.

#### 3. Environmental and Landscape Values

- The proposal must demonstrate that it protects the existing environmental character and ecological function of the Green Wedge. This includes the provision of canopy trees, native vegetation and other indigenous species.
- The proposal must demonstrate compliance with *AS4970-2009 Protection of Trees on Development Sites*, including the protection of tree root zones and soil.
- The proposal must be responsive to the character and cultural heritage of the Green Wedge and integrate into the surrounding landscape.
- If vegetation (and specifically native vegetation) is proposed for removal, destruction or lopping on the site, a report must be prepared by a suitably qualified professional to justify the removal of the vegetation.

#### 4. Location and Proximity

- The proposal must be within close proximity to the Warrandyte township, Warrandyte South or along the Warrandyte-Ringwood Road, to ensure that any new tourism and business opportunities are co-located with existing tourism and business developments.
- Tourism related-uses should be located along sealed roads that are capable of carrying forecast traffic volumes and are designated public transport routes, such as arterial or connector roads.

#### 5. Infrastructure Provision

- Any upgrades required to roads to facilitate a proposed land use or expansion should not require removal of native vegetation from road reserves, etc.
- Existing infrastructure, such as drainage, reticulated sewerage and utilities should be existing, or can be easily supplied to the site without requirement for significant amounts of earthworks or vegetation removal.

#### 6. Design

- Site specific controls, will require an overall master plan showing all stages of development/ future development potential.
- The design of buildings should be in accordance with existing Council design guidelines, including but not limited to, the Landscape Plan Guidelines.

### 7. Access and traffic movement

- Minimise the use of 'urban character' traffic treatments, including but not limited to, kerbs and channels, and traffic control devices.
- Integration of landscaping and vegetation into road reserves, where applicable, to soften edges and retain the landscape values of the Green Wedge.
- The prioritisation of safety and consideration of bushfire risk including access into and around the site and any clearing of native vegetation.

#### Information to be provided

Applications for major proposals must provide information that demonstrate how the proposed use and development will positively contribute to Manningham, as well as proposed measures to address and mitigate any issues or amenity impacts that may arise. In order to achieve this, Council may require that amendment requests should include (where relevant):

- Economic Impact Assessment, detailing the positive economic impact of the proposal for Manningham,
- Social Impact Assessment that demonstrates how the proposal will achieve net community benefit,
- Environmental Impact Assessment and Biodiversity Statement, detailing how environmental values will be retained and enhanced,
- Amenity Impact Assessment, detailing how amenity impacts on surrounding properties will be minimised,
- Cultural Heritage Study, showing areas of cultural or heritage sensitivity and ongoing management regimes that may be required, and
- Traffic Management Plan, detailing traffic movements and access management for the subject site.

### b. **Temporary Events**

Temporary events (other than single one-off events) are subject to regular planning permit application processes. Conditions on permits issued may specify how regularly events can occur, how many people may be accommodated on site during special events, and other special conditions such as car parking and traffic management, temporary buildings and structures.

Temporary but semi-regular events may result in some amenity impacts and inconvenience within the surrounding locality. The acceptability of these external effects will depend on their nature, the frequency of the event, and the weighing up of broader community and economic benefits.

The following considerations should be addressed in a report submitted with any application for a temporary event:

- The suitability and capacity of the land to host such event.
- The risk of the event to the land and any existing environmental features.
- The scale and type of event, including the number of people.
- The proposed hours of operation of the event and the frequency of events on the site over the calendar year.
- Access restrictions as a result of the event including any alteration to traffic movements, provision of appropriate car parking and emergency vehicle access.
- The impact of any required infrastructure associated with the event.
- The presence of food and or/alcohol.
- The proposed management of potential amenity impacts on adjoining neighbours and properties, including traffic, waste and noise impacts.
- Emergency management procedures proposed (including in the event of a bushfire).



- For large events, public health, waste management, noise, traffic and environmental management plans must be provided.
- The positive community and economic contributions associated with the event.

## 10. CONCLUSION

This paper has found:


- Council's *Green Wedge Action Plan 2020* and the *Manningham Economic Development Strategy* are generally consistent. While there are minor policy tensions between balancing the protection of environmental values with economic development opportunities, principally the documents align.
- There is a variety of land uses currently occurring within the Green Wedge, including business/commercial and rural residential. While there are some farming practices and associated secondary uses, agricultural activity is not the dominant land use within Manningham's rural areas.
- Opportunities exist to enhance Manningham's tourism offerings. Future tourism-related uses must be carefully moderated to ensure that the special environmental and ecological values are enhanced and protected.
- The Rural Conservation Zone is the most appropriate zone to apply to Manningham's rural areas, as its primary purpose is to protect and enhance environmental and natural values.
- Clause 57 seeks to protect productive agricultural land and is not always applicable or compatible with existing or proposed land use scenarios within Manningham.
- Further refinements and additions to existing local policy will assist Council in managing land use applications within the scope of the existing statutory framework.
- Mechanisms exist to accommodate further discretionary or currently prohibited land uses that may enhance the economic and tourism development of the Green Wedge, while also

respecting and enhancing the environmental values of the Green Wedge.

This paper proposes that:

- The Rural Conservation Zone continue to apply to Manningham's rural areas.
- The Manningham Planning Scheme be amended to:
  - Amend the MSS to provide further strategic direction of appropriate land use applications;
  - Insert a new local planning policy in Clause 22 (Non-residential Uses in the Green Wedge) to provide greater and improved guidance; and
  - Expand the Scope of Clause 22.19 (Outbuildings in the Low Density Residential Zone) to apply to outbuildings in the Green Wedge.
- In instances where there may be a land use proposal that has strategic merit, but is currently prohibited by the RCZ or Clause 57, options for site specific rezoning, exclusions within Clause 57 or site specific controls within Clause 52.03 may be appropriate.

## 10.2 Amendment C123 - Municipal Wide Public Open Space Contribution Rates - Adoption of Amendment

File Number: IN17/679  
Responsible Director: Director Planning and Environment  
Attachments: 1 Attachment 1 - Amendment Documentation [↓](#) 

### EXECUTIVE SUMMARY

*The purpose of this report is for Council to consider an officer recommendation to adopt Amendment C123 to the Manningham Planning Scheme.*

*Amendment C123 to the Manningham Planning Scheme proposes to introduce public open space contribution rates across the municipality, for the subdivision of three or more lots, in response to increased demand for public open space from future population.*

*Under the Subdivision Act 1988, a council can request a maximum 5% open space contribution rate. Contributions may be in the form of land, (as a portion of the subdivision), or in the form of money, or a combination of both. This can be applied to residential, commercial and industrial subdivisions. The Schedule to Clause 52.01 of the Manningham Planning Scheme enables a council to set its own contribution rate(s) which can exceed the 5% limit of the Subdivision Act 1988.*

*Amendment C123 to Manningham Planning Scheme seeks to introduce two open space rates in the Schedule to Clause 52.01 of the Manningham Planning Scheme; 8% in substantial change areas, where a higher density is encouraged (DDO8, DDO9 and DDO13) and 5% in relation to the balance of the municipality where less change is expected; and to increase the open space contribution rate in Doncaster Hill from 5% to 8%. It is important to note that these rates would apply to land being subdivided into 3 or more lots.*

*The Amendment was placed on public exhibition between 12 October and 13 November 2017. Only one submission has been received, which expressed no objection to the Amendment.*

### 1. RECOMMENDATION

That:

- A. Council notes that no objecting submissions have been received in relation to the exhibition of Amendment C123.
- B. Pursuant to section 29 of the *Planning and Environment Act 1987* Council adopts Amendment C123 to the Manningham Planning Scheme as exhibited and in accordance with the with the amendment documentation included as Attachment 1.
- C. Subject to Council's adoption of Amendment C123 to the Manningham Planning Scheme, the Minister for Planning be requested to approve Amendment C123 to the Manningham Planning Scheme under section 31 of the *Planning and Environment Act 1987*.

## 2. BACKGROUND

- 2.1 The proposal to introduce a mandatory public open space contribution rate(s) into the Manningham Planning Scheme is a result of actions in the adopted *Manningham Open Space Strategy (2014)* (Action 1.4.1) and the *Manningham Residential Strategy (2012)* (Action 4.1).
- 2.2 The *Subdivision Act 1988* (the Act) provides the legislative framework for a council to collect an open space contribution. The contribution is intended as compensation for the increased demand for open space that will result from a subdivision.
- 2.3 Under the Act, a council can request a maximum 5% open space contribution rate provided that it can be justified. It can be a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both. The Schedule to Clause 52.01 of the Manningham Planning Scheme is a planning mechanism that enables Council to stipulate a requirement that meets local circumstances, and can exceed the 5% limit of the *Subdivision Act 1988*.
- 2.4 For Doncaster Hill there has been a mandatory 5% public open space contribution rate specified in a Schedule to Clause 52.01 of the Manningham Planning Scheme since 2005.
- 2.5 In the remainder of the municipality no rate is currently specified in the Schedule to Clause 52.01 and Council applies a sliding scale open space contribution rate to any subdivision, which ranges from 0 – 5% depending on the number of lots proposed to be created.

### Manningham's Open Space Contribution Rates (excluding Doncaster Hill)

No. of Lots	1-2	3	4	5	6+
Open Space contribution	0%	2%	3%	4%	5%

- 2.6 On 27 June 2017 Council resolved to seek authorisation from the Minister for Planning under section 8A of the *Planning and Environment Act 1987* to prepare an amendment to the Manningham Planning Scheme to change the Schedule to Clause 52.01 to specify an open space rate of 8% for Doncaster Hill and identified substantial change areas (being land affected by the DDO8, DDO9 and DDO13); and 5% for the balance of the municipality, with the exception of the Tullamore Estate (former Eastern Golf Course).
- 2.7 Amendment C123 proposes to:
- Amend Clause 21.09-2 (Activity Centres and Commercial Areas) to delete reference to require a 5% public open space contribution for subdivision in the Doncaster Hill Activity Centre.



- Amend Clause 21.13 (Open Space and Tourism) to:
    - Vary the section relating to ‘strategy’ to add reference to seeking a contribution specified in the Schedule to Clause 52.01.
    - Insert an implementation action to use the Schedule to Clause 52.01 to specify the amount of contribution for public open space for any subdivision of land.
    - Replace reference to the *Public Open Space Strategy (2004)* with the ‘*Manningham Open Space Strategy (2014)*’ and include reference to ‘*Manningham Council Open Space Contributions Plan, SGS Economics and Planning, January 2017.*’
  - Amend Clause 21.16 (Key References) to delete reference to the *Public Open Space Strategy (2004)* and insert two reference documents titled ‘*Manningham Open Space Strategy (2014)*’ and ‘*Manningham Council Open Space Contributions Plan, SGS Economics and Planning, January 2017.*’
  - Replace the Schedule to Clause 52.01 *Public Open Space Contribution and Subdivision* with a new Schedule that specifies a rate of 8% for Doncaster Hill and substantial change areas (being DDO8, DDO9 and DDO13) and 5% levy for the rest of municipality, except the Eastern Golf Course, for all non-exempt subdivisions.
- 2.8 On 1 September 2017, the Department of Land, Water and Planning (DELWP) granted authorisation under section 8A of the *Planning and Environment Act 1987* for Council to prepare the amendment subject to minor drafting changes to the Schedule to Clause 52.01.
- 2.9 Clause 19 of the *Planning and Environment Act 1987* outlines the extent to which a council needs to advertise an amendment. Clause 19(1A) of the Act identifies that a council can notify a selected number of people if it considers that is impractical to notify all affected owners and occupiers individually.
- 2.10 Given that the Amendment affects the entire municipality (except the Tullamore Estate given that a minimum 20% open space contribution rate is stipulated for that site) and the proposed amendment only applies when a proponent of a planning application seeks to subdivide land into three or more lots, it was considered impractical and / or inappropriate to notify all affected or potential owners and occupiers.
- 2.11 In its letter of authorisation dated 1 September 2017, DELWP advised that ‘*council as planning authority may form its own view as to whether any parties may be materially affected by the amendment and should be given notice.*’
- 2.12 The Amendment was exhibited between Thursday 12 October 2017 and Monday 13th November. A notice appeared in the Public Notice section of the *Manningham Leader* on 9 October 2017. Notices were sent to prescribed Ministers, relevant individuals and authorities on 5 October 2017. A notice appeared in the *Government Gazette* on Thursday 12 October 2017.

- 2.13 Notification of the Amendment was given to key development associations including Housing Industry Association, Urban Development Industry Association (UDIA), adjoining municipalities, Local Members of Parliament, Municipal Association of Victoria, Property Council of Australia and Building Commission of Australia, all current applications of mixed use, multi-unit development, and developments that have been approved in the last 12 months that are yet to be subdivided.
- 2.14 Information about the Amendment, including the amendment documentation, Explanatory report, Fact Sheet and reference document that provides justification for the proposed open space contribution rates was made available at the Your Say Manningham website. Amendment documentation was also available in folders at the Doncaster, Pines, Bulleen, Warrandyte branch libraries and the Box Hill branch library. A notice regarding the Amendment was also included in the Manningham Council News section of the Manningham Leader on 30 October 2017, and advertised on Manningham's Facebook and Twitter pages. A media release was also made available on Council's website.
- 2.15 Whilst several telephone enquiries were received, only one submission has been received from Yarra Ranges Council. The submission raised no objection with the proposal. In addition Banyule City Council provided an informal submission that supported the proposal and the approach Manningham is taking. It is noteworthy that Amendment C111 to the Banyule Planning Scheme was approved on 3 August 2017 and introduced a 5% open space contribution across that municipality.

### 3. DISCUSSION / ISSUE

- 3.1 As no objecting submissions have been received, Council under section 29 of the *Planning and Environment Act 1987* may adopt Amendment C123 to the Manningham Planning Scheme.
- 3.2 It is considered appropriate to adopt the Amendment as exhibited in accordance with Attachment 1.
- 3.3 Subject to Council's adoption of the Amendment, Amendment C123 to the Manningham Planning Scheme must be submitted to Minister for Planning for approval under section 31 of the *Planning and Environment Act 1987*.
- 3.4 Given the subject Amendment was not advertised to all owners and occupiers of land in the municipality, Council is required to inform the Minister the extent of notification undertaken as part of the Amendment.

### 4. COUNCIL PLAN / STRATEGY

- 4.1 The Amendment is consistent with Theme 2 'Liveable Places and Places', and more specifically Goal 2.2 'Enhanced Parks, Open Space and Streetscapes. Of the current Council Plan'
- 4.2 The focus areas relevant to this Amendment are:  
Optimise sustainability of parks and reserves expansion and enhancement  
Protect and enhance our parks and reserves.

- 4.3 Specific actions to achieve the action areas include:
- ‘Development of open space that contributes to the value of the area’.
  - ‘Council ensures sustainable funding and good practice to upgrade and manage parks, reserves and streetscapes.’
- 4.4 The requirement to introduce a public open space contribution rate into the Manningham Planning Scheme is identified in: Manningham Open Space Strategy (2014) (Action 1.4.1); and Manningham Residential Strategy (2012) (Action 4.1).

## 5. IMPACTS AND IMPLICATIONS

### Social

- 5.1 The proposal to change the public open space contribution rate through an amendment to the Manningham Planning Scheme will provide positive social benefits. The provision of open space is fundamental to the liveability and identity of Manningham. Access to high quality and diverse open space within walking distance of home and work is important to health (mental and physical), as it provides opportunities for social interaction, recreation, sport and relaxation. The proposal will also allow Council to improve the quality and increase the amount of open space to meet the needs of the existing and future residents.

### Economic

- 5.2 The proposal to change the public open space contribution rate through an amendment to the Manningham Planning Scheme will also have a positive economic benefit as it will provide a clear and fair policy direction in relation to Council’s open space contribution rates. It will also provide a vehicle to generate more funds for Council for public open space than currently occurs and reduce potential challenges from the development community at the subdivision stage.

### Environmental

- 5.3 The provision of additional funds for provision and improvement of public open space is also likely to improve biodiversity and assist in reducing global warming by facilitating the planting of more trees and shrubs in existing reserves and in new open space areas.

## 6. IMPLEMENTATION

### Finance / Resource Implications

- 6.1 Planning scheme amendments are prepared and administered by the City Strategy Unit. The Unit will meet the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations 2016*.
- 6.2 The Amendment is likely to result in generating greater funds for Council than currently, which will facilitate the improvement and expansion of public open space across the municipality.

- 6.3 With the public open space contributions collected, Council must either buy land for the use for public open space or to improve and develop land already set aside for open space. However, the contributions cannot be used for open space maintenance.

#### **Communication and Engagement**

- 6.4 As previously mentioned in Sections 2.9 to 2.15 of this report, communication and engagement of this Amendment occurred by means of a public notice in Manningham Leader and a notice in the Government Gazette. Letters were also sent to prescribed Ministers and relevant stakeholders. Information about the Amendment, including the amendment documentation was made available at the Your Say Manningham website, where there was a total of 156 visits. Information was also included on Manningham's Facebook and Twitter pages.

#### **Timelines**

- 6.5 Ministerial Direction 15 sets out times for when steps of a planning scheme amendment is completed. The Ministerial Direction 15 states that a planning authority must submit an adopted amendment under section 31 of the Act, together with the prescribed information within 10 business days of the date the amendment was adopted.
- 6.6 In addition, the Minister must make a decision on the amendment within 40 business days of receiving the adopted amendment.

### **7. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

*Planning and Environment Act 1987*

## MANNINGHAM PLANNING SCHEME

### AMENDMENT C123

#### EXPLANATORY REPORT

##### Who is the planning authority?

This amendment has been prepared by 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 whole municipality of the City of Manningham, except the Tullamore Estate, former Eastern Golf Course, and will apply to all non-exempt residential, mixed use, commercial and industrial subdivisions within the City.

##### What the Amendment does

The Amendment implements Action 1.4.1 of the *Manningham Open Space Strategy* (2014) that seeks to introduce public open space contribution rates across the municipality as a result of increased demand on public open space areas from the existing and future population.

More specifically, the Amendment:

- Amends Clause 21.09-2 (Activity Centres and Commercial Areas) to delete reference to require a 5% public open space contribution for subdivision in the Doncaster Hill Activity Centre.
- Amends Clause 21.13 (Open Space and Tourism) to:
  - Vary the section relating to 'strategy' to add reference to seeking a contribution specified in the Schedule to Clause 52.01.
  - Insert an implementation action to use the Schedule to Clause 52.01 to specify the amount of contribution for public open space for any subdivision of land.
  - Replace reference to the Public Open Space Strategy (2004) with the 'Manningham Open Space Strategy' (2014) and include reference to 'Manningham Council Open Space Contributions Plan, SGS Economics and Planning, January 2017.'
- Amends Clause 21.16 (Key References) to delete reference to the Public Open Space Strategy (2004) and insert two reference documents titled 'Manningham Open Space Strategy' (2014) and 'Manningham Council Open Space Contributions Plan, SGS Economics and Planning, January 2017.'
- Replaces the Schedule to Clause 52.01 Public Open Space Contribution and Subdivision with a new Schedule that specifies a rate of 8% for Doncaster Hill and substantial change areas (being DDO8, DDO9 and DDO13) and 5% levy for the rest of municipality, except the Eastern Golf Course, for all non-exempt subdivisions.

## Strategic assessment of the Amendment

### Why is the Amendment required?

The Amendment is required because projected population growth and increased residential density will place greater demand on existing public open spaces. Council is seeking to expand and improve existing public open space areas to meet the needs of the existing and future population.

The City of Manningham *Open Space Strategy* (2014) is divided into two parts. Part 1 provides the strategic direction for open space planning in the municipality over the next ten years, whilst Part 2 provides an analysis and recommendations of specific open space precincts.

The Strategy refers to a report prepared by Victorian Environmental Assessment Council (VEAC) titled '*Melbourne Metropolitan Investigation*' that identifies that Manningham has a high percentage of open space when compared with other middle ring suburbs, even when only considering the western part of Manningham. However, over half of the open space in the municipality (60 per cent) is owned by the Crown and managed by Parks Victoria, which is provided for the broader population. The Yarra Valley Parklands (Crown Land) is the largest connected area of open space in Manningham and is managed by Parks Victoria.

The Strategy further concludes that whilst open space is provided across the municipality, there is an undersupply in some areas where increased population is expected. Other areas may be relatively close to open space but it is not easily accessible given the presence of main roads, or lack of pedestrian links.

Population experts, Aid Consulting, identify that Manningham's population is forecast to increase from 116,748 in 2011 to 148,236 in 2036, representing a 27% increase. Community consultation has regularly identified how much public open space is valued, as it is a key contributor to liveability and community connectedness.

Currently, the *Subdivision Act 1988* (the Act) provides the legislative framework for a council to collect an open space contribution. The contribution is intended as compensation for the increased demand for open space that will result from a subdivision.

Under the Act a council can request a maximum 5% open space contribution rate for land being subdivided into three lots or more, provided that it can be justified. The Schedule to Clause 52.01 of the Manningham Planning Scheme is a planning mechanism that enables Council to stipulate a requirement that meets local circumstances, and can exceed the 5% limit of the Subdivision Act.

Doncaster Hill currently has a mandatory 5 per cent public open space contribution rate specified in a Schedule to Clause 52.01 of the Manningham Planning Scheme in relation to any subdivision.

In the rest of the municipality no rate is currently specified in the Schedule to Clause 52.01 and Council applies a sliding scale open space contribution rate to any subdivision of three or more lots ranging from 0 – 5% depending on the number of lots proposed to be created. This approach makes it difficult to strategically plan for future open space provision and in some instances has led to inconsistent and poor open space outcomes.

Following the adoption of the *Manningham Open Space Strategy (2014)* SGS, Economics and Planning, prepared the Manningham Council Open Space Contributions Plan (March 2017). The report recommends two separate open space rates: 8 per cent for areas that are forecast to experience a substantial level of development, including Doncaster Hill and land covered by Design and Development Overlay Schedules 8, 9 and 13; and a five per cent in the balance of the municipality where less growth is anticipated. These rates are considered fair and equitable, and simple to administer. Furthermore, prescribing rates in the

Manningham Planning Scheme means that Council will have a clear policy direction and planning mechanism to require an open space contribution which will enable Council to better plan for open space provision across the municipality

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

The Amendment seeks to implement the following objectives outlined in Section 4 of the *Planning and Environment Act 1987*.

- (a) *'to provide for the fair, orderly, economic and sustainable use, and development of land;*
- (b) *to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- (c) *to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- (g) *to balance the present and future interests of all Victorians'.*

The Amendment helps to implement these objectives by:

- Providing a formal and equitable method to collect contributions for open space based on increased demand;
- Providing certainty as to required open space contributions; and
- Improving public open space areas to enhance the liveability and recreational environment to meet the existing and future needs of residents.

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

##### Social

The Amendment will provide positive social benefits. The provision of open space is fundamental to the liveability and identity of Manningham. Access to high quality and diverse open space within walking distance of home and work is important to health (mental and physical) as it provides opportunities for social interaction, recreation, sport and relaxation. The Amendment will allow Council to improve the quality and increase the amount of open space to meet the needs of the existing and future residents.

##### Economic

The Amendment will have a positive economic benefit as it will provide a clear and fair policy direction in relation to Council's open space contribution rates. It will also provide a vehicle to generate more funds for Council for public open space than currently occurs.

##### Environmental

The Amendment will assist in upgrading existing open spaces, including vegetation restoration, leading to increased biodiversity. The increase in area set aside for open space will provide opportunities for the planting of more vegetation, including trees, to assist in reducing global warming.

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

The Amendment does not have a direct impact on bushfire risk, however planning of open spaces in bushfire risk areas will take into consideration bushfire management issues.

**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.
- Ministerial Direction No. 9 Metropolitan Strategy.
- Direction No. 11 Strategic Assessment of Amendments.

Ministerial Direction No. 9 requires that planning scheme amendments in the metropolitan area have regard to *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land Water and Planning, 2017).

The Amendment accords with the following:

Outcome 5: Melbourne is a city of inclusive, Vibrant and Healthy neighbourhoods

Direction 5.1 – Create a City of 20 Minute Neighbourhoods

The 20 minute neighbourhood is about 'living locally.' The hallmark of a 20 minute neighbourhood is one that is: safe, accessible and well connected for pedestrians and cyclists; offers high quality public realm and open space; has access to quality public transport that connects people to jobs and higher- order services; and supports vibrant neighbourhood activity centres.

Other relevant directions are:

Direction 5.2 - Create neighbourhoods that support safe communities and healthy lifestyles

Direction 5.4 - Deliver local parks and green neighbourhoods in collaboration with communities

Policy 5.4.1 identifies the need to develop a network of accessible, high-quality, local open spaces that is fair and equitable and provides access for all members of the community.

Outcome 6 - Melbourne is a sustainable and resilient city

Direction 6.4 – Make Melbourne cooler and greener

Policy 6.4.2 'Strengthen the integrated metropolitan open space network' identifies the need to better plan, design and use new and existing open space and to ensure that open space is distributed fairly and equitably so that it is accessible for members of community, regardless of age, gender, ability or a person's location.

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

The Amendment is consistent with the following objectives and strategies:

Clause 11 Settlement, in particular Clause 11.04-1 Open Space Planning which includes the objective '*to assist creation of a diverse and integrated network of public open space commensurate with the needs of the community*'. The relevant strategies include the need:

- to set land aside in residential areas for local recreational use and to create pedestrian and bicycle links to commercial and community facilities; and
- to improve the quality and distribution of open space and ensure its long-term protection.

Clause 11.06 Metropolitan Melbourne, in particular Clause 11.06-5 Neighbourhoods: The objective of this Policy is to create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs. A relevant strategy is to create a city of 20 minute neighbourhoods that give people the

4



ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home. Another strategy is to develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment.

The Amendment is also consistent with Clause 15 Built Form and Heritage, particularly Clause 15.01-3 'Neighbourhood and subdivision design' that has an objective *'to ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable*. This objective is achieved by *'creating a range of open spaces to meet a variety of needs with links to open space networks and regional parks where possible'*.

The Amendment supports and implements these policies by ensuring new development, resulting in the creation of three or more lots, provides a certain percentage of open space that will contribute to improving the quality and distribution of open space and ameliorate the under supply of open space in areas. The Amendment will result in the upgrade of existing open space as well as the expansion of the existing open space reserves.

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

Clause 21.13 (Open Space and Tourism) of the Municipal Strategic Statement identifies that Council's vision for open space is to provide a range of active and passive recreation opportunities for current and future generations which is readily accessible, conserves and enhances natural and cultural resources, contributes to the local economy, and provides a high quality environment in which to live, work and visit. Clause 21.13-1 identifies that the extension and enhancement of the open space network are vital in meeting the needs of existing and future residents and visitors. A key objectives is *'to identify existing gaps in the public open space network and develop a program for how they can be addressed'*. (21.13-2).

The Amendment supports the policy directions of the MSS by providing a vehicle to generate funds for Council to improve the quality and amount of open space in accordance with council's open space program to meet the needs of the existing and future residents.

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

The Amendment makes proper use of the Victoria Planning Provisions (VPPs). The schedule to Clause 52.01 allows councils to establish open space contribution rates appropriate for local circumstances. The Amendment ensures a consistent and fair approach to calculate open space contribution rates across the municipality.

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

The views of relevant agencies will be sought through the amendment process.

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

The Amendment is unlikely to have a significant impact on the transport system as defined Section 3 of the *Transport Integration Act 2010*. It will however facilitate improved linkages to open space areas.

### Resource and administrative costs

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

The introduction of this amendment into the Manningham Planning Scheme will result in more efficient use of existing resources, as it clearly specifies the rate for the open space contribution to be applied across the municipal area. By stipulating the amount of contribution required upfront will also simplify the process for officers assessing applications for subdivision, in addition to simplifying the process for property owners/applicants.

#### Where you may inspect this Amendment

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

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)

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/amendment-C123](http://www.yoursaymanningham.com.au/amendment-C123)
- at the Doncaster/The Pines/Bulleen/Warrandyte branch libraries and the Box Hill branch library

#### Submissions

Any person who may be affected by the Amendment may make a written submission to the planning authority. **Submissions about the Amendment must be received by 13 November 2017.**

A submission must be sent to:

Vivien Williamson  
Manager City Strategy  
Manningham City Council  
P O Box 1  
DONCASTER VIC 3108

Or Online [www.yoursaymanningham.com.au/amendment-C123](http://www.yoursaymanningham.com.au/amendment-C123)

#### 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: 29 January 2018
- panel hearing: 19 February 2018

MANNINGHAM PLANNING SCHEME

21.09 ACTIVITY CENTRES AND COMMERCIAL AREAS

23/07/2015

C105

Proposed C123

21.09-1

19/06/2014

C105

Overview

This section applies to all activity centres and commercial areas identified in Framework Plan 5. Activity Centres are generally included within a Commercial 1 Zone or an Activity Centre Zone. Other commercial areas are generally zoned Commercial 1 Zone and Mixed Use Zone.

Manningham's network of activity centres currently comprises one Principal Activity Centre (Doncaster Hill, Doncaster), one Major Activity Centre (The Pines, East Doncaster) and ten Neighbourhood Activity Centres (Donburn, Tunstall Square, Jackson Court, Templestowe Village, Macedon Activity Centre, Bulleen Plaza, Doncaster East / Devon Plaza Activity Centre, Park Orchards, Warrandyte township and Warrandyte Goldfields). There are also a number of local activity centres, and other commercial areas throughout the municipality.

Activity centres are integral to the local economy and local employment generation and are an important focal point for community life and interaction.

Key challenges for Manningham's network of activity centres are to ensure that commercial development is contained within the activity centres and that existing centres remain vibrant, viable and sustainable into the future. These centres will be supported by an enhanced public transport system. The Principal, Major and identified Neighbourhood Activity Centres will be the focus of increased residential growth and development. Other key challenges facing activity centres include changes to industry and social trends (eg. regionalisation of government services to larger centres, internet shopping, lifestyle shopping) as well as the impact of The Pines and Westfield Doncaster expansions on other centres.

Small clusters of commercial development exist throughout Manningham. There is increasing pressure for linear commercial development along main roads and for new commercial development to be located outside of activity centres. These types of developments impact on the viability of the existing activity centres and are often poorly located in terms of access to appropriate services and public transport.

Principal Activity Centre (Doncaster Hill)

The Metropolitan Strategy *Melbourne 2030* identifies Doncaster Hill as a Principal Activity Centre.

The Doncaster Hill Activity Centre is a 58 hectare area located in Doncaster, stretching along the major corridors of Doncaster Road, Williamsons Road and Tram Road. It is located approximately 12 kilometres from the Melbourne Central Activities District and is one of the highest points in Melbourne showcasing views of the Dandenongs, Kinglake Ranges and the panoramic Melbourne City skyline.

The Doncaster Hill Activity Centre is regarded as a prime location for redevelopment based on topographic features and existing physical and community infrastructure assets.

To meet changing demographic trends and achieve residential targets identified by Council there is a need to provide a greater diversity of dwelling types. As part of the *Manningham Residential Strategy (2002)*, high and medium density housing densities will be encouraged within identified Activity Centres whilst residential development outside identified Activity Centre areas will be the focus for lower density, detached housing development. The Doncaster Hill Activity Centre has been identified as a focus for high density residential development.

Manningham has a commitment to sustainability. The Doncaster Hill Activity Centre is an opportunity to showcase an integrated land-use planning and development framework which:

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## MANNINGHAM PLANNING SCHEME

- challenges mainstream community planning and building design to achieve desired environmental outcomes
- provides more local jobs to reduce journey to work trips
- provides housing where residents may walk to facilities and services
- encourages reduced levels of car ownership and increased public transport usage.

**Vision**

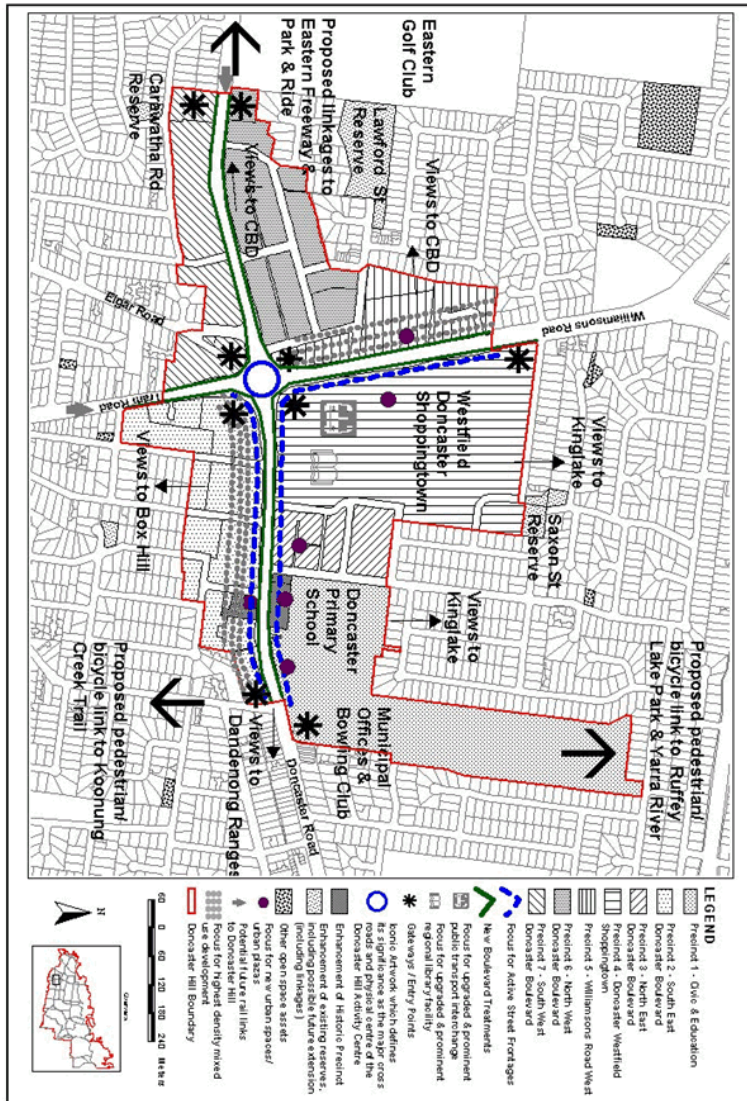
The *Doncaster Hill Strategy* (October 2002) envisages that the Doncaster Hill Activity Centre will be a key destination in Melbourne's East. It will be a high density, sustainable, vibrant, contemporary mixed use urban village with a strong sense of place and civic identity based on the following key vision objectives:

- To implement the objectives of Melbourne 2030 in respect of Principal Activity Centres as a focus for retail, social, commercial, entertainment, civic and residential uses.
- To integrate ecologically sustainable development principles and techniques into every facet of the design, construction and operation/occupancy stages of new development to raise the aspirations of all users, appropriate for a city looking towards a long-term, responsible and sustainable future.
- To ensure that built form outcomes demonstrate the use of contemporary architecture combined with innovative urban design and building techniques that incorporate ecologically sustainable design principles.
- To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.
- To encourage high density, high rise residential development.
- To provide a greater diversity of dwelling types.
- To alleviate pressure for more intense residential development in established urban areas.
- To reduce travel demand and change travel behaviour.
- To promote the development of sustainable transport options.
- To meet the future infrastructure requirements of Doncaster Hill in a comprehensive, timely and equitable way.
- To develop an integrated mixed-use precinct for Doncaster Hill Activity Centre which provides for an appropriate mix of uses and functions on a location specific level, including the provision of:
  - mixed uses within buildings, particularly along boulevard locations
  - small scale retail opportunities at ground floor level in conjunction with other mixed use developments
  - additional commercial/office floor space
  - flexible floor spaces within buildings to ensure life cycle adaptability.

The key strategic directions for future land-use planning and development are illustrated by the Doncaster Hill Strategy Framework Plan, included as Map 1 to this Clause. This Framework Plan provides the design vision as a stimulus for private and public sector developments.

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Map 1 - Doncaster Hill Strategic Framework Plan



## MANNINGHAM PLANNING SCHEME

**Precincts**

Seven distinctive development precincts have been identified and delineated within the Doncaster Hill Activity Centre. The precincts are delineated in accordance with their topographic orientation and aspect on Doncaster Hill, their relationship to main roads, and their present and future uses.

The precincts provide guidance to the expected outcomes in each area and a framework for the assessment of appropriate mixes of functions, building scale and character to create a distinctive sense of identity and character for each of the precincts.

In addition to the seven precincts, guidance to the expected outcomes for the intersection of Doncaster, Williamsons and Tram Roads is also outlined. The seven precincts of the Doncaster Hill Activity Centre and the intersection are identified on Map 2 to this Clause.

**Precinct 1****Existing conditions**

This precinct contains existing civic, education and art infrastructure for Doncaster Hill Activity Centre, including the defining historic buildings and most of the existing open space. It also features commanding views of the Kinglake ranges to the north and the Dandenong ranges to the east.

**Vision**

The creation of a consolidated, prominent and accessible civic centre with an expanded community and education focus, with gateway presence. It will also include a major urban open space/green spine for Doncaster Hill Activity Centre residents and the wider Manningham community. It is also envisaged to incorporate strong pedestrian links to other areas of Doncaster Hill Activity Centre and enhance the historic/arts sub-precinct.

**Precinct 2****Existing conditions**

This precinct is a north-facing strip on the south side of the Doncaster Road ridgeline, commanding 360-degree panoramic views and already containing a significant component of the commercial development for Doncaster Hill Activity Centre.

**Vision**

The focus for high-density mixed use development on Doncaster Hill, this precinct will include cafes, restaurants and outdoor eating at ground level taking advantage of the north-facing aspect, forming the backbone of a vibrant and active boulevard. It is also envisaged that strong pedestrian links will be established between both sides of Doncaster Road and that the heritage buildings will be retained to reinforce heritage/arts character of the area.

**Precinct 3****Existing conditions**

This precinct is the interface zone between the Civic and Education Precinct 1 to the east and Doncaster Shoppingtown (Precinct 4) to the west. It falls away dramatically to the north

## MANNINGHAM PLANNING SCHEME

maximising northern views and exposure. The Precinct presently comprises mainly low-density housing, with several rear lanes, and commercial development abutting Doncaster Road.

**Vision**

In light of its strategic location between Precincts 1 and 4, the future fabric in Precinct 3 will be highly permeable, including well-defined public spaces with linking pathways and with development addressing rear laneways and well designed public plaza(s). Precinct 3 will be well connected to high-density mixed-use development along Doncaster Road and Doncaster Shoppingtown Doncaster. Development will step down the hill and should fully exploit the northerly aspect and commanding views to the northern ranges.

**Precinct 4****Existing conditions**

Doncaster Shoppingtown, is a major regional shopping centre centrally located within the Doncaster Hill Activity Centre. The site has significant frontages to the main roads and occupies the dominant corner of the main intersection. It commands panoramic views to the north and west. The precinct also contains residential and community uses along the northern boundary.

**Vision**

As the Principal retail and entertainment focus of the Doncaster Hill Activity Centre it is envisaged that Westfield Shoppingtown will be better integrated into Doncaster Hill Activity Centre and the surrounding community. Future developments of Westfield Shoppingtown should be consistent with the vision of Doncaster Hill Activity Centre by incorporating activated street frontages and external spaces, a greater mix of uses, pedestrian accessibility, an accessible and prominent public transport interchange and improved engagement with the main intersection.

**Precinct 5****Existing conditions**

This precinct extends along the Williamsons Road ridgeline. It contains the only existing high-density housing development on the Hill and the Doncaster Hotel, the third largest single consolidated site within Doncaster Hill Activity Centre. The precinct features panoramic city skyline views to the west and direct access to open space and parkland along its southern boundary.

**Vision**

It is envisaged that high-density development continues along the Williamsons Road ridgeline, with strong links to Lawford Reserve, Shoppingtown and the public transport interchange. Strategic view corridors are to be created from the west side of Williamsons Road (in the vicinity of the Shoppingtown Hotel site) towards the city skyline, including from public open space abutting Williamsons Road.

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**Precinct 6****Existing conditions**

This precinct comprises the northwest area of Doncaster Road and Doncaster Hill Activity Centre. The precinct presently has a strong commercial/light industrial character, and older residential stock along Firth Street. It commands city views from the higher reaches at the east end.

**Vision**

It is envisaged that the mixed-use village character will continue on a smaller scale to that proposed for precincts further east and strong pedestrian links will be created to Lawford Reserve and to the south side of Doncaster Road. Commercial and mixed-uses will be located along Doncaster Road with medium-density residential uses located towards the rear of the precinct. Together with Precinct 7 it forms the major gateway entry to Doncaster Hill Activity Centre along Doncaster Road comprising of a consistent built edge and tree-planting with a gateway building located at west entry point.

**Precinct 7****Existing conditions**

This precinct comprises the south-west area of Doncaster Road and the Doncaster Hill Activity Centre, and is presently characterised by light industrial and commercial uses, including a number of restaurants at the west end and also including some residential land uses to the south. It commands city views from the higher reaches at the east end.

**Vision**

It is envisaged that a mixed-use village will be created on a smaller scale than that proposed for precincts further east. Together with Precinct 6, it forms a major gateway entry to the Doncaster Hill Activity Centre with consistent tapering of the built edge - to preserve the views of the city. It is envisaged that a gateway building be located at west entry point and that boulevard tree planting be located along the length of Doncaster boulevard. Commercial and mixed-uses will be located along Doncaster Road.

**Intersection of Doncaster, Williamsons and Tram Roads****Existing conditions**

This intersection comprises the major cross roads and physical centre of the Doncaster Hill Activity Centre with views to the city skyline and Box Hill. The intersection forms part of the major arterial road networks in the municipality, with access from the intersection to the Eastern Freeway, CBD and Box Hill Activity Centre. Doncaster Road is the municipality's main east-west arterial road and major bus route.

**Vision**

The Strategy supports the provision of iconic artwork at the intersection which:

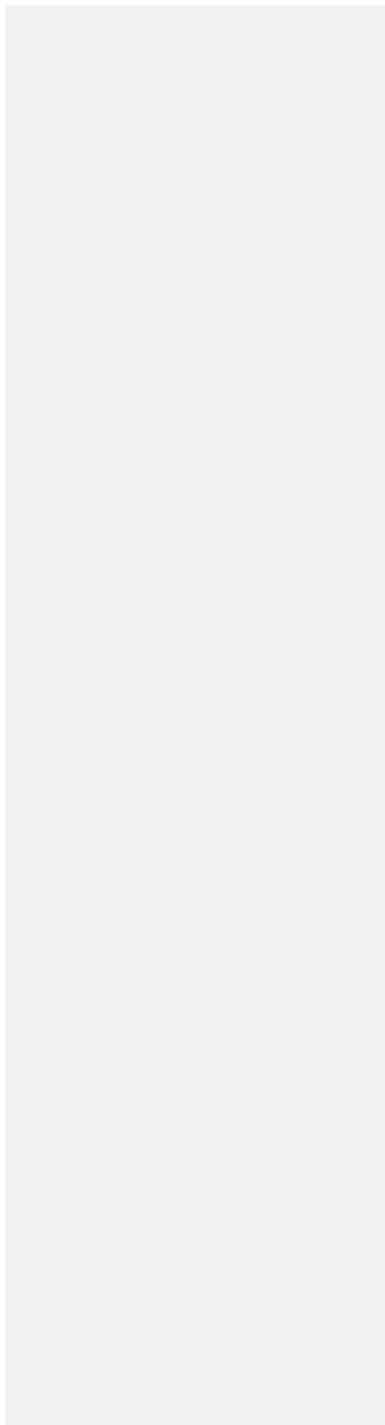
- defines its significance as the major cross roads and physical centre of the Doncaster Hill Activity Centre



MANNINGHAM PLANNING SCHEME

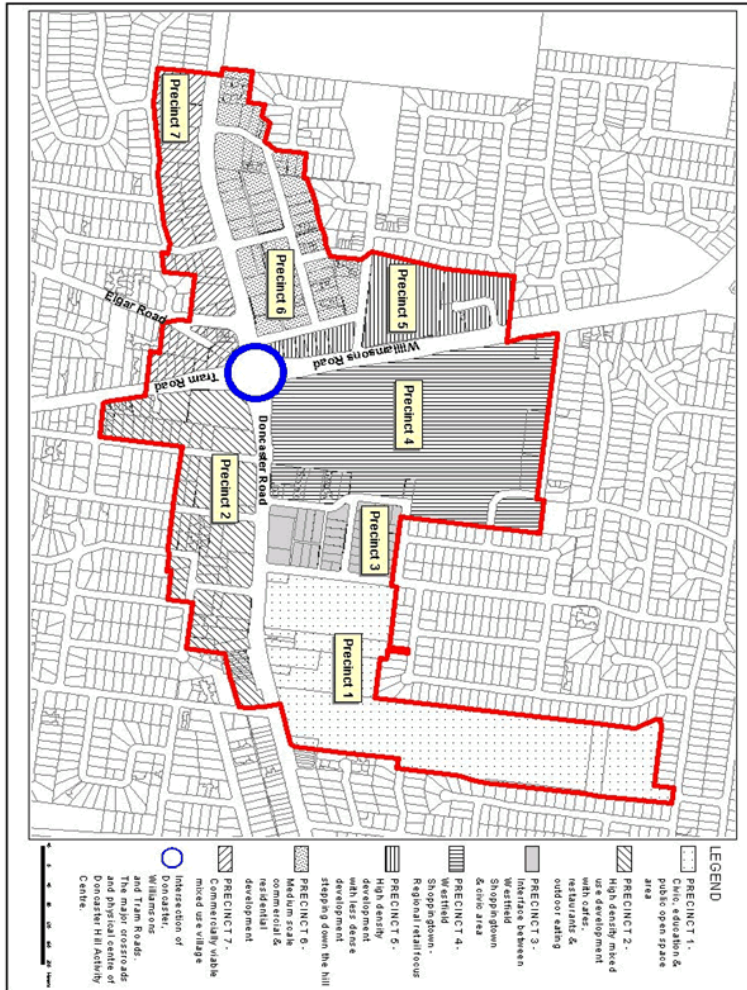
- creates a focal point of iconic status for Doncaster Hill Activity Centre visible from all directions
- visually unifies the 4 corners of the intersection
- preserves the street level pedestrian focus and retains views along Doncaster Road.

It is envisaged that this intersection will have greatly increased pedestrian safety and amenity, connecting all precincts abutting the Doncaster Road, Williamsons and Tram Roads intersection.



MANNINGHAM PLANNING SCHEME

Map 2 - Location of Doncaster Hill Activity Centre Precincts



## MANNINGHAM PLANNING SCHEME

**Major Activity Centre (The Pines, Doncaster East)**

The Pines Activity Centre is identified as a Major Activity Centre in *Melbourne 2030*. The Pines Activity Centre is located on Blackburn, Reynolds and Andersons Creek Roads, Doncaster East and occupies an area of approximately 38 hectares and is approximately 19 kilometres north east of Melbourne. The Pines Activity Centre is on the urban fringe of the Melbourne Metropolitan area and situated approximately within one kilometre of Manningham's Green Wedge to the north and low density areas to the east. Although the trade area extends approximately eight kilometres east, the growth forecast for The Pines is limited by the relatively low density of the trade area, lack of passing traffic and the proximity of large regional shopping centres.

The Pines Activity Centre Structure Plan boundary has been applied to include sufficient land to provide for the needs of the local community until 2025 after which time The Pines Activity Centre Structure Plan will need to be reviewed. As a Major Activity Centre, mixed use development, higher density housing and a wider range of arts, community, cultural and entertainment facilities will be encouraged.

**Vision**

The Pines Activity Centre will continue to be a focus for the community and to provide for their retail, community, recreational and entertainment needs as well as providing for a diversity of residential options within its context of being on the fringe of the metropolitan area of Melbourne and its proximity to the Green Wedge.

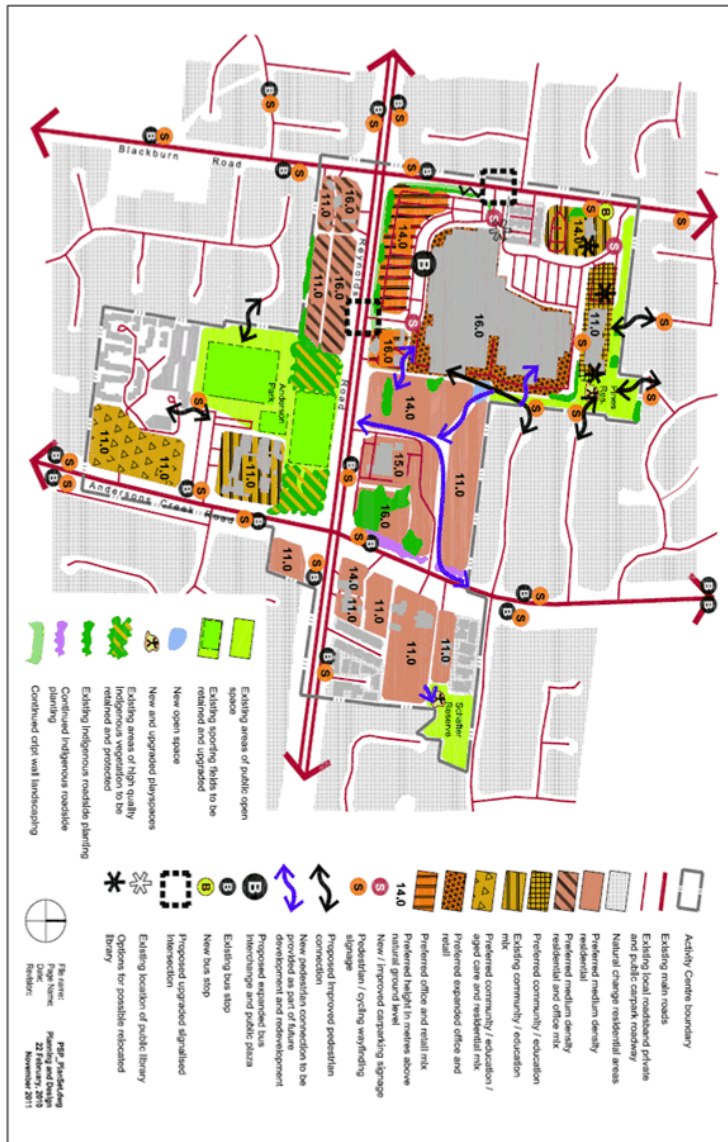
Key Strategic Objectives are:

- Support the development of The Pines Activity Centre which meets the social, recreational and retail needs of the population at the sub-regional level.
- Ensure that any future development in The Pines Activity Centre is in keeping with its location on the fringe of the urban area and its proximity to the Green Wedge.
- Encourage apartment style development within The Pines Activity Centre to maximise the use of the commercial and social facilities provided within and to provide alternative housing options for the locality.
- Encourage greater use of public transport to and from The Pines Activity Centre and advocate for more services and for these services to be provided more frequently.
- Enhance the public realm within The Pines Activity Centre by ensuring that the public spaces meet a range of community needs, are well linked together, are easily accessible, safe and visually pleasing.
- Maximise use of the area's natural strengths such as views to surrounding rural and bushland areas in keeping with the community interest.
- Support housing choices to meet changing demographic trends, especially an ageing population.
- Support a range of health, family and professional services relevant to the role of The Pines Activity Centre.
- Support a range of education and learning activities to meet the needs and aspirations of the local community.
- Provide for well defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established on main roads.

The key strategic directions for future land-use planning and development are guided by The Pines Activity Centre Structure Plan Framework Plan included as Map 3 to this Clause.

MANNINGHAM PLANNING SCHEME

Map 3 – The Pines Activity Centre Framework Plan



MANNINGHAM PLANNING SCHEME

**Neighbourhood Activity Centres**

Manningham’s Neighbourhood Activity Centres provide a limited mix of uses to meet local convenience needs. A key issue is to ensure that these centres remain viable and can evolve to meet the future needs of the community.

These centres will continue to be community hubs and meeting places for local residents, and opportunities for locating a range of social, community and recreational services within these centres will be encouraged. The activity centres located west of the Mullum Mullum Creek will be a focus for increased medium density development.

Development in the activity centres should improve functionality, accessibility, safety, social interaction, promote sustainability, and address scale and identity through site responsive design.

**Local Activity Centres**

Manningham has a number of Local Activity Centres throughout the municipality. These centres generally comprise only a small number of shops, which serve the convenience needs of immediate residents. These centres tend to experience high levels of vacancy for long periods of time and there is increasing pressure to allow different uses within these centres.

**Commercial areas**

A number of commercial areas exist outside out of Manningham’s Activity Centres, in particular along main roads (e.g. Doncaster and Manningham Roads). Future development in existing commercial areas must incorporate the use of high quality urban and sustainable design that addresses and minimises the impact of the development on the existing streetscape and adjoining areas.

**21.09-2 Principal Activity Centre (Doncaster Hill)**

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**Proposed C123**

**Key issues**

- The identification of Doncaster Hill as the civic hub for the municipality.
- The need for mixed use development with a focus on high density residential development in the Doncaster Hill Activity Centre.
- Pressure for commercial and retail development outside the Doncaster Hill Activity Centre.
- Incorporating ecologically sustainable development principles in every facet of design, demolition, construction and operation.
- Achieving innovative contemporary design and built form for all new development that is based on the best of current architectural design practice and sustainability principles.
- Infrastructure requirements in the Doncaster Hill Activity Centre.

**Objectives**

- To provide quality civic community services and facilities.
- To promote mixed use, high density residential development.
- To encourage the location of commercial and retail development within the Doncaster Hill Activity Centre.

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## MANNINGHAM PLANNING SCHEME

- To maximise energy conservation and increase use of renewable energy resources.
- To achieve water sensitive urban design that offers a superior alternative to the traditional approach to water management.
- To minimise the environmental impacts of input and output materials as well as any material used in the external construction and development of buildings and works.
- To achieve healthy indoor environment quality.
- To achieve a reduction in waste generated by building occupants that is collected, hauled to and disposed of in landfills.
- To achieve building design which includes accessibility and reduces the need to modify or alter buildings, in response to future changing needs and uses.
- To maximise alternative modes of transport and minimise environmental impacts associated with car parks.
- To minimise environmental impacts associated with site construction practices.
- To achieve innovative contemporary design and built form for all new development that is based on the best of current architectural design practice and sustainability principles.
- To ensure that the future infrastructure requirements of the Doncaster Hill Activity Centre are met in a comprehensive timely and equitable manner.
- To ensure all costs are equitably apportioned between developers and the responsible authority, in the provision of all relevant infrastructure.
- To encourage active uses and pedestrian generating activities at street level.
- To improve pedestrian, bicycle and public transport access to and within Doncaster Hill.
- To minimise adverse impacts associated with the location and operation of gaming venues and machines.

**Strategies**

Strategies to achieve these objectives include:

- Provide a range of social and community services to be located in the Doncaster Hill Activity Centre to meet the needs of the current and future residents and reinforce its role as Manningham's civic centre.
- Provide for high density residential development on individual sites in conjunction with a mix of other uses.
- Discourage the expansion of commercial and retail uses outside the Doncaster Hill Activity Centre.
- Address and incorporate ecologically sustainable design principles into developments at the earliest opportunity as an important design and development consideration, rather than be incorporated once concepts and plans are well advanced.
- Demonstrate the full potential of ecologically sustainable development by incorporating current best practice, using emerging design solutions and technologies and embracing a 'beyond compliance' approach to mandatory standards into proposals.
- Create an Activity Centre of a more human scale and character, which enhances the uniqueness and attractiveness of Doncaster Hill.
- Ensure that built form provides a range of building heights stepping with and emphasising the existing landform of the Doncaster Hill Activity Centre.
- Protect and enhance key views and vistas.

## MANNINGHAM PLANNING SCHEME

- Provide buildings, which are visually diverse and contribute to the public realm through the use of varied, high quality, durable and environmentally appropriate materials.
- Incorporate unique architectural and/or ecologically sustainable design features in identified design element areas so that they substantially contribute to overall building form and appearance.
- Apply appropriate building setbacks for new development, ensuring that building occupants and users of the Doncaster Hill Activity Centre have a high level of amenity in terms of ventilation, daylight access, outlook, view sharing, wind mitigation and privacy.
- Achieve the development of a strong boulevard character along Doncaster Road, Williamsons Road and Tram Road based on creating:
  - a strong sense of place and a safe and comfortable environment
  - active street frontages and mixed uses within buildings along Doncaster and Williamsons Roads (and part of Tram Road) as a focal point for appropriate uses and vibrant pedestrian generating activities including, café, leisure and other entertainment activities
  - a boulevard landscape treatment that comprises of high quality landscape treatment (including boulevard planting, canopy tree planting, screen planting, extensive tree plantings and theme plantings in appropriate locations) to be complemented by appropriate setbacks and built form.
- Apply gateway treatments to signal entry into and to enhance the special identity of the Activity Centre including the main intersection of Doncaster Road, Williamsons Road and Tram Road. Gateway treatments can include buildings showcasing unique contemporary architecture, artwork, lighting, distinctive tree planting and well-designed signage.
- Ensure that signage and displays are well designed and positioned to respect the amenity and safety of users, including the protection and enhancement of view lines and vistas and the boulevard character.
- Ensure that development incorporates high quality public and private open spaces that are useable, accessible, safe, well landscaped and provide opportunities for recreation and social interaction. These spaces should be well linked to major facilities for pedestrian networks to assist with permeability and pedestrianisation.
- Provide high quality pedestrian and bicycle linkages in both public and private areas, which improve the street level environment to create connections that are accessible, safe, interesting and pleasant.
- Provide high quality public art, which significantly contributes to the development of a contemporary and distinctive sense of place by creating an appropriate scale and location marker, defining image and reflecting the character for individual precincts.
- Provide appropriate infrastructure to meet the needs of the Doncaster Hill community, in accordance with the *Doncaster Hill Development Contributions Plan*, Manningham City Council, February 2005.
- Implement the *Doncaster Hill Development Contributions Plan*, Manningham City Council, February 2005 by proportionately allocating identified development contributions, according to projected share of usage.
- Require an economic assessment of the impacts of significant proposed developments/expansions on other activity centres.
- Implement Integrated Transport Plans to ensure access to employment, services and housing choices.

## MANNINGHAM PLANNING SCHEME

- Locate gaming venues and machines so as to discourage convenience gambling and ensure the availability of a range of alternative social and recreational activities.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying an Activity Centre Zone.
- Applying the Development Contributions Plan Overlay (DCPO1) for the purpose of levying contributions for the provision of works, services and facilities before development can commence.
- Applying the Public Acquisition Overlay (PAO1) and (PAO7) for the purpose of identifying land that Council proposes to acquire for open space or new road construction purposes.
- Applying an Incorporated Plan Overlay.

**Policy and exercise of discretion**

- Using Local Policy to promote design that addresses public safety (*Safety through urban design policy, Clause 22.08*).
- Using Local Policy to guide the location, design and management of gaming machines and venues (*Gaming, Clause 22.18*).
- Applying the Doncaster Hill Parking Precinct Plan (Doncaster Hill Parking Precinct Plan, GTA Consultants for Manningham City Council, 5 July 2004 Clause 52.06-6).
- ~~Applying the Doncaster Hill Development Contributions Plan, Manningham City Council, February 2005, to require a 5% public open space contribution for subdivision in the Doncaster Hill Activity Centre (*Doncaster Hill Development Contributions Plan, SGS Economics & Planning, February 2005, Clause 52.01*).~~

**Further strategic work**

- Investigating the development of performance standards and the identification of 'beyond compliance' approaches for Sustainability Management Plans.
- Investigating the need for more detailed design guidelines for specific areas and elements.
- Applying the Development Contributions Plan to ensure that the future infrastructure requirements are met in a comprehensive, timely and equitable way.
- Applying appropriate car parking rates, supporting public transport use, creating highly permeable pedestrian networks and providing pedestrian and cyclist links to reduce dependency on private car use.
- Developing a Doncaster Hill Green List for High-Density Development detailing sustainable products, brands and suppliers.

**Other actions**

- Regularly review the Activity Centre Zone to ensure it is delivering appropriate land use and development outcomes.



## MANNINGHAM PLANNING SCHEME

- Requiring applications for new use and development of land to apply the objectives and requirements of the *Doncaster Hill Strategy* (October 2002).
- Requiring applications for new use and development to have regard to the *Manningham Residential Strategy* (2012).
- Promoting and distributing the Doncaster Hill Sustainability Guidelines (2004).
- Continuing to advocate the extension of light rail into Doncaster Hill.
- Considering the views of the Sustainable Design Taskforce on major applications.
- Implementing mechanisms for the collection, disbursement and management of the Development Contributions Plan fund.

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23/07/2015  
C108

**Major Activity Centre (The Pines, Doncaster East)****Key issues**

- Long-term viability of The Pines Shopping Centre and limited trade catchment area.
- Providing a suitable range of community facilities and services, infrastructure and accommodation to meet the needs of the changing demographics, in particular, the ageing population.
- Limited land available to provide for additional commercial and residential development.
- Achieving innovative, contemporary built form based on best practice architectural design and sustainability principles.
- Development does not address the streetscape.
- Enhancing the public transport interchange function of The Pines Shopping Centre.
- The topography of The Pines Activity Centre presents challenges for creating pedestrian and bicycle friendly environments.
- High visibility of the Pines Activity Centre from the Green Wedge.
- Establishing an identity and sense of community and place that is unique to this area.
- Preservation of biosites and habitat on Andersons Park and along road reserves.

**Objectives**

- To encourage a mix of uses and activities within The Pines Activity Centre which meets the social, recreational and retail needs of the population at the sub-regional level.
- To deliver a diversity of housing at higher densities to make optimum use of the facilities and services.
- To avoid the fragmentation of land through subdivision.
- To achieve innovative, contemporary design and built form for all new development that is based on the best of architectural design practice and incorporates ecologically sustainable design principles.
- To encourage active uses and pedestrian generating activities as part of any future development of The Pines Activity Centre which address the streetscape.
- To ensure that open space areas and community facilities are linked to surrounding residential areas and the Shopping Centre through pedestrian and cycling paths.

## MANNINGHAM PLANNING SCHEME

- To ensure that public spaces provide a high standard of amenity, convenience, accessibility and safety.
- To improve pedestrian, bicycle and public transport access to The Pines Shopping Centre and within the Activity Centre.
- To ensure that the public transport interchange remains highly accessible and is located in a visually prominent position to promote greater use of public transport.
- To ensure appropriate traffic management and adequate parking provisions.
- To maximise use of views to the surrounding rural and bushland areas.
- To provide landscaping to soften built form incorporating indigenous planting where possible.
- To encourage the development of a distinct theme and sense of place unique to The Pines Activity Centre through landscaping and urban design improvements.
- To minimise adverse impacts associated with the location and operation of gaming venues and machines.

**Strategies**

Strategies to achieve these objectives include:

- Identify opportunities for increased retail and office floor space to meet the future needs of the sub regional population.
- Ensure provision of a greater intensity and diversity of housing.
- Encourage the provision of a bedroom and bathroom on the lower levels of dwellings and encourage the provision of lifts in apartment buildings.
- Provide for a range of health, leisure, recreation, family education and learning and professional activities to meet the needs of the sub regional population and support the role of The Pines as a Major Activity Centre.
- Encourage the provision of an economic assessment of the impacts of significant proposed developments/expansions on other activity centres.
- Ensure that all non-residential uses are designed to protect both existing and future residential amenity from excessive noise and odour.
- Ensure that new residential developments are designed to protect occupants from external noise and not unduly prejudice the operation of surrounding non-residential uses.
- Develop community buildings which adhere to good urban design principles, energy efficiency and which attract a broad range of users.
- Design public spaces to provide a high standard of amenity, convenience, accessibility and safety.
- Require an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.
- Provide buildings which are visually diverse and contribute to the public realm through the use of varied, high quality, durable and environmentally appropriate materials.
- Provide pedestrian/bicycle links through The Pines Activity Centre, surrounding areas and open space links.
- Ensure that new commercial uses and development facilitates public transport use, pedestrian flows and bicycle use.

## MANNINGHAM PLANNING SCHEME

- Require a traffic impact assessment, where appropriate, to be prepared for development which assesses any impacts along Blackburn, Reynolds and Anderson Creek Road, including any mitigation works such as signalisation or other traffic treatments.
- Provide car parks, preferably at basement level, loading facilities and internal roads to service any future commercial or apartment style development.
- Implement Integrated Transport Plans to ensure access to employment, services and housing choices.
- Protect and enhance key views and vistas.
- Minimise massing and bulk of buildings along the ridgeline.
- Encourage built form (including provision of restaurants or public spaces) within The Pines Shopping Centre that capitalises on key views and vistas including views to the Dandenongs and the Kinglake Ranges
- Plant and maintain native vegetation buffers between Council reserves and the residential areas.
- Protect, enhance and maintain the remnant indigenous vegetation in Andersons Park to promote the park's natural conservation areas and informal recreational values.
- Develop a landscaped theme based on the planting of Eucalyptus polyanthemos (Red Box) trees, complemented by indigenous vegetation.
- Locate gaming venues and machines so as to discourage convenience gambling and ensure the availability of a range of alternative social and recreational activities.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Commercial 1 Zone.
- Applying the Public Use Zone 6.
- Applying the Residential Growth Zone.
- Applying the Public Park and Resource Zone
- Applying a Design and Development Overlay.

**Policy and exercise of discretion**

- Implementing the Manningham Residential Strategy (2012).
- Implementing The Pines Activity Centre Structure Plan (2011).
- Using Local Policy to promote design that addresses public safety (*Safety through urban design policy, Clause 22.08*).
- Using Local Policy to guide the location, design and management of gaming machines and venues (*Gaming, Clause 22.18*).

**Further strategic work**

- Preparing a Manningham Development Contributions Plan focusing on key development areas to ensure adequate provision of infrastructure.

## MANNINGHAM PLANNING SCHEME

- Investigating opportunities for improved accessibility and connectivity within The Pines Activity Centre.

**Other actions**

- Investigating opportunities to improve sustainable business practices at The Pines.
- Continuing to advocate for improvements to access, frequency and hours of operation of public transport to The Pines.
- Considering the views of the Sustainable Design Taskforce on major applications.
- Development of a pedestrian/bicycle plan which includes a focus on the bus interchange.

**21.09.4 Neighbourhood Activity Centres**19/06/2014  
C105**Key issues**

- The long-term viability of Neighbourhood Activity Centres and the impact of the Doncaster Shoppingtown and The Pines expansions.
- Pressure for commercial and retail development outside Neighbourhood Activity Centres.
- The appearance of buildings, car parking and signage.
- Impact of Neighbourhood Activity Centres on adjoining residential areas.
- Lack of suitable community facilities, social services, public spaces and infrastructure to meet future needs.
- Provision of appropriate car parking and traffic management arrangements.

**Objectives**

- To maintain the role of Neighbourhood Activity Centres to meet local convenience needs.
- To achieve active street frontages in Neighbourhood Activity Centres.
- To discourage the location of new commercial and retail development outside Neighbourhood Activity Centres.
- To minimise the negative impact of Neighbourhood Activity Centres on the amenity of adjoining residential areas.
- To achieve high quality urban design which promotes a sense of place, community identity, social interaction and a safe environment.
- To provide landscaping to soften built form.
- To achieve building design which includes accessibility and reduces the need to modify or alter buildings, in response to future changing needs and uses.
- To ensure that public spaces provide a high standard of amenity, convenience, accessibility and safety.
- To provide quality community services and facilities in proximity to and within Neighbourhood Activity Centres.
- To ensure that adequate infrastructure is provided as part of any development.

## MANNINGHAM PLANNING SCHEME

- To improve pedestrian, bicycle and public transport access to Neighbourhood Activity Centres.
- To achieve effective and safe pedestrian movement within Neighbourhood Activity Centres.
- To ensure appropriate traffic management and adequate parking provision.
- To ensure that development provides the highest level of access for all people.

**Strategies**

Strategies to achieve these objectives include:

- Encourage a mix of uses including residential development to ensure the long-term viability and competitiveness of the activity centres.
- Require the location of new commercial and retail uses to be within activity centres.
- Upgrade the appearance of Neighbourhood Activity Centres through the implementation of Urban Design Masterplans.
- Ensure that land use and development within Neighbourhood Activity Centres minimises the impact on residential amenity.
- Encourage high quality and contemporary built form.
- Encourage car parking areas at the rear, side or underneath buildings in a way that responds to landform and surrounding development.
- Encourage the use of landscaping to soften the visual appearance of development.
- Encourage signs which complement the character and amenity of the area, the site and surrounds, built form and streetscape, minimise clutter, are well designed and improve the site's attractiveness and function.
- Encourage the establishment of community based facilities in or adjacent to activity centres to encourage social interaction and to service resident needs.
- Design public spaces to provide a high standard of amenity, convenience, accessibility and safety.
- Require an economic assessment of the impacts of significant proposed developments/expansions on other activity centres.
- Require a traffic and car parking assessment to be prepared for development, where appropriate.
- Maximise opportunities for car parking including consolidation of land (e.g. at the rear of shops).

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Commercial 1 Zone to the Neighbourhood Activity Centres.

**Policy and exercise of discretion**

- Implementing the Manningham Activity Centre Strategy (2005).

## MANNINGHAM PLANNING SCHEME

- Implementing the Manningham Residential Strategy (2012).
- Implementing any existing structure plans.
- Using Local Policy to improve the functionality of commercial developments, including the location and design of car parking areas (*Design and development policy, Clause 22.01; Accommodation premises policy, Clause 22.04; Non-residential uses in residential areas policy, Clause 22.05; Eating and entertainment premises policy, Clause 22.06; and Access for disabled people policy, Clause 22.09*).
- Using Local Policy to guide the location and display of advertising signs (*Outdoor advertising signs policy, Clause 22.07*).
- Using Local Policy to promote design that addresses public safety (*Safety through urban design policy, Clause 22.08*).
- Implementing the Jackson Court Parking Precinct Plan (Jackson Court Shopping Centre Parking Precinct Plan, Arup and Manningham City Council, June 2000 Clause 52.06-6).

**Further strategic work**

- Implementing the Manningham Activity Centres Strategy (2005).
- Preparing guidelines for sustainable business practices to encourage activity centres to operate in a more environmentally responsive manner.

**Other actions**

- Considering the views of the Sustainable Design Taskforce on major applications.
- Developing, implementing and reviewing Urban Design Masterplans for each activity centre to provide landscape and urban design measures to increase public safety, comfort, functionality and achieve a high standard environment.
- Preparing a Manningham Development Contributions Plan focusing on key development areas to ensure adequate provision of infrastructure.
- Preparing Special Rates and Charges Schemes to enhance Neighbourhood Activity Centres in accordance with the *Manningham Activity Centre Strategy* (2005).

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19/06/2014  
C105

**Local Activity Centres****Key issues**

- Long-term viability of Local Activity Centres.
- Vacancy rates within Local Activity Centres.
- Redevelopment of these centres for a mix of uses.
- The appearance of buildings and signage.
- Provision of appropriate car parking and traffic management arrangements.
- Impact of Local Activity Centres on adjoining residential areas.

**Objectives**

- To ensure that Local Activity Centres make a positive visual contribution to the local neighbourhood.

## MANNINGHAM PLANNING SCHEME

- To minimise the negative impact of Local Activity Centres on the amenity of adjoining residential areas.
- To ensure the adequate provision of car parking within Local Activity Centres.

**Strategies**

Strategies to achieve these objectives include:

- Encourage high quality built form that complements and responds to surrounding developments.
- Improve pedestrian, bicycle and public transport access to Local Activity Centres.
- Achieve effective and safe pedestrian movement within Local Activity Centres.
- Require adequate provision of car parking for new development and uses.
- Encourage signs which complement the character and amenity of the area, the site and surrounds, built form and streetscape, minimise clutter, are well designed and improve the site's attractiveness and function.
- Ensure new use and development within Local Activity Centres minimises the impact on residential amenity.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Commercial 1 Zone.

**Policy and exercise of discretion**

- Using Local Policy to improve the functionality of commercial developments, including the location and design of car parking areas (*Design and development policy, Clause 22.01; Accommodation premises policy, Clause 22.04; Non-residential uses in residential areas policy, Clause 22.05; Eating and entertainment premises policy, Clause 22.06; and Access for disabled people policy, Clause 22.09*).
- Using Local Policy to guide the location and display of advertising signs (*Outdoor advertising signs policy, Clause 22.07*).
- Using Local Policy to promote design that addresses public safety (*Safety through urban design policy, Clause 22.08*).

**Further strategic work**

- Investigating the future role of Local Activity Centres to determine appropriate uses and vision for each centre.

**Other actions**

- Considering the views of the Sustainable Design Taskforce on major applications.

## MANNINGHAM PLANNING SCHEME

## 21.09-6 Commercial areas

23/07/2015  
C108**Key issues**

- Pressure to locate commercial development outside of activity centres and existing commercial areas.
- Pressure to rezone residentially zoned land adjacent to existing commercial areas, particularly along Doncaster Road.
- Impact on the amenity of adjoining uses.
- The design and appearance of new commercial development.

**Objectives**

- To contain commercial development within existing commercial areas or activity centres.
- To minimise the impact of commercial development on the amenity of other adjoining uses.
- To achieve development with a high standard of amenity, functionality and safety.
- To ensure that the range of uses within mixed use developments are compatible.
- To achieve high quality urban design that makes a positive visual contribution to existing commercial areas.
- To reduce the visual impacts of car parking and driveway areas.
- To provide landscaping to soften built form.
- To minimise adverse impacts associated with the location and operation of gaming venues and machines.

**Strategies**

Strategies to achieve these objectives include:

- Require proposals for commercial floorspace to be located within existing commercial areas.
- Ensure that commercial development minimises the impact on residential amenity.
- Require commercial developments to provide a high standard of amenity, convenience, accessibility and safety.
- Ensure high standards of urban design that enhances the appearance of existing commercial areas and activity centres and complements surrounding developments.
- Require multi-level development to include stepped heights, articulation, and sufficient setbacks to avoid detrimental impacts to the area's character and amenity.
- Encourage car parking areas at the rear, side or underneath buildings in a way that responds to landform and surrounding development.
- Encourage the use of sustainable landscaping to soften the visual appearance of development.
- Encourage signs which complement the character of the area, the site and surrounds, built form and streetscape, minimise clutter, are well designed and improve the site's attractiveness and function.



## MANNINGHAM PLANNING SCHEME

- Locate gaming venues and machines so as to discourage convenience gambling and ensure the availability of a range of alternative social and recreational activities.

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Commercial 1 Zone.
- Applying the Mixed Use Zone.
- Applying a Design and Development Overlay.

**Policy and exercise of discretion**

- Using Local Policy to improve the functionality of commercial developments (Design and development policy, Clause 22.01; Accommodation premises policy, Clause 22.04; Non-residential uses in residential areas policy, Clause 22.05; Eating and entertainment premises policy, Clause 22.06; and Access for disabled people policy, Clause 22.09).
- Using Local Policy to guide the location and display of advertising signs (*Outdoor advertising signs policy, Clause 22.07*).
- Using Local Policy to promote design that addresses public safety (*Safety through urban design policy, Clause 22.08*).
- Using Local Policy to guide the location, design and management of gaming machines and venues (*Gaming, Clause 22.18*).

**Further strategic work**

- Investigating the appropriateness of the Mixed Use Zone within existing commercial areas.

**Other actions**

- Considering the views of the Sustainable Design Taskforce on major applications.
- Encouraging collaborative design processes with key stakeholders for significant proposals.

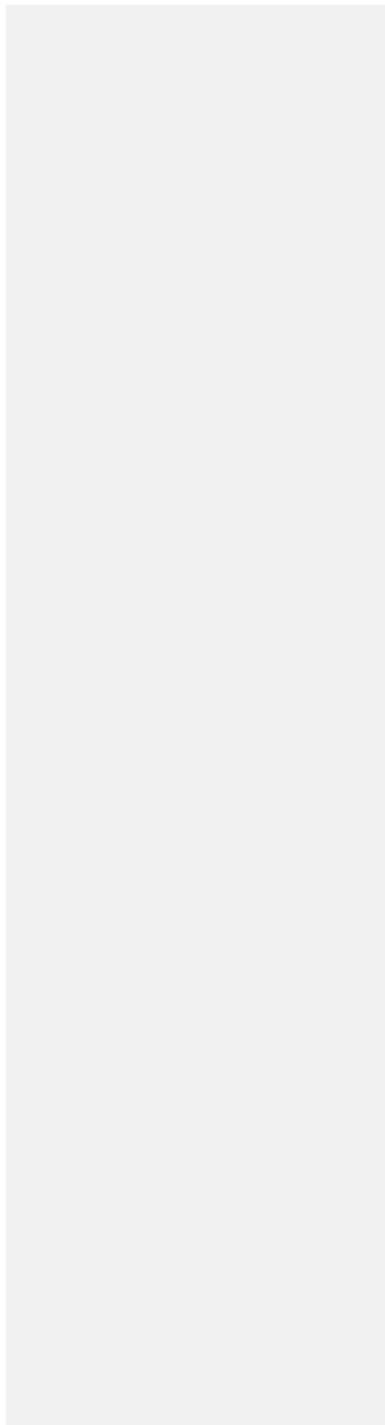
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**Reference documents**

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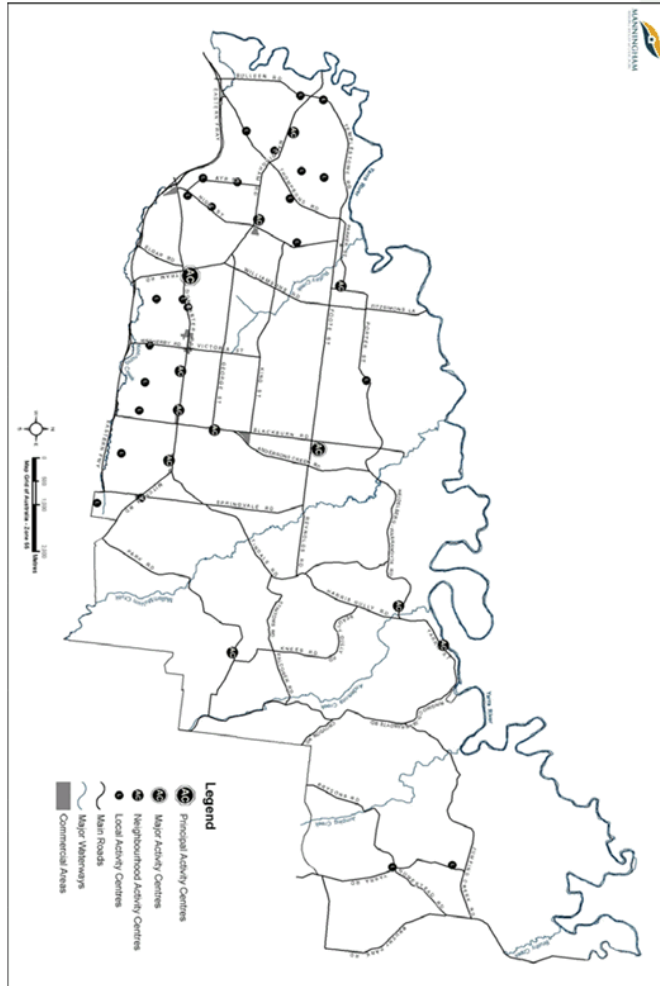
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Activity Centres and Commercial Areas Framework Plan 5



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**21.13 OPEN SPACE AND TOURISM**

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**21.13-1 Overview**

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**Open space**

Council's vision for open space is to provide a range of active and passive recreation opportunities in accordance with community needs, which is readily accessible, conserves and enhances natural and cultural resources, contributes to the local economy, and contributes to an amenable environment in which to live, work and visit for current and future generations.

The *Public Open Space Strategy (2004) Open Space Strategy – Parts 1 and 2 (2014)* provides for the effective management of open space assets and provision of future open space opportunities, including sporting, conservation, community use and facility development. The extension and enhancement of the open space network and its linkages is also vital. The use and development of open space assets needs to respond to the cultural, interpretive and ecological values and changing needs of the community. Council will continue to expand the public open space network over time.

Refer to Open Space and Tourism Framework Plan 7 for key open space and tourism assets.

**Tourism**

Tourism in Manningham provides a diverse range of business and employment opportunities for residents and visitors to experience and to enjoy the natural and cultural environments.

Council supports tourism initiatives that maintain and enhance a valuable and sustainable tourism industry and which complement adjoining land uses. Development that protects local environmental features, landscape qualities, local character and cultural heritage will be encouraged. The development of physical and social infrastructure to support the tourism industry in Manningham is critical, including signage, transport linkages and community facilities.

Tourism will focus on project implementation at a local level while retaining marketing at a regional level. A key challenge is to further enhance tourism opportunities at a local level, which will involve working closely with local residents and local businesses.

**21.13-2 Open space**

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**Key issues**

- An adequate supply of land to meet the future needs of strategic open space links, natural areas and recreational facilities.
- Pressure for public access to open space areas with conservation values.
- Competing interests between adjoining land use and development on public open space and its user groups.
- Use of public open space and recreational resources for drainage purposes.
- Higher density residential development placing increased pressure on the demand for public open space.
- Developing public open space for more intensive leisure and sporting activities.

**Objectives**

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- To identify existing and future active and passive recreation needs and social trends of residents and visitors.
- To provide a wide range of high quality and accessible public open space areas to encourage physical activity and social interaction to meet the existing and future needs of residents and visitors.
- To identify existing gaps in the public open space network and develop a program for how they can be addressed.
- To minimise the impact of adjoining land use and development on public open space and its users.
- To protect, enhance and increase biodiversity values of public open space.
- To minimise the impact of the use and development of public open space on the surrounding area.
- To protect, enhance and increase landscape values of public open space.
- To recognise the hierarchy of public open space assets, equitably distributing open space resources, access to facilities and a diverse range of opportunities.
- To develop and maintain public open space of regional or municipal significance for the benefit of the whole community.
- To provide and manage comprehensive pedestrian, bicycle and trail networks.
- To incorporate the drainage function in public open space areas without detriment to safety, environmental, visual and recreational values.

**Strategies**

Strategies to achieve these objectives include:

- Prepare and implement Management/Development Plans for public open space.
- Develop biolinks between open space and other areas with high conservation values.
- Develop and continue to consolidate the important recreation, education and conservation role of key public open space areas.
- Require public open space contributions for subdivision that increase the demand for open space and where the provision of a land contribution is not appropriate.
- Accept land as the open space contribution for subdivision if one of the following criteria applies:
  - It provides a link with other areas of public open space
  - It provides a pedestrian/cycle link to commercial areas, residential streets and/or activity centres
  - It contains significant remnant habitat
  - It provides opportunity for community development
  - It meets the planning criteria adopted for the provision of public open space
  - It is situated along a waterway identified within the *Public Open Space Strategy (2004) Open Space Strategy – Parts 1 and 2 (2014)* as a major or other link
  - It is required for sporting or other community facility.
- Develop bike and pedestrian networks that are linked to the Yarra Valley Parklands and other major public open space areas.
- Require applicants to implement land management practices to limit adverse effects of pest plants and pest animals where appropriate.

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- Provide a balance between open space requirements and the drainage function of land.
- Facilitate drainage proposals that are implemented in a manner, which enhances recreational resources and the environmental values of public open space.
- Require developments close to, adjoining or in public open space areas to be sympathetic to:
  - identified functions of linear parks
  - natural areas and reserves with flora and fauna values
  - sporting reserves
  - community/recreation reserves
  - neighbourhood parks.
- Require uses and developments to minimise negative impacts on public open space, including flora and fauna habitat, hydrology, water, visual and landscape qualities.
- Require developments close to, adjoining or in significant roadside areas to recognise the flora and fauna values as an important part of the public open space system, and the need to protect and enhance these values.
- Purchase strategic areas of land for the public open space network.
- Sell reserves of minimum open space value to fund the purchase and/or development of more strategic areas of public open space.
- Seek open space contributions from new developments at the time of subdivision for public open space in line with the rates specified in the schedule to Clause 52.01 (Public Open Space Contribution and Subdivision).

**Implementation**

These strategies will be implemented by:

**Zones and overlays**

- Applying the Public Park and Recreation Zone.
- Applying the Public Conservation and Resource Zone.
- Applying an Environmental Significance Overlay.
- Applying a Significant Landscape Overlay.
- Applying the Schedule to Clause 52.01 (Public Open Space Contribution and Subdivision).

**Policy and exercise of discretion**

- Implementing the Public Open Space Strategy (2004) Open Space Strategy – Parts 1 and 2 (2014) and relevant Management/Development Plans approved by Council.
- Implementing the *Manningham Bicycle Strategy* (2001) to integrate new development with existing and proposed bicycle and pedestrian networks.
- Implementing the *Manningham Green Wedge Strategy* (2004) that reiterates the importance and value of preserving and enhancing open space.
- Implementing *Manningham Biosites: Sites of (Biological) Significance Review* (2004).

**Further strategic work**

## MANNINGHAM PLANNING SCHEME

- Reviewing zone and overlay provisions to achieve greater regional consistency and protection of the Yarra River, its environs and tributaries in conjunction with the Department of Planning and Community Development and other municipalities along the Middle Yarra.
- Preparation of Management/Development Plans in accordance with the ~~Public-Open Space Strategy (2004)~~ *Open Space Strategy – Parts 1 and 2 (2014)*.

**Other actions**

- Facilitating and improving communication regarding public open space planning, development and ongoing management between Council, government and statutory authorities, community groups, reserve users and local residents.
- Developing and implementing a system for planning development of public open space areas.
- Developing and implementing responsible and responsive financial planning for the continued development and management of public open space.
- Establishing a system for evaluating whether the objectives of the *Open Space Strategy – Parts 1 and 2 (2014)* ~~Public-Open Space Strategy (2004)~~ are being met through its ongoing implementation.
- Investigating the use of revolving funds, including Trust for Nature to purchase and on-sell strategic land parcels.
- Investigating the potential of land swap, community trust, buy back and sale of surplus Council Reserves, to purchase land of particular strategic or environmental significance required for the public open space system.
- Developing programs for the purchase of strategic private land in the priority identified in *Public Open Space Strategy (2004)*, and the funding of either the purchase and/or development of areas of strategic public open space through the sale of Unclassified Reserves.
- Implementing the *Horse Riding Strategy (2001)*.
- Implementing the *Playspace Strategy (2003)*.

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**Tourism****Key issues**

- Identifying and developing appropriate tourism opportunities.
- Development of local tourism facilities that enhance local environmental features, landscape qualities, local character and cultural heritage.
- Providing diverse business opportunities.
- Development of appropriate infrastructure to enhance tourism product strengths of the region.
- Balancing visitor needs/demands and the pressure placed on natural resources and local communities.

**Objectives**

- To promote Manningham's competitive strengths including the attraction of investment capital in tourism in the following areas:
  - links to the Yarra Valley Region

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- historic and modern arts
- arts/crafts enterprises
- heritage and cultural assets
- natural assets
- Aboriginal culture
- quality food and wines.
- To encourage accommodation that enhances regional and local tourism without causing detriment to scenic, landscape and environmental resources.
- To minimise any adverse impacts of tourism activities on local communities, surrounding land uses and natural resources.
- To ensure tourism development does not impact on the amenity of the area.
- To improve the quality, capacity and accessibility to key tourism assets.

**Strategies**

Strategies to achieve these objectives include:

- Encourage tourism opportunities that meet the needs of the local and business community.
- Promote, protect and enhance Melbourne's Valley of the Arts region as a tourist destination.
- Promote and enhance Manningham's tourism assets in Framework Plan 7.
- Require the development of tourist activities to respond to land capability (including environmental and servicing constraints).
- Encourage uses such as small-scale bed and breakfast accommodation, matched to land capability (including environmental and servicing constraints).
- Promote tourism developments that complement local communities, surrounding land uses and natural resources.
- Require development proposals to adopt best-practise design and construction techniques to ensure that the proposals have a neutral or positive impact on environmental characteristics and visual landscape quality of surrounding land uses and natural resources.
- Promote sustainable and high quality development of physical infrastructure.
- Promote environmentally sensitive road upgrades.
- Promote key tourism assets with appropriate signage.
- Require developments to demonstrate that traffic impacts will be minimised.

**Implementation**

These strategies will be implemented by:

**Zones and overlays****Policy and exercise of discretion**

- Implementing the *Public-Open-Space-Strategy-(2004) Open Space Strategy – Parts 1 and 2 (2014)* to encourage development of appropriate infrastructure to enhance tourism



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product strengths and to balance visitor needs/demands and the pressure placed on natural resources and local communities.

- Implementing the *Manningham City Council 2003-2006 Economic Development Strategy* (2003).
- Using Local Policy to ensure that signage does not affect the amenity of the area (*Outdoor advertising signs policy, Clause 22.07*).

## Further strategic work

- Preparation of a Local Tourism Strategy having regard to the Tourism Development Plan for Melbourne Riverlands (1997) and Melbourne's Valley of the Arts Regional Tourism Marketing Board, Marketing and Business Plan 2002-2004.

## Other actions

- Promoting public transport links to key tourism assets.
- Implementing the *Arterial Road Improvement Strategy* (2004), *Tourist Signing Guidelines* (2001) and the *Manningham Integrated Transport Strategy* (2003), which promote the development of appropriate infrastructure to enhance tourism product strengths of the region.

## 21.13.4 Reference documents

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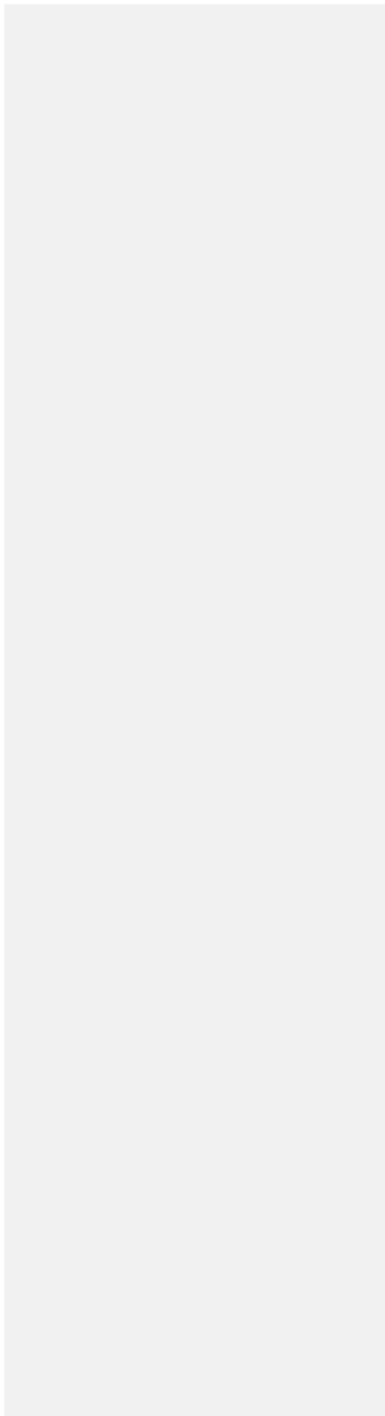
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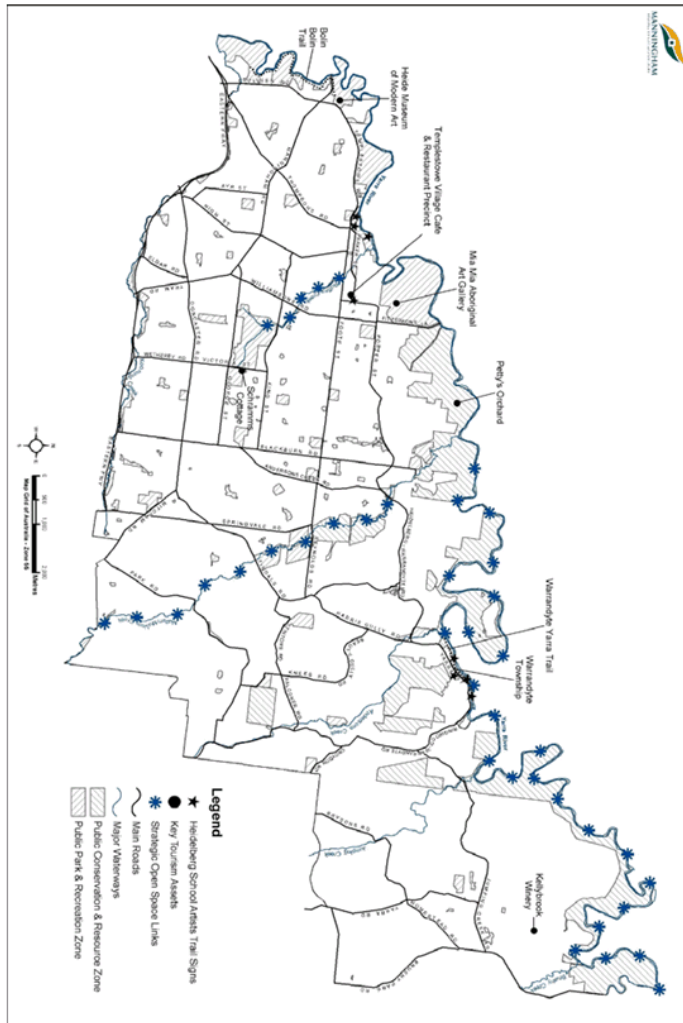
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OPEN SPACE AND TOURISM FRAMEWORK PLAN 7



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SCHEDULE TO CLAUSE 52.01

Type or location of subdivision	Amount of contribution for public open space
<del>Any subdivision of land in the area affected by the Development Contributions Plan Overlay Schedule 4 shown on the planning scheme maps as DCPO4 Activity Centre Zone Schedule 1, Design and Development Overlay Schedule 8, Design and Development Overlay Schedule 9 and Design and Development Overlay Schedule 13.</del>	58%
<del>All other land within the municipality, except land in the area affected by the Development Plan Overlay Schedule 3 (Tullamore Estate).</del>	5%

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*Planning and Environment Act 1987***MANNINGHAM PLANNING SCHEME****AMENDMENT C123****INSTRUCTION SHEET**

The planning authority for this amendment is the Manningham City Council.

The Manningham Planning Scheme is amended as follows:

**Planning Scheme Ordinance**




The Planning Scheme Ordinance is amended as follows:

1. In Local Planning Policy Framework – replace Clause 21.09 with a new Clause 21.09 in the form of the attached document.
2. In Local Planning Policy Framework – replace Clause 21.13 with a new Clause 21.13 in the form of the attached document.
3. In Local Planning Policy Framework – replace Clause 21.16 with a new Clause 21.16 in the form of the attached document.
4. In Particular Provisions – Clause 52.01 replace the Schedule with a new Schedule in the form of the attached document.

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### 10.3 Parking Permit Policy Review 2017

File Number:	IN17/657
Responsible Director:	Director Planning and Environment
Attachments:	1 Manningham's Parking Permit Policy 2013 <a href="#">↓</a> 
	2 Comparative analysis of parking permit schemes <a href="#">↓</a> 
	3 DRAFT Parking Permit Policy 2017 <a href="#">↓</a> 

#### EXECUTIVE SUMMARY

*The purpose of this report is to provide the result of the review of Manningham's Parking Permit Policy 2013.*

*The report considers issues raised by complaints received during the current operation of the current policy and from Officer feedback including:*

- The move to vehicle specific resident permits to generic visitor permits for all permits issued*
- The restriction of the number of permits issued to sites where on site visitor parking has been provided as part of multi dwelling development*
- Lack of permit mechanism to deal with tradesperson or construction worker parking*
- Lack of mechanism to deal with carer visitors such as Child and Maternal Health Nurses*

*Proposed changes include:*

- Introduction of a new Tradesperson Permit and Carer Permit Scheme*
- Inclusion of details regarding the types of permits issued in relation to Residential Parking Permits, including whether they are vehicle specific or general*
- Clarification regarding the management of visitor parking permits for multi dwelling sites*
- Introduce the option of a fixed permit (sticker on the windscreen)*
- Removing the assessment requirement for a third paid parking permit*
- Updates to the definitions within the policy*

*No changes are proposed in relation to the type of permits issued, the period of time that permits are issued for or the current costs.*

*The report recommends adoption of the Manningham Parking Permit Policy 2017 (Attachment 3).*

**1. RECOMMENDATION**

**That Council:**

- A. Notes the results of the review of the existing Parking Permit Policy 2013**
- B. Adopts Manningham's Parking Permit Policy 2017 (Attachment 3) which includes the following changes:**
- **Inclusion in the policy of the types of permits issued in relation to Resident Parking Permits**
  - **Clarification of the visitor permit requirements for multi-dwelling sites**
  - **Introduction of a Tradesperson Permit Scheme and associated fee**
  - **Introduction of a Carer Permit Scheme**
  - **Introduce option for a fixed permit**
  - **Providing a third paid permit without the need for an assessment**
  - **Update to the definitions within the policy**
- C. Notes that a communications plan will be developed to ensure that the proposed changes are adequately understood.**
- D. Notes that the new procedures for the issue of resident parking permits will take effect immediately for new permits issued and will be phased in for existing permits not yet up for renewal.**

**2. BACKGROUND**

- 2.1 Council at its meeting on the 29 October 2013 adopted the Manningham Parking Permit Policy 2013. (See Attachment 1) The policy provides for the following:
- guidance on who is entitled to a parking permit
  - the quantity of permits per property
  - the cost of permits
- 2.2 The policy covers resident parking permits, trader parking permits and Aquarena parking permits.
- 2.3 The policy provides for the implementation of a permit scheme in response to the management of car parking outlined in Council's Parking Management Policy, October 2014. The review of this policy is happening concurrently with the review of the *Parking Management Policy 2014*.

- 2.4 Currently Council has issued free three year Residential Parking Permits to 1354 properties, with the spread across the Municipality as follows:
- 932 in Doncaster
  - 274 in Doncaster East
  - 67 in Bulleen
  - 57 in Lower Templestowe
  - 15 in Donvale
  - 8 in Templestowe
  - 1 in Warrandyte
- 2.5 In addition to these 181 properties have received annual paid (current cost \$110) Residential Parking Permits as follows:
- 160 in Doncaster
  - 21 in Doncaster East
- 2.6 Each year Council issues approximately 835 Commercial Parking Permits with the majority being in Activity Centres such as Tunstall Square, Jackson Court and Bulleen Plaza.

### 3. DISCUSSION / ISSUE

- 3.1 As part of the review an analysis of other Council parking permit schemes was undertaken. (See attachment 2) The review included all neighbouring eastern Councils.

#### Residential Parking Permits

- 3.2 The majority of Councils provide for both a vehicle specific and a general visitor permit option. There is variety in how restrictive the supply of permits are, with some capping the number of non-vehicle specific permits and others providing a choice but pricing the permits differently.
- 3.3 Most Councils provide at least one free permit and charge a fee for all additional permits.
- 3.4 Vehicle specific permits are normally utilised by Councils that have either limited off street parking provided for in their existing housing stock or residential areas that are located near major transport or activity centres.
- 3.5 Currently Manningham's approach has been to issue two free Residential Parking Permits for a single dwelling with one permit being a vehicle specific permit. These permits are issued for 3 years. An additional permit either visitor or vehicle specific is available at a fee if certain criteria are met. These permits require annual renewal.
- 3.6 Currently the number of permits issued per household appears to meet demand. In relation to the paid permit Officers consider the following:
- Exceptional circumstances
  - Special needs

- 3.7 Whilst special needs is often easy to establish, such as a person with a disability who has a specific additional vehicle, it is considered that the vast majority of applications have exhibited genuine need and the broad nature of the criteria has created additional unnecessary assessment processing. It is considered that annual renewal provides for sufficient management of this category of permit.
- 3.8 The introduction of the vehicle specific permit was in response to numerous complaints received regarding the abuse of the Residential Parking Permits, in particular the alleged sale or provision of the permits to construction vehicles not associated with the occupant of the dwelling or use by Traders. The abuse of permits was most prevalent within the Doncaster Hill Principal Activity Centre.
- 3.9 Feedback from the community has raised some concerns regarding the restrictive nature of vehicle specific parking permits. It is acknowledged that the parking pressures across the Municipality in Resident Permit Areas are varied depending on the type of housing stock and their proximity to activity centres. Council Officers have observed significantly less abuse of the Resident Parking Permits following the introduction of one vehicle specific permit. As a result there is better equitable access to on-street resident permit parking, which supports the principles of Council's *Parking Management Policy 2014*. Officers recommend that the vehicle specific permit type remain under the current arrangements.
- 3.10 It is also acknowledged that there is an opportunity for Council to issue a fixed permit (sticker for the windscreen) for the vehicle specific permits to overcome the need to remove the hanging permit each time the car is driven. The roll out of this option would coincide with the expiration of the current permits, or earlier by request.
- 3.11 The current policy requires consideration of which planning permits have been granted for multi-dwelling development and whether they provided for visitor car parking. In general terms, visitor parking is normally a requirement for five or more dwellings. Where a development above this level does not provide for onsite visitor car parking this would have required a waiver of parking consent from Council.
- 3.12 To simplify the policy application it is considered appropriate to require all Residential Parking Permit requests to be free of charge for sites four dwellings and under and attract a fee for five dwellings and over.

### **Commercial Parking Permits**

- 3.13 Most Council's provide for a commercial parking permit scheme. The permits are predominantly vehicle specific or alternately a capped amount issued to a commercial premises based on available car parking.
- 3.14 Manningham currently issues Commercial Parking Permits to Traders via either a Trader Group bulk application or to an individual business. The permits are issued in bulk through the Traders Association for lower permit fee or individually to a business at a higher fee. There is no current cap on the numbers of permits that are issued.
- 3.15 Currently there has been no negative feedback in relation to the Commercial Parking Permit Scheme and no amendments are proposed to the policy at this time.

**Tradesperson Permits**

- 3.16 Three of the Councils have a Tradesperson or Construction Worker type permit. Of most relevance appears to be the programs operated by Boroondara and Whitehorse City Councils who are experiencing similar levels of redevelopment in their existing residential areas.
- 3.17 The permits provide a range of types depending on whether there is short term work being undertaken, generally no more than 4-12 weeks or whether it is a more substantial construction period. For longer periods the Council's approach is to require the builder to seek approval for a works zone within the relevant street.
- 3.18 It is proposed to introduce a Tradesperson Permit. The permit would allow a Tradespersons vehicle an exemption from time limited parking restrictions, greater than 15 minutes and within residential permit zones. It would not exempt No Standing, No Parking or Loading Zones. The permit would attract a per week permit fee, with no permit being more than 12 weeks in total duration.
- 3.19 The fee proposed would be a weekly fee of \$45, adjusted annually through the normal process.
- 3.20 Council's *Parking Management Policy 2014* provides for the creation of Works Zones where this is provided for in a Construction Management Plan (CMP) approved for a development. There is a gap therefore where sites are being development under a Building Permit only or for small multi dwelling developments that do not have a CMP. There is an opportunity for the options for a work zone to be expanded when this policy is reviewed to allow for this to occur for smaller sites.

**Carer Permits**

- 3.21 Monash City Council has a Carer Permit scheme, which enables a resident to obtain a permit for someone who attends the site to provide care. There is currently no such arrangement in Manningham and it is considered worth implementing a similar program.
- 3.22 Carer Permits would be issued free of charge. Evidence would need to be supplied either from a medical practitioner or similar as to the carer services to be undertaken, the address of the resident receiving the services and the timeframe for the delivery of the care service. The permit type could also be utilised by Council staff who currently provide care services such as Child and Maternal Health Nurses or Aged and Disability Support Workers in areas where parking restrictions apply.
- 3.23 A condition of the permit would require that it only be utilised in an area when delivering the care service and would exempt the vehicle from time limited parking restrictions, greater than 15 minutes and residential permit zones. It would not exclude No Standing, No Parking or Loading Zones. A permit would not be granted for more than 12 months at any one time.

**Future Opportunities**

- 3.24 Work is proposed in the near future for the development of an on line lodgement and payment system for parking permits. Once this is close to implementation a review of the policy would be undertaken to ensure its relevance to this new process.

**4. COUNCIL PLAN / STRATEGY**

- 4.1 The policy is consistent the Council Plan 2017-2021: A Healthy Community. Specifically it supports Goal 2.1 Inviting places and spaces, in particular managing the impact of growth and density on amenity and also Goal 2.3 Well Connected, Safe and Accessible Travel, in particular well planned and maintained roads, pathways and transport infrastructure.

**5. IMPLEMENTATION**

## Finance / Resource Implications

- 5.1 The policy implementation is funded through the current budget. The additional costs associated with printing of the new permit types would be minimal and in the case of the Tradesperson/Construction Worker Permit covered by the permit charges.

## Communication and Engagement

- 5.2 It will be necessary to develop a communication plan to ensure the community and Council staff are aware of the changes to the policy and the opportunities available through the introduction of the new permit types.

## Timelines

- 5.3 In order to implement the new permit categories there will be some administrative work. It is anticipated the new permit types would be available no earlier than the 1 January 2018.
- 5.4 Any modifications to the existing permit schemes will be phased in over time as the permits expire.

**6. DECLARATIONS OF CONFLICT OF INTEREST**

- 6.1 No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

**MANNINGHAM'S PARKING PERMIT POLICY 2013****Aim:**

The aim of Manningham's Parking Permit Policy is to provide guidance on who is entitled to a parking permit, the quantity of permits per property, the cost per permit and implementation of the policy. The policy will assist Council staff to determine whether it is appropriate to grant a permit and the number issued in each circumstance. This policy is also mindful of any legislative considerations.

**Background:**

The policy has been developed in response to:

- The need to have a consistent approach across the municipality
- Increased development which is occurring within Doncaster, main roads and around Activity Centres
- The need to better manage competing demands for on street parking
- The need to respond to the objectives of the Doncaster Hill and Residential Strategies
- The increase in the number of private land parking agreements
- The implementation of paid parking in Westfield
- The increase in demand for parking restrictions and on street parking around public transport routes and activity centres
- The need to fully encourage utilisation of onsite parking in units and townhouse development
- Providing consideration for residents through some exemptions to parking restrictions and limited parking for all road users in a fair and equitable manner.

**Definitions:**

**Single detached dwelling** – means a house and is defined on Council's records under the land use description as a detached home.

**Multi dwelling development** – means an apartment, unit or townhouse and is defined on Council's records under the land use description as a strata unit or flat, single unit/villa unit/townhouse or retirement village unit.

**Traders/Owners Corporation Permit** – means a parking permit authorizing the use of land managed by Council on behalf of a registered business or owners corporation.

**Application fee** – is the fee paid to consider or process an application regardless of the outcome.

**Legislative requirements:**

Under the provisions of the Road Management Act 2004 and the Local Government Act 1989, Council has the power, as the Road Authority, to manage roads in a manner that minimises any adverse effect on community safety and the environment. Council has also the power to fix, rescind or vary any fees in a parking area and a manner of payment for those fees.

This Policy will apply to all of Manningham. Permits will be issued according to the following guidelines and also in consideration of Manningham's Processing Permit Applications Procedure.

**Guidelines:**

**Single detached dwellings:**

- Two permits are available for each detached dwelling on a three year cycle, subject to application (no fee) and evidence of residency.
- Residents may apply for an additional permit and are required to pay a fee. Additional permits are renewable annually.

**Multi dwelling developments:**

- Where a planning permit for a multi dwelling development has been issued under Manningham's Planning Scheme for the provision of visitor car parking spaces on private land, one permit is available for each property on application, subject to evidence of residency and payment of a fee and are renewable annually.
- Where the provision of visitor car parking spaces on private land has not been required under Manningham's Planning Scheme, one permit for each property is available on application (no fee), subject to evidence of residency and permits are renewable on a three year cycle.
- There are no additional permits for multi dwelling developments.

**All permits (Including Residential, Trader and Owners Corporation Permits):**

- When an application for additional permits is received, Council will determine the merits and assess each request. Consideration will be given to applicants who can demonstrate:
  - exceptional circumstances
  - special needs
- Annual permits will generally expire on 31 December each year unless otherwise specified.
- Permits must be displayed so that they are visible to an authorised officer (left hand side dashboard of the vehicle)
- Permits authorise parking in a specified location or street. They do not provide any exemptions from the Road Rules Victoria



- Permits are not valid for large commercial vehicles, trailers, caravans or trucks
- Permits are not transferrable between residents
- Permits do not guarantee the availability of parking places
- Permits must be surrendered to Council if a resident leaves Manningham
- Residents parking permits can only be issued where the property is their primary place of residence
- Permits must not be duplicated, altered or amended in any way
- Lost permits will only be replaced at the discretion of the Council and after receipt of a Statutory Declaration
- Permit holders are required to produce their permit on request to an authorised officer
- Permits may be cancelled, suspended or revoked where misuse is identified
- Permit applications must be on the specified form.
- Where the permit scheme is administered by a Trader Association a reduced fee will be applied for bulk purchases.

Council will make available parking permits when eligibility for a permit exists.

The expiry date of each permit will vary depending on the eligibility criteria for the area of use.

The cost of each permit will be determined by Council and is included in Council's Annual budget fees and charges schedule. This is reviewed annually.

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Responsible Officer: Director Planning and Environment		
<b>Last Updated (who &amp; when)</b>	Manager Health & Local Laws	2011
<b>Authority</b>	Council	27 September 2011 Item 9.2
	Council	29 October 2013
<b>References</b>	(see above)	
<b>Next Review Date</b>	2016	
<b>Trim number</b>	D13/32928	

**Comparative analysis of current parking permit schemes**

Council	Resident Parking Permits	Commercial Parking Permits	Tradesperson/Construction Parking Permits	Special Parking Permits
Manningham City Council	Yes – 3 year & annual	Yes	No	Yes - Aquarena
Banyule City Council	Yes	No	No	No
Boroondara City Council	Yes – 2 year	Yes – Annual & Quarterly	Yes – Short & Long Term	No
Knox City Council	Yes	No	No	No
Maroondah City Council	Yes	No	No	No
Monash City Council	Yes	Yes	No	Yes – Carer
Nillumbik Shire Council	No	Yes	Yes	No
Whitehorse City Council	Yes	Yes	Yes	No

**Resident Parking Permits**

Council	Vehicle Specific Permits	Visitor General Permits	Number of permits	Allocation of permit type	Cost for Permits
Manningham City Council	Yes	Yes	3 per single dwelling  1 per multi dwelling development 0 per multi dwelling development where there is on site visitor car parking	1 vehicle specific Up to 2 visitor general 1 of any type	First 2 free for single dwellings 1 free for multi-dwellings where there is no onsite visitor parking
Banyule City Council	Yes	Yes	4 per single dwelling 4 per multi dwelling prior to 08/11/10 1 per multi dwelling post 08/11/10 up to 4 dwellings 0 per multi dwelling post 08/11/10 more than 5 dwellings	Up to 2 vehicle specific Up to 2 visitor general 1 of any type	1 free Sliding scale cost for the rest with vehicle specific cheaper

Boroondara City Council	Yes	Yes	4 per single dwelling or dual occupancy (4 <sup>th</sup> by special application with conditions) 1 per multi dwelling development pre 04/07/11 1 per shop top dwelling 0 for multi dwelling development more than 2 dwellings	Up to 3 vehicle specific Up to 2 general visitor  1 of any type  1 of any type	Free Replacement fee
Knox City Council	Yes	No	2 per site	2 Vehicle Specific only	Free
Maroondah City Council	No	Yes	Up to 3 per dwelling based on car ownership and space available for parking on site	General visitor	All permits have a cost
Monash City Council	No	Yes	4 per single dwelling 2 per multi dwelling up to 4 dwellings (or 6 dwellings over 2 lots) 1 per multi dwelling over 5 pre 1995	General visitor	First 3 free for single dwellings First 1 free for multi dwellings
Whitehorse City Council	Yes	Yes	3 per single dwelling 2-3 per dual occupancy 1 per dwelling multi dwellings up to 15 0 per multi dwelling development over 15	3 of any type Up to 3 of any type 1 of any type	All permits have a cost

**Commercial Parking Permits**

Council	Vehicle Specific Parking Permits	Number of Permits	Cost for Permits
Manningham City Council	Combination		
Boroondara City Council	No	No limit based on ratio to available parking in a given area	Yes
Monash City Council	Yes	No limit	Yes
Nillumbik Shire Council	No	No limit	Yes
Whitehorse City Council	Yes	3 per business	Yes

## Tradesperson/Construction Parking Permits

Council	Vehicle Specific	Number	Location	Duration	Cost
Boroondara City Council	Yes – also different for residential to commercial construction	2 short term 1 per vehicle (weekly permit)	None specified but works address identified	Short Term 4 weeks Long Term more than 4 weeks Option for a Works Zone rather than permit system	\$71 for 4 weeks fixed \$23.50 per week for 0-8 weeks \$45.80 per week for 0.8 weeks in a commercial area
Nillumbik Shire Council	Yes	1 per vehicle	Within nominated street	Daily permit	\$50
Whitehorse City Council	No	4 per construction site	Within 50 m of a construction site	1-12 weeks – normal parking restrictions in place More than 12 weeks - requires a 'Works Zone' to be approved	\$75.00 Admin fee \$36.00 per week \$115 per week to paid parking bays



## Policy Register

### Parking Permit Policy 2017

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**Draft - not approved**

Policy Classification	-
Policy N°	- <b>D17/78377</b>
Policy Status	-
Responsible Service Unit	- <b>Health &amp; Local Laws</b>
Authorised by	- <b>TBA</b>
Date Adopted	- <b>TBA</b>
Next Review Date	- <b>TBA</b>

*This policy is part of a suite of policies adopted by Council or the Executive Management Team (EMT).*

*New or replacement policies can be created and developed within Service Units but can only be added to Council's Policy Register by Governance Services following the approval of the policy by Council or the EMT.*

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**Policy Register  
DRAFT Parking Permit Policy 2017**

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Draft - not approved



**Policy Register**  
**DRAFT Parking Permit Policy 2017**

## **PURPOSE**

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The purpose of this policy is to provide direction as to when a parking permit will be issued, specifically:

- who is entitled to a parking permit
- the quantity of permits per property
- the type of permit issued
- the cost per permit

## **POLICY STATEMENT**

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The Parking Permit Policy will assist Council staff to determine whether it is appropriate to grant a permit and the number issued in each circumstance. This policy is also mindful of any legislative considerations.

It is policy that:

### **Residential Parking Permits**

- Residential parking permits will only be issued where the property is the applicant's primary place of residence
- Permits are not transferrable between residents of different addresses
- Permits must be surrendered to Council if a resident leaves the premises

### For single detached dwellings

- Two permits are available for each detached dwelling on a three year cycle, subject to application (no fee) and evidence of residency
- One permit is a vehicle specific permit
- Residents may apply for an additional permit and are required to pay a fee. Additional permits are renewable annually. Additional permits can either be a vehicle specific permit or a general visitor permit

### For multi-dwelling developments



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- For a development of up to four dwellings, one permit for each property is available on application (no fee), subject to evidence of residency and permits are renewable on a three year cycle
- For a multi-dwelling development for more than five dwellings one permit is available for each property on application, subject to evidence of residency and payment of a fee and are renewable annually
- The permit can either be vehicle specific or a general visitor permit
- There are no additional permits available for multi dwelling development sites

**Commercial Permits**

- Issued to either an Individual Business or to a recognised Traders Association
- Issued at a reduced rate where the application is made in bulk through a recognised Traders Association
- Permits are issued for up to 12 months and expire on 31 December each year

**Aquarena Permits**

- Issued upon advice from a Medical Practitioner to provide closer access to the entrance of Aquarena during rehabilitation or the like
- The permit is vehicle specific
- The permit is valid for up to 6 months

**Tradesperson Permits**

- Permits are available for a construction site, subject to application, payment of the relevant fee and evidence of association with the construction site (normally provided by the nominated builder)
- A maximum of 4 permits can be issued per site
- A permit can only be issued to a site for a period up to 12 weeks





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- The permit is valid directly in front of or within 50 metres of the construction site

**Carer Permits**

- Evidence would need to be supplied either from a medical practitioner or similar to confirm a carer service is being provided and the timeframe for the delivery of the care service.

**All permits:**

- Annual permits will generally expire on 31 December each year unless otherwise specified
- Permits must be displayed so that they are visible to an authorised officer either hanging from the internal mirror where they are provided in hanger form or located on the left hand side dashboard of the vehicle
- Permits authorise parking in a specified location or street and are valid to the nearest intersecting street to the permit holders address. They do not provide any exemptions from the Road Rules Victoria
- Permits (other than tradesperson permits) are not valid for large commercial vehicles, trailers, caravans or trucks & earth moving vehicles or as defined in *Road Safety Road Rules 2017 – Rule 200*
- Permits do not guarantee the availability of parking places
- Permits must not be duplicated, altered or amended in any way
- Lost permits will only be replaced at the discretion of the Council and after receipt of a Statutory Declaration
- Permit holders are required to produce their parking permit on request to an authorised officer
- Permits may be cancelled, suspended or revoked where misuse is identified
- Permit applications must be made on the specified form



## Policy Register DRAFT Parking Permit Policy 2017

The cost of each permit will be determined by Council and is included in Council's Annual budget fees and charges schedule. This is reviewed annually.

### SCOPE OF POLICY

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The policy applies to the following permit types:

- Residential Parking Permits
- Commercial Parking Permits
- Aquarena Parking Permits
- Tradesperson Parking Permits
- Carer Parking Permits

### RESPONSIBILITY

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Manager Health & Local laws

### DEFINITIONS

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**Application fee** – is the fee paid to consider or process an application regardless of the outcome.

**Carers Permit** – means a parking permit authorising an exemption for a vehicle from time limited parking restrictions greater than 15 minutes and within residential permit zones when delivering a care service. It would not exempt No Standing, No Parking, Loading Zones, Clearways/Bus Lanes or Disabled Parking bays.

**Commercial Permit** – means a parking permit authorising the use of land managed by Council on behalf of a registered business or owners corporation.

**Multi dwelling development** – means an apartment, unit or townhouse and is defined on Council's records under the land use description as a strata unit or flat, single unit/villa unit/townhouse or retirement village unit.

**Residential Parking Permit** – means a parking permit authorising a vehicle to park within a Resident Permit Area.



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**Single detached dwelling** – means a house and is defined on Council's records under the land use description as a detached home.

**Tradesperson Permit** – means a parking permit authorising a Tradespersons vehicle an exemption from time limited parking restrictions greater than 15 minutes and within residential permit zones. It would not exempt No Standing, No Parking, Loading Zones, Clearways/Bus Lanes or Disabled Parking bays.

## **RELATED POLICIES**

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Parking Management Policy, 28 October 2014

## **SUPPORTING PROCEDURES**

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Issuing Parking Permit Procedure

## **RELATED LEGISLATION**

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Under the provisions of the *Road Management Act, 2004* and the *Local Government Act, 1989*, Council has the power, as the Road Authority, to manage roads in a manner that minimises any adverse effect on community safety and the environment. Council has also the power to fix, rescind or vary any fees in a parking area and a manner of payment for those fees.

This Policy will apply to all of Manningham. Permits will be issued according to the following guidelines and also in consideration of Manningham's Processing Permit Applications Procedure.

## **DOCUMENT HISTORY**

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<b>Policy Title:</b>	Parking Permit Policy
<b>Responsible Officer:</b>	Natasha Swan
<b>Resp. Officer Position:</b>	Manager Health & Local Laws
<b>Next Review Date:</b>	November 2021
<b>To be included on website?</b>	Yes



**Policy Register  
DRAFT Parking Permit Policy 2017**

Last Updated	Meeting type? - Council or EMT	Meeting Date	Item N°
27/09/2011	Council	27/09/2011	
29/10/2013	Council	29/10/2013	9.5

**Draft - not approved**

## 11 ASSETS & ENGINEERING

### 11.1 King Street Reconstruction, Melbourne Hill Road Catchment and McDonald Avenue / Princely Terrace Drainage Improvements

File Number: IN17/676  
Responsible Director: Director Assets and Engineering  
Attachments: Nil

#### EXECUTIVE SUMMARY

*Although Council has the power under the Local Government Act 1989 to declare special rates or charges schemes, and to recover costs off those properties deemed to benefit from the schemes, the practical application of schemes can be problematic and can outweigh the gains derived by Council. Consequently, in future, it is proposed that capital improvement works be generally funded by Council, except in exceptional circumstances, subject to meeting several prerequisites, including securing CEO approval to initiate a special charge scheme.*

*There are some current capital works projects that are at varying stages of special charge scheme implementation, including the reconstruction of King Street, Melbourne Hill Road Catchment Drainage and McDonald Avenue / Princely Terrace Drainage Improvements. This report details the status of the special charge schemes for each of these projects and recommends the discontinuance of each scheme, and that advice regarding Council's resolution be issued to affected property owners. The report also notes that vehicle crossings solely benefit the property served by this infrastructure and, as such, property owners should continue to be required to fund their construction.*

*As resident contributions are typically received over a period of 10 years, no budget allowance has been made for King Street special charge income for 2017/2018 and current projects can be delivered within the allocated budget.*

#### 1. RECOMMENDATION

**That Council:**

- A. Only pursue special rates and charges schemes in relation to capital improvement works where all potential contributors agree to the implementation of the scheme, and where the scheme will realise an overall financial benefit to Council having regard to all implementation costs, or as directed by the CEO.**
- B. Abandon the King Street Stage 1 Special Charge Scheme, and discontinue the King Street Stage 2, Melbourne Hill Road Catchment Drainage and McDonald Avenue/Princely Terrace Drainage Improvement schemes and Council fund the full cost of the works, with the exception of the cost of construction of vehicle crossings.**
- C. Use the powers provided under sections 206, 225 and Schedule 10, Section 12 of the Local Government Act to require the construction of private driveways at the owners' costs, as a part of the staged reconstruction of King Street, East Doncaster, commencing with Stage 1, and for other projects as necessary.**

- D. Write to all affected property owners advising of the above outcomes and the implications of same.**

## **2. BACKGROUND**

- 2.1 Although Council has the power under the Local Government Act 1989 to declare special rates or charges schemes, and to recover costs off those properties deemed to benefit from the schemes, the amount of contributions sought through special charges as a percentage of the total budget for road, footpath and drainage improvements is very low. Special rates or charges schemes are unpopular and the practical application of schemes can be more problematic, with an underlying risk that a special charge scheme costs more than the financial benefit to Council where a scheme is challenged in VCAT. It is, therefore, proposed that Council apply the following principles for the delivery of future capital physical infrastructure projects:
- 2.1.1 As a part of its day to day operations, Council will fund capital works from the annual capital works budget, and will not in general seek to implement special charge schemes to fund infrastructure works.
- 2.1.2 In exceptional circumstances, the CEO is permitted to commence preparations of a special charge scheme for Council's approval, where it can be demonstrated that all potential contributors from the community agree to the implementation of the scheme, and the special charge will realise an overall financial benefit, having regard to the costs of officer time, consultant and legal expenses. The procedure under Council's existing policy will be utilised for any such special charge schemes.
- 2.2 There are some current capital works projects that are at varying stages of special charge scheme implementation. Given the proposed change in Council's position regarding Council contribution to capital works infrastructure delivery, it is considered appropriate to review Council's approach regarding current schemes where invoices for community contributions are yet to be issued. Specific details regarding the status of these schemes and associated recommendations follow.

### **King Street**

- 2.3 On 28 June 2016, Council resolved in part, to:

*authorise Council officers to prepare two special charge schemes for King Street as follows.*

*2.3.1 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.*

*2.3.2 A second special charge scheme for the section of King Street between 110 King Street and Victoria Street, for the construction of a footpath on the south side of King Street and the provision of landscaping, street trees and vehicle crossings on the north and south sides of the street.*

- 2.4 On 28 March 2017, Council resolved in part as follows, in relation to the special charge scheme in respect of King Street Stage 1:
- ....declare a special charge (Special Charge) under Section 163(1) of the Act for the purposes of defraying expenses incurred or to be incurred by Council in relation to the construction of King Street Stage 1 between Blackburn Road and Wyena Way in Templestowe for the provision of any ancillary works, including vehicle crossings that have not previously been constructed, recessed parking bays, landscaping, nature strips and street trees.....Notice be given to all owners of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing after 28 April 2017 subject to no appeals to VCAT, and the reasons for the decision.*
- 2.5 Written notification was given accordingly to all benefitting property owners dated 4 July 2017, of Council's resolution to declare and levy the special charge. VCAT were approached and advised that over 30 days after the notice issue date, no submissions had been received by VCAT.
- 2.6 Although the special charge scheme for King Street Stage 1 has been declared; the benefiter contributions are yet to be invoiced. The scheme is able to be discontinued without ramification to the contributors, through formal resolution of Council and the works can be completed at Council cost.
- 2.7 As vehicle crossings only benefit the property they serve, benefitting property owners should still fund the construction of these assets. An alternative mechanism to a special charge scheme can be applied for the construction of private driveways through the provisions of the Local Government Act under sections 206, 225 and Schedule 10, Section 12, whereby the property owner can be required to pay for these works. As the Stage 1 works are well advanced, it is proposed to construct the car parking bay requested to be constructed as part of the works and seek cost recovery following practical completion.
- 2.8 Council officers originally surveyed owners of properties abutting King Street to ascertain requirements for car parking bays, subject to the requesting property owners funding the cost of any requested parking bays through a special charge scheme. It is now proposed that the requesting property owners for the remaining stages of King Street be notified of Council's resolution and be offered the option of construction of the requested car parking bays by agreement, with owner payment agreements being formalised prior to the commencement of works.

#### **McDonald Avenue/Princely Terrace**

- 2.9 On 27 August 2013, Council resolved in part as follows in relation to the McDonald Avenue / Princely Terrace Drainage Improvement Special Charge scheme:
- Pursuant to Section 163 (1A) of the Local Government Act 1989 (Act), give public notice of its intention to declare a Special Charge at a future Council meeting ....*
- 2.10 The scheme is able to be discontinued without ramification to the contributors, through formal resolution of Council and the works can be completed at Council cost, with the exception of improvements to the vehicle crossing culverts which are to be funded by the benefitting property owners.

### Melbourne Hill Road Catchment

- 2.11 On 24 November 2015, Council resolved in part as follows in relation to the proposed Melbourne Hill Road Catchment Drainage Improvements:

*Council adopt Scheme 1 (Modified) as the preferred works concept and reaffirm its previous resolution of 26 March 2013, to consider a further report on the intention to declare a special charge .... for the Melbourne Hill Road catchment.*

- 2.12 For King Street Stage 2 and for the Melbourne Hill Road catchment, although all affected property owners have been notified of Council's intention to initiate a special charge scheme to partly recover the cost of the associated improvement works, Council has not yet formally considered a report recommending issue of notices of intention to declare a special charge and Council can determine to discontinue these two processes.
- 2.13 It is noted that the owners of 20 and 22 Melbourne Hill Road recently redeveloped their properties and that the associated Planning Permits require the construction of an outfall easement drain. Given that these works are included within the scope of works for Scheme 1 modified, it is proposed that the outfall drainage works for these properties be funded by Council in this case, subject to the property owners making formal application to amend the associated planning permits.

## 3. IMPLEMENTATION

### 3.1 Communication and Engagement

3.1.1 Within four weeks of the date of Council's resolution regarding King Street Stage 1, letters are proposed to be issued to all affected property owners advising of Council's resolution to discontinue the Special Charge Scheme in respect of the vehicle crossings, recessed parking bays, landscaping, nature strips and street trees. Further, advice be provided of Council's intention to fully fund the cost of these works, with the exception of the vehicle crossings. The construction of new vehicle crossings is still to be funded by the benefitting property owners. Advice to this effect will be forwarded under separate cover.

3.1.2 A letter be issued to property owners within the Melbourne Hill Road Catchment within two weeks of Council's resolution, advising that Council will not be initiating a Special Charge Scheme, that Council will fund the full cost of the proposed works associated with Scheme 1 (Modified), with the exception of the upgrade of vehicle crossing culverts.

3.1.3 In respect of King Street Stage 2, a letter be issued advising the affected property owners of Council's resolution be issued prior to the commencement of construction, and advising of the need for the property owners to fund the construction of the vehicle crossings in cases where they have not previously been formally constructed, prior to the commencement of the works. In addition, payment agreements for the construction of requested parking bays will need to be formalised prior to the commencement of works.



3.1.4 In respect of the McDonald Avenue / Princely Terrace Drainage Improvement Special Charge scheme, a letter be issued to the affected property owners advising of Council's resolution to discontinue the special charge scheme, but to proceed with the associated drainage improvements at Council cost, when funds become available. Property owners will, however, still be required to fund the construction of vehicle crossing culverts.

3.2 Financial Resource Implications



As resident contributions are typically received over a period of 10 years, no budget allowance has been made for King Street special charge income for 2017/2018 and current projects can be delivered within the allocated budget.

**4. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

## 12 COMMUNITY PROGRAMS

### 12.1 Community Grant Guidelines 2018

File Number:	IN17/670
Responsible Director:	Director Community Programs
Attachments:	1 Attachment A - Community Grant Program Guidelines 2018 <a href="#">↓</a> 
	2 Attachment B - Grant Panel Terms of Reference <a href="#">↓</a> 

#### EXECUTIVE SUMMARY

*Council's Community Grant Program (Grant Program) provides funding to not-for-profit community groups and organisations to deliver activities that enrich and support the community that live, work and recreate in Manningham. The Grant Program funds activities that demonstrate an alignment to Council's plans and strategies.*

*Annually, officers undertake a review of the Grant Program to identify continuous improvement opportunities that will strengthen Council's grant making practices and enhance the customer experience.*

*This Report summarises the outcomes of the review process and proposes minor amendments including streamlined administrative processes and improvements to increase the accessibility of the Grant Program.*

*This Report seeks Council's endorsement of the draft Community Grant Program Guidelines 2018 (refer to Attachment A) and provides updated Community Grant Program Assessment Panel Terms of Reference (TOR) for noting (refer to Attachment B). The TOR relate to Community Development and Arts and Culture categories only as Small Grants recommendations are endorsed by Director, Community Programs and Manager, Social and Community Services and are reported via the Councillor Bulletin.*

*It is also recommended that Council note the review findings which demonstrate the Grant Program meets the needs of the community, and consistent with previous years, demand for the Grant Program continues to increase and is oversubscribed annually.*

*The Report also notes that further information will be provided to Council in relation to the outcomes of the internal audit process, which is currently assessing 'the adequacy and effectiveness of processes, policies, procedures and internal controls implemented by Manningham for Community Partnership Grants'. This information will be reported via a Councillor Bulletin.*

#### 1. RECOMMENDATION

**That Council:**

- A. Endorse the Community Grant Program Guidelines 2018 provided at Attachment A;**
- B. Note the revised Community Grant Panel Terms of Reference provided at Attachment B;**

- C. Note the outcomes of the Grant Program review and identified continuous improvement opportunities; and
- D. Note further information regarding the outcomes of the internal audit will be provided to Council via the Councillor Bulletin.

## 2. BACKGROUND

2.1 The Grant Program comprises four categories:

GRANT CATEGORY	PURPOSE	FUNDING ALLOCATION	TIMING
Community Partnership	Deliver specialist services and projects in line with Council's strategic directions	Greater than \$20,000	Up to four years (funding is allocated annually through the Budget process, this category is not included in the 2018/2019 program as funding was awarded in 2015).
Community Development	Achieve community development outcomes that benefit and respond to the needs of Manningham's diverse community	\$3001 to \$20,000	Available once a year (February)
Arts and Culture	For projects that celebrate and enhance community life through access to local arts, culture and heritage	\$3001 to \$20,000	Available once a year (February)
Small Grants	One-off projects that support community strengthening activities and enhance the quality of life of Manningham residents	Up to \$3,000	Available twice a year; September and February

- 2.2 On 27 June 2017, Council endorsed the overall funding allocation of \$1,700,000 for the 2018/19 Community Grant program (Grant Program). This included an annual allocation of \$1,350,000 for 12 Community Partnership Grant recipients (funded in 2015/16 for a period of up to four years); \$125,000 for the Community Development and \$105,000 for the Arts and Culture Grant categories. The remaining \$110,000 is allocated to the Small Grants category for applications received in September and February and is reported to Council via a Councillor Bulletin.
- 2.3 Consistent with previous years, the Grant Program was oversubscribed. The tables below provide a summary of the number of applications received, the requested amount and actual funding allocation for Community Development, Arts and Culture and Small Grants categories for the previous three years.

#### Community Development (CD)

Category	Number of Applications Received	Funding Amount Requested	Recommended Number of Applications	Recommended Funding Amount
CD 2017/18	23	\$278,843	15	\$125,000
CD 2016/17	23	\$273,925	20	\$170,095
CD 2015/16	27	\$310,190	13	\$132,653
<b>TOTAL</b>	<b>73</b>	<b>\$862,958</b>	<b>48</b>	<b>\$427,748</b>

#### Arts and Culture (AC)

Category	Number of Applications Received	Funding Amount Requested	Recommended Number of Applications	Recommended Funding Amount
AC 2017/18	18	\$199,276	13	\$105,000
AC 2016/17	10	\$105,480	7	\$59,700
AC 2015/16	12	\$116,899	11	\$103,724
<b>TOTAL</b>	<b>40</b>	<b>\$421,655</b>	<b>31</b>	<b>\$268,424</b>

#### Small Grants (SG)

Category	Number of Applications Received	Funding Amount Requested	Recommended Number of Applications	Recommended Funding Amount
SG 2017/18*	38	\$104,018	22	\$46,095
SG 2016/17	79	\$200,055	57	\$116,055
SG 2015/16	67	\$152,256	48	\$106,814
<b>TOTAL</b>	<b>184</b>	<b>\$456,433</b>	<b>127</b>	<b>\$327,869</b>

\*This figure relates to one round of Small Grants only. The next 2017/18 round of Small Grants will be available February 2018.

### 3. DISCUSSION / ISSUE

#### Review of the Community Grant Program

- 3.1 Annually, officers conduct a review of the Grant Program to identify continuous improvement opportunities and ensure best-practice grants management.
- 3.2 Between July and October 2017, officers consulted with external and internal stakeholders via an online survey sent to current and past applicants; an officer workshop; and benchmarking was conducted with neighbouring Councils. The purpose of the consultation was to seek feedback on Grant Program content, processes and areas for improvement.
- 3.3 Analysis of the review findings suggest:
  - 3.3.1 Overall, the Grant Program continues to meet the needs of the community.
  - 3.3.2 89.3 per cent of survey respondents (n.56) were 'very satisfied' or 'somewhat satisfied' with the Grant Program, which is consistent with last year's findings.
  - 3.3.3 Of the survey respondents that have contacted Council in the last twelve months, 93.3 were 'very satisfied' or 'somewhat satisfied' with the level of customer service received and timeliness in which officers responded to grant enquiries. This is compared to 88.5 per cent last year.
  - 3.3.4 Online access is the most popular for organisations to obtain information about the Grant Program most survey respondents heard about funding opportunities via email, Council publications or they have applied previously for a grant. This suggests online content is an important tool to improve access including broader promotion of the Grant Program to access hard to reach and newly emerging community groups.
  - 3.3.5 Opportunities to simplify program materials to improve the applicant and assessor experience were identified.
  - 3.3.6 The benchmarking exercise conducted with neighbouring Councils highlighted a diverse approach to equipment purchases including the type of equipment and level of funding Councils are willing to support. Opportunities to provide greater clarity around the activities Council may fund as part of the Grant Program were identified.
  - 3.3.7 Community groups and organisations value Council's training program and request additional training opportunities to build their capacity to deliver activities more effectively and efficiently including strategic business planning, program evaluation and marketing. Council's current training program has been developed to respond to these needs.
  - 3.3.8 There are further opportunities to integrate and streamline Council's approach to managing community grants in the future, particularly through the use of SmartyGrants, Council's online grants management system.

Amendments to the 2018/19 Grant Program is proposed including refined program documentation and streamlining of processes.

### **Community Grant Program Guidelines 2018/19 (Draft)**

- 3.4 A copy of the draft Grant Program Guidelines (Guidelines) is provided at Attachment A for Council's consideration. The draft Guidelines comprises three categories: Community Development, Arts and Culture and Small Grants (Community Partnership Grants will be available during 2019/20).
- 3.5 The draft Guidelines have been amended to reflect the outcomes of the review process including:
  - 3.5.1 Simplified language including grant assessment criteria to assist the applicant and assessor experience.
  - 3.5.2 Greater clarity around equipment purchases is provided and a co-contribution of up to 50 percent for all Small Grant equipment purchases proposed.
- 3.6 To enhance the reach of the Grant Program including Manningham's diverse community and hard to reach groups, officers will investigate the costs associated with the translation of the Guidelines into other languages as well as potentially host a Grant Program Information Session with interpreters.
- 3.7 A copy of the updated Community Grant Panel Assessment Terms of Reference (TOR) is provided to Council for noting (refer to Attachment B). The TOR have been revised to reflect best practice processes.
- 3.8 These amendments align with the overall management of the Grant Program and direction to reduce administrative burden for both internal and external stakeholders, as well as improve community access to the Grant Program.

### **Community Partnership Grant Internal Audit**

- 3.9 On 8 November 2017, an internal audit into the Community Partnership Grant category commenced.
- 3.10 Led by Pitcher Partners, the purpose of the audit is to assess the adequacy and effectiveness of processes, policies, procedures and internal controls implemented by Manningham for Community Partnerships Grants and identify opportunities for improvement.
- 3.11 It is noted that at the completion of the audit process and provision of Committee findings, further information will be provided to Council highlighting the outcomes of the audit and areas for improvement. This information will be provided via the Councillor Bulletin.

## **4. COUNCIL PLAN / STRATEGY**

- 4.1 The Grant Program provides a framework for Council to fund diverse activities that deliver on the objectives articulated within Council's plans and strategies including Generation 2030 Community Plan, Council Plan 2017-2021 and the Healthy City Strategy 2017-2021.

- 4.2 All grant applications are required to provide evidence of how proposed activities will enrich and support the community that live, work and recreate in Manningham. All grant applications are assessed according to their demonstrated understanding and alignment to Council and community priorities.

## 5. IMPACTS AND IMPLICATIONS

- 5.1 Subject to this Report, the Community Grant Program Guidelines 2018 will replace the 2016/17 Community Grant Guidelines.
- 5.2 Each financial year, the Grant Program provides the community with four opportunities to seek financial assistance for a range of community activities (one Community Development; one Arts and Culture; and two Small Grants rounds).

## 6. IMPLEMENTATION

### 6.1 Finance / Resource Implications

6.1.1 There are no financial resource implications as funding for the Grant Program is allocated through Council's annual Budget process.

6.1.2 Funding of \$1,700,000 was allocated through the 2017/18 Budget towards the Grant Program. This includes an annual allocation of \$1,350,000 for Community Partnership Grants; \$120,000 notionally allocated to Community Development and \$110,000 allocated to Arts and Culture grant categories. The remaining \$110,000 is allocated to the Small Grants category. Please note, the notional grant category allocations are indicative only, and subject to Council endorsement, may be reallocated to other grant categories as required.

### 6.2 Communication and Engagement

6.2.1 In consultation with Council's Communications Unit, a communication and engagement plan is developed annually which sets out the process to inform internal and external stakeholders regarding future funding and training opportunities available.

### 6.3 Timelines

Following Council's endorsement of this Report, the following dates will apply:

6.3.1 Adoption of the Community Grant Program Guidelines 2018 in December 2017.

6.3.2 Grant Program Information Sessions and a Grant Writing Workshop for community groups and organisations are offered during February 2018.

6.3.3 Applications for Community Development, Arts and Culture and Small Grants categories open Monday 5 February 2018 and close Friday 9 March 2018. This provides groups and organisations a total of five weeks to prepare a grant application.


6.3.4 The Community Grant Assessment Panel is convened May 2018.

- 6.3.5 Council consideration and endorsement of Community Development and Arts and Culture grant applications at a June Council meeting.
- 6.3.6 Community Development and Arts and Culture grant applicants are notified in July, following the outcomes of the Council meeting.
- 6.3.7 Small Grants applicants are notified the outcomes of their application approximately two weeks after the Assessment Panel.
- 6.3.8 Applications for Small Grants open in September 2017 and February 2018.

## **7. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.





MANNINGHAM

COMMUNITY  
**GRANT**  
PROGRAM  
GUIDELINES  
2018



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## 1 What is the Community Grants Program?

These Guidelines describe how groups and organisations can access funding assistance from Manningham City Council (Council) for activities that have a direct benefit to the people who live, work or recreate in Manningham.

Council is committed to developing and fostering partnerships with not-for-profit groups and organisations whose work enriches the municipality and is consistent with Council's vision.

The Community Grant Program provides a framework for Council to fund a range of activities that will achieve positive outcomes for the community and align with key Council plans and strategies.

### 1.1 Program objectives

The objectives of the Community Grants Program are to:

<b>Partnerships</b>	Foster and develop partnerships between Council, groups and organisations for the delivery of shared outcomes
<b>Services and Activities</b>	Provide a range of services and activities that respond to the needs of communities that align with Council plans and strategies
<b>Participation</b>	Foster community involvement and participation with a focus on groups and individuals that experience barriers to participating in community life
<b>Skills development</b>	Build community capacity and empower them to further develop or gain new skills to enhance their quality of life
<b>Innovation</b>	Pilot activities that provide an innovative response to local priorities and ensure ongoing environmental, economic and social sustainability
<b>Value</b>	Provide a measureable, cost-effective and efficient means to deliver community outcomes in a transparent and accountable manner.

### 1.2 What grant categories can I apply for?

To achieve these broad objectives, not-for-profit groups and organisations are invited to apply for funding under the following grant categories:

Grant Category	Purpose	Funding Allocation	Timing
<b>Community Development</b> (Pg. 11)	Achieve community development outcomes that respond to the needs of Manningham's diverse community	\$3,001 - \$20,000	Annual 2018/2019 Funding opens February 2018
<b>Arts and Culture</b> (Pg. 13)	Support projects that celebrate and enhance community life through access to arts, culture and heritage.	\$3,001 - \$20,000	Annual 2018/2019 Funding opens February 2018
<b>Small Grants</b> (Pg. 15)	Support community strengthening initiatives and enhance the quality of life of Manningham residents	Up to \$3,000	Bi-annual: Funding opens February & September 2018

**Note:** These Guidelines apply to the 2018/2019 financial year.



## 2 Eligibility: Who can apply for a grant?

A pre-eligibility assessment is conducted for all applications. Any ineligible applications will be removed from the assessment process.

### Grants applicants must be:

- > A not-for-profit constituted body such as an Incorporated Association or a Company by Limited Guarantee, or
- > Auspiced by a not-for-profit organisation that is incorporated and be able to accept legal and financial responsibility for the project, or
- > A school.

In addition to the above criteria, applicants must also:

- > Be located or deliver the activity within the City of Manningham
- > Have appropriate insurance and workplace health and safety policies in accordance with the Funding and Service Agreement and other legislative requirements related to the funded activity. For example, if the funded activity involves contact with children, you may be required to obtain a Working with Children Check
- > Have no outstanding debts to Council
- > Provide an Incorporation Number
- > Provide an ABN or completed Statement by Supplier form (Pg. 22)
- > Provide a completed Project Plan (not required for Small Grant Equipment/Asset Applications) (Pg. 8)
- > Provide a completed Evaluation Framework (not required for Small Grants) (Pg. 8)
- > Provide quotes for all expenditure items
- > Apply before the closing date.

Applicants may apply for a grant in more than one grant category each year, however a separate application form for each grant category must be completed and submitted by the due date.

**Late applications will not be accepted under any circumstances.** For more information on application requirements please refer to the Checklist on Page 8.

### 2.1 Who is not eligible to apply?

Applicants will not be eligible for funding if they are:

- > An individual
- > A community organisation that is not incorporated, unless they partner with a not-for-profit or organisation ("auspice")
- > A commercial organisation

#### What does "Auspice" mean ?

If a not-for-profit organisation is not incorporated or has limited organisational capacity, another eligible organisation can auspice on their behalf. In this context, the auspice organisation would receive the grant funding and have responsibility for ensuring that the activity is completed on time. A letter from the auspicating organisation that confirms the arrangement, must be submitted with the grant application form. (Pg. 20)

#### What is an "Incorporated Association"?

Being incorporated refers to an organisation that has a legal identity of its own, recognised by State and Federal Government and is separate and distinct from the individuals who form the group. For more information visit [www.consumer.vic.gov.au/clubs-and-not-for-profits/incorporated-associations](http://www.consumer.vic.gov.au/clubs-and-not-for-profits/incorporated-associations).



## 2.2 What will not be funded?

Applications will not receive funding if sought for equipment or activities that:

- > Are inconsistent with Council priorities or Community Grant Program objectives (Pp. 3 & 18)
- > Are the responsibility of other tiers of government (e.g. State, Federal)
- > Have already commenced or where the organisation has committed expenditure prior to the grant notification date (projects will not be funded retrospectively)
- > Have a sole religious or political purpose which seek to promote core beliefs
- > Duplicate existing services/projects unless it can be demonstrated that it meets an unmet community need
- > Items which would normally be part of a reasonable operating budget for the organisation, i.e. staff salaries or administration
- > Are funded through other Council programs or activities, including grants and sponsorship programs
- > Are Council owned and run
- > Provide catering, unless it can be demonstrated that it is part of the core delivery of the project
- > Offer social outings and gatherings, unless it can be demonstrated it is a core part of the project delivery
- > Seek conference sponsorship ie: financial or technical support
- > Seek debt payment support
- > Are solely curriculum based (kindergarten, primary or secondary school). Only applications that demonstrate a broader community partnership approach will be considered
- > Are for fixed / permanent equipment, building maintenance or capital improvements (such as heating or cooling systems, shade sails, solar panels, water tanks, blinds, building works or facility maintenance)
- > Are for building amenity improvements
- > Are listed as a sports club responsibility as set out in Council's Outdoor Sports Infrastructure Guidelines [www.manningham.vic.gov.au/sporting-venues](http://www.manningham.vic.gov.au/sporting-venues).

Please note: Council owned kindergartens / child care centres / playgroups / toy libraries can apply to the Minor Capital Works Funding Program to request small refurbishments for building or playground works. For more information contact the Project Officer on 9840 9235.



### 3 Key Dates

#### Information Session / Grant Writing Workshop

> Information Session	Wednesday 7 February 2018, 6.30 pm - 8.00 pm
> Information Session	Tuesday 13 February 2018, 10.00 am -11.30 am
> Grant Writing Workshop	Monday 19 February 2018, 6.30 pm - 9.30 pm

#### Community Development / Arts and Culture Grants – Annual – February 2018

> Grants Open	Monday 5 February 2018
> Grants Close	Friday 9 March 2018
> Assessment of Applications	April - May 2018
> Recommendations considered by Council	June 2018
> Applicants Notified	July 2018

#### Small Grants – Biannual – February and September 2018

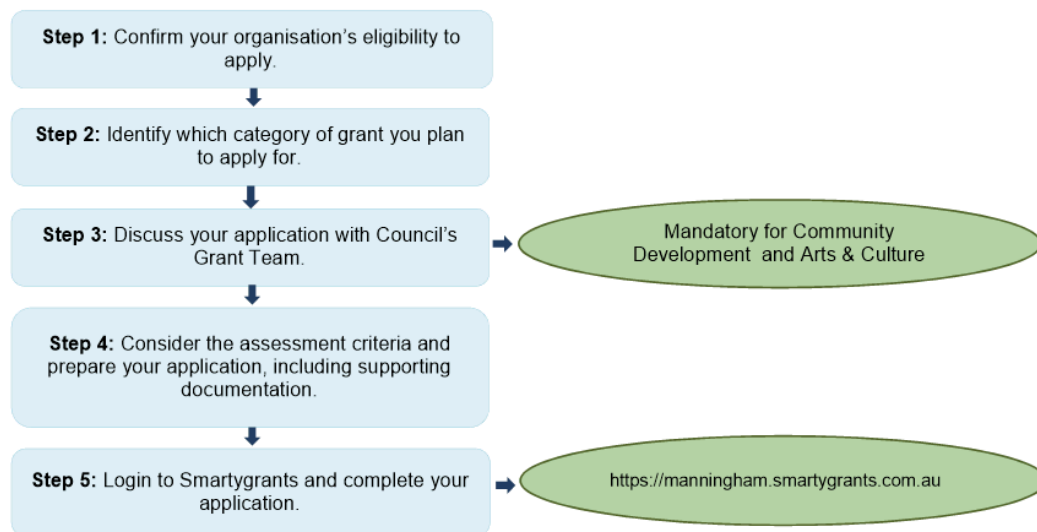
> Grants Open	Monday 5 February 2018 / Monday 10 September 2018
> Grants Close	Friday 9 March 2018 / Monday 1 October 2018
> Assessment of Applications	May 2018 / November 2018
> Applicants Notified	June 2018 / November 2018





## 4 How to apply

### 4.1 Application process



### 4.2 Help with your application

Please discuss your application with Council's Grants Team

**Applicants applying for the Community Development / Arts and Culture grants are required to discuss their proposal with Council's Grants Team before submitting an application.**

Support is available to any group and organisation that requires assistance with their grant application (all categories). Advice about how to apply online (SmartyGrants) or to request assistance with a translator/ interpreter is also available.

Contacts:

- > Contact the Grant Team on 9840 9305 or 9840 9477 or by email: [grants@manningham.vic.gov.au](mailto:grants@manningham.vic.gov.au)

#### Information Sessions

Organisations are also encouraged to attend Grant Information Sessions and training opportunities.

##### Grant Information Sessions 2018

Find out more about Grants and how to apply.

##### Dates:

- > Wednesday 7 February, 6.30 pm - 8.00 pm
- > Tuesday 13 February, 10.00 am - 11.30 am

**Venue:** Function Room 3, Civic Centre, 699 Doncaster Road, Doncaster

##### Grant Writing Workshop 2018

Learn how to prepare applications for government, corporate and philanthropic organisations.

**Date:** Monday 19 February, 6.30 pm - 9.30 pm

**Venue:** Function Room 3, Civic Centre, 699 Doncaster Road, Doncaster

**For bookings, or to find out more about upcoming events, visit [www.manningham.vic.gov.au/community-training-program](http://www.manningham.vic.gov.au/community-training-program).**



### 4.3 Checklist: Information you must provide as part of your application

Eligibility requirements		
<b>To apply you <u>must</u> be one of the following:</b>		
• Not-for-Profit (NFP) or Incorporated Association	<input type="checkbox"/>	Please note that individuals or commercial organisations are not eligible to apply.
• Public Company Limited by Guarantee	<input type="checkbox"/>	
• Auspiced by a NFP	<input type="checkbox"/>	
• School	<input type="checkbox"/>	
<b>You <u>must</u> include with your application:</b>		
• Incorporation Number	<input type="checkbox"/>	If you do not have an ABN, you must complete a Statement by Supplier Form. Visit: <a href="http://www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/">www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/</a>
• GST Status	<input type="checkbox"/>	
• Current Public Liability Insurance	<input type="checkbox"/>	
• Financial Statement	<input type="checkbox"/>	
• ABN or completed Statement by Supplier form	<input type="checkbox"/>	
• If you are being auspiced by a NFP, you will need to provide written advice from that organisation who have agreed to manage the grant and / or hold the funds	<input type="checkbox"/>	
<b>Your activity <u>must</u> be:</b>		Pg. 4
• Located or delivered within the City of Manningham	<input type="checkbox"/>	
<b>Prior to commencing your application</b>		
• Contact Council's Grants Team to discuss your application (not required for Small Grants)	<input type="checkbox"/>	Mandatory for Comm Development/ Arts & Culture applicants
• Determine which Grant Category you would like to apply: 1. Community Development (\$3,001-\$20,000) 2. Arts and Culture (\$3,001-\$20,000) 3. Small Grants: - Community Strengthening Category (up to \$3,000) - Equipment Purchase Category (50% co-contribution of the total cost of the equipment up to \$1,500)	<input type="checkbox"/>	Pg. 11 Pg. 13 Pg. 15
• Attend an Information Session or Grant Writing Workshop (optional)	<input type="checkbox"/>	Book <a href="http://www.manningham.vic.gov.au/grants">www.manningham.vic.gov.au/grants</a>
• Obtain a Working with Children Check if your activity involves interaction with children	<input type="checkbox"/>	Visit <a href="http://www.workingwithchildren.vic.gov.au">www.workingwithchildren.vic.gov.au</a>
• Register with Council's Events Team if you are planning an event	<input type="checkbox"/>	Call 9840 9405
• Determine whether you have any legislative requirements for your proposed activity i.e. health and safety or child safe standards	<input type="checkbox"/>	
• Successfully acquit all previous grants	<input type="checkbox"/>	No funding will be paid until all outstanding grants have been acquitted
• Have no outstanding debts to Council	<input type="checkbox"/>	
<b>How to complete your application</b>		
• Agree to the Terms and Conditions of the Grants Program	<input type="checkbox"/>	Pg. 19
• Log in/ Register with Smarty Grants to complete your application	<input type="checkbox"/>	Visit <a href="https://manningham.smartygrants.com.au">https://manningham.smartygrants.com.au</a>
• Review the Assessment Criteria	<input type="checkbox"/>	
• Complete the Budget by obtaining quotes for all expenditure	<input type="checkbox"/>	Pg. 9
<b>What you <u>must</u> include in your application</b>		
• Completed Project Plan (not required for Small Equipment)	<input type="checkbox"/>	Templates available at: <a href="http://www.manningham.vic.gov.au/applying-for-community-grants">http://www.manningham.vic.gov.au/applying-for-community-grants</a>
• Evaluation Framework (not required for Small Grants)	<input type="checkbox"/>	
• Quotes for budgeted expenses	<input type="checkbox"/>	This can be a catalogue item or quote from a provider. Quotes must be provided or an application may be deemed ineligible





#### 4.3.1 Project Plan (not required for Small Grant- Equipment Purchase)

A completed Project Plan guides the management and implementation of your activity and includes answers to questions such as:

- > *What key tasks must be completed to successfully deliver the activity?*
- > *Who will be responsible for delivering the activity?*
- > *When should the task be completed by?*

Failure to provide a Project Plan may result in your application being deemed ineligible. If your application is successful, the plan will form part of your Funding and Service Agreement (FASA).

A Project Plan template is available at: [www.manningham.vic.gov.au/community-grant-program](http://www.manningham.vic.gov.au/community-grant-program).

A sample Project Plan is available in Appendix A – Project Plan Examples on Pp. 23-25.

#### 4.3.2 Evaluation Framework (not required for Small Grants)

A completed Evaluation Framework is mandatory for Community Development / Arts and Culture grants only. Failure to provide an Evaluation Framework may result in your application being deemed ineligible.

Evaluation is important because it enables organisations to measure how well the activity was delivered and whether it achieved what it set out to do.

An Evaluation Framework template is available at: [www.manningham.vic.gov.au/community-grant-program](http://www.manningham.vic.gov.au/community-grant-program).

A sample Evaluation Framework is available in Appendix B – Evaluation Framework Examples on Pp. 26 - 27.

#### 4.3.3 Budget and quote for budgeted expenses (quotes required for all grants)

Your budget should reflect the scope of your activity and include all income and expenditure contributions that relate specifically to your proposed activity. When you have completed your budget, the Total Income and Total Expenditure *must* balance.

##### Income

You must provide all income contributions, both financial and in-kind, related to your activity.

For example:

- > Your organisation's financial and "in-kind" contribution
- > Amount you are seeking from Manningham Council
- > Sponsorship, donations or other funding

Please indicate whether funding is confirmed funding (CF) or unconfirmed funding (UF) (Pp. 21- 22).

##### Expenditure and quotes

Quotes are mandatory for all grant applications. Quotes may be submitted as a catalogue item (web or hard copy) or quotes from a provider. Failure to do so may result in your application being deemed ineligible or unsuccessful.

A sample budget is available in Appendices on Pp. 28 – 29.

##### **What is "in-kind" contribution?**

An in-kind contribution is when an organisation contributes goods or services in lieu of providing funds (cash). For example, volunteers hours, use of organisation equipment or facilities (i.e. photocopiers). In-kind contributions must have a \$ value, for example the estimated value of volunteer time is \$25 per hour.

Applicants who provide evidence of in-kind and / or financial contributions will be considered more favourably.

**GST status**

Organisations must indicate their GST status in their application. Successful organisations with an ABN, that are not registered for GST, will receive their grant without GST.

Successful organisations with an ABN, that are registered for GST, will be required to complete an Agreement for Issuing Recipient Created Tax Invoices (RCTI). You will receive the grant amount plus 10% GST.



## 5 What grant categories can I apply for?

### 5.1 Community Development Grant

The Community Development Grant enables not-for-profit groups and organisations to achieve short to medium term community development outcomes. Specifically, Council seeks to fund activities that align with the directions outlined in Council plans and strategies. This includes activities that respond to the needs of Manningham's diverse community with a focus on:

- > individuals and community groups who experience social isolation or disadvantage
- > older residents
- > people with a disability
- > young people
- > culturally and linguistically diverse
- > women and children experiencing violence.

#### 5.1.1 Objectives

Community Development Grants aim to:

- > Respond to a demonstrated community need with a focus on vulnerable individuals and groups
- > Provide for the inclusion and participation of all members of the community, including targeted responses that enable vulnerable individuals and groups to participate in local activities and opportunities
- > Foster an inclusive and harmonious community, drawing strength from difference and diversity
- > Enhance the health and wellbeing of the Manningham community
- > Support a safer and more resilient community
- > Encourage collaboration between Council, groups and organisations for the benefit of the community
- > Enhance community outcomes through organisational change or development such as capacity building and research.

#### 5.1.2 Funding details

<b>Allocation</b>	<ul style="list-style-type: none"> <li>&gt; Funding between \$3,001 and \$20,000 is available. Allocations are for one financial year and are not recurrent</li> <li>&gt; The total notional allocation is \$120,000 per annum</li> </ul>
<b>Timing</b>	<ul style="list-style-type: none"> <li>&gt; There is one Community Development Grant funding round per year - available annually in February</li> </ul>
<b>Funding announcements</b>	<ul style="list-style-type: none"> <li>&gt; Applicants will receive a letter notifying them of the outcome of their application within three weeks of Council making a decision. Successful applicants will be required to enter into a formal funding agreement (FASA)</li> <li>&gt; Applicants who are unsuccessful will receive feedback from Council officers regarding why the applicant was not successful and how the application may be improved for the future</li> <li>&gt; A list of successful applicants will be published on Council's website approximately one month after all applicants have been notified of the outcome of their application. This information can be found at <a href="http://www.manningham.vic.gov.au/community-grant-program">http://www.manningham.vic.gov.au/community-grant-program</a>.</li> </ul>



**5.1.3 What types of activities might be funded?**

Examples of Community Development Grant activities could include:

- > A mental health and wellbeing project that will engage people at risk of social isolation through the delivery of a leadership project that enhance participant connections with their local community
- > A partnership activity that seeks to reduce the incidence of family violence in Manningham
- > An innovative initiative that will increase the community's understanding of gender equity by delivering a series of interactive and informative workshops to drive cultural change.

**5.1.4 Assessment Criteria**

Assessment Criteria	What you should include in your application	Criteria weighting
What is the activity you are applying for and what will it achieve?	<ul style="list-style-type: none"> <li>&gt; A clear description of the activity you are seeking funding for and its objectives</li> <li>&gt; An explanation as to how the activity aligns with one or more of the grant category objectives (see page 11)</li> <li>&gt; The proposed short or medium term impacts of the activity (the desired end result)</li> <li>&gt; A description as to how the activity is informed by best practice and/or incorporates innovative practices</li> </ul>	25 per cent
Why is the activity needed?	<ul style="list-style-type: none"> <li>&gt; A clear description of the community need, issue or opportunity that your activity is responding to</li> <li>&gt; Information that supports your application, such as demographic data, letters of support, feedback from consultation or community plans or strategies</li> <li>&gt; Evidence of how the activity aligns with one or more of Council's key plans and strategies (see page 18 for more information)</li> </ul>	25 per cent
Who will benefit from the activity?	<ul style="list-style-type: none"> <li>&gt; A description of the groups and/or individuals in the community that are being targeted (e.g. socially isolated, vulnerable, older residents)</li> <li>&gt; The total estimated number of activity participants and percentage of these that are Manningham residents</li> <li>&gt; Where appropriate, explain if the activity will attract a broader audience including residents from outside of the municipality</li> </ul>	20 per cent
How will the funded activity be managed over the funding period?	<ul style="list-style-type: none"> <li>&gt; A completed project plan that lists the key tasks, person/s responsible and timeframes to complete the activity</li> <li>&gt; An overview of your group/organisations/s capacity to deliver the activity. This could include information regarding experience in the delivery of similar initiatives and details of the project manager</li> <li>&gt; A budget that reflects the activity scope and includes all expenditure and income contributions. <b>Quotes must be provided for all key expenditure items.</b> This should include any financial and in-kind assistance from your group/organisation and activity partner/s.</li> <li>&gt; Information on the groups and/or organisations you will partner with for the delivery of the activity and their role/s</li> <li>&gt; An outline of how the activity benefits will be sustained once funding has ceased</li> </ul>	30 per cent



## 5.2 Arts and Culture

The Arts and Culture Grant enables not-for-profit groups and organisations to deliver arts and cultural activities that reflect the diversity of the Manningham community. Specifically, Council seeks to fund activities that deliver on the focus area of connected and vibrant included in the Healthy City Strategy 2017-2021..

The Arts and Culture Grant category will support the implementation of: community art initiatives, festivals and events, heritage preservation, visitor attraction initiatives, art exhibitions and literary, visual and performing arts.

### 5.2.1 Objectives

Arts and Culture Grants aim to:

- > Utilise arts as a means to enhance the inclusion and participation of all members of the community including diverse or hard-to-reach individuals and groups
- > Enable the delivery of community-led, arts and cultural activities across the municipality
- > Contribute to the vibrancy and liveability of the City of Manningham
- > Celebrate local culture, its diversity, history and identity and promote cross cultural practices
- > Encourage partnerships between Council, groups, organisations and businesses for the delivery of improved outcomes
- > Foster community spirit and sense of belonging through cultural and social inclusion
- > Encourage innovation and best practice.

### 5.2.2 Funding details

<b>Allocation</b>	<ul style="list-style-type: none"> <li>&gt; Funding between \$3,001 and \$20,000 is available. Allocations are for one financial year and are not recurrent</li> <li>&gt; The total notional allocation is \$110,000 per annum</li> </ul>
<b>Timing</b>	<ul style="list-style-type: none"> <li>&gt; There is one Arts and Culture Grant funding round per year - available annually in February</li> </ul>
<b>Funding announcements</b>	<ul style="list-style-type: none"> <li>&gt; Applicants will receive a letter notifying them of the outcome of their application within three weeks of Council making a decision. Successful applicants will be required to enter into a formal funding agreement (FASA)</li> <li>&gt; Applicants who are unsuccessful will receive feedback from Council officers regarding why the applicant was not successful and how the application may be improved for the future</li> <li>&gt; A list of successful applicants will be published on Council's website approximately one month after all applicants have been notified of the outcome of their application. This information can be found at <a href="http://www.manningham.vic.gov.au/community-grant-program">http://www.manningham.vic.gov.au/community-grant-program</a>.</li> </ul>



### 5.2.3 What types of activities might be funded?

Examples could include:

- > An arts project that encourages Manningham residents to commemorate a significant occasion
- > An event or festival that showcases and celebrates Manningham's heritage and/or cultural diversity.

### 5.2.4 Assessment Criteria

Assessment Criteria	What you should include in your application	Criteria weighting
What is the activity you are applying for and what will it achieve?	<ul style="list-style-type: none"> <li>&gt; A clear description of the activity you are seeking funding for and its objectives</li> <li>&gt; An explanation as to how the activity aligns with one or more of the grant category objectives (see page 13)</li> <li>&gt; The proposed short or medium term impacts of the activity (the desired end result)</li> <li>&gt; A description as to how the activity is informed by best practice and/or incorporates innovative practices</li> </ul>	25 per cent
Why is the activity needed?	<ul style="list-style-type: none"> <li>&gt; A clear description of the community need, issue or opportunity that your activity is responding to</li> <li>&gt; Information that supports your application, such as demographic data, letters of support, feedback from consultation or community plans or strategies</li> <li>&gt; Evidence of how the activity aligns with one or more of Council's key plans and strategies (see Pg. 18 for more information)</li> </ul>	25 per cent
Who will benefit from the activity?	<ul style="list-style-type: none"> <li>&gt; A description of the groups and/or individuals in the community that are being targeted (e.g. socially isolated, vulnerable, older residents)</li> <li>&gt; The total estimated number of activity participants and percentage of these that are Manningham residents</li> <li>&gt; Where appropriate, explain if the activity will attract a broader audience including residents from outside of the municipality</li> </ul>	20 per cent
How will the funded activity be managed over the funding period?	<ul style="list-style-type: none"> <li>&gt; A completed project plan that lists the key tasks, person/s responsible and timeframes to complete the activity</li> <li>&gt; An overview of your group/organisations/s capacity to deliver the activity. This could include information regarding experience in the delivery of similar initiatives and details of the project manager</li> <li>&gt; A budget that reflects the activity scope and includes all expenditure and income contributions. <b>Quotes must be provided for all key expenditure items.</b> This should include any financial and in-kind assistance from your group/organisation and activity partner/s.</li> <li>&gt; Information on the groups and/or organisations you will partner with for the delivery of the activity and their role/s</li> <li>&gt; An outline of how the activity benefits will be sustained once funding has ceased</li> </ul>	30 per cent





### 5.3 Small Grants

The Small Grant enables not-for-profit groups and organisations to deliver one-off, innovative activities and minor equipment/ asset purchases that support community strengthening initiatives and enhance the quality of life of Manningham residents.

#### 5.3.1 Objectives

Small Grants aim to:

- > Respond to a clearly identified community need
- > Facilitate community participation in a range of local activities and enhance access for individuals and groups that are identified as having high needs
- > Enhance local network development and partnerships
- > Provide capacity building opportunities including skills development and learning.

#### 5.3.2 Funding details

<b>Allocation</b>	<ul style="list-style-type: none"> <li>&gt; Funds available:             <ul style="list-style-type: none"> <li>• Community Strengthening category: Funding up to up to \$3,000</li> <li>• Equipment Purchase category: Funding of 50% co-contribution of the total cost of the equipment up to \$1,500</li> </ul> </li> <li>&gt; The total notional allocation is \$110,000 per annum</li> <li>&gt; Not-for-profit groups and organisations may only receive one Small Grant per year</li> </ul>
<b>Timing</b>	<ul style="list-style-type: none"> <li>&gt; There are two funding rounds per year for Small Grants – February and September</li> </ul>
<b>Funding announcements</b>	<ul style="list-style-type: none"> <li>&gt; Applicants will receive a letter notifying them of the outcome of their application approximately within 3 weeks of the Assessment Panel. (Refer to page 6 for dates)</li> <li>&gt; Applicants who are unsuccessful are encouraged to contact the Grants Team directly to receive feedback on why their application was not successful</li> <li>&gt; A list of successful applicants will be published on <a href="http://www.manningham.vic.gov.au/grants">www.manningham.vic.gov.au/grants</a> approximately one month after all applicants have been notified of the outcome of their application.</li> </ul>

#### 5.3.3 What types of activities might be funded?

Examples of Small Grant activities could include:

- > An environment festival that involves Manningham residents and offers volunteering and leadership opportunities.
- > Establishment of a program that promotes and encourages children, parents, grandparents and carers in walking to keep fit and encourage community interaction.
- > Purchase of safety equipment to assist an environmental group when planting along roadsides and open spaces.
- > 'Seeding' of a new idea with potential for strong community benefit.
- > Enhancement of access to programs and information.
- > Equipment purchase such as office equipment (provided it can be demonstrated that the item is integral to the success of the activity).



### 5.3.4 Assessment Criteria

There are two types of assessment criteria for Small Grant categories based on the application type:

- > Community Strengthening
- > Equipment/asset purchases

#### Community Strengthening Category

Assessment Criteria	What you should include in your application	Criteria weighting
What is the activity you are applying for and what will it achieve?	> A clear description of the activity you are seeking funding for	15 per cent
How does the activity align with one of the grant category objectives?	> An explanation as to how the activity aligns with one or more of the Small Grant category objectives	15 per cent
Why is the activity needed?	> Clear description of the community need, issue or opportunity that your activity is responding to > Information that may support your application such as demographic data or letters of support	25 per cent
Who will benefit from the activity?	> Description of the groups and/or individuals in the community that are being targeted (e.g. socially isolated, vulnerable, older residents) > The estimated total number of activity participants and percentage of these that are Manningham residents	20 per cent
How will the activity be delivered and who will be responsible for its implementation?	> A completed Project Plan that lists the key tasks, person/s responsible and timeframes to complete the activity > A budget that reflects the activity scope and includes all expenditure and income contributions, including any financial and in-kind assistance from your group/organisation and activity partner/s > Quotes <b>must</b> be provided.	25 per cent





### Equipment Purchase Category

Community organisations that apply for equipment, must demonstrate that the item is integral to the success of the activity.

Equipment must remain the sole property of the funded community organisation/club.

Please contact the grants team if you require further clarification regarding eligibility of equipment purchases.

Assessment Criteria	What you should include in your application	Criteria weighting
What equipment are you applying for?	> A clear description of the equipment you are seeking funding for	15 per cent
How does the equipment purchase align with one of the grant category objectives?	> An explanation as to how the equipment aligns with one or more of the Small Grant category objectives	20 per cent
Why is the equipment needed?	> Please explain why the equipment is needed > Information that may support your application such as demographic data or letters of support	25 per cent
Who will benefit from the equipment purchase?	> Description of the groups and/or individuals in the community that are being targeted (e.g. socially isolated, vulnerable, older residents) > The estimated total number of participants and percentage of these that are Manningham residents	25 per cent
How will the equipment/asset be utilised and who will be responsible for it's implementation?	> A budget that reflects the scope and includes all expenditure and income contributions, including any financial and in-kind assistance from your group/organisation and activity partner/s > Quotes <b>must</b> be provided.	15 per cent



## 7 Relevant Council Plans and Strategies

Through its Community Grants Program, Council is able to provide funding to not-for-profit groups and organisations to deliver activities that align with key Council plans and strategies.

Applications for Community Development and Arts and Culture grant categories must demonstrate how their activity aligns with one or more of Council's key plans and strategies.

Key Council plans and strategies include:

- Generation 2030 Community Plan
- Council Plan 2017-2021
- Healthy City Strategy 2017-2021

Strategy	Purpose	Areas of Focus
<p><b>Generation 2030 Community Plan</b></p>	<p>The Community Plan is reflective of our community's vision, aspirations and priorities for the future. As Council's overarching strategic document, it provides a long term shared vision for Manningham and the community.</p>	<p>Healthy and Safe City Liveable City Resilient City Viable City</p>
<p><b>Council Plan 2017-2021</b></p>	<p>The Council Plan outlines our vision, mission and values. The Council Plan guides the organisation's activity over the next four years to achieve priorities identified in the areas of community, economy, places and spaces, council leadership and the environment.</p>	<p>Healthy Community Liveable Places and Spaces Resilient Environment Vibrant and Prosperous Economy Well Governed Council</p>
<p><b>Healthy City Strategy 2017-2021</b></p>	<p>The Municipal Public and Wellbeing Plan promotes the health and wellbeing of local communities through a strategic planning approach, informed by local health priorities.</p>	<p>Inclusive and Harmonious Healthy and Well Safe and Resilient Connected and Vibrant</p>

For a complete list of Council strategies and plans visit <https://www.manningham.vic.gov.au/key-council-plans>



## 8 Terms and Conditions

### For applicants

The following general terms and conditions apply to the Community Grants Program:

- 1 All applications must be approved by the Chairperson, President or Chief Executive Officer of the organisation.
- 2 Successful applicants must use Community Grant Program funding for the stated purpose for which the funding was awarded unless further written permission has been obtained from Council before the activity has commenced.
- 3 Successful applicants must comply with all relevant State and Federal government legislation pertaining to the funded activity. If the funded activity involves contact with children, your group or organisation may be required to obtain a Working with Children (WWC) Check. To find out if you need a WWC Check or are exempt, visit <http://www.workingwithchildren.vic.gov.au/home/>
- 4 Council's Community Grant Program is a competitive funding scheme and the funding allocation is awarded on the merit of an application.
- 5 Applicants must demonstrate satisfactory performance and adherence to all grant conditions (e.g. permit requirements such as traffic management plans, traders' permits, etc.).
- 6 The total funding available for Council's Community Grant Program is subject to variation and Council's annual Budget process.
- 7 Council reserves the right to request further information in considering applications. If deemed necessary, applicants may be required to discuss or clarify their application with Council officers and/or provide further written information within a specified timeframe.
- 8 Canvassing or lobbying Councillors, Council employees or independent assessors, in relation to a grant application, is prohibited. Lobbying or canvassing relevant officers may result in your application being deemed ineligible.
- 9 For the protection of grant applicants and those involved in the assessment process, all Council officers, Councillors and community members involved in the grant assessment process are required to declare their interest prior to assessing any grant applications or reviewing project evaluations and reports. This process ensures that a clear or perceived conflict of interest is promptly identified and addressed. In the event of a conflict of interest, the person will not participate in any discussion or decision making relating to the nominated item/s of conflict.

#### ***For Community Development/ Arts and Culture Grants:***

- 10 A Council Report on the recommended funding allocations is presented to Council for their consideration. The decision to award grants is made by Council and Council's decision is final. There is no appeal process.
- 11 Applicants will receive a letter notifying them of the outcome of their application after Council's decision.

### For funded recipients

#### Funding and Service Agreement (FASA)

- 12 Funded recipients will be expected to enter into a Funding and Service Agreement (Agreement) with Council. The Agreement:
  - > Establishes a collaborative arrangement between Council and your group or organisation, based on the principles of co-operation and partnership
  - > Outlines the roles and responsibilities of Council and your group or organisation in the provision and use of funding allocated under this Agreement
  - > Includes general funding Terms and Conditions and may include special conditions relating to the delivery of the grant.
- 13 The Agreement must be completed, signed off and returned by the specified date for the funding to be released. Funding will not be made available to groups who submit this documentation after this date or those that currently hold a debt with Council.



- 14 Except for Small Grants, all funded recipients will be allocated to a Council officer who is the primary contact for the delivery of the activity. As per the Agreement, regular monitoring will be required with the relevant Council officer to provide activity support, identify emerging themes and monitor performance.
- 15 Any changes to the use of Council funding for purposes other than outlined in the Agreement must be approved by Council in writing. If the grant is not utilised for the stated purpose, the organisation must guarantee repayment in full to Council, plus interest earned, within one month of the end of the Agreement.
- 16 Funding that remains unspent upon the end of the Agreement must be repaid to Council within one month (of the end of the Agreement), unless activity changes are approved by Council in writing within 14 days of notification.
- 17 Allocation of funds to a community organisation for any purpose, in any funding round, must not be taken as a commitment by Council to provide additional or recurrent funding beyond that specifically provided for in the Agreement.
- 18 Funded activities must be completed within twelve months of receipt of funding, unless an alternative arrangement has been approved by Council in writing (prior to the activity completion date).
- 19 The Agreement is governed by and is construed to be in accordance with the laws of Victoria.

#### Permits

- 20 If a permit is required for the funded activity, funded recipients must comply with all Council requirements. This includes matters such as road closures, outdoor advertising and temporary food premises.

#### Funding Allocation

- 21 Upon receipt of funding, funded recipients must deposit that sum in an interest-bearing bank account in the name of the organisation.
- 22 Council disclaims all liability and responsibility for any direct or indirect loss to the recipient after the release of funding.

#### Insurance

- 23 Funded recipients must take out and keep current during the period of the Agreement, public liability insurance. The public liability policy must be for a minimum of \$10 million.
- 24 The public liability insurance ensures Council and the recipient against all actions, costs, claims, charges, expenses, and damages whatsoever which may be brought or made or claimed against them arising out of, or in relation to, the funded activity.
- 25 A copy of the Certificate of Currency is to be provided to Council before commencement of the funded activity. Funded recipients must also maintain WorkCover insurance, where relevant.

#### Marketing Requirements

- 26 Funded recipients are required to acknowledge receipt of financial assistance from Council in any promotion, publication or advertising of the activities. This includes the use of Council's logo and giving Councillors and officers the opportunity to attend relevant promotional events. Any publicity material regarding an activity should be submitted to Council's Grants Team for approval prior to printing. For more information visit [www.manningham.vic.gov.au/community-grant-program](http://www.manningham.vic.gov.au/community-grant-program).

#### Acquittal and Project Completion Report

- 27 Council reserves the right to conduct financial and performance audits for funding it has provided. Consequently, funded recipients are required to maintain full records of receipts of project expenditure and performance outputs/outcomes for the relevant period. These records are to be made available to Council and its officers/agents upon request.
- 28 Funded recipients are required to complete a Activity Completion Report (acquittal) within 2 months of completing the funded activity online at <https://manningham.smartygrants.com.au>. This report certifies that the activity and funding was carried out in accordance with the Agreement. It should include a completed Evaluation Framework, proof of expenditure of Council funds (receipts and invoices) and copies of marketing material used to promote the funded activity.
- 29 Failure to provide a satisfactory acquittal may result in a funded group or organisation being deemed ineligible to receive any further funding from Council. Council's reporting is directly linked to its requirement to report on how public funds are spent and whether funded groups and organisations have achieved the desired end result. While Council is committed to minimising administrative processes, it is also committed to the collection of high quality information that may be communicated across Council and the community.



## 9 Glossary of Terms and Definitions

### Acquittal

Acquittal is a formal condition of funding and means accurately reporting on the funded activities and the expenditure of your funding. Proof of expenditure (as well as other information) is required on the completion of your project. See 'Activity Completion Report'.

### Activity Completion Report

Is a report that ensures grant recipients have administered grant funds responsibly and in accordance with the terms and conditions of the Funding and Service Agreement. A Activity Completion Report usually consists of a written report that summarises how the activity fared against the initial objectives of the grant. It also provides a financial statement detailing how the funding was spent. See 'Acquittal'.

### Auspice

Is an agreement where one organisation (the 'principal organisation') agrees to apply for funding on behalf of a second organisation that is not incorporated (the 'auspiced organisation'). If the funding application is successful, the principal organisation then receives, holds and administers the funding to the auspiced organisation so that the auspiced organisation can complete the funded activity. Further information can be found at, <http://www.nfplaw.org.au/auspicing>.

### Company By Limited Guarantee

A company limited by guarantee is a type of legal structure that you may choose for your charity that is registered by the Australian Securities and Investments Commission (ASIC). Further information can be found at <http://asic.gov.au/regulatory-resources/financial-reporting-and-audit/preparers-of-financial-reports/companies-limited-by-guarantee/>

### Commercial activities and organisations

Includes retail groups that: a) sell goods by retail, or by retail and wholesale; b) sell services; or c) hire goods.

### Confirmed Funding (CF)

Refers to any confirmed funding amounts, including your organisation's cash contribution, funding from other sources to be included in your 'Income' section of your budget.

### Council

Manningham City Council is the entity which has the authority to make decisions on behalf of the Manningham community.

### Curriculum Based Activity

Curriculum is the knowledge and skills students are expected to learn, the units and lessons that teachers teach; the assignments and projects given to students; books, materials, videos, presentations, and readings used in a course; and the tests, assessments, and other methods used to evaluate student learning.

### Evaluation Framework

Evaluation is an important component of the grants program because it enables organisations to showcase achievements, as well as inform and improve project delivery. (Pg. 9).

### Evidence Based

Provides the proof that a service, activity or program is best placed to respond to an identified community need which may include research, statistics, community consultation, needs analysis, etc.

### Funding and Service Agreement

A Funding and Service Agreement (Agreement) is a legal and financial agreement entered into between Council and community organisations receiving grant funding.

The categories of an Agreement, a short or long form, reflect the level of funding provided and the required performance of the grant recipient. The FASA states:

- Purpose of the funding
- Dollar amount of funding
- Rights and responsibilities of all parties to the Agreement; including reporting, monitoring and evaluation requirements, and the permits the grant recipient is required to obtain
- Clear statement of the required outcomes of the grant





- Terms and conditions of the funding, including the circumstances in which Council can reclaim funding, consequences for breaches of funding conditions and a procedure for the return of unspent funds.
- Special conditions

#### Grant

A grant is a sum of money given to organisations for a specified purpose directed at achieving objectives and outcomes consistent with specific policies.

#### Impact

The desired short to medium term effects or changes that an activity seeks to achieve (e.g. increased community awareness of a particular topic or skills development of a target group, change in behaviour, change in attitude).

#### Incorporated Association

Being incorporated infers that an organisation has a legal identity of its own, recognised by State and Federal governments and is separate and distinct from the individuals who formed or make up the group.

#### In-kind Funding Contribution

Is when an organisation contributes goods or services in lieu of providing funds (cash). For example, volunteers hours, use of organisation equipment or facilities (i.e. photocopiers). In-kind contribution must have a \$ value, for example the estimated value of volunteer time is \$25 per hour.

#### Non Recurrent Funding

The Annual and Small Grant categories are to fund one-off short to medium term activities. Funding allocations are for one financial year and are not recurrent.

#### Objectives

Objectives are the big picture aims or goals which a policy, plan, program or activity seeks to achieve (e.g. improved exercise).

#### Outcome

The desired result of goals and strategies that have been achieved (e.g. a healthier population).

#### Outdoor Sports Infrastructure Guidelines

The Outdoor Sports Infrastructure Guidelines steer the redevelopment or refurbishment of existing sporting infrastructure and informs the development of new sports infrastructure on a case by case basis. The Council Standard Facility Fit Out sets out what Council will provide and what is not covered.

#### Political

Taking or belonging to a side in politics or in controversial matters.

#### Religious

Religion is regarded as a set of beliefs and practices, usually involving acknowledgment of a divine or higher being or power, by which people order the conduct of their lives through promotion of their faith or worship.

#### SmartyGrants

SmartyGrants is Council's online grants management system. Applicants must apply online and attach relevant documents to their application.

#### Statement by Supplier

For organisations that do not have an ABN, applicants are required to complete a Statement by Supplier form as a result of the Commonwealth 'Pay As You Go' taxation legislation. Statement by Supplier forms can be located from the Australian Taxation Office at [www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/](http://www.ato.gov.au/Forms/Statement-by-a-supplier-not-quoting-an-ABN/).

#### Unconfirmed Funding (UF):

Refers to the other funding amounts which you have applied for which is yet to be confirmed, to be included in the 'Income' section of your budget.

## 10 Appendices

### Appendix A – Project Plan Examples

#### Project Plan- Event

Anticipated Project Start Date: August 2018      Anticipated Project End Date: June 2019

<b>Key tasks</b> <i>List key tasks in order that they will be completed</i>	<b>Person responsible</b> <i>List who will be responsible for the completion of the task</i>	<b>What will show that you have completed the task</b> <i>List the key outputs</i>	<b>Anticipated Completion Date</b>
1. Establish project committee	Project Officer	Project committee established Terms of Reference adopted Meeting agenda and minutes prepared and documented	August 2018
2. Finalise activity objectives, objectives and evaluation measures	Committee Chair	Project objectives and evaluation measures confirmed	September 2018
3. Confirm activity milestones including performances	Project Officer	Project milestone endorsed by Committee, noted in Minutes	October 2018
4. Engage young people and mentors to participate in the activity	Project Officer and project partners	Engagement of young people Production and performance roles assigned to participants Mentors paired with participants	November 2018
5. Confirm venues for rehearsal and final performance	Project Officer	Venues booked	November 2018
6. Finalise and launch Marketing Plan	Project Officer and project participants (young people and mentors)	Events and Marketing Plan developed and launched	February 2019
7. Present theatre production	Project committee and participants	Theatre production presented over five nights	June 2019
8. Evaluate activity and submit Activity Completion Report	Project Officer	Activity Completion Report submitted via SmartyGrants	August 2019



## Project Plan – Activity

Anticipated Project Start Date: July 2018      Anticipated Project End Date: June 2019

<b>Key tasks</b> <i>List key tasks in order that they will be completed</i>	<b>Person responsible</b> <i>List who will be responsible for the completion of the task</i>	<b>What will show that you have completed the task</b> <i>List the key outputs</i>	<b>Anticipated Completion Date</b>
1. Establish an Advisory Committee to provide guidance for the duration of the pilot activity	Funded organisation program manager	Project committee formed and includes family and carer representatives Terms of Reference adopted	July 2018
2. Prepare project content and finalise project plan	Funded organisation program manager Advisory Committee members	Activity purpose reviewed and project plan finalised	August 2018
3. Book venues and facilitators	Funded organisation program manager Project partners	Stakeholder consultation venues and facilitators confirmed	August 2018
4. Create promotional material and distribute to partners and interested organisations	Funded organisation program manager	Promotional material drafted and submitted to Council for approval Promotional material distributed via networks	September 2018
5. Host stakeholder consultation forums and evaluate sessions	Funded organisation program manager Project partners	Consultation sessions delivered and evaluated Consultation findings documented	December 2018
6. Develop draft resources and present to the Advisory Committee	Funded organisation program manager Project partners Advisory Committee members	Draft resources developed and presented to the Advisory Committee	February 2019
7. Finalise resources and host community launch event	Funded organisation program manager	Resources printed and distributed to relevant stakeholders Launch event held	April 2019
8. Evaluate pilot activity	Funded organisation program manager Advisory Committee members	Pilot activity evaluated and findings presented to the Advisory Committee with recommendations regarding next steps	May 2019
9. Submit grant funding Activity Completion Report and acquit the grant	Funded organisation program manager	Activity Completion Report submitted via SmartyGrants	July 2019





### Project Plan –Equipment/ Asset Purchase

Anticipated Project Start Date: June 2018

Anticipated Project End Date: June 2019

<b>Key tasks</b> <i>List key tasks in order th0at they will be completed</i>		<b>Person responsible</b> <i>List who will be responsible for the completion of the task</i>	<b>What will show that you have completed the task</b> <i>List the key outputs</i>	<b>Anticipated Completion Date</b>
1.	Purchase equipment as per items listed in grant application	Equipment Officer	Equipment purchased and available for players	30/06/2018
2.	Recruit coach and team support i.e. trainers, first aid officer	Coaches Committee	Engagement of coach and other team support officers	31/09/2018
3.	Promote newly established women's team	Marketing Officer	Women's team formed Women's team practice weekly	31/10/2018
4.	Team commences participating in women's competition	Coach and Team Manager	Women's team participate in competition	1/02/2019
5.	Complete Activity Completion Report to acquit grant	Club Grant Officer	Activity Completion Report submitted via Smartygrants including evidence of grant expenditure	30/06/2019

Note. A blank Project Plan template is available online in the application form for grant applicants.

## Appendix B - Evaluation Framework Examples

### Evaluation Framework - Event

<b>Objectives</b> <i>Thinking about your activity participants, what is your activity trying to achieve?</i> <i>List the project objectives below</i>	<b>Proposed outputs</b> <i>From your Project Plan, list the key proposed outputs</i>	<b>Proposed impacts</b> <i>What changes do you expect to see for participants?</i> <i>List these proposed impacts</i>	<b>Measures</b> <i>List how you will measure the proposed impacts</i> <i>List these measures</i>	<b>Timeline</b> <i>When do you expect the impacts to be delivered?</i>	<b>Reporting</b> <i>This column will be populated once the activity has been completed and measures collected</i>
<p>To enhance the health and wellbeing of young people with a mental illness by supporting them to deliver a theatre production</p> <p>To develop the leadership capacity of young people with a mental illness through mentoring and leadership opportunities</p>	<p>Project committee established</p> <p>Objectives and evaluation measures finalised</p> <p>Young people and mentors are engaged in the project</p> <p>Events and Marketing Plan developed and launched</p> <p>Presentation of a theatre production over five nights in June 2019</p>	<p>Demonstrable improvements in the health and wellbeing of young people involved</p> <p>Improved participant leadership skills and competency</p> <p>Social networks established between participants and mentors</p> <p>Theatre audience knowledge and understanding of the issues associated with mental health and wellbeing enhanced, including those specific to young people.</p>	<p>Number of participants enrolled</p> <p>Percentage of participants that acknowledge improved health and wellbeing as a result of their participation</p> <p>Percentage of participants that develop leadership skills</p> <p>Percentage of participants that establish new social networks</p> <p>Percentage of young people committed to the theatre and/or leadership role in the longer term</p> <p>Number of people who attend the performance and provide positive reviews</p> <p>Percentage of performance audience that increase their understanding of mental health issues</p>	<p>November 2018</p> <p>June 2019</p> <p>June 2019</p> <p>June 2019</p> <p>June 2019</p> <p>June 2019</p> <p>June 2019</p>	<p>15 young people participated in the production</p> <p>Participant survey indicates:</p> <ul style="list-style-type: none"> <li>improved sense of health and wellbeing</li> <li>development of social networks</li> <li>improved leadership skills and participant confidence</li> </ul> <p>Survey findings attached</p> <p>25 percent of participants are committed to continuing in the theatre longer term</p> <p>150 people attended. Attendee reviews indicate:</p> <ul style="list-style-type: none"> <li>positive feedback (100 percent)</li> <li>increased knowledge and awareness of health and wellbeing issues (70 percent)</li> </ul> <p>Refer to attached survey findings</p>



### Evaluation Framework – Activity

<b>Objectives</b> <i>Thinking about your activity participants, what is your activity trying to achieve?</i> <i>List the project objectives below</i>	<b>Proposed outputs</b> <i>From your Project Plan, list the key proposed outputs</i>	<b>Proposed impacts</b> <i>What changes do you expect to see for participants?</i> <i>List these proposed impacts</i>	<b>Measures</b> <i>List how you will measure the proposed impacts</i> <i>List these measures</i>	<b>Timeline</b> <i>When do you expect the impacts to be delivered?</i>	<b>Reporting</b> <i>This column will be populated once the activity has been completed and measures collected</i>
<p>To increase family and carer awareness of education and employment opportunities available to people with a disability</p> <p>To build family and carer confidence and capacity to advocate for education and employment outcomes for a person with a disability</p> <p>To engage and consult families and carers of people with a disability to inform the development of project resources</p>	<p>Project committee formed and includes family and carer representatives</p> <p>Project plan finalised</p> <p>Promotional material developed and distributed to the community</p> <p>Consultation sessions hosted and evaluated</p> <p>Resources are developed and distributed</p> <p>Launch event held</p>	<p>Increased family and carer awareness of education and employment opportunities available</p> <p>Family members and carers feel more confident to advocate on behalf of a person with a disability</p> <p>Increased community and service provider understanding of how they can increase access to education and employment opportunities for people with a disability</p>	<p>Percentage of families and carers that gain new knowledge as a result of the activity</p> <p>Percentage of families and carers that feel more empowered to advocate on behalf of a person with a disability</p> <p>Percentage of consultation participants that gain new knowledge</p> <p>Percentage of consultation participants that commit to changing practices to improve accessibility</p> <p>Number of stakeholder consultation sessions held and number of attendees</p> <p>Number of families and carers involved in the project</p>	<p>May 2018</p> <p>May 2018</p> <p>May 2018</p> <p>December 2018</p> <p>December 2018</p> <p>May 2019</p>	<p><i>Family and carer survey indicates:</i></p> <ul style="list-style-type: none"> <li>82 percent of participants have increased knowledge and awareness of education and employment opportunities</li> <li>70 percent of participants are more confident to advocate on behalf of a person with a disability</li> </ul> <p><i>Refer to attached survey findings summary</i></p> <p><i>Consultation survey findings indicate:</i></p> <ul style="list-style-type: none"> <li>75 percent of participants gained new knowledge</li> <li>65 percent of participants commit to changing current practices to improve accessibility outcomes</li> </ul> <p><i>Five consultation sessions held with 130 attendees</i></p> <p><i>The Advisory Committee involved 10 family/carers representatives</i></p>

Note. An Evaluation Framework template is available online in the application form for Community Development and Arts and Culture grant applicants.

## Appendix C – Budget Examples

### Budget – Event

Please identify income items with CF for *confirmed funding* and UF for *unconfirmed funding*.

Income	Amount
<b>Your organisation's financial contribution</b> What is your organisations budget for the activity?	\$ 2,320 (CF)
<b>Amount you seek from Manningham Council</b> If registered for GST, don't add GST here, we will do so if you are successful.	\$ 5,600 (UF)
<b>Expected ticket sales</b> e.g. \$5 x 120 tickets	\$ 600 (UF)
<b>Other (please detail)</b> Please detail any other types of funding here. This could include funds raised through a fundraising activity (e.g. chocolate drive), or contributions from a partnering organisation.	\$ 400 (CF)
<b>Your organisation's in-kind contribution</b> What is your organisations in-kind contribution to the activity?	\$ 750 (CF)
<b>Total Income (A)</b>	<b>\$ 9,670</b>
Items of Expenditure	Amount
<b>Project Facilitator / Manager</b> e.g. theatre production manager @ \$40/hr x 60hrs (includes script writing, set design, casting, ticket sales, staff and venue liaison, etc.) <i>Note: ongoing salaries are not eligible</i>	\$ 2,400
<b>Project Workers (please detail)</b> e.g. drama teacher for workshops @ \$35/hr x 60 hrs (includes drama workshops – 16 x 2 hrs, rehearsals and performance night support)	\$ 2,100
<b>Materials (please detail)</b> e.g. costumes \$1,000, set construction \$1,000	\$ 2,000
<b>Insurance</b> e.g. public liability for workshops	\$ 200
<b>Venue Hire</b> e.g. theatre hire for rehearsals and performance <i>Note: please provide a quote for date/s of venue hire. Bond amounts are not eligible for funding</i>	\$ 1,000
<b>Equipment hire / purchase (please detail)</b> e.g. hire disco lighting for use during performance	\$ 400
<b>Transport / logistics</b> e.g. community bus to and from rehearsals	\$ 240
<b>Advertising and Promotion</b> e.g. fliers and posters (all other will be free publicity)	\$ 500
<b>Other (please detail)</b> e.g. copyright for use of music score	\$ 80
<b>In-kind</b> e.g. three volunteers @ \$25 for 10 hours	\$ 750
<b>Total Expenditure (B)</b>	<b>\$ 9,670</b>

Note: Income (A) and Expenditure (B) must balance. After completing the budget ask yourself:  
Does the total amount at (A) equal the total amount at (B)? Yes/No



## Budget – Activity

Please identify income items with CF for *confirmed funding* and UF for *unconfirmed funding*.

Income	Amount
<b>Your organisation's financial contribution</b> What is your organisations budget for the activity?	\$ 3,700 (CF)
<b>Amount you seek from Manningham Council</b> If registered for GST, don't add GST here, we will do so if you are successful.	\$ 7,250 (UF)
<b>Other funding</b> Have you received other grants for the project? If so, please provide details. • Bendigo Bank	\$ 1,500 (CF)
<b>Other (please detail)</b> Please detail any other types of funding here. This could include funds raised through a fundraising activity (e.g. chocolate drive), or contributions from a partnering organisation.	\$ 2,650 (CF)
<b>Your organisation's in-kind contribution</b> What is your organisations in-kind contribution to the activity?	\$ 2,750 (CF)
<b>Total Income (A)</b>	<b>\$ 17,850</b>
Items of Expenditure	Amount
<b>Facilitator / Guest Speakers</b>	\$ 4,400
<b>Project Coordination (please detail)</b> e.g. facilitator for workshops @ \$50/hr x 70 hrs (includes consultations– 16 x 2 hrs, project launch and evaluation sessions)	\$ 3,500
<b>Project Materials (please detail)</b> e.g. promotion and marketing, printing of project resources, general office expenses	\$ 3,500
<b>Venue Hire</b> <i>Note: please provide a quote for date/s of venue hire. Bond amounts are not eligible for funding</i>	\$ 2,200
<b>Catering</b> e.g. for stakeholder consultations and activity launch	\$ 1,500
<b>In-kind</b> e.g. two volunteers @ \$25 for 35 hours; office overhead expenses	\$ 2,750
<b>Total Expenditure (B)</b>	<b>\$ 17,850</b>

Note: Income (A) and Expenditure (B) must balance. After completing the budget ask yourself:  
Does the total amount at (A) equal the total amount at (B)? Yes/No



## Budget – Equipment Purchase

Please identify income items with CF for *confirmed funding* and UF for *unconfirmed funding*.

Income	Amount
<b>Your organisation's financial contribution</b> What is your organisations budget for the project?	\$ 1,120 (CF)
<b>Amount you seek from Manningham Council</b> If registered for GST, don't add GST here, we will do so if you are successful.	\$ 1,120 (UF)
<b>Other funding</b> Have you received other grants for the project? If so, please provide details. Sport and Recreation Victoria – Purchase of girls uniforms	\$ 1,000 (CF)
<b>Total Income (A)</b>	<b>\$ 3,240</b>
Items of Expenditure	Amount
Portable goals x 2 @ \$450.00 each	\$900
Cones x 25 pack @ \$25 each pack	\$ 625
Coaches board	\$ 165
Drink Bottles x 25 @ \$9.55 each and carrier	\$ 280
First Aid Kit	\$ 125
Jumpers 25 x @ \$30.80 each	\$ 770
Shorts x 25 @ \$15 each	\$ 375
<b>Total Expenditure (B)</b>	<b>\$ 3,240</b>

Note: Income (A) and Expenditure (B) must balance. After completing the budget ask yourself:  
Does the total amount at (A) equal the total amount at (B)? Yes/No

**Interpreter service**  
**9840 9355**



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699 Doncaster Road, Doncaster  
Melway ref. 33 E12

**COUNCIL DEPOT**  
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[twitter.com/manninghamcc](https://twitter.com/manninghamcc)

For emergencies and to contact Council outside normal business hours please call 9840 9333.

## Attachment B

**Terms of Reference  
Community Grant Assessment Panel  
Community Development and Arts & Culture Grants**

**Purpose of the Panel**

The Community Grant Program Assessment Panel (Panel) exists to:

- > Consider officer advice and provide recommendations to Council regarding the allocation of funding to applicants through the Community Grants Program.
- > Ensure that the proposed allocation of funding aligns with Council priorities outlined in key plans and strategies
- > Ensure that the guidelines and assessment criteria endorsed by Council have been applied consistently across the Community Grants Program.

**Panel Membership**

The Panel will comprise up to two internal staff and one external member, including:

- > Director of Community Programs (Chair, voting)
- > Manager, Social and Community Services (voting)
- > External community representative (voting)

As required members of Council's Grants Team and subject matter experts will attend the Panel meeting/s and provide information and advice to the Panel in a non-voting capacity.

**Panel Selection**

**Director of Community Programs** (Chair, voting) will be appointed to the incumbent or delegate to another executive officer where unavailable or a declared or perceived conflict of interest may be present.

**Panel members** (voting) will be appointed upon the basis of invitation only. Panel members will demonstrate knowledge in the following areas:

- > Understanding and commitment to community development principles
- > Knowledge and understanding of the community services sector in Manningham and eastern region
- > Knowledge and understanding of arts, culture and heritage
- > Understanding of the benefits associated with participation in community sport and recreation activities
- > Expertise and knowledge of various sectors within the community such as youth, indigenous, families and children, disadvantaged, seniors, culturally and linguistically diverse, disability etc
- > Experience in program development, delivery and evaluation
- > Experience in grants assessment

The preferred list of Panel members will be approved by the Director Community Programs.

**Assessment Process**

The following applies to the process for grant application assessment.

1. Prior to the meeting, Panel members will receive the following documentation:
  - > Table of Recommendations Report for each grant category. This will provide a summary of each application, as well as officer recommendations for consideration.
  - > Community Grant Program Guidelines 2018.
  - > Conflict of Interest Declaration Form



2. At the beginning of the meeting, Panel members will be asked to declare any direct or perceived conflict of interest in the assessment of applications and will not partake in any discussion or assessment of submissions where a stated conflict of interest is declared. Where necessary, the Panel member will be required to remove themselves from the meeting at the appropriate time.
3. Panel members will review the documentation, consider Council officer advice and identify opportunities and risks relating to grant proposals.
4. The amount of funding allocated to a project must enable the project to be delivered successfully. In some cases this will result in fully funding the requested amount. If partial funding is allocated, the project will still be deemed as viable and able to be delivered successfully as confirmed by officers during the assessment process.
5. To assist Panel deliberations, each application will be reviewed by senior Council officers prior to the meeting to confirm alignment with Council's priorities and the grant program criteria. Each application will be scored and categorised according to the following guide:
  - > applications that score less than 200 will be categorised as 'not recommended' and discussed by the Panel.
  - > applications that score above 200 will be categorised as 'recommended' and discussed by exception.
6. Where the Panel makes a recommendation that is outside of the Community Grant Program Guidelines and the Terms of Reference, the rationale for the recommendation will be detailed in the report to Council.

#### **Process for Decision Making and Extent of Authority**

The preferred method of decision making is discussion resulting in consensus. In the event of a lack of consensus, the funding recommendation will be allocated based upon a majority vote.

#### **Meetings and Time Obligations**

The Panel meeting will take place during May 2018. The date and time will be established in consultation with the Director, Community Programs and Manager, Social and Community Services.

Panel members will be expected to spend sufficient time reading the Community Grant Program Guidelines 2018 to familiarise themselves with funding principles, objectives and eligibilities.

Panel members will also need to spend sufficient time reviewing the Recommendation Reports, in readiness to share identified opportunities and issues.

#### **Reporting Requirements**

The Panel's annual recommendations for funding are submitted in a formal report to Council for final endorsement, prepared by Council's Grant Project Team.

A formal Agenda and Minutes are to be recorded throughout the assessment meeting and filed as a reference to Panel decision making rationale.

#### **Panel Code of Conduct**

In performing the role of a Panel member, representatives must:

- > Act honestly
- > Exercise reasonable care and diligence
- > Not make improper use of their position
- > Not make improper use of information acquired because of their position
- > Maintain confidentiality throughout the process


- > Declare any conflict of interest and if necessary, remove oneself from the meeting during discussion and allocations of applications where a conflict of interest is perceived as evident.

**Declaration Statement**

By taking on the role of an appointed Panel member, representatives declare to abide by the Terms of Reference.

Where a member identifies a clear or perceived conflict of interest in any part of the assessment process, that member will complete the provided Conflict of Interest Declaration Form and make this known to Council and other Panel members. Members with declared conflict of interest must be removed from any discussions, assessments or decision making relating to the nominated item/s of conflict.

## 12.2 Arts Advisory Committee Terms of Reference

File Number: IN17/586  
Responsible Director: Director Community Programs  
Attachments: 1 Arts Advisory Committee - Terms of Reference - Nov 2017 [↓](#) 

### EXECUTIVE SUMMARY

*The purpose of this report is to seek Council approval for revised Terms of Reference for Council's Arts Advisory Committee (AAC) and to advertise for resident and expert representatives to serve the next three year term of that Committee.*

*The AAC includes six community representatives and the Committee's purpose is to provide Council with advice in relation to art and cultural matters with the City of Manningham.*

*The revised Terms of Reference are in accordance with the Advisory Committees Policy as adopted in July 2017.*

*The key changes proposed to the Terms of Reference include:*

- *Simplifying the format of the role of the Advisory Committee*
- *Inclusion of all the relevant requirements as noted in the Advisory Committee Policy 2017*
- *Broadening the scope of the committee to include matters related to visitor attraction, tourism and marketing for arts and culture*
- *Providing for minutes to be provided on the Council's website.*

### 1. RECOMMENDATION

**That Council:**

- A. Endorses the revised Terms of Reference for the Arts Advisory Committee (Attachment 1).**
- B. Notes that the Arts Advisory Committee is deemed a Special Committee as required under the Deductible Gift Recipients program for tax deductibility purposes.**
- C. Notes that an advertisement for nominations for six community representative positions will appear in Manningham Matters, Manningham Leader and the Council website.**
- D. Notes that the current community representatives will be thanked for their contribution to AAC and will be informed of the advertisement for nominations.**

**2. BACKGROUND**

- 2.1 The purpose of the AAC is to capitalise on the knowledge, experience and skill available in the community to provide Council with advice in relation to arts and culture within Manningham. The Committee has existed for a number of years.
- 2.2 The AAC provides advice to Council in relation to key Council strategies and plans, as well as trends and current priorities regarding the arts.
- 2.3 The revised Terms of Reference (TOR) place a greater emphasis on providing Council with strategic advice regarding visitor attraction (tourism) opportunities created through the arts. This is a priority noted in the Council Plan.
- 2.4 Council is part of the Federal Governments' Deductible Gift Recipients (DGR) program which enables donated artworks to be added to the Manningham Civic Collection with tax benefits provided to the donor. To maintain DGR status, a Special Committee must meet at least twice annually to deal with matters regarding donations, as well as the acquisition and deaccessioning of artwork from the collection.
- 2.5 It is therefore proposed that the Arts Advisory Committee also be the Special Committee (Art Collection Management Sub Committee) as required under the DGR policy. It will comprise all members of the Arts Advisory Committee. The key purpose is to consider proposed acquisitions, commissions and deaccessions for the civic collection. The minutes will record the details for DGR compliance. This has been the practice in the past and has been an effective way to manage the requirements of the DGR program.
- 2.6 AAC meetings are held on a quarterly basis.
- 2.7 The current AAC Terms of Reference were endorsed by Council in April 2016 and public nominations were invited. Following the nomination period, two community representatives met the criteria and were appointed by Council.
- 2.8 Expert input was provided through the membership of one representative from Heide MOMA. A vacancy for one further industry representative remained unfilled.

**3. DISCUSSION / ISSUE**

- 3.1 The Committee will consist of one Councillor and six community representatives, one of which will represent Heide Museum of Modern Art (Heide MOMA).
- 3.2 The three year term for the two existing community representatives is due to end in May 2019. It is proposed that these representatives be advised of the revised Term of Reference and invited to re-submit for the Committee.
- 3.3 It is also proposed to continue the involvement of Heide MOMA in the Committee and to seek nominations from arts experts, arts educators or industry professionals to contribute to the Committee, as well as community representatives.

- 3.4 Community representatives of the AAC would have a broad range of skills or interests in a wide variety of the arts, including visual art, indigenous arts, music, theatre or dance. Complementary skills in business, marketing, education or sponsorship would be also be valuable.
- 3.5 The AAC Terms of Reference have been updated to provide consistency with the adopted policy for Council Advisory Committees.

#### **4. COUNCIL PLAN / STRATEGY**

- 4.1 Under the Council Plan theme 4.1 of 'Grow our Local Business, Tourism and Economy': Strengthen Creative Industries and partnerships to harness new opportunities for cultural tourism.
- 4.2 The AAC provides advice to Council in relation to the review of key Council strategies including the *Healthy City Plan 2017*.

#### **5. IMPACTS AND IMPLICATIONS**

- 5.1 It is proposed to seek nominations for all six community representatives.

#### **6. IMPLEMENTATION**

- 6.1 Finance / Resource Implications  
There are no financial implications.

##### **Communication and Engagement**

- 6.2 Nominations for appointment to the Committee will be called by public notice in the local media, Manningham Matters, the Council website and other Council social media communication.
- 6.3 Nominees will be required to nominate on the appropriate form within the advertised period. An information pack will be provided to interested persons along with the nomination form.
- 6.4 Appointments to the Committee will be made by Council based on the membership criteria in the revised Terms of Reference.
- 6.5 Current community representatives will be thanked for their contribution to AAC and will be informed of the advertisement for nominations.

#### **7. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



# Arts Advisory Committee

## Terms of Reference

<p><b>1. Purpose</b></p>	<p>To provide strategic advice on arts and cultural development and to promote greater understanding of and participation in arts and culture in the City of Manningham.</p>
<p><b>2. Roles and Tasks</b></p>	<ul style="list-style-type: none"> <li>• Provide strategic advice, advocacy and recommendations to Council on arts and cultural policy, issues and priorities.</li> <li>• Promote participation in a diversity of local arts and cultural activities.</li> <li>• Advise Council on effective marketing and visitor attraction strategies for arts and cultural venues and programs.</li> <li>• Provide advice to Council on issues related to the City of Manningham Art Collection through the Art Collection Management Sub-Committee as a sub-committee of the Arts Advisory Committee.</li> </ul>
<p><b>3. Chairperson</b></p>	<p>Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis.</p> <p>In the event that the Chairperson is absent, the meeting will be chaired by the Chairperson's nominee or representative of Council.</p>
<p><b>4. Decision Making</b></p>	<p>The Committee acts in an advisory capacity only and has no delegated authority to make decisions on behalf of Council.</p>
<p><b>5. Meetings</b></p>	<p>Meetings will be held on a quarterly basis with four meetings being held each year.</p> <p>Specific additional meetings may be required on an as-needs basis, such as during the development or review of a major strategy. Additional meetings will be subject to approval by both the Chairperson and the Director Community Programs</p> <p>Meetings are closed to the community outside endorsed members and delegates.</p> <p>Meetings will:</p> <ul style="list-style-type: none"> <li>• Commence on time and conclude by the stated completion time</li> <li>• Be scheduled and confirmed in advance with all relevant papers distributed to each member</li> <li>• Encourage fair and respectful discussion</li> <li>• Focus on the relevant issues at hand</li> <li>• Provide advice to Council, as far as practicable, on a consensus basis</li> </ul> <p><b>Art Collection Management Sub-Committee</b> Council is part of the Federal Governments' Deductible Gift Recipients (DGR) program which enables donated artworks to be added to the Manningham Civic</p>



# Arts Advisory Committee

## Terms of Reference

	<p>Collection with tax benefits provided to the donor. To maintain DGR status, a Special Committee must meet at least twice annually. This is to deal with matters regarding donations including the Cultural Gift Program, as well as the acquisition and deaccessioning of artwork from the collection.</p> <p>It is therefore proposed that the Arts Advisory Committee also be the Special Committee (Art Collection Management Sub Committee) as required under the DGR policy. It will comprise all members of the Arts Advisory Committee. A section of each meeting’s agenda will note any items relating to the DGR status and art collection management. The key purpose is to consider proposed acquisitions, commissions and deaccessions for the Civic collection. The minutes will record the details for DGR compliance.</p>
<p><b>6. Membership</b></p>	<p>The Committee will comprise</p> <ul style="list-style-type: none"> <li>• One Councillor as appointed by Council</li> <li>• Six community representatives appointed by Council:</li> <li>• A quorum for an Advisory Committee meeting is 50% plus one including at least:             <ul style="list-style-type: none"> <li>- One Councillor</li> <li>- Three community representatives</li> </ul> </li> </ul> <p>Officers in attendance:</p> <ul style="list-style-type: none"> <li>• Director Community Programs or representative</li> <li>• Manager Business, Culture and Venues or representative</li> <li>• Council officers. These officers will vary depending on the issues planned for discussion</li> <li>• Relevant industry professionals may be invited to attend meetings as required</li> </ul>
<p><b>7. Membership Criteria</b></p>	<p>The following membership criteria will be used in making community appointments to the committee:</p> <ul style="list-style-type: none"> <li>• Diversity of interests and knowledge in the arts either as artist, arts educator, collector or industry representative.</li> <li>• Broad range of complementary skills which may further the arts including in marketing, tourism, sponsorship, government relations or business.</li> <li>• Awareness of arts and cultural activities, priorities and organisations in the municipality including indigenous arts.</li> <li>• One community representative shall represent Heide Museum of Modern Art (Heide MOMA).</li> <li>• Relevant experience in committees / or demonstrated ability to participate in, and constructively contribute to a group, committee, or organisation</li> <li>• Ability to regularly attend and participate in meetings as scheduled</li> <li>• A mix of skills and attributes to complement other members of the committee</li> </ul>



# Arts Advisory Committee

## Terms of Reference

	<ul style="list-style-type: none"> <li>• Diversity in terms of gender, age and culture</li> <li>• Performance and contribution of members seeking re-nomination</li> <li>• Consideration of staggered appointments to ensure a membership that preserves the balance between old and new</li> <li>• A maximum of three x three year terms (9 years)</li> </ul>
<p><b>8. Nomination Process</b></p>	<p>Nominations for appointment to the Committee will be called by public notice in the local media and Council website.</p> <p>Nominees shall nominate on the appropriate form to Council within the advertised period.</p> <p>Appointments will be made by Council and selected based on the criteria above.</p> <p>Membership will be for a three year period to ensure that the representation is continuously refreshed and that opportunity is provided for new community members to participate.</p> <p>Members can re-nominate after their term ends in accordance with the nomination process and membership criteria.</p> <p>Officers will undertake an initial assessment of the applicants to determine compliance with the membership criteria and provide this list to the Chairperson.</p> <p>A Councillor committee supported by an officer and comprising the Mayor, Chairperson and one other Councillor will rank the applicants and make a recommendation regarding the preferred applicants.</p> <p>Council is not bound by the recommendation of the Councillor committee in appointing community representatives.</p>
<p><b>9. Resignation</b></p>	<p>A member of the Committee may resign at any time. Notice of resignation is to be provided in writing to the Chair of the Committee.</p> <p>Membership on the Committee will be deemed to have been resigned if a member fails to attend three consecutive meetings without prior notice.</p> <p>Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, the vacancy will not be filled for the remainder of the term.</p> <p>Casual vacancies that occur due to a community representative resigning or membership lapsing may be filled by co-opting suitable candidates identified from the most recent selection process for the remainder of the previous incumbent's term.</p>





# Arts Advisory Committee

## Terms of Reference

	<p>Officers, in consultation with the Councillor committee, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate for the remainder of the previous incumbent’s term.</p> <p>Where there are no suitable candidates identified, a formal expression of interest and selection process as set out in the nomination process is required.</p>
<p><b>10. Conflict Interest</b></p>	<p>Committee meetings form an Assembly of Councillors and Councillors and officers are required to comply with the Conflict of Interest provisions as set down in the Local Government Act 1989. Disclosures of a Conflict of Interest must be recorded in the minutes and the Councillor or officer must leave the room while the matter is being considered.</p> <p>Where a community member has a Conflict of Interest (as defined in the Local Government Act) in relation to a matter in which the committee is concerned, or likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed. It will be at the discretion of the Chairperson if the community member remains or leaves the room whilst the matter is discussed, and this must also be recorded in the minutes of the meeting. A community member who has declared a Conflict of Interest on a matter must abstain from voting on the matter if they remain in the meeting.</p>
<p><b>11. Code of Conduct</b></p>	<p>Committee members must:</p> <ul style="list-style-type: none"> <li>• Act with integrity</li> <li>• Impartially exercise their responsibilities in the interests of the local community</li> <li>• Not improperly seek to confer an advantage or disadvantage on any person, including themselves</li> <li>• Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and Council officers</li> <li>• Commit to providing a safe, inclusive and productive environment free from discrimination, harassment and bullying by not engaging in behaviour that is intimidating or that may constitute discrimination, harassment or bullying</li> <li>• Take reasonable care of their own health and safety and that of others</li> <li>• Commit to regular attendance at meetings</li> </ul> <p>Community representatives are expected to abide by this Code of Conduct and any breach of this Code of Conduct may result in termination of membership.</p> <p>Councillors are bound by the Councillor Code of Conduct.</p> <p>Council officers and bound by the Employee Code of Conduct.</p>



# Arts Advisory Committee

## Terms of Reference



<p><b>12. Media</b></p>	<p>Contact with the media by committee members will be conducted in accordance with the Manningham City Council Media Policy.</p> <p>Committee members should defer any media enquiries to the Chairperson in the first instance and should take care not to respond as a representative of the committee.</p>
<p><b>13. Confidential information</b></p>	<p>Committee members must not disclose information that they know, or should reasonably have known is confidential information.</p> <p>Committee members have an obligation to not disclose any materials or information that is not publicly available unless approved by the Chairperson or a representative of Council.</p> <p>Committee members should be mindful of their obligations under the Privacy and Data Protection Act 2014 regarding the use and disclosure of information.</p>
<p><b>14. Review</b></p>	<p>A review of the terms of reference and the role, function, membership, and productivity of the committee will be conducted at least once every four years to ensure currency and effectiveness.</p> <p>These terms of reference may be revoked at any time by Council.</p>
<p><b>15. Support</b></p>	<p>The Council will provide the necessary support to assist the committee to function effectively including:</p> <ul style="list-style-type: none"> <li>• Maintaining contact details of members</li> <li>• Preparing and distributing agendas and prior reading material</li> <li>• Preparing and distributing meeting minutes</li> <li>• Circulating other material to committee members as necessary</li> <li>• Preparation of an Assembly of Councillors record as required under the Local Government Act 1989.</li> </ul>
<p><b>16. Reporting</b></p>	<p>Minutes of the committee meeting will be circulated to members within 2 weeks of the meeting and must:</p> <ul style="list-style-type: none"> <li>• Contain details of the proceedings and outcomes for action</li> <li>• Be clearly expressed and self-explanatory</li> <li>• Incorporate any relevant reports or a summary of the relevant information considered in forming any recommendation</li> </ul> <p>Publishing minutes on Councillor Hub and Manningham Council website.</p>
<p><b>17. Sunset Clause</b></p>	<p>The committee will sunset at the conclusion of four years from the date this Terms of Reference are adopted.</p>

## 13 SHARED SERVICES

### 13.1 2017/18 Mid-Year Budget Review

File Number: IN17/674

Responsible Director: Director Shared Services

Attachments: 1 2017-18 MYR Attachment 1  

#### EXECUTIVE SUMMARY

*The purpose of this report is to update Council of the outcome of the 2017/18 Mid-year Budget Review (MYR) and to seek approval to make necessary adjustments to the adopted budget forecasts for the income statement, balance sheet and cashflow statement.*

*The MYR forecasts improved financial results and that Council will remain in a sound financial position as at 30 June 2018.*

*An improved 2017/18 surplus together with an increased uncommitted cash balance brought forward from 2016/17 has enabled Council to bring forward a number of projects designed to improve cost efficiencies, enhance customer and business processes and address audit and legislative requirements. Projects in this category that are incorporated in the MYR include further investment in records management systems, inclusion of the Event Management System and funding of shortfalls in Colman pavilion and improved change facilities to encourage girls and women to participate in sport.*

*The reviewed financial forecasts are summarised below:*

Key Financial Indicators	Adopted Budget \$ million	MYR Adjustment \$ million	Reviewed Forecast \$ million	
Operating surplus	17.5	7.1	24.6	↑
Capital expenditure	41.7	3.4	45.1	↑
Cash and investments	54.5	8.0	62.5	↑
Unrestricted cash	23.9	0.5	24.4	↑
Net assets	1,985.4	112.2	2,097.6	↑

*The variances primarily relate to the following items:*

#### **Operating surplus (\$7.1 million increase)**

- increased subdivision assets of \$5.5 million of land and other infrastructure assets relates to completion of residential development in the municipality; and
- capital grants of \$0.9 million higher than originally budgeted mainly for Doncaster Hockey Club, Colman Park upgrade and Warrandyte Tennis Club.
- net improved result from operational revenues and expenses \$0.7 million.

After removing non cash revenues and expenses, capital income, transfers to/from reserves (including developer contributions) and expenditures funded from the 2016/17 surplus, the adjusted 2017/18 surplus is \$1.08 million higher than the adopted budget.

**Capital expenditure (\$3.4 million increase)**

- additional carry forwards, grants and budget adjustments resulting in an increase of \$3.4 million in the capital works program.

**Cash and investments (\$8.0 million increase)**

- higher opening cash balance carried forward from 2016/17 attributable to increase in cash and investments.

**Net assets (\$112.2 million increase)**

- The 2016/17 revaluation of property and infrastructure assets resulted in an increase of net assets position

Detailed explanations of key financial indicators are summarised in Attachment 1 to this report.

**1. RECOMMENDATION**

**That Council:**

- A. Note the reviewed 2017/18 budget forecasts and explanations of budget variances.**
- B. Endorse the proposed 2017/18 reviewed forecasts as contained in Attachment 1 to this report.**

**2. BACKGROUND**

Council adopted the 2017/18 Annual Budget on 27 June 2017. This report updates Council of the results of the 2017/18 MYR and its impact on income statements, balance sheet and cashflow statement.

The revised forecasts will form a starting base for the 2018/19 Annual Budget and will enable the reallocation of budget resources to priority services.

**3. DISCUSSION / ISSUE**

The MYR provides an opportunity to:

- update year-end forecasts for material changes to the adopted annual budget
- temporarily reallocate budget surpluses to priority services
- identify budget shortfalls
- help understand the starting base for the 2018/19 Budget and Strategic Resource Plan

**4. IMPACTS AND IMPLICATIONS**

There are no impacts or implication for specific groups of people or ratepayers resulting from the review.

**5. IMPLEMENTATION****5.1 Finance / Resource Implications**

The reviewed forecasts show that Council will remain in a strong financial position as at 30 June 2018. This will be a positive starting base for the 2018/19 Budget and Strategic Resource Plan.

**5.2 Communication and Engagement**

No special communication or engagement is required.

**5.3 Timelines**

It is proposed that the reviewed forecasts will be used from December 2017 to June 2018 quarterly reports.

**6. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Attachment 1  
2017/18 Mid-Year Budget Review



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2017/18 Mid-Year Budget Review

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**Attachment 1  
2017/18 Mid-Year Budget Review**



## 1. Executive Summary

As part of Council's financial framework, a Mid-year Review (MYR) of budget forecasts is undertaken each year. The purpose is to review and quantify the financial impact of changes in circumstances that have arisen since the 2017/18 Budget was adopted in June 2017.

The process enables Council to update estimates of income and expenditure for the year, put in place actions to address forecast changes (if necessary) and to reprioritise budget expenditure to achieve the Council Plan goals.

The MYR forecasts Council to remain in a sound financial position as at 30 June 2018.

An improved 2017/18 surplus together with an increased uncommitted cash balance brought forward from 2016/17 has enabled Council to bring forward a number of projects designed to improve cost efficiencies, enhance customer and business processes and address audit and legislative requirements. These projects include further investment in records management systems, inclusion of the Event Management System and funding of shortfalls in Colman pavilion and improved change facilities to encourage girls and women to participate in sport.

The revised financial forecasts are summarised below.

Key Financial Indicators	Section	Adopted Budget \$ million	MYR Adjustment \$ million	Reviewed Forecast \$ million	
Operating surplus	2	17.5	7.1	24.6	↑
Capital expenditure	3	41.7	3.4	45.1	↑
Cash and investments	4	54.5	8.0	62.5	↑
Unrestricted cash	4	23.9	0.5	24.4	↑
Net assets	5	1,985.4	112.2	2,097.6	↑

### Operating surplus (\$7.1 million increase)

- increased subdivision assets of \$5.5 million of land and other infrastructure assets relates to completion of residential development in the municipality; and
- capital grants of \$0.9 million higher than originally budgeted mainly for Doncaster Hockey Club, Colman Park upgrade and Warrandyte Tennis Club.
- net improved result from operational revenues and expenses \$0.7 million.

After removing non cash revenues and expenses, capital income, transfers to/from reserves (including developer contributions) and expenditures funded from the 2016/17 surplus, the adjusted 2017/18 surplus is \$1.08 million higher than the adopted budget.

### Capital expenditure (\$3.4 million increase)

- additional carry forwards, grants and budget adjustments resulting in an increase of \$3.4 million in the capital works program.

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**2017/18 Mid-Year Budget Review**



**Cash and investments (\$8.0 million increase)**

- higher opening cash balance carried forward from 2016/17 attributable to increase in cash and investments.

**Net assets (\$112.2 million increase)**

- The 2016/17 revaluation of property and infrastructure assets resulted in an increase of net assets position.

Detailed explanations are provided in sections 2 to 8.

**2. Net Operating Result**

This section details key movements in revenue and expenditure items resulting from the MYR forecasts.

	<b>Adopted Budget</b>	<b>MYR Adjustment</b>	<b>Reviewed Forecast</b>
	<b>\$ million</b>	<b>\$ million</b>	<b>\$ million</b>
Revenue	131.707	7.581	139.288
Expenditure	114.219	(0.511)	114.730
<b>Operating surplus for the year</b>	<b>17.488</b>	<b>7.070</b>	<b>24.558</b>

<b>Operating Income</b>	<b>Adopted Budget</b>	<b>MYR Adjustment</b>	<b>Reviewed Forecast</b>	<b>Note</b>
	<b>\$ million</b>	<b>\$ million</b>	<b>\$ million</b>	
Rates & waste charges	95.792	0.329	96.121	
Fees, fines and user charges	13.341	0.382	13.723	2a
Interest revenue	1.854	-	1.854	
Grants and contributions	12.730	0.994	13.724	2b
Other revenues	5.588	5.876	11.464	2c
Net gain on disposal of assets	2.402	-	2.402	
<b>Total Operating Income</b>	<b>131.707</b>	<b>7.581</b>	<b>139.288</b>	

**Notes**

**2a) Fees, fines and user charges are forecast to increase by \$0.382 million**

- Fees and charges are forecast to increase by 2.9 per cent mainly due to:
- Statutory Planning permit fee and service fees are projected to increase by \$0.250 million reflecting an increase in permit volumes and increased fee levels;
  - additional engineering referral fees mainly derived from the Tullamore residential development contributing \$0.156 million;



**Attachment 1  
2017/18 Mid-Year Budget Review**



- o increased advertising income of \$0.128 million from bus shelters in the municipality;
- o increased building activity resulting in an increase of \$0.100 million of asset protection permit income;
- o reduced demand for external functions at the Function Centre and timing to establish a new contract to manage Council's Aquatic facility is forecast to reduce income by \$0.295 million.

**2b) Grants and contributions are forecast to increase by \$0.994 million**

Grants and contributions include operating and capital monies received from State, Federal and other sources. Overall the level of grants is projected to increase by \$0.994 million mainly for following projects / council services:

**Capital (\$0.884 million increase)**

- o club contributions \$0.345 million from the Doncaster Hockey Club for pitch surface replacement;
- o club and other parties contributions of \$0.195 million for Colman Park Pavilion upgrade work;
- o Boorondara City Council and Carey Grammar contributions totalling \$0.125 million for Bolin Bolin Wetlands; and

additional club contributions \$0.095 million for Warrandyte Tennis Club refurbishment.

**Operating (\$0.110 million increase)**

- o additional \$0.098 million State funding for social and community services (mainly maternal and child health);
- o increase in Children's Crossing Supervisor subsidy by \$0.070 million;
- o revised estimate of 2017/18 Financial Assistance Grants resulting in an increase of \$0.066 million; partly offset by
- o reduction of \$0.116 million of government funding as a result of cessation of Manningham Activities for Special Kids (MASK).

**2c) Other revenues are forecast to increase by \$5.876 million**

The increase in other revenues mainly due to an increase of subdivision assets of \$5.36 million contributed to Council by developers. This include land and other infrastructure assets (road, drainage, footpaths) relates to completion of residential development in the municipality and chiefly relating to the Tullamore development.

The other major increase includes an increase of \$0.338 million of royalties associated with the filling of Council's former quarry as a result of new contract.

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Expenditure

Operating Expenditure	Adopted Budget \$ million	MYR Adjustment \$ million	Reviewed Forecast \$ million	Note
21 - Employee costs	53.079	0.276	52.803	2d
22 - Materials & contracts	22.316	(0.262)	22.578	2e
23 - Interest	0.309	-	0.309	
24 - Utilities	2.372	0.064	2.308	
26 - Other expenses	15.218	(0.564)	15.782	2f
27 - Depreciation	20.925	(0.025)	20.950	
<b>Total operating expenditure</b>	<b>114.219</b>	<b>(0.511)</b>	<b>114.730</b>	

**2d) Employee costs are forecast to decrease by \$0.276 million**

Employee costs are projected to decrease by \$0.276 million or 0.52 per cent for the 2017/18 financial year.

This chiefly relates to a reduction in service usage in Aged and Disability Services arising from the transition of clients to NDIS and cessation of MASK program and savings arising from the ongoing management of staff vacancies.

**2e) Materials and contracts are forecast to increase by \$0.262 million**

An investment of \$0.636 million is being made to improve records management systems and process and is being funded from the 2016/17 surplus.

Budget reductions are forecast in operational materials, contract and service expenses related to waste services, fuel for vehicles and the decommissioning of an in-house print facility.

**2f) Other expenses are forecast to increase by \$0.564 million**

Key forecast adjustments relate to project expenditure on Citizen Connect projects funded from the 2016/17 budget and carried forward to 2017/18 \$0.192 million, contracted engineering services \$0.149 million and the North East Link community consultant process \$0.160 million.

**Attachment 1  
2017/18 Mid-Year Budget Review**



### 3. Capital Program

The capital program is forecast to increase by \$3.411 million from the adopted budget to \$45.131 million. A summary of the variations to the adopted budget is presented in the table below.

Summary of Variances	\$ million
<b>Adopted Budget</b>	<b>41.720</b>
Additional carry forwards from 2016/17	0.805
Additional grants and external income	1.157
Other changes (2017/18 MYR) ^	1.449
<b>Total MYR Forecast</b>	<b>45.131</b>

^ Other changes include the addition or increase of funds for the following projects:

- Event Management System (\$0.376 million)
- Colman Park Pavilion Extension (\$0.335 million)
- Mullum Mullum Highball Stadium (\$0.279 million)
- Asset Management System (\$0.176 million)

The detailed 2017/18 Capital Works Program Status Report as at the end of December will be presented to Council in February 2018 Council Meeting.

### 4. Cash Position

	Adopted Budget	MYR Adjustment	Reviewed Forecast
	\$ million	\$ million	\$ million
Cash and Investments	54.513	7.946	62.459
Unrestricted Cash	23.918	0.457	24.375

The Mid-Year Budget Review forecasts a cash and investment balance of \$62.459 million as at 30 June 2018. The increase of \$7.946 million arises from a higher cash balance carried from 2016/17 (which was the result of an improved 2016/17 surplus and an increase in the level of trust funds and deposits).

The cash forecast of \$62.459 million supports \$38.084 million in restricted cash and reserve balances including future Waste Initiatives \$9.829 million, Resort and Recreation Reserve \$6.444 million, \$12.046 million related to trust funds and \$4.157 million in asset sale proceeds to fund future capital works. In addition to these restricted cash reserves, the cash balance also includes \$2.912 million for the future repayment of Council's loan maturing in November 2019 and \$2.500 million set aside to fund a potential defined benefits superannuation shortfall.

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**5. Net Assets**

	Adopted Budget	MYR Adjustment	Reviewed Forecast
	\$ million	\$ million	\$ million
Net Assets	1,985.385	112.245	2,097.630

The MYR forecasts net assets of \$2,097.630 million at 30 June 2018. The increase of \$112.245 million relates to the revaluation of property and infrastructure assets in the prior year (2016/17) increasing more than budgeted reflecting strong property price movements within the municipality and extension of drainage, road base and road surface asset classes following the annual review of condition and useful life of assets. The increased values are carried forward into 2017/18.

**6. Local Government Performance Indicators**

The following table highlights the projected performance across a range of key financial performance indicators.

The indicators show a steady improvement over the budgeted results and stem from the higher forecast surplus for 2017/18, and increased cash and asset balances carried forward from 2016/17. An increase in the Asset renewal ratio relates to higher asset expenditure derived from new grant and reserve funded projects and additional carry forward expenditure from 2016/17.

The indicators as presented in the table are included in Council's annual report.

Financial Performance Indicators	Actual 2016/17	Adopted Budget 2017/18	Reviewed Forecast 2017/18
<b>Operating position</b>			
<b>Adjusted underlying result</b> [Adjusted underlying surplus (deficit) / Adjusted underlying revenue] x 100	11.4%	8.4%	9.9%
<b>Liquidity</b>			
<b>Working capital</b> [Current assets / Current liabilities] x 100	199.2%	173.2%	180.7%
<b>Unrestricted cash</b> [Unrestricted cash / Current liabilities] x 100	63.0%	63.4%	60.2%
<b>Obligations</b>			
<b>Loans and borrowings</b> [Interest bearing loans and borrowings / Rate revenue] x 100	7.8%	7.6%	7.6%
<b>Loans and borrowings</b> [Interest and principal repayments / Rate revenue] x 100	0.3%	0.3%	0.3%
<b>Indebtedness</b> [Non-current liabilities / Own source revenue] x 100	7.2%	7.3%	6.7%

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Financial Performance Indicators	Actual 2016/17	Adopted Budget 2017/18	Reviewed Forecast 2017/18
<b>Asset renewal</b> [Asset renewal expenses / Asset depreciation] x 100	123.6%	105.7%	113.5%
<b>Stability</b>			
Rates concentration [Rate revenue / Adjusted underlying revenue] x 100	74.2%	76.9%	75.5%
<b>Rates effort</b> [Rate revenue / Capital improved value of rateable properties in the municipality] x 100	0.2%	0.2%	0.2%
<b>Efficiency</b>			
<b>Expenditure level</b> [Total expenses / Number of property assessment]	\$2,302	\$2,367	\$2,378
<b>Revenue level</b> [Residential rate revenue / Number of residential property assessments]	\$1,869	\$1,934	\$1,939
<b>Workforce turnover</b> Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year] x 100	11.8%	8.5%	8.5%
<b>Sustainability</b>			
<b>Own-source revenue</b> [Own-source revenue / Municipal population]	\$919	\$910	\$919
<b>Recurrent grants</b> [Recurrent grants / Municipal population]	\$117	\$93	\$94
<b>Total expenditure</b> [Total expenses / Municipal population]	\$920	\$909	\$913
<b>Infrastructure</b> [Value of infrastructure / Municipal population]	\$6,399	\$5,911	\$6,350
<b>Population density</b> [Municipal population / Kilometres of local roads]	202	210	210

**Attachment 1  
2017/18 Mid-Year Budget Review**



## 7. Victorian Auditor-General's Office Indicators

Each year the Victorian Auditor-General's Office (VAGO) prepares a report for the Parliament of Victoria detailing the financial performance of the Victorian Local Government Sector. The table below shows anticipated VAGO financial indicator results (same 6 indicators as 2016/17). The forecast outcomes reflects that similar to prior years, Manningham would continue to be placed in the "Low Risk" category in 2017/18.

	Range			Actual	Budget	Reviewed Forecast
	High	Medium	Low	2016/17	2017/18	2017/18
Net result (%)	-10% or less	0% - 10%	more than 0%	25.8%	13.1%	17.6%
Liquidity (ratio)	less than 0.75	0.75 to 1.0	more than 1.0	1.99	1.73	1.81
Internal financing (%)	less than 75%	75%-100%	more than 100%	102.2%	98.8%	96.6%
Indebtedness (%)	more than 60%	40%-60%	40% or less	7.2%	7.2%	6.7%
Capital replacement (ratio)	less than 1.0	1.0 to 1.5	more than 1.5	2.30	1.99	2.15
Renewal gap (ratio)	less than 0.5	0.5 to 1.0	more than 1.0	1.41	1.16	1.25
<b>Overall rating</b>				<b>LOW</b>	<b>LOW</b>	<b>LOW</b>

## 8. Conclusion

The reviewed forecasts indicate that Council will remain in a strong financial position as at 30 June 2018. This will be a positive starting base for the 2018/19 Budget and Strategic Resource Plan.

The proposed MYR adjustments are not material in amount relative to Council's operating budget and balance sheet and hence represent an update to the year-end forecast, not the adoption of a Revised Budget. As such, the 2017/18 Annual Report will compare financial outcomes for the year against the budget adopted by Council on 27 June 2017.

The reviewed forecasts as detailed in this report will be used from December 2017 to June 2018 quarterly reports.

It is recommended that Council:

- note the reviewed forecasts and explanations of major variations for the 2017/18 Mid-year Review; and
- endorse the 2017/18 reviewed forecasts.

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2017/18 Mid-Year Budget Review



9. Appendix 1. Mid-Year Budget Review Financial Statements

Manningham City Council  
Budgeted Standard Income Statement  
For the year ending 30 June 2018

	Actual	Budget	MYR Budget	Variance
	2016/17	2017/18	2017/18	
	\$'000	\$'000	\$'000	\$'000
<b>Income</b>				
Rates charges	82,819	85,110	85,310	200
Waste charges	10,201	10,683	10,809	126
Statutory fees and fines	3,572	3,319	3,513	194
User charges	10,797	10,021	10,209	188
Interest income	1,629	1,854	1,854	0
Operating grants	12,366	10,249	10,359	110
Operating grants (non-recurrent)				
Capital grants and contributions	3,999	2,481	3,364	883
Capital grants and contributions (recurrent)				
Operating contributions (monetary)	6,607	4,123	4,123	-
Contributed Assets (non-monetary)	15,747	464	6,000	5,536
Net gain/(loss) on disposal of property, infrastructure, plant and equipment	759	2,402	2,402	-
Other revenue	1,037	1,001	1,341	340
<b>Total income</b>	<b>149,533</b>	<b>131,707</b>	<b>139,284</b>	<b>7,577</b>
<b>Expenses</b>				
Employee costs	51,099	53,079	52,803	276
Materials, services and contracts	12,409	12,113	12,433	(320)
Waste contracts	9,706	10,203	10,143	60
Utilities	2,528	2,372	2,307	65
Community grants	5,471	5,629	5,598	31.00
Depreciation and amortisation	19,348	20,925	20,950	(25)
Share of loss/(gain) from investment in associate	0	-	0	-
Finance costs	(122)	-	0	0
Rate Capping Savings Target	309	309	309	0
Other expenses	10,212	9,589	10,186	(597)
<b>Total expenses</b>	<b>110,960</b>	<b>114,219</b>	<b>114,729</b>	<b>(510)</b>
<b>Surplus/(deficit) for the year</b>	<b>38,573</b>	<b>17,488</b>	<b>24,555</b>	<b>7,067</b>
<b>Other Comprehensive Income</b>				
Net asset revaluation increment	118,540	34,673	34,673	-
<b>Comprehensive result</b>	<b>157,113</b>	<b>52,161</b>	<b>59,228</b>	<b>7,067</b>

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2017/18 Mid-Year Budget Review



Manningham City Council  
Budgeted Standard Balance Sheet  
For the year ending 30 June 2018

	Actual	Budget	MYR Budget	Variance
	2016/17	2017/18	2017/18	
	\$'000	\$'000	\$'000	\$'000
<b>Assets</b>				
<b>Current assets</b>				
Cash and cash equivalents	49,353	54,513	62,459	7,946
Other financial assets	14,500	-	-	-
Trade and other receivables	8,800	9,406	8,743	(663)
Other assets	1,903	1,444.00	1,903	459
<b>Total current assets</b>	<b>74,556</b>	<b>65,363</b>	<b>73,105</b>	<b>7,742</b>
<b>Non-Current Assets</b>				
Investments (Regional Library)	2,636	2,514	2,636	122
Trade and other receivables	31	31	31	-
Property, plant & equipment	2,004,696	1,958,740	2,064,946	106,206
Intangibles	1,880	4,812	5,136	324
<b>Total non-current assets</b>	<b>2,009,243</b>	<b>1,966,097</b>	<b>2,072,749</b>	<b>106,652</b>
<b>Total assets</b>	<b>2,083,799</b>	<b>2,031,460</b>	<b>2,145,854</b>	<b>114,394</b>
<b>Liabilities</b>				
<b>Current liabilities</b>				
Payables	(14,180)	(14,423)	(14,647)	(224)
Trust funds	(9,861)	(9,576)	(12,046)	(2,470)
Provisions	(12,172)	(12,896)	(12,515)	381
Income received in advance	(1,209)	(841)	(1,259)	(418)
<b>Total current liabilities</b>	<b>(37,422)</b>	<b>(37,736)</b>	<b>(40,467)</b>	<b>(2,731)</b>
<b>Non-current liabilities</b>				
Provisions	(696)	(1,060)	(478)	582
Loan - non-current	(7,279)	(7,279)	(7,279)	-
<b>Total non-current liabilities</b>	<b>(7,975)</b>	<b>(8,339)</b>	<b>(7,757)</b>	<b>582</b>
<b>Total liabilities</b>	<b>(45,397)</b>	<b>(46,075)</b>	<b>(48,224)</b>	<b>(2,149)</b>
<b>Net assets</b>	<b>2,038,402</b>	<b>1,985,385</b>	<b>2,097,630</b>	<b>112,245</b>
<b>Equity</b>				
Accumulated surplus	(675,446)	(674,932)	(700,846)	(25,914)
Reserves	(1,362,956)	(1,310,453)	(1,396,784)	(86,331)
<b>Total equity</b>	<b>(2,038,402)</b>	<b>(1,985,385)</b>	<b>(2,097,630)</b>	<b>(112,245)</b>



**Attachment 1**  
**2017/18 Mid-Year Budget Review**



**Manningham City Council**  
**Budgeted Standard Cash Flow Statement**  
**For the year ending 30 June 2018**



	Actual	Budget	MYR Budget	Variance
	2016/17	2017/18	2017/18	
	\$'000	\$'000	\$'000	\$'000
<b>Cash flows from operating activities</b>				
<b>Receipts</b>				
Rates	82,373	85,171	85,367	196
Waste charges	10,201	10,683	10,809	126
Fees, fines and user charges	15,368	13,390	13,772	382
Operating grants	12,866	10,249	10,359	110
Capital grants	3,999	2,481	3,364	883
Contributions	7,074	4,123	4,123	-
Interest	1,433	1,854	1,854	-
Net increase in trust funds and deposits	2,185	950	2,185	1,235
Other receivables	582	1,001	1,341	340
<b>Total receipts</b>	<b>136,081</b>	<b>129,902</b>	<b>133,174</b>	<b>3,272</b>
<b>Payments</b>				
Payments to suppliers	(43,586)	(39,487)	(40,242)	(755)
Payment to employees	(51,064)	(52,609)	(52,636)	(27)
Interest payments	(309)	(309)	(309)	-
<b>Total payments</b>	<b>(94,959)</b>	<b>(92,405)</b>	<b>(93,187)</b>	<b>(782)</b>
<b>Net cash provided by operating activities</b>	<b>41,122</b>	<b>37,497</b>	<b>39,987</b>	<b>2,490</b>
<b>Cash flows from investing activities</b>				
Property, plant & equipment	(44,432)	(41,720)	(45,131)	(3,411)
Proceeds from assets sold	4,193	3,750	3,750	-
Net (increase)/decrease in financial assets	9,000	14,000.00	14,500	500
<b>Net cash used in investing activities</b>	<b>(31,239)</b>	<b>(23,970)</b>	<b>(26,881)</b>	<b>(2,911)</b>
<b>Net increase (decrease) in cash and investments</b>	<b>9,883</b>	<b>13,527</b>	<b>13,106</b>	<b>(421)</b>
Cash and cash equivalents at beginning of year	39,470	54,513	49,353	(5,160)
<b>Cash and cash equivalents at end of year</b>	<b>49,353</b>	<b>68,040</b>	<b>62,459</b>	<b>(5,581)</b>

## 14 CHIEF EXECUTIVE OFFICER

### 14.1 Fraud and Corruption Policy and Fraud and Corruption Control Plan Review

File Number: IN17/677

Responsible Director: Executive Manager People and Governance

Attachments: 1 Fraud & Corruption Policy 6-12-2017 [↓](#)   
2 Fraud & Corruption Control Plan 6-12-17 [↓](#) 

#### EXECUTIVE SUMMARY

*Manningham City Council (MCC) has zero tolerance for corrupt conduct or fraudulent activities. Council is committed to preventing, deterring and detecting fraudulent and corrupt behaviour in the performance of Council activities. Fraud and corruption are incompatible with Council's values and present significant risks to the organisation.*

*This report presents summary details of the review and update of MCC's Fraud and Corruption Policy (the Policy) and Fraud and Corruption Control Plan (the Plan). These key documents and accompanying processes are elements of MCC's integrity framework.*

#### 1. RECOMMENDATION

**That Council adopt the Fraud and Corruption Policy and Fraud and Corruption Control Plan as shown in Attachments 1 and 2.**

#### 2. BACKGROUND

The Local Government Act 1989 requires Council to develop and maintain adequate internal control systems.

The purpose of the Fraud and Corruption Policy is to set out roles and responsibilities in the identification, prevention and escalation of fraud and corruption risks and events in MCC. The Policy emphasises that strong internal controls are essential in fraud prevention as they reduce the opportunity to commit fraud and increase the likelihood of fraud detection. The Policy also aims to protect Council's reputation.

The accompanying Fraud and Corruption Control Plan documents Council's approach to controlling fraud and corruption at both strategic and operational levels and forms part of Council's risks management framework.

The four key elements of the Plan are:

- a) Planning and Resourcing
- b) Prevention
- c) Detection
- d) Response

Both documents were previously adopted by Council in January 2015. This review was based on Australian Standard AS 8001-2008 Fraud and Corruption Control and other resources such as the VAGO Fraud Prevention Strategies in Local Government, and various Independent Broad-based Anti-corruption Commission (IBAC) publications.

At its meeting on 3 November 2017, the Audit Committee considered the reviewed documents and recommended enhancement to the prevailing linear line of reporting, by nominating the Audit Committee Chair as an external reporting source. This and several minor changes were made and incorporated into the draft documents.

### 3. DISCUSSION / ISSUE

3.1 The definitions of Fraud and Corruption have been revised within the policy to reflect the AS 8001-2008 definition and can be read in the Policy and the Plan as follows:-

**“Corruption** is dishonest activity in which a person to whom the Policy applies acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity to disadvantage council.”

**“Fraud** is dishonest activity causing actual or potential loss to the Council (including theft of money or other property) and where deception is used at the time, immediately before or following the activity. This also includes the deliberate falsification, concealment, destruction or use of (or intention to use) falsified documentation and the improper use of information or position for personal financial benefit.”

3.2 Another notable update to the Policy is the broadening of the Policy purpose, strengthening responsibilities in the prevention and detection of fraud and corruption risks. Additional control systems include MCC’s three lines of defence assurance model, in accordance with the Risk Management Strategy.

3.3 The Policy and Plan have also been updated and made consistent with Council’s policies and procedures and particularly the Protected Disclosure Procedures. Of significance, is the new IBAC mandatory direction, requiring Chief Executive Officers to notify IBAC of any matter which they suspect on reasonable grounds that corrupt conduct has occurred or is occurring.

#### 3.4 Additional Changes to the Policy

- Greater clarity to Internal and External reporting options
- Enhancement to confidentiality conditions applying to non-Protected Disclosure matters

#### 3.5 Additional Changes to the Plan

- Implementation of an Annual Compliance Plan to provide internal assurance to management and continuous improvement opportunities
- Addition of the E-learning Fraud and Corruption module for staff (mandatory)

**4. IMPACTS AND IMPLICATIONS**

“The impact of fraud on councils and their communities can be significant. It can disrupt business continuity, reduce the quality and effectiveness of critical services, and threaten the financial stability of a council. It can also damage a council’s public image and reputation (VAGO, Fraud Prevention Strategies in Local Government, 2012).”

In response, Council develops and reviews its fraud control framework regularly to provide the community with assurance of a robust business risk mitigation program.

**5. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



## MANNINGHAM FRAUD AND CORRUPTION POLICY

<i>POLICY NO:</i>	D17/88296
<i>VERSION:</i>	2
<i>SHORT DESCRIPTION:</i>	This policy outlines obligations in managing fraud and corruption risks and vulnerabilities
<i>RELEVANT TO:</i>	All employees
<i>RESPONSIBLE OFFICER:</i>	Executive Manager People and Governance
<i>RESPONSIBLE OFFICE:</i>	Risk Management and Assurance
<i>APPROVED BY:</i>	Council
<i>DATE PUBLISHED:</i>	27/01/2015
<i>NEXT SCHEDULED REVIEW DATE:</i>	September 2019
<i>RELATED DOCUMENTS:</i>	Manningham City Council Fraud & Corruption Control Plan Employee Code of Conduct Councillor Code of Conduct Risk Management Policy Procurement Policy Disciplinary Policy Recruitment Policy Protected Disclosure Procedures Australian Standard AS 8001-2008 Fraud and Corruption Control
<i>RELATED LEGISLATION:</i>	Local Government Act 1989 Protected Disclosure Act 2012

### 1. POLICY PURPOSE

Manningham City Council (Council) is committed to acting with integrity, good governance and transparency to achieve a financially sustainable council that manages resources effectively and efficiently. Fraud and corruption are incompatible with Council's values and present significant risks to the organisation.

The purpose of the Fraud and Corruption Policy (the Policy) is to:

- set out roles and responsibilities in the identification, prevention and escalation of fraud and corruption risks and events in the council;
- emphasise that strong internal controls are essential in fraud prevention as they reduce the opportunity to commit fraud and increase the likelihood of fraud being detected; and
- protect Council's reputation.

The Policy also ensures that the requirements of the *Local Government Act 1989* relating to developing and maintaining adequate internal control systems are met. An effective fraud control framework is an essential element of such systems.

This policy is to be read in conjunction with the Manningham City Council Fraud & Corruption Control Plan (the Plan).

### 2. SCOPE OF POLICY

This policy applies to Councillors, employees, contractors, sub-contractors and volunteers of Council.



### 3. DEFINITIONS

For the purpose of the Policy the following definitions apply

**Corruption** is dishonest activity in which a person to whom the Policy applies acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity or to disadvantage Council.

**Fraud** is dishonest activity causing actual or potential loss to the Council (including theft of money or other property) and where deception is used at the time, immediately before or following the activity. This also includes the deliberate falsification, concealment, destruction or use of (or intention to use) falsified documentation and the improper use of information or position for personal financial benefit.

Examples of fraud and corruption include:

- unauthorised use of a credit card or credit card number issued to another person
- theft or unauthorised use of plant and equipment or inventory
- theft of funds or cash (usually involving some form of concealment)
- fraudulent financial or performance reporting
- creating a fictitious invoice claiming payment for goods and services not delivered or exaggerating the value of goods delivered or services provided
- obtaining 'kickbacks' or bribes from suppliers or contractors
- theft of intellectual property or other confidential information
- misappropriation or misdirection of Council's remittances received from a customer
- any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of Council-owned software
- any claim for reimbursement of expenses that is not made for the exclusive benefit of the Council
- omitting to submit leave forms when taking leave
- falsifying academic or training credentials in an employment application
- inappropriately providing benefits/making decisions or issuing permits or licenses
- acting in self-interest rather than the public interest

**Employee** is used as a generic term meaning a person engaged or providing services on behalf of MCC. This includes employees, volunteers, contractors, sub-contractors, consultants, temporary staff or persons employed through a third party agency.

### 4. POLICY STATEMENT

#### 4.1 General Policy

1. Any person to whom the Policy applies must not engage in fraudulent and corrupt conduct. Council has zero tolerance for fraudulent or corrupt conduct, and is committed to the organisation's integrity and a comprehensive and systematic approach to the effective prevention and management of opportunities for fraud and corruption.
2. It is the Council's intent to take action against any suspected acts of fraud or corruption. Action will be taken regardless of the position, title and length of service or relationship with the Council of any party who might be or becomes involved in or becomes/is the subject of such investigation.



3. In addition to the corporate responsibilities set out in the Plan, each Director is responsible for oversight of the system of internal controls within their Directorate to provide reasonable assurance for the prevention and detection of fraud and corruption. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
4. The Chief Executive Officer has the primary responsibility for overseeing the action taken as defined in this policy. The Chief Executive Officer will consult, as appropriate, with the Executive Manager, People and Governance and the Manager People Culture and Safety, in relation to the application of this policy.
5. In all circumstances, where there are reasonable grounds to indicate that a fraud and corruption may have occurred, the matter will be reported to the Victoria Police, Local Government Inspectorate or the Independent Broad-based Anti-corruption Commission (IBAC) as may be appropriate.
6. Where an investigation into fraud or corruption is required, the person under investigation shall be given written notice of the allegations and be provided with an opportunity to respond.
7. The Chief Executive Officer will determine in accordance with clause 5.5 of the Plan, whether to pursue recovery of the Council's losses from the offender, or other appropriate source(s), including court ordered restitution.

## **5. RESPONSIBILITY**

### **Roles and Responsibilities**

#### **Employees**

All employees are responsible for managing fraud and corruption risks relevant to their role. Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that fraud or corruption has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Director and/or the CEO and/or Executive Manager People and Governance and/or the Manager People Culture and Safety. The employee must maintain strict confidentiality in the processing of reports of fraud and corruption. Employees who knowingly make false allegations may be subject to disciplinary action up to and including termination of employment.

#### **Chief Executive Officer**

The Chief Executive Officer has primary responsibility for overseeing the action as described in this policy and must mandatorily notify IBAC of suspected corrupt conduct.

#### **Councillors**

Councillors must maintain, model and foster the highest standards of ethical behavior. Any Councillor who has knowledge of an occurrence of irregular conduct, or has reason to suspect that fraud or corruption has occurred, shall immediately notify the Chief Executive Officer. If the Councillor has reason to believe that the Chief Executive Officer may be involved, the Councillor shall immediately notify the Broad-based Anti-corruption Commission (IBAC).





### **Line Managers and Supervisors**

Line Managers and Supervisors upon notification from an employee of suspected fraud or corruption, or if a Line Manager or Supervisor has reason to suspect that fraud or corruption has occurred, shall immediately notify the relevant Director. The Line Manager or Supervisor shall not attempt to investigate the allegation or to discuss the matter with anyone other than the person to whom the matter was reported.

### **Directors**

Directors must upon notification from an employee or manager of suspected fraud or corruption, or if the Director has reason to suspect that fraud or corruption has occurred, the Director shall immediately advise the Chief Executive Officer and the Executive Manager People and Governance. The Director shall not attempt to investigate the allegation, or to discuss the matter with anyone other than the Chief Executive Officer and the Executive Manager People and Governance.

### **Executive Manager People and Governance**

The Executive Manager People and Governance is responsible for the development and maintenance of the framework for the management of fraud and corruption risks. The Executive Manager People and Governance must initiate investigations with regard to fraud or corruption and report to the Audit Committee on matters relating to fraud and corruption.

### **Internal Auditor**

Upon notification or discovery of suspected fraud or corruption during the conduct of an audit, the Internal Auditor will promptly notify the Chief Executive Officer or the Executive Manager People and Governance or the Audit Committee Chair. Action will be instituted in accordance with the General Policy and Responsibilities set out above.

## **6. REPORTING FRAUD OR CORRUPTION**

Any person to whom the Policy applies that has knowledge of a fraud or corruption incident, or has reason to suspect that fraud or corruption has occurred, has an obligation to immediately report the matter. The matter can be reported generally, or as a protected disclosure.

### **6.1 Reporting Internally**

- Notify your line Supervisor or Manager or Director, or
- notify the Chief Executive Officer on (03) 9840 9386 or email [Warwick.Winn@manningham.vic.gov.au](mailto:Warwick.Winn@manningham.vic.gov.au), or
- notify the Executive Manager People and Governance on (03) 9840 9365 or email [Jill.Colson@manningham.vic.gov.au](mailto:Jill.Colson@manningham.vic.gov.au), or
- notify the Manager People Culture and Safety on (03) 9840 9201 or email [Kerryn.Paterson@manningham.vic.gov.au](mailto:Kerryn.Paterson@manningham.vic.gov.au).

### **6.2 Reporting Externally**

- Notify Internal Audit, Pitcher Partners on (03) 8610 5000, or
- notify the Audit Committee Chair, or
- notify the Local Government Investigations and Compliance Inspectorate on 1800 469 359.





### 6.3 Protected Disclosure

Employees and officers of the Council or other persons who wish to make a protected disclosure may make that disclosure to:

- One of the Council's Protected Disclosure Officers  
Warwick Winn, Chief Executive Officer, telephone (03) 9840 9386, or  
Jill Colson, Executive Manager People and Governance, telephone (03) 9840 9365, or  
Kerryn Paterson, Manager People Culture and Safety, telephone (03) 9840 9201.
- IBAC  
Level 1, North Tower  
459 Collins Street  
Melbourne Vic 3000  
Postal address: GPO Box 24234, Melbourne VIC 3001  
Telephone: 1300 735 135  
Website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

### 7. POLICY BREACHES

Any action taken in regard to employees suspected of being involved in a fraudulent or corrupt activity that is in breach of this policy, will be undertaken in accordance with the Disciplinary Policy and Volunteer Policy. This includes the possibility of summary dismissal if deemed appropriate by the Chief Executive Officer, in consultation with the Manager People Culture and Safety.

Any action taken in regard to Councillors shall be undertaken in conjunction with the requirements of the Local Government Act, the Councillor Code of Conduct and any other relevant legislation.

#### 7.1 Fair Due Process

##### Contacts/Protocols

After an initial review and a determination that the suspected fraud or corruption warrants additional investigation, the Chief Executive Officer will determine in consultation with the Executive Manager People and Governance and the Manager People Culture and Safety the investigative arrangements to be put in place in accordance with existing Council policies, guidelines and procedures. Where an investigation into fraud or corruption is required, the person under investigation shall be given written notice of the allegations and be provided with an opportunity to respond.

##### Security of Evidence

Once a suspected act of fraud or corruption is reported to the Chief Executive Officer immediate action is to be taken to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud or corruption from having access to the records. The records must be adequately secured for the investigation.

##### Confidentiality

All participants in a fraud or corruption investigation shall keep the details and results of the investigation confidential. Where the reported matter is not deemed a disclosure under the Protected Disclosure Act 2012, Council's authorised persons will take all reasonable steps to



protect the identity of the discloser and matters disclosed, including security of information and records management processes.

#### **Protected Disclosures**

Protected Disclosure Act 2012 protects persons who report improper conduct by public officers against reprisals. To support this process, Council has adopted Protected Disclosure Procedures. These procedures can be found on the Council's website. The Protected Disclosure Coordinator should be contacted should you wish to avail yourself of the protections afforded by the Protected Disclosure Act. The Chief Executive Officer must notify IBAC of any matter which they suspect on reasonable grounds that corrupt conduct has occurred or is occurring.

No person acting on behalf of the Council shall:

- dismiss or threaten to dismiss an employee;
- discipline or suspend or threaten to discipline or suspend an employee;
- impose any penalty upon an employee; or
- intimidate or coerce an employee,

because the employee has acted in accordance with the requirements of the Protected Disclosure procedures. The violation of this section may result in discipline up to and including termination of employment.

#### **Media Issues**

Any employee or Councillor contacted by the media with respect to a fraud and corruption investigation shall refer enquiries to the Chief Executive Officer or designate. The alleged fraud and corruption or investigation shall not be discussed with the media by any person other than through the Chief Executive Officer or designate.

#### **Documentation**

At the conclusion of an investigation, an investigation report will be submitted to the Chief Executive Officer with a copy to the Chair of the Audit Committee. If the report concludes that the allegations are founded, the report will be forwarded to the Victorian Police, Local Government Inspectorate or IBAC as appropriate.

The relevant Director will review systems and processes in place with a view to implementing changes to prevent future occurrences. The Internal Auditor will be engaged to conduct an audit within 12 months to ensure that the recommendations have been satisfactorily implemented.

#### **8. REGULAR REVIEW OF THE POLICY**

The next scheduled review is September 2019.



### MANNINGHAM CITY COUNCIL - FRAUD & CORRUPTION CONTROL PLAN

VERSION:	2
SHORT DESCRIPTION:	This plan documents the approach to controlling fraud and corruption
RELEVANT TO:	All employees
RESPONSIBLE OFFICER:	Executive Manager People and Governance
RESPONSIBLE OFFICE:	Risk Management and Assurance
APPROVED BY:	Council
DATE PUBLISHED:	27/01/2015
NEXT SCHEDULED REVIEW DATE:	September 2019
RELATED DOCUMENTS:	<p>Manningham City Council Fraud and Corruption Policy  Employee Code of Conduct  Councillor Code of Conduct  Risk Management Policy  Procurement Policy  Disciplinary Policy  Recruitment Policy  Protected Disclosure Procedures  Volunteer Policy  Australian Standard AS 8001-2008 Fraud and Corruption Control</p>
RELATED LEGISLATION:	<p>Local Government Act 1989  Protected Disclosure Act 2012</p>

*Manningham City Council - Fraud & Corruption Control Plan***1. Executive Summary**

- 1.1. Introduction
- 1.2. Definition of fraud and corruption
- 1.3. Code of conduct
- 1.4. Related policies and procedures
- 1.5. Related legislation and guidelines

**2. Planning and resourcing**

- 2.1. Program for fraud and corruption control planning and review
- 2.2. Fraud control resources and external assistance
- 2.3. Internal audit activity in fraud and corruption control

**3. Fraud and corruption prevention**

- 3.1. Implementing and maintaining our integrity framework
- 3.2. Line Managers commitment to controlling the risk of fraud and corruption
- 3.3. Fraud and corruption risk assessment
- 3.4. Maintaining strong internal control systems and internal control culture
- 3.5. Communication and awareness of fraud and corruption
- 3.6. Employment screening
- 3.7. Job rotation and excess annual leave
- 3.8. Supplier vetting

**4. Fraud and corruption detection**

- 4.1. Fraud and corruption detection program
- 4.2. External auditors role in the detection of fraud
- 4.3. Mechanisms for reporting suspected fraud and corruption
- 4.4. Implementing a protected disclosure program

**5. Responding to detected fraud and corruption incidents**

- 5.1. Procedures of the investigation of detected or suspected incidents
- 5.2. Internal reporting
- 5.3. Disciplinary policy
- 5.4. External reporting (Local Government Investigations and Compliance Inspectorate, IBAC)
- 5.5. Policy for civil proceeding to recover the proceeds of fraud and corruption
- 5.6. Internal control review following discovery of fraud
- 5.7. Maintaining and monitoring adequacy of Fidelity Guarantee insurance and other insurance related policies dealing with fraudulent or improper conduct

## 1. Executive Summary

Manningham City Council has zero tolerance for corrupt conduct or fraudulent activities. Council is committed to preventing, deterring and detecting fraudulent and corrupt behaviour in the performance of Council activities.

This Fraud and Corruption Control Plan is to clearly document Council's approach to controlling fraud and corruption at both strategic and operational levels and is to be read in conjunction with the Manningham Fraud and Corruption Policy, Manningham Risk Management Strategy and relevant legislation.

### 1.1. Introduction

Council is the custodian of significant public funds and assets therefore it is important that the community has assurance that these are adequately protected from fraud and corruption. Council has developed a structured framework and approach to the implementation and review of fraud and corruption prevention, detection, monitoring and reporting. This plan is based on the Australian Standard for Fraud and Corruption Control (AS8001-2008) and has been endorsed by EMT and the Audit Committee.

The desired outcome of this commitment is the elimination of fraud and corruption throughout Council operations both internally and externally. Council will prosecute people identified as committing fraud or undertaking corrupt behaviour. Employees may also face disciplinary action under the Disciplinary Policy and restitution of money or property lost through fraudulent activity will be pursued through legislative means.

Fraud and corruption control forms part of Council's risk management framework. It is a risk that Council actively seeks to identify and limit its exposure to, by reducing the potential opportunity (risk likelihood) for fraud and corruption to occur.

This plan applies to Councillors, employees, contractors, sub-contractors, consultants, temporary staff, persons employed through a third party agency and volunteers of Manningham City Council.

### 1.2. Definition of fraud and corruption

AS 8001-2008 Fraud and Corruption Control defines fraud and corruption as:

**Fraud** is dishonest activity causing actual or potential loss to the Council (including theft of money or other property) and where deception is used at the time, immediately before or following the activity.

This also includes the deliberate falsification, concealment, destruction or use of (or intention to use) falsified documentation and the improper use of information or position for personal financial benefit.

**Corruption** is dishonest activity in which a person to whom the Policy applies acts contrary to the interests of Council and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity or to disadvantage Council.

### 1.3. Code of conduct

Council's Fraud & Corruption Control Plan, Fraud and Corruption Policy, Employee Code of Conduct and Councillor Code of Conduct are important documents for clearly articulating Council's objectives and expected outcomes in managing fraud and corruption. The Fraud & Corruption Control Plan and Fraud and Corruption Policy establishes Council's attitude and approach to fraud and corruption control, while the Employee Code of Conduct and the Councillor Code of Conduct set out the high standards of ethical behaviour required in delivery of Council's commitment to these outcomes.

**1.4. Related policies and procedures**

The policies and procedures listed on the cover page set out expected practices and behaviours, and should be read in conjunction with this Plan.

**1.5. Related legislation and guidelines**

The Local Government Act 1989 requires Council to develop and maintain adequate internal control systems, and to establish codes of conduct and an Audit Committee.

The Protected Disclosure Act 2012 requires Council to establish written procedures for handling of any protected disclosures.

This Fraud Control Plan operates within an existing legislative and strategic framework. The diagram below shows the interdependency of a good plan with complimentary programs and processes.



This Plan is consistent with the following legislation and standards:

- The Local Government Act 1989
- The Protected Disclosure Act
- AS 8001:2008 Fraud and Corruption Control
- AS/NZS ISO 31000:2009 Risk Management



**2. Planning and resourcing**

**2.1 Program for fraud and corruption control planning and review**

Council operates under the three lines of defence assurance model in accordance with the Risk Management Strategy. This model distinguishes among three groups involved in effective risk management.



**2.2 Fraud control resources and external assistance**

The Executive Manager People and Governance with the assistance of Risk Management and Assurance has overall responsibility for implementing and overseeing the fraud and corruption control program.

Where specialised skills are required, such as forensic accounting, computer forensic analysis, data analytics, and/or complete investigations, the assistance of an external party may be enlisted to assist. Costs associated with engaging external service providers are borne by the Directorate where the work is necessary to be undertaken.

**2.3 Internal audit activity in fraud and corruption control**

Under this plan the primary responsibility for the identification of fraud and corruption rests with management, however, it is also recognised that internal audit activity can also be an effective part of the overall control environment to identify fraud and corruption.

The Strategic Internal Audit Plan is a key independent governance tool that plans and conducts a series of reviews, which incorporates the detection and prevention of fraud and corruption throughout the organisation. Internal Audit operates under the International Professional Practices Framework (IPPF) issued by the Institute of Internal Auditors in Australia.

Internal Audit is obligated to look out for and consider potential fraud risks to Council and the adequacy of Council’s fraud risk controls. If an internal auditor locates a fraud or identifies a potential fraud risk, they will report this to the CEO or delegate or the Audit Committee Chair.

If deemed necessary Council will utilise the role of the internal auditor in the investigation and reporting of any suspected fraud or corrupt activity.

**3. Fraud and corruption prevention****3.1 Implementing and maintaining our integrity framework**

The Employee Code of Conduct is a key enabler in delivering the sound and ethical culture required in the prevention of fraud and corruption throughout the organisation.

Line Managers shall set the example in regards to exercising and demonstrating high levels of integrity in the execution of their roles and functions by regularly reminding employees of the importance of complying with Councils Employee Code of Conduct, the Fraud & Corruption Control Plan and Fraud and Corruption Policy.

**3.2 Line Managers commitment to controlling the risk of fraud and corruption**

Senior Management will not be complacent and will treat fraud and corruption risks as a serious threat to the organisation

EMT and Managers will regularly be briefed on the following:

- Councils current fraud and corruption plan and policy
- Information on the program and robustness of the internal control environment in regards to preventing and detecting fraud
- The types of fraud and corruption common with the sector
- Incidence of fraud and corruption generally in Australia
- Information on the types of fraud and corruption that have been detected at Council over the previous five years
- Information of new or emerging trends in this area

**3.3 Fraud and corruption risk assessment**

Risk assessments will be undertaken for all identified fraud and corruption risks in accordance with Council's current Risk Management approach.

As a minimum the following risks will be assessed:

- Theft of cash
- Theft/misuse of assets
- Misuse of confidential corporate information
- Conflict of Interest
- Accounts payable
- Payroll practices
- Procurement
- I T and information security
- Recruitment
- Misuse of credit cards

Additional risks will be identified through normal business unit operations and through the regular review of the risk register in accordance with the Risk Management Strategy.



### 3.4 Maintaining strong internal control systems and internal control culture

Manningham has an existing culture of continuous improvement. The implementation of effective systems of internal control is an integral part of this program, particularly for activities assessed as having a high predisposition to the risk of fraud and corruption.

Well planned and documented internal controls will be a major defence for avoiding fraud and corruption. When undertaking projects or reviewing existing practices into the future, consideration will be given to appropriate fraud and corruption controls in the development of outcomes.

Internal controls will be

- Appropriately documented
- Accessible
- Reviewed and amended regularly
- Communicated effectively to all relevant staff
- Subject to review of adherence
- Manningham have implemented an Annual Compliance Plan, approved by the Risk Management Committee (EMT and Risk Management and Assurance). The purpose of these reviews is to provide internal assurance to management and continuous improvement opportunities.

### 3.5 Communication and awareness of fraud and corruption

It is important that fraud and corruption is identified and reported at an early stage and that staff have understanding and confidence in the system.

Staff will be provided with information on the Fraud and Corruption Plan and policy so that they have confidence in knowing how to respond if this type of activity is detected or suspected.

The awareness of Councils risk of fraud and corruption controls will be made available to staff through the following:

- Copy of the Employee Code of Conduct and Fraud and Corruption Policy will be included in packs for all new staff
- A dedicated page will be maintained on the Council intranet in regards to fraud and corruption, this will include links to all relevant documents in particular the process for reporting allegations
- Fraud and Corruption awareness training will be conducted annually as part of the Learning and Development Program
- Any substantive changes in the Code, Plan or Policy will be communicated to all staff.

### 3.6 Employment screening

Employment screening will be undertaken for all new positions. This screening process will reduce the risk of a potential security breach and will provide a high level of assurance as to the integrity, identity and credentials of prospective employees.

The following screening shall be undertaken with the express consent of the individual concerned for all prospective employees:

- Verification of identity requiring at least two forms of identity (passport, birth certificate, drivers licence, rate certificate, at least one must include photo identification)

- Police criminal history check
- Working with children check – relevant identified positions
- Reference checks with two most recent employers
- Consideration of any gaps on employment history and the reasons for the gaps
- Verification of formal qualifications claimed

### **3.7 Job rotation and excess annual leave**

Individual Service Units will regularly consider job rotation for positions where there are multiple officers undertaking the same or similar functions and the position is deemed a high risk from a fraud or corruption perspective, local law enforcement, parking enforcement, planning officers, contract management, for example.

Excess annual leave will be monitored on a quarterly basis to ensure excess leave is managed.

### **3.8 Supplier vetting**

Council will continue to undertake supplier vetting for new and ongoing suppliers in accordance with existing practices. Financial and/or Performance assessments are to be undertaken where the contract poses a key financial risk to Council or where it is a new contractor that has never been used by Council before and the risk of poor performance or financial collapse is likely to adversely affect Council. Financial and Performance assessment checks may also be undertaken where Council wishes to understand the financial and previous contract performance of the contractor or if no security is in place. The Corporate Scorecard check is used for the financial assessment.

#### 4. **Fraud and corruption detection**

##### 4.1. **Fraud and corruption detection program**

Council's detection program includes the annual internal audit plan, annual financial statement external audit, Audit Committee oversight, annual compliance plan, review of risk strategies and various reporting avenues. Other detection programs may also include:

- Post transactional reviews - a review of transactions after they have been processed. This option may identify or uncover altered documents or missing documentation, falsified or altered authorisations or inadequate documentary support.
- Data mining - the application of sophisticated (and sometimes unsophisticated) software applications and techniques where a series of suspect transactions can be identified and then investigated which can identify anomalies at an early stage.
- Analysis of management accounting reports - using relatively straight forward techniques in analysing management accounting reports, trends can be examined and investigated which may be indicative of fraudulent or corrupt conduct.

##### 4.2. **External auditors role in the detection of fraud**

As required under the Audit Act 1994 and the Local Government Act 1989, the Victorian Auditor-General's Office (VAGO) is local government's external auditor. VAGO is required to consider the risk of material misstatement in Council's financial statements, due to fraud when performing their audit (via appointed agent). The Audit Committee take an active role in considering VAGO's Closing Report and Management Letter. VAGO ultimately issue their findings in an Independent Auditor's Report, published in Council's annual report.

##### 4.3. **Procedures for reporting suspected fraud and corruption**

The Manningham Fraud and Corruption Policy provides clear direction in regards to staff reporting suspicious or known illegal or unethical conduct.

Internal reporting avenues include:

- notify your line Supervisor or Manager or Director, or
- notify the Chief Executive Officer on (03) 9840 9386 or email [Warwick.Winn@manningham.vic.gov.au](mailto:Warwick.Winn@manningham.vic.gov.au), or
- notify the Executive Manager People and Governance on (03) 9840 9365 or email [Jill.Colson@manningham.vic.gov.au](mailto:Jill.Colson@manningham.vic.gov.au), or
- notify the Manager People Culture and Safety on (03) 9840 9201 or email [Kerryn.Paterson@manningham.vic.gov.au](mailto:Kerryn.Paterson@manningham.vic.gov.au).

External reporting avenues include:

- notify Internal Audit, Pitcher Partners on (03) 8610 5000, or
- notify the Audit Committee Chair, or
- notify the Local Government Investigations and Compliance Inspectorate on 1800 469 359.

##### 4.4. **Implementing a protected disclosure program**

Employees have the right to make a disclosure in accordance with the Protected Disclosure Act 2012. This is encouraged where any person wishes to access the protections afforded by the Act. The

Manningham City council Protected Disclosure procedures are available on the Manningham City Council Web site [www.manningham.vic.gov.au](http://www.manningham.vic.gov.au). A protected disclosure can be made to:

- One of the Council's Protected Disclosure Officers  
Warwick Winn, Chief Executive Officer, telephone (03) 9840 9386, or  
Jill Colson, Executive Manager People and Governance, telephone (03) 9840 9365, or  
Kerryn Paterson, Manager People Culture and Safety, telephone (03) 9840 9201.
- the Independent Broad-based Anti-corruption Commission (IBAC)  
Level 1, North Tower  
459 Collins Street  
Melbourne Vic 3000  
Postal address: GPO Box 24234, Melbourne VIC 3001  
Telephone: 1300 735 135  
Website: [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

**5. Responding to detected fraud and corruption incidents****5.1. Procedures of the investigation of detected or suspected incidents**

The Manningham Fraud and Corruption Policy provides clear direction in regards to the procedures for dealing with suspected fraud or corruption. The policy provides:

- Appropriate measures for the comprehensive investigation of such matters based on the principles of independence, objectivity and fair due process (rules of natural justice)
- Systems for internal reporting of all detected incidents
- Process for reporting the matters of suspected fraud and corruption to the appropriate enforcement agency
- For the recovery of stolen funds or property

The policy will be reviewed biennially to ensure that it continues to meet these objectives.

**5.2. Internal reporting**

The Strategic Risk and Assurance Advisor is the custodial owner of the Incident and Near Miss Register and ensures all incidents or near misses are recorded in the register. Incident and Near Miss Summary Reports for high or above rated fraud and corruption related incidents will be tabled at the Risk Management Committee.

**5.3. Disciplinary policy**

Council's disciplinary policy outlines the potential disciplinary outcomes that apply in regards to the application of this Plan and associated policy.

**5.4. External reporting (Local Government Investigations and Compliance Inspectorate, IBAC)**

The Manningham Fraud and Corruption Policy provides direction in regards to reporting any suspected fraudulent or corrupt conduct to any external enforcement agencies including:

- Local Government Investigations and Compliance Inspectorate 1800 469 359
- Independent Broad-based Anti-corruption Commission (IBAC) 1300 735 135

**5.5. Policy for civil proceeding to recover the proceeds of fraud and corruption**

Council will pursue recovery of any losses due to fraud or corruption where there is clear evidence of fraud and corruption and where the likely benefits of such recovery will exceed the funds and resources required to be invested in the recovery action.

**5.6. Internal control review following discovery of fraud**

Where fraud or corruption is detected, the relevant service unit Manager with Director endorsement will be responsible to assess the adequacy of the relevant internal control environment and provide a report to the Risk Management Committee on any recommended improvements identified.

Service unit managers will also be responsible for ensuring that recommendations arising out of the assessment are to be clearly allocated in the report with an associated time frame.


**5.7. Maintaining and monitoring adequacy of Fidelity Guarantee insurance and other insurance related policies dealing with fraudulent or improper conduct**

Council will maintain a fidelity guarantee insurance policy that insures the risk of loss arising from internal fraudulent conduct. The level of the policy will be determined as part of Council's annual

insurance renewal program. This will be reported annually to the Risk Management Committee alongside Council's other insurance policies.

Insurance for external fraud and corruption, in particular theft of Council property, will also be maintained and reviewed annually by staff in conjunction with the normal annual reassessment of insurance policy cover and limits.

## 14.2 Freedom of the City Policy Review

File Number: IN17/675  
Responsible Director: Executive Manager People and Governance  
Attachments: 1 Freedom of the City Policy [↓](#) 

### EXECUTIVE SUMMARY

*Council acknowledges the importance of recognising outstanding contribution by individuals, groups and organisations within the community through the bestowing of an honorary award at the local level.*

*Council's Freedom of the City outlines the three highest forms of recognition that Council can bestow namely: Freeman or Freewoman of the City, Key to the City, and Freedom of Entry to the City. The policy has been recently reviewed to ensure it enables significant and outstanding community contribution to be acknowledged.*

### 1. RECOMMENDATION

**That Council approve the Freedom of the City Policy as shown in Attachment 1.**

### 2. BACKGROUND

The Freedom of the City Policy outlines the three highest forms of recognition that Council can bestow. None of the categories are rewarded annually and all three are awarded in rare and exceptional circumstances.

The Freeman or Freewoman of the City is the highest form of recognition that an individual can receive and has become a means of conferring a city's acclamation on a distinguished resident of the municipality. This Award is supported within the policy by the Key to the City and Freedom of Entry to the City awards

Each of the titles are ceremonial in nature and carry no significant privileges - they are simply a means by which outstanding community contribution can be acknowledged.

In accordance with their great significance, very few Freedom of the City Awards have been made by the City of Manningham. They are as follows:

Mr William (Bill) Howard Larkin, OAM - Freeman of the City 2011

No. 401 Squadron, Australian Air Force Cadets - Freedom of the City 2001

The Honourable Neil Anthony Brown, QC, - Freeman of the City 1991

Mr Barry Anthony Jones - Freeman of the City 1990

Mr Leslie John Cameron - Freeman of the City 1990

Mr Irvine Heber Green, OAM - Key to the City 1988

**3. DISCUSSION / ISSUE**

Council has recently undertaken a review of the Policy and is mindful of maintaining the significance and ceremonial honour of all three categories. However, a need to broaden the scope of the Key to the City has been identified to allow for more multi-tiered recognition of individual contribution. This will maintain the Freeman/Freewoman category as the highest form of recognition whilst allowing Council to acknowledge outstanding individual service through the Key to the City category.

The Policy has also been updated to allow for Council to reconsider nominations made for Freeman/Freewoman of the City for the Key to the City category.

**4. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



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## FREEDOM OF THE CITY POLICY

TRIM FILE NUMBER:	POL/XXX
VERSION NO:	3
RESPONSIBLE OFFICER:	Executive Manager, People & Governance
APPROVED BY:	
NEXT SCHEDULED REVIEW DATE:	2022

### 1. PURPOSE

The Freeman or Freewoman of the City is awarded to individuals who have made an outstanding contribution to the City of Manningham such that the nominee's contribution can be seen to stand above the contributions made by most other people. The nominee should have given extensive and distinguished service to the community in a largely voluntary capacity that goes beyond extended service on the City Council. It should also encompass service to other organisations and community groups benefiting the Manningham community.

The Key to the City is awarded for a single event rather than any prolonged achievement over a number of years, to acknowledge the contribution of an individual, group or organisation for an outstanding achievement in sport, entertainment or humanitarian work at a national or international level.

The Freedom of Entry to the City is awarded in circumstances that reflect a special relationship between a local Emergency Services Unit or an Australian Defence Force unit and the local Manningham community.

### 2. CATEGORIES AND NOMINATION ELIGIBILITY

#### 2.1. Freeman/Freewoman of the City

The Freedom of the City Award can be made in the following three category distinctions

##### **Freeman/Freewoman of the City**

**Freeman or Freewoman of the City** is awarded to individuals who have made an outstanding contribution to the City of Manningham such that the nominee's contribution can be seen to stand above the contributions made by most other people. The nominee should have given extensive and distinguished service to the community in a largely voluntary capacity that goes beyond extended service on the City Council. It should also encompass service to other organisations and community groups benefiting the Manningham community.

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Eligibility should include most but not necessarily all of the following criteria:

- a. Nominees will be people demonstrating personal integrity and public spirit
- b. Nominees should have lived within the City of Manningham for a significant number of years (significant would usually mean at least 20 years) and have had a long and close association and identification with the City.
- c. Nominees will have identifiable and long-standing connections with the community in the City of Manningham
- d. The nominees community endeavor, will have demonstrable benefits to both the community of the City of Manningham and the wider community
- e. The nominees specific achievements may not necessarily have been carried out within the municipality but are considered of great significance on the State, Australian and/or International stage, and as a consequence promoted Manningham on these stages
- f. The nominees specific achievement must be of a nature, which would encourage the City to nominate that person for an honor under the Australian honors' system
- g. Having simply been a Councillor or served a certain number of years on council are not of their own justification for nomination. In addition to a Councillor serving above and beyond the normal service expectations of a Councillor, the Councillor would be expected to have made a substantial contribution in other respects to the Manningham community.

## 2.2. Key to the City

The **Key to the City** is awarded to acknowledge the contribution of an individual, group or organisation for outstanding achievement in sport, entertainment, community or humanitarian work at a state, national or international level.

This award is open to all groups, organisations or individuals for eminent achievement and merit of the highest degree in service to Manningham, Victoria or Australia at large through sport, entertainment, community or humanitarian work that has benefited Manningham and its citizens. The recipient must be prepared to act as an ambassador for Manningham.

## 2.3. Freedom of Entry

**Freedom of Entry to the City** is awarded in circumstances that reflect a special relationship between a local Emergency Services Unit or an Australian Defence Force unit and the local Manningham community.

This award is restricted to Units of local Emergency Services, the Australian Defence Force or ancillary organisations that have a significant and long-standing attachment to the City of Manningham. It is awarded as a mark of respect and gratitude for their outstanding efforts in the protection and support of the community of the City of Manningham.

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### 3. NOMINATION PROCEDURE AND ENTITLEMENTS

#### 3.1. Freeman/Freewoman of the City of Manningham

To preserve the integrity and importance of bestowing the honour of "Freeman/Freewoman of the City of Manningham" upon any individual, the following nomination procedure shall apply:

- a. Nominations for "Freeman/Freewoman of the City of Manningham" are to clearly outline in chronological order the history of community service of the person being nominated.
- b. Nominations must be made in writing to the Chief Executive.
- c. The nomination is to be made without the nominee's knowledge and held in strictest confidence until a decision has been made by Council.
- d. Any resident of the City of Manningham or a community group may submit a nomination but it must be countersigned by at least one third of the number of Councillors on Council.
- e. On receipt of the nomination, the Chief Executive will circulate the nomination to Councillors for consideration strictly on a confidential basis.
- f. Councillors shall have reasonable time, being no less than four weeks, to consider the proposal.
- g. Should the nomination be supported and accepted the award shall be presented to the nominee at a Council Meeting or at a special event to be determined by Council.
- h. Nominations which are not successful in gaining initial endorsement may be resubmitted with additional supportive information for consideration after a minimum period of 12 months.

#### 3.2. Key to the City of Manningham

To preserve the integrity and importance of bestowing the honour of "Key to the City of Manningham" upon any group, organisation or individual, the following nomination procedure shall apply:

- a. Nominations for a "Key to the City of Manningham" award can be made by any individual, group or organisation within Manningham in writing to the Chief Executive outlining reasons why the nominee should be granted the award.
- b. The nomination is to be made without the nominee's knowledge and held in strictest confidence until a decision has been made by Council.
- c. The Chief Executive will submit a confidential report to Council with details of the nomination for determination by Council. Any decision to support the nomination shall be resolved by not less than a two-thirds majority of Council.
- d. In the event Council supports the nomination, prior to any announcement, the Chief Executive shall make personal contact with the nominee to confirm their acceptance of the honour and the conditions of the award.
- e. Should the nomination be supported and accepted the award shall be presented to the nominee at a meeting of Council or at a special event to be determined by Council.

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- f. Council may on its own initiative, or following receipt of an application for another category, award the Key to the City to any eligible group, organisation or individual.

### 3.3. Freedom of Entry

To preserve the integrity and importance of bestowing the honour of "Freedom of Entry to the City of Manningham" upon any group or organisation, the following nomination procedure shall apply:

- a. Nominations for a "Freedom of Entry to the City of Manningham" award can be made by any individual, group or organisation within Manningham in writing to the Chief Executive outlining reasons why the nominee should be granted the award.
- b. The nomination is to have the Australian Defence Force Unit's endorsement but be held in strictest confidence until a decision has been made by Council.
- c. The Chief Executive will submit a confidential report to Council with details of the nomination for determination by Council. Any decision to support the nomination shall be resolved by not less than a two-third majority of Council.
- d. In the event Council supports the nomination, prior to any announcement, the Chief Executive shall make personal contact with the nominee to confirm their acceptance of the honour and the conditions of the award.

### 3.4. Entitlements

#### **Freeman/Freewoman of the City of Manningham**

The following entitlements are attached to the award:

- a. An illuminated certificate of the granting of the Freedom of the City signed by the Mayor and Chief Executive Officer under the seal of Council is to be prepared and presented to the recipient
- b. The names of all recipients of the Freedom of the city and the details of their nomination are to be kept in an official register known as the Freedom of the City Roll
- c. The names of all recipients of the Freedom of the city are to be inscribed on an honour roll on display in the City offices
- d. Any person upon whom the title Freeman/Freeman of the City has been conferred may designate him/herself "Freeman/Freewoman of the City of Manningham"
- e. The recipient shall be presented with a special badge which identifies them as Freeman/Freewoman of the City.



**3.5. All Freeman/Freewoman of the City shall be invited to the following Civic functions:**

- Annual Council Meeting;
- Mayoral Ball; and
- Declarations of Freeman/Freewoman of the City of Manningham

**3.6. Key to the City of Manningham**

The following entitlements are attached to the Award:

- a. An illuminated certificate of the granting of the Key to the City signed by the Mayor and Chief Executive under the seal of Council is to be prepared and presented to the recipient.
- b. The names of all recipients of the Key to the City and the details of their nomination are to be kept in an official register known as the Freedom of the City Roll.
- c. The names of all recipients of the Key to the City are to be inscribed on an honour roll on display and a token key shall be presented to the recipient.

**3.7. Freedom of Entry**

The following entitlements are attached to the Award:



- a. An illuminated certificate of the granting of the Freedom of Entry to the City signed by the Mayor and Chief Executive under the seal of Council is to be prepared and presented to the recipient.
- b. The names of all recipients of the Freedom of Entry to the City and the details of their nomination are to be kept in a register known as the Freedom of the City Roll.
- c. The names of all recipients of the Freedom of Entry to the City are to be inscribed on an honour roll on display in the City Offices
- d. The recipient shall be given Entry to the City at a Ceremony or Civic Function called to mark the special event.

**4. SUSPENSION OR DISQUALIFICATION OF FREEDOM OF THE CITY AWARD**

A person is not capable of becoming or continuing to be a Freeman or Freewoman of the City of Manningham or having the Key to the City granted if he or she has been convicted of an offence committed when he or she was of or over 18 years of age which is punishable upon first conviction for a term of imprisonment of 5 years or more under the law of Victoria or the law of any other State or Territory of the Commonwealth of Australia or the law of the Commonwealth of Australia.



### 14.3 Meeting Procedure Local Law 2017

File Number: IN17/678  
Responsible Director: Executive Manager People and Governance  
Attachments: 1 Meeting Procedure Local Law 2017  

#### EXECUTIVE SUMMARY

*The Local Government Act 1989 (the Act) requires councils to make local laws governing the conduct of Council meetings. Except as provided for in the Act and subject to any local laws, the conduct of meetings is at the Council's discretion.*

*At its meeting on 31 October 2017, Council resolved to commence the statutory process to make the Meeting Procedure Local Law 2017 (MPLL2017). In accordance with Section 223 of the Act, submissions were sought on the proposed MPLL2017 following notice in the Victorian Government Gazette, Manningham Leader and on Council's website. At the conclusion of the public notice period no submissions had been received in response to the proposed MPLL2017.*

*It is recommended that the proposed Meeting Procedure Local Law 2017 be adopted without change.*

#### RECOMMENDATION

1. That Council, having complied with the requirements of Section 119(2) of the Local Government Act 1989 (the Act), resolves to:
  - a. make the Meeting Procedure Local Law 2017 (shown at attachment 1) in accordance with Sections 111 and 119 of the Act;
  - b. sign and seal the Meeting Procedure Local Law 2017;
  - c. give notice of the making of the Meeting Procedure Local Law 2017 in the Victorian Government Gazette and the Manningham Leader newspaper in accordance with Section 119(3); and
  - d. send a copy of the Meeting Procedure Local Law 2017 to the Minister for Local Government in accordance with Section 119(4) of the Act.

#### 1. BACKGROUND

- 1.1 At its meeting held on 31 October 2017, Council resolved to commence the statutory process to make the Meeting Procedure Local Law 2017 in accordance with the Act.
- 1.2 Public notice of Council's decision to commence the statutory process was given in the Manningham Leader and on Council's website on 6 November 2017 and in the Victorian Government Gazette on 9 November 2017.

- 1.3 In accordance with Section 223 of Act, submissions were invited on the MPLL2017 from any person affected by the proposed local law. The submission period concluded at 5.00pm on Monday, 4 November 2017 and no submissions were received in relation to the proposed MPLL2017.
- 1.4 As there were no submissions received, it is recommended that the MPLL2017 be endorsed as advertised during the public notice period without further amendment other than minor formatting changes.

## 2. DISCUSSION / ISSUE

- 2.1 The MPLL2017 has been prepared based on Council's existing local law. The changes generally fall into the following categories:
  - 2.1.1 Compliance with the *Local Government Act 1989*
  - 2.1.2 Improvements to structure, clarity and readability of the local law
  - 2.1.3 Recommended best practice
  - 2.1.4 Minor grammatical amendment or clarification
- 2.2 Officers consider that the proposed amendments to the MPLL2017 reflect more contemporary practices and provide further guidance to Councillors, Officers and the community about the conduct of Council meetings.
- 2.3 The MPLL2017 was reviewed in accordance with the provisions of the Act and the Better Practice Local Law guidelines developed by the Victorian state government.

## 3. COUNCIL PLAN / STRATEGY

- 3.1 A contemporary meeting procedure is essential to the ensure Council's business is conducted efficiently, transparently and with integrity. Further, it provides an opportunity for Council to engage directly with the community on matters of interest and importance. This directly supports the themes of '*Healthy Community*' and '*Well Governed Council*'.

## 4. IMPLEMENTATION

- 4.1 Finance / Resource Implications

The costs associated with the review and implementation of Council's Meeting Procedure Local Law 2017 will be met within existing resources.
- 4.2 Communication and Engagement

Section 119 of the *Local Government Act 1989* provides the process for making a local law which includes a 28 day public notice period. Review of the MPLL2017 has been undertaken in accordance with the relevant legislative framework.
- 4.3 Timelines

If endorsed by Council, the MPLL2017 will commence on 1 January 2018.

**5. DECLARATIONS OF CONFLICT OF INTEREST**

No Officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.



# Manningham City Council **Meeting Procedure Law 2017**



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## MANNINGHAM CITY COUNCIL MEETING PROCEDURE LAW 2017

### PART 1 - PRELIMINARY

#### 1. TITLE

1.1. This Local Law is known as the Meeting Procedure Law 2017.

#### 2. OBJECTIVES OF THE LAW

2.1. The objectives of this Law are to –

- a) revoke the Meeting Procedure Law 2015;
- b) regulate and control the election of Mayor, Deputy Mayor and Council representatives on external bodies;
- c) regulate the use of the common seal;
- d) prohibit unauthorised use of the common seal or any device resembling the common seal;
- e) regulate proceedings and provide for the orderly and fair conduct of Council Meetings; and
- f) provide for penalties for non observance of the provisions of this Law.

#### 3. AUTHORISING PROVISION

This Local Law is made under Parts 2 and 5 of the Local Government Act 1989, specifically sections 91 and 111.

#### 4. COMMENCEMENT AND REVOCATION DATES

This Law:-

- a) comes into operation on 1 January 2018;
- b) ceases to operate on 1 January 2028 unless revoked earlier by Council resolution.

4.1. On commencement of this Law, Council's Meeting Procedure Law 2015 is revoked.

#### 5. APPLICATION OF THE LAW

5.1. This Local Law applies to Council Meetings for the Manningham City Council.

## 6. DEFINITIONS

6.1. Unless the contrary intention appears in the Law the following words mean:

“Act”	means the Local Government Act 1989, as amended from time to time;
“Temporary Chairperson”	means a Councillor elected by Council to temporarily chair a Meeting or part of a Meeting at which the Mayor is not present or at a meeting called in respect to clause 10;
“Agenda”	means the notice of a meeting setting out the business to be transacted at the meeting;
“Amendment”	A proposal to alter a motion which is then before the meeting or an alteration or proposed alteration to the terms of the motion, designed to improve the motion without contradicting it;
“Authorised Officer”	means any person appointed by the Council to be an Authorised Officer pursuant to section 224 or 224A of the Act in relation to the whole or a particular portion of this Law in which the term is used.
“Chairperson”	means the Chairperson of the meeting and includes a temporary Chairperson;
“Chief Executive Officer”	means the person appointed by Council to be its Chief Executive Officer or any person acting in that position;
“Common Seal”	means the Common Seal of Council;
“Council”	means Manningham City Council;
“Council Meeting” or “Meeting”	means an Ordinary or Special Meeting of the Council;
“Councillor”	means an elected representative (Councillor) of Manningham City Council;
“Deputy Mayor”	means a Councillor elected by Councillors to the position of Deputy Mayor;
“Director”	means a Level 2 senior officer of Council;
“Division”	means a formal count and recording of those voting for and those voting against a motion
“Procedural Motion”	means a motion which relates to a procedural matter only and which is designed to expedite the business of the meeting.
“Mayor”	means a Councillor elected to the position by Councillors and includes a person acting as the Mayor;

“Minutes”	means the collective record of proceedings and decisions of a Meeting;
“Municipal District”	means the area comprising the municipal district of the Manningham City Council;
“Notice of Motion”	means a notice setting out the text of a motion which is proposed to be moved at the next relevant Meeting;
“Offence”	means an act or default contrary to this Law;
“Officer”	means an employee of Manningham City Council;
“Ordinary Meeting”	means a Meeting at which general business of the Council may be transacted;
“Penalty Unit”	has the same meaning as set out in section 110(2) of the Sentencing Act 1991 as amended from time to time;
“Petition”	means a document requesting the Council to take specific action in relation to a particular issue;
“Point of Order”	a procedural point, not involving the substance of a matter before a meeting that requires a ruling by the Chairperson;
“Schedule”	means an attachment to this Law;
“Special Meeting”	means a Meeting convened in accordance with section 84 of the Act.

## **PART 2 – COMMON SEAL**

### **7. USE OF THE COMMON SEAL**

- 7.1. The Common Seal may only be used with the authority of the Council or the Chief Executive Officer exercising a relevant delegation.
- 7.2. Every document to which the Common Seal is affixed must be signed by the Chief Executive Officer and by –
  - a) the Mayor; or
  - b) in the absence of the Mayor, by any one Councillor.
- 7.3. Notwithstanding clause 7.2, Council may from time to time by policy or by resolution determine that documents of a certain class(es) to which the Common Seal is to be affixed be signed by –
  - a) the Chief Executive Officer; and
  - b) any one Director.



**8. UNAUTHORISED USE OF THE COMMON SEAL**

- 8.1. Any person who uses the Common Seal or any device resembling the Council Seal without authority is guilty of an offence.

**9. SAFE CUSTODY OF THE COMMON SEAL**

- 9.1. The Chief Executive Officer or the Officer to whom the duty has been delegated must keep the Common Seal in safe custody.

**PART 3 – SWEARING IN OF COUNCILLORS AND ELECTION OF MAYOR AND OTHERS****10. SWEARING IN OF COUNCILLORS**

- 10.1. The Chief Executive Officer must open the first meeting of Council called after a general election pursuant to the Act and may then preside over the meeting.
- 10.2. Once all Councillors present are sworn in, the meeting may elect a temporary Chairperson.

**11. ELECTING A TEMPORARY CHAIRPERSON**

- 11.1. The Chief Executive Officer will seek nominations for a temporary Chairperson of the meeting at which the election of the Mayor is to be conducted or any other meeting where the Mayor is not present.
- 11.2. At the commencement of proceedings to elect the Mayor, the temporary Chairperson will deal with:
- a) the receipt of nominations for Mayor; and
  - b) the election of Mayor.
- 11.3. The temporary Chairperson must not be a candidate for the position of Mayor at that meeting.

**12. NOMINATIONS FOR POSITION OF MAYOR**

- 12.1. The temporary Chairperson must invite nominations for the office of Mayor.
- 12.2. Nominations must be seconded, and the nominee must consent to their nomination.
- 12.3. If the nominee is not present, written notification of consent is required.

- 12.4. Once the temporary Chairperson closes nominations and declares the candidates, a candidate cannot withdraw their candidacy.
- 12.5. Each candidate has a right to address the Council on their candidature. This right is exercised at the discretion of each candidate. The temporary Chairperson shall ask each candidate whether or not they wish to address Council.
- 12.6. A candidate who has declined the invitation to address the Council cannot subsequently request to do so.
- 12.7. Where more than one candidate indicates a desire to address Council, the order of address by each candidate will be determined by lot. The Chief Executive Officer shall have conduct of the lot. In drawing of the lot the candidate whose name is drawn first is the first speaker, the second drawn is the second speaker and so on until an order is determined for all participating candidates.
- 12.8. Each candidate addressing Council has up to three minutes to make their address. No extension of time is permissible. During their address a candidate must not comment on any other candidate.

### **13. ELECTION PROCESS FOR POSITION OF MAYOR**

- 13.1. If there is only one nomination (which must be seconded), the candidate nominated shall be deemed to have been duly elected.
- 13.2. If there is more than one nomination (each of which must be seconded), the Councillors present at the meeting must vote for one of the candidates by a show of hands.
- 13.3. In the event of a candidate receiving a majority of the votes, that candidate shall be declared to have been duly elected.
- 13.4. In the event of no candidate receives a majority of the votes, the candidate with the fewest number of votes shall be declared to be a defeated candidate. A further vote will then be taken for the remaining candidates;
- 13.5. If one of the remaining candidates receives a majority of the votes, that candidate shall be declared to have been duly elected.
- 13.6. If none of the remaining candidates receive a majority of the votes, the process of declaring the candidate with the fewest number of votes a defeated candidate and voting for the remaining candidates by a show of hands, must be repeated until one of the candidates receives a majority of votes. That candidate must then be declared to have been duly elected.
- 13.7. In the event of three or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the temporary Chairperson shall have no second vote and the result will be determined by

lot. In the drawing of the lot the candidate whose name is first drawn is deemed to be the defeated candidate.

13.8. Where there are two candidates remaining and the votes that are cast are equally divided, the temporary Chairperson shall have no second vote, the result of the election must be determined by lot, the first candidate drawn to be declared elected.

13.9. The Chief Executive Officer shall have the conduct of the lot.

13.10 After the election of the Mayor is determined, the Mayor shall chair the meeting.

#### **14. ABSENCE OF THE MAYOR AT MEETINGS**

14.1. If the Mayor is unable to attend a Council meeting for any reason, or is not present at the commencement of a Council meeting:

- a) the Deputy Mayor will act as Chairperson; or if not present
- b) the immediate past Mayor will act as Chairperson; or if not present
- c) a temporary Chairperson is to be elected.

for the duration of the Mayors absence.

#### **15. ELECTION OF DEPUTY MAYOR AND COUNCIL REPRESENTATIVES ON COMMITTEES AND EXTERNAL BODIES**

15.1. Council may elect a Deputy Mayor for a period of time specified by the Council.

15.2. The procedure used for the election of Mayor shall be used to elect the Deputy Mayor.

15.3. The appointment of Councillors to positions on committees and external bodies will be subject to the voting procedures set out in this Part where the number of candidates exceeds the number of vacant positions.

15.4. Despite the restriction contained in clauses 14.7 and 14.8, the Chairperson has a second vote where there is an equality of votes between candidates under this clause.

**PART 4 – COUNCIL MEETINGS AND PROCEDURE****16. GENERAL**

- 16.1. Where a circumstance has not been provided for or is unclear, the Chairperson may elect to have the matter determined by resolution of Council.
- 16.2. The ruling of the Chairperson upon all questions of order and of matters arising in debate shall be final unless otherwise provided for in this Local Law.
- 16.3. The Council may by resolution, adopt policies which complement this Local Law and which facilitate the efficient and effective conduct of Meetings.

**17. DATE, TIME AND PLACE OF COUNCIL MEETINGS**

- 17.1. The date, time and place for all Ordinary Council Meetings shall be fixed by Council from time to time.
- 17.2. Council, or in cases of necessity or urgency, the Mayor in consultation with the Chief Executive Officer, may change the date, time and place for an Ordinary Council Meeting.
- 17.3. The Chief Executive Officer must give reasonable notice of such a change to all Councillors and the public unless extraordinary circumstances arise.

**18. NOTICE OF MEETINGS**

- 18.1. The Chief Executive Officer must give reasonable notice to the public of any Council or Special meeting pursuant to sections 84 and 89 of the Act.

**19. AGENDAS**

- 19.1. The Chief Executive Officer must ensure the Agenda for a Council meeting is delivered to every Councillor not less than 5 calendar days before the time fixed for the holding of the meeting unless extraordinary circumstances arise.
- 19.2. An Agenda shall not be delivered to a Councillor who has been granted leave of absence unless the Councillor has, in writing, requested the Chief Executive Officer to continue to provide Agendas for Meetings held during the period of leave.
- 19.3. Subject to any resolution of Council, the Chief Executive Officer will determine the method of delivery to be used under clause 19.1.

**20. ORDER OF BUSINESS AT ORDINARY MEETING OF COUNCIL**

20.1. The order of business for Ordinary Meetings of Council will be as follows –

- a) opening prayer and statements of acknowledgement;
- b) apologies and requests for leave of absence;
- c) prior notification of disclosures of interest and conflict of interest;
- d) confirmation of minutes;
- e) presentations;
- f) petitions;
- g) admission of urgent business;
- h) public question time;
- i) officer reports – town planning matters;
- j) officer reports – other matters;
- k) rescission or alteration motions
- l) notices of motion;
- m) urgent business;
- n) councillor question time; and
- o) confidential business (to be considered in camera).

20.2. The order of business may only be altered by resolution of the Meeting.

**21. QUORUM AT COUNCIL MEETING**

21.1. A quorum at a Council Meeting must be at least a majority of the Councillors of the Council.

21.2. No business shall be conducted at any Council Meeting unless a quorum is present.

21.3. The Chairperson must commence the Meeting as soon as a quorum is achieved after the specified starting time for the Meeting.

**22. INABILITY TO GAIN A QUORUM**

22.1. If a quorum cannot be obtained within 30 minutes of the scheduled starting time of any meeting or adjournment, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in the absence of the Chief Executive Officer, an authorised officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

22.2. If a Council meeting to which clause 22.1 applies is not adjourned, the meeting shall be deemed to have lapsed; and

22.3. Where a Council meeting lapses according to clause 22.2 the business of the meeting shall be considered for inclusion on the agenda for a future Council meeting.

**23. INABILITY TO MAINTAIN A QUORUM**

- 23.1. If during any meeting or any adjournment of the meeting, a quorum cannot be maintained, those Councillors present, or if there are no Councillors present, the Chief Executive Officer, or in the absence of the Chief Executive Officer, an authorised officer, may adjourn the meeting for a period not exceeding seven (7) days from the date of the adjournment.

**24. INABILITY TO ACHIEVE OR MAINTAIN A QUORUM DUE TO DISCLOSURE OF CONFLICT OF INTEREST**

- 24.1. If a quorum cannot be achieved or maintained due to the disclosure of conflicts of interest by the majority of Councillors, the Chief Executive Officer, or in their absence, an authorised officer, may adjourn the item for a length of time sufficient to enable dispensation for the affected Councillors to be obtained from the Minister administering the Act.

**25. TIME LIMIT FOR MEETINGS**

- 25.1. A Council meeting must not continue after 10.30pm unless a majority of Councillors present at the meeting votes in favour of its continuance.
- 25.2. In the absence of such continuance resolution, the meeting must stand adjourned to a time, date and place to be determined by the Chairperson.

**26. ADJOURNMENT OF COUNCIL MEETING**

- 26.1. Once the Meeting is commenced, Council may from time to time, by resolution, adjourn the Meeting, which is in addition to the power of the Chairperson to adjourn a Meeting under clause 66.1(c).
- 26.2. No discussion is allowed on any motion for adjournment of the Meeting, but if on being put the motion is lost, the subject then under consideration or the next on the Agenda or any other that may be allowed precedence must be resolved on before any subsequent motion for adjournment is made.
- 26.3. Except where any Council Meeting is adjourned to a subsequent hour on the same day, notice of the adjourned Meeting and the time to which the Meeting has been adjourned must be given by the Chief Executive Officer to every Councillor not present at the time of adjournment, as soon as is practicable.
- 26.4. Despite clause 26.3, this requirement does not apply in respect of any Councillor who has been granted leave of absence and who has not requested the Chief Executive Officer in writing to continue to give notice of meetings to be held during the period of leave of absence.

**27. SPECIAL MEETINGS OF COUNCIL**

- 27.1. The Mayor or at least three other Councillors may call a Special Meeting of Council by delivering written notice to the Chief Executive Officer in sufficient time to enable compliance with clause 18.
- 27.2. Notice of Meetings and distribution of Agendas will be provided in accordance with clauses 18 and 19 of this Law.
- 27.3. For Special Meetings of Council to be called for reasons of urgency however, it will be sufficient with the agreement of the Mayor for verbal notice to be given by the Chief Executive Officer, provided that bona-fide attempts are made to contact all Councillors.

**28. MEETINGS OPEN TO THE PUBLIC**

- 28.1. All Meetings are to be open to members of the public unless, pursuant to clause 29.1 Council resolves to close the Meeting to members of the public.
- 28.2. The Chief Executive Officer may close the doors to the Council Chamber when in open session for reasons of comfort and practicality provided that access is available at all times.

**29. CLOSED MEETINGS**

- 29.1. Council may resolve to close a Meeting for the consideration of any matter contained in section 89 (2) of the Act provided the reason is recorded in the minutes of the Meeting.
- 29.2. This Law continues to apply after Council has closed the Meeting to members of the public.
- 29.3. Upon conclusion of a matter considered in a Meeting closed to members of the public, Council shall resolve to reopen the Meeting.
- 29.4. The minutes of Meetings closed to members of the public will be available for inspection by Councillors and will be confidentially tabled at the Meeting at which they are to be confirmed.

### 30. APOLOGIES AND LEAVE OF ABSENCE

- 30.1. A Councillor who is intending to be absent from an Ordinary Meeting of Council may notify the Chief Executive Officer in advance of the meeting. Any apology for non-attendance will be submitted at the Meeting by the Chief Executive Officer and an apology will be recorded in the minutes of the Meeting.
- 30.2. A Councillor may apply for leave of absence from Council by submitting a written request to the Chief Executive Officer in advance of the period of leave being sought. The Chief Executive Officer will place the request before the next Ordinary Meeting of Council. Council will resolve on whether or not to grant leave of absence. Council cannot unreasonably refuse to grant leave of absence.

### 31. DISCLOSURE OF CONFLICT OF INTEREST

- 31.1. If a Councillor has a conflict of interest in a matter before a Council Meeting or Special committee, the Councillor must disclose that conflict and conduct themselves strictly in accordance with the provisions of Division 1A of Part 4 of the Act.
- 31.2. If a Councillor has a conflict of interest in a matter, the Councillor is to complete a "Disclosure of Interest" form as provided in Schedule 3 and lodge it with the Chief Executive Officer prior to or at, the Meeting at which the matter is to be considered, but if at the meeting, no later than when the item is called by the Chairperson.
- 31.3. At each Meeting under the item "Prior Notification of Disclosures of Conflict of Interest", the Chief Executive Officer is to indicate the matters for which notifications of conflict of interest have been received from any Councillor who is not present at the meeting.
- 31.4. If the Councillor having a conflict of interest is present at the Meeting, the Councillor is to disclose the conflict of interest under the item "Prior Notification of Conflict of Interest" or immediately before the consideration of, or discussion on, the item to which the conflict applies.
- 31.5. If the Chairperson has a conflict of interest, the Chairperson must disclose the conflict of interest immediately after calling the item and must vacate the Chair and the chamber for the remainder of that item.



### 32. MINUTES

32.1. The minutes shall record the business transacted at each Meeting including:-

- a) the date, place, time and nature of the meeting;
- b) the names of the Councillors:
  - i. present; and
  - ii. who have submitted apologies or who have been granted leave of absence;
- c) the names of the Officers present and their organisational title;
- d) any disclosures of conflict of interest;
- e) each motion and amendment moved (including motions that lapse for the want of a seconder) and motions and amendments withdrawn by resolution or by leave of the Meeting;
- f) whether motions or amendments were carried or lost;
- g) the vote cast by each Councillor upon a division, either FOR, AGAINST or any Councillor who has ABSTAINED;
- h) the failure of a quorum;
- i) closure of a Meeting to members of the public in accordance with the provisions of the Act;
- j) when requested by a Councillor, a record of their support or opposition to any resolution; and
- k) any other matter which the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

### 33. CONFIRMATION OF MINUTES

33.1. At every Council Meeting, the minutes of the preceding Ordinary Meeting must be dealt with as follows:

- a) if the minutes have been distributed to each Councillor at least 48 hours before the Meeting, a motion must be passed for the confirmation of the minutes; or
- b) if the minutes have not been so distributed, the minutes must be held over for confirmation at the next Meeting.

33.2. Minutes of a Special Meeting will be listed for confirmation at an appropriate Ordinary Meeting of Council.

33.3. No discussion or amendment is permitted on the minutes except as to their accuracy as a record of the proceedings.

- 33.4. If a Councillor is dissatisfied with the accuracy of the Minutes, then the Councillor must:
- a) state the item or items with which they are dissatisfied; and
  - b) propose a motion clearly outlining the alternative wording to amend the minutes.
- 33.5. Once the minutes are confirmed, with or without amendment, they must be signed by the Chairperson of the Meeting at which they were confirmed.

#### **34. COUNCILLORS' QUESTION TIME**

- 34.1. Question time at Ordinary Meetings of the Council is to enable Councillors to address questions to Officers but this does not restrict the right of a Councillor to ask for information during the course of debate on other items of business as set out on the Agenda.
- 34.2. Questions may be asked with or without notice.
- 34.3. A question upon notice must be delivered to the Chief Executive Officer not later than 12 noon on the second Monday prior to the time fixed for holding the Meeting at which the question on notice will be asked and the Chief Executive Officer must include the question on the Agenda for the Meeting.
- 34.4. An Officer is not obliged to answer a question without notice.
- 34.5. The Officer may answer the question or reply that notice is required.
- 34.6. If an Officer does not answer a question asked without notice a written response is to be provided to all Councillors no later than the second Friday after the Meeting.
- 34.7. All questions and answers must be as brief as possible and no discussion is allowed.
- 34.8. A question may be disallowed by the Chairperson if it:
- a) relates to a matter other than Council business; or
  - b) is defamatory, indirect, obscure, abusive or objectionable in language or substance; or
  - c) is repetitive of a question already answered (whether at the same or an earlier Meeting); or
  - d) is confidential in nature and is of legal significance; or
  - e) is asked to embarrass Council, a Councillor or an Officer.

**35. PUBLIC QUESTION TIME**

- 35.1. Unless Council resolves to the contrary, there shall be a public question time at every ordinary meeting to allow members of the public to submit questions to Council.
- 35.2. Members of the public are permitted to prepare and submit up to two questions on any Council matter.
- 35.3. The number of questions that may be asked on any one issue shall be limited to two. It is at the discretion of the Chairperson which two questions will be asked where there are more than two submitted. Like questions may be grouped together and a single answer provided.
- 35.4. Members of the public will be required to submit their question in writing on the designated Public Question Time form as provided in Schedule 1, indicating their name, address and question.
- 35.5. Questions should be received by Council by 5.00pm on the day prior to the Council meeting to receive a verbal response at the meeting.
- 35.6. Questions not received by 5.00pm on the day prior to the Council meeting must be placed in the public question time box in the Council Chamber by the commencement of the Council meeting. A verbal response will be provided if possible, however, where a meaningful response to a question cannot be provided, or a detailed or researched response is required, the question may be taken on notice.
- 35.7. The Chairperson will have the right to refuse to receive or answer any question, or to take the question on notice.
- 35.8. Questions taken on notice will be subject to a written response within 10 working days of the meeting.
- 35.9. The procedure and sequence for dealing with a question shall be:
  - a) provided that the questioner is present in the gallery, the Chairperson shall invite the questioner forward to read their question and make a brief introductory statement of no more than 2 minutes;
  - b) the Chairperson may invite the questioner to address the Council on points of clarification or elaboration, the duration of which is at the Chairperson's discretion;
  - c) the Chairperson may answer the question or direct the question as they deem appropriate; and
  - d) a Councillor wishing to provide an individual response to a question will be permitted to do so after the Chairperson has had the opportunity to respond.
- 35.10. If the questioner is not present in the public gallery, a response will be supplied in writing.

- 35.11. All questions and answers shall be as brief as possible and no discussion shall be permitted on any question.
- 35.12. If providing a question in writing and or in English unreasonably prevents or hinders participation in public question time, assistance with submitting questions is available from Council via an interpreter service provided the questions are received by 5.00pm on the day prior to the Council meeting.
- 35.13. A time limit of 30 minutes will apply to Public Question Time but may be extended by resolution of Council.
- 35.14. A question may be disallowed by the Mayor on the ground that it:
- a) relates to a matter outside the duties, functions and powers of Council; or
  - b) is confidential in nature and is of legal significance; or
  - c) may reasonably be considered to be defamatory, indecent, abusive, offensive or objectionable in language or substance; or
  - d) is repetitive of a question already answered; or
  - e) is asked to embarrass the Council, a Councillor or an Officer.
- 35.15. Public Question Time will be conducted in a respectful manner. Disorderly conduct will be managed in accordance with clause 66.

### **36. PETITIONS & SUBMISSIONS**

- 36.1. Petitions are to be presented by Councillors at the Meeting in accordance with any Council policy and;
- a) must be in a legible and permanent form of writing, typing or printing;
  - b) must not be defamatory, indecent, abusive or objectionable in language or substance;
  - c) must not relate to a matter beyond the powers of Council; and
  - d) with the exception of online petitions which have been printed by Council officers, every page of the petition must bear the wording of the whole of the petition and include the name, address and signature of petitioners
- 36.2. If the requirements of Clause 36.1 unreasonably prevents or hinders the capacity of any person to prepare a petition, assistance is available from Council via an interpreter or translation service.
- 36.3. Council will hear submitters afforded statutory rights of address and other submitters in accordance with any Council policy.

**PART 5 – CONDUCT OF DEBATE****37. ADDRESSING THE MEETING**

- 37.1. Councillors and Officers shall, at all times, stand when speaking, unless precluded from doing so.
- 37.2. Councillors and Officers, when speaking, shall designate each other by their respective titles of Mayor, Councillor or Officer as the case may be.
- 37.3. Except as provided for in clause 35, a person other than a Councillor or Officer must not address the Council meeting until a resolution approving such has been carried by a majority of Councillors present at the meeting.
- 37.4. A Councillor when speaking shall not be interrupted unless a point of order is called.

**38. POINTS OF ORDER**

- 38.1. A point of order must be taken by stating the matter complained of and the reason constituting the point of order.
- 38.2. The Chairperson may raise a point of order without it having been made by a Councillor.
- 38.3. When called to order, a Councillor must remain silent until the point of order is decided unless they are requested by the Chairperson to provide an explanation.
- 38.4. The Chairperson may adjourn the meeting to consider a point of order but must otherwise rule upon it as soon as it is taken.
- 38.5. The Chairperson must when ruling on a point of order give reasons for the ruling.
- 38.6. The Chairperson's ruling is final unless the majority of Councillors present at the meeting vote in favour of a motion of dissent that is moved and seconded immediately after the Chairperson's ruling is given.
- 38.7. A motion of dissent must state the provision or practice in substitution for the Chairperson's ruling.
- 38.8. A motion of dissent that is carried must be acted on by the Chairperson.

38.9. A point of order may be taken on the grounds that the matter is –

- a) contrary to this Local Law;
- b) defamatory;
- c) irrelevant;
- d) outside Council's power;
- e) improper; or
- f) frivolous or vexatious

#### **39. CONTRADICTION OR OPINION**

39.1. A point of order may not be raised to express a mere difference of opinion or to contradict a speaker.

#### **40. PERSONAL REFLECTION**

40.1. All imputations of improper motives and all personal reflections on Councillors and Officers and disobedience of the ruling of the Chairperson on any matter shall be deemed disorderly.

#### **41. DISORDERLY OR OFFENSIVE BEHAVIOUR**

- 41.1. If a Councillor uses an expression or makes any imputation or reflection which, in the opinion of the Chairperson, is disorderly or capable of being applied offensively to any other Councillor or Officer, the Councillor shall be required by the Chairperson to withdraw the expression, and make a satisfactory apology to Council.
- 41.2. If a Councillor uses offensive or disorderly language or otherwise behaves in a manner which in the opinion of the Chairperson is offensive, disorderly or disturbing to the debate or proceedings of Council, the Councillor shall be required by the Chairperson to withdraw the expression and to apologise for such conduct.
- 41.3. If, after having been twice called to order or to withdraw an expression and to apologise for such conduct, the Councillor fails or refuses to do so or whenever any Councillor fails or refuses to obey the ruling or order of the Chairperson on any matter, the Chairperson may refuse to hear the Councillor further upon the matter then under discussion and call upon the next speaker, or adjourn the sitting of Council.

**PART 6 – RULES ON SPEAKING****42. ORDER OF SPEAKING**

42.1. If two or more Councillors rise to speak at the same time, the Chairperson shall decide the order of speaking.

**43. CHAIRPERSON MAY SPEAK**

43.1. The Chairperson may address the Meeting upon any matter under discussion.

**44. LIMITATION ON SPEAKING**

44.1. Subject to clause 44.2, a Councillor may speak once on the motion except for the mover of a motion who can speak once to that motion, once to each amendment and can exercise a right of reply on that motion.

44.2. The mover of a motion –

- a) has a right of reply on the motion where an amendment to the motion has been carried;
- b) has the right of reply where the mover has, in accordance with clause 53.12, changed the wording of a motion provided that no amendment has been carried;
- c) has no right of reply on the motion where there has not been a speaker against the motion;
- d) can only exercise a right of reply immediately prior to the motion being put; and
- e) has no right of reply in relation to any amendment prior to such amendment being put.

44.3. The mover of an amendment can speak once to the motion and once to their own or any other amendment.

44.4. The mover of an amendment has no right of reply.

44.5. No Councillor may speak longer than the time set out below, unless granted an extension by the Meeting:

- a) five minutes, if the Councillor is the mover of a motion;
- b) three minutes, for any other Councillor speaking to a motion or amendment; and
- c) two minutes, for the mover of a motion exercising a right of reply.

44.6. A motion for an extension of time once carried, shall allow a Councillor a further two minutes to speak and no further extension shall be permitted.

**45. PERSONAL EXPLANATION**

45.1. A Councillor or Officer may, at a Meeting at a time permitted by the Chairperson, make a personal explanation for a period not exceeding two minutes on any statement made by a Councillor or Officer at that Meeting reflecting on that Councillor or Officer.

45.2. A personal explanation shall not be debated.

**PART 7 – STANDING ORDERS****46. ENFORCEMENT OF STANDING ORDERS**

46.1. A Councillor may require compliance with the provisions of this Law by the Meeting by directing the attention of the Chairperson to a non-compliance.

**47. SUSPENSION OF STANDING ORDERS**

47.1. The provisions of this Law may be suspended for any particular purpose, by resolution of the Council , with the exception of :-

- a) quorum of Council;
- b) election of Mayor;
- c) motions to rescind resolutions;
- d) suspension of Standing Orders;
- e) conflicts of interest;
- f) procedural motions;
- g) urgent business; and
- h) confidential information.

47.2. The suspension of such provisions (standing orders) should be used to enable full discussion of an issue without the constraints of formal meeting procedure.

47.3. Suspension of standing orders must not be used purely to dispense with the processes and protocol of the government of the Council.

47.4. Once the discussion has taken place and before any motions can be put, standing orders must be resumed.

47.5. No motion may be accepted by the Chairperson or be lawfully dealt with during any suspension of standing orders.



## **PART 8 – MOTIONS, AMENDMENTS AND VOTING**

### **48. MOTIONS AND AMENDMENTS**

- 48.1. A motion or amendment:
- a) must relate to the powers or functions of Council;
  - b) be clearly expressed and unambiguous;
  - c) except in the case of urgent business, must be relevant to an item of business on the agenda; and
  - d) must not be defamatory or objectionable in language or nature.
- 48.2. The Chairperson may refuse to accept any motion or amendment which contravenes this or any other clause.

### **49. MOTIONS IN WRITING**

- 49.1. Any motions should preferably be in writing and received in advance of the meeting.
- 49.2. A Councillor should seek advice from the Chief Executive Officer, or their delegate, on any legal implications of a proposed motion.
- 49.3. Where motions are raised and considered during the meeting without having been provided in writing and in advance of the meeting, the Chairperson should seek the advice of the Chief Executive Officer regarding any legal or other implications of the proposed motion.
- 49.4. The Chairperson may call a recess of the meeting while the motion is being written or may request Council to defer the matter until the motion has been written, allowing the meeting to proceed uninterrupted.

### **50. CLARIFYING A MOTION**

- 50.1. Before any matter is put to the vote, a Councillor may request that the question, motion or amendment be read again.
- 50.2. The Chairperson may request the person taking the minutes of the meeting to read the motion or amendment to the meeting before the motion is put.

### **51. SEPARATION OF MOTIONS**

- 51.1. Where a motion contains more than one (1) part, a Councillor may request the Chairperson to put the motion to the vote in separate parts.
- 51.2. The Chairperson may decide to put any motion to the vote in separate parts.

**52. DEBATE MUST BE RELEVANT TO THE MOTION**

- 52.1. Debate must always be relevant to the question before the Chair and if not, the Chairperson may request the speaker to confine debate to the subject motion.
- 52.2. If after being requested to confine debate to the motion before the Chair, the speaker continues to debate irrelevant matters, the Chairperson may require the speaker to not speak further in respect of the matter then before the Chair.

**53. PROCEDURE FOR MOVING A MOTION**

- 53.1. A Councillor who proposes a motion must state the motion without speaking to it.
- 53.2. The Chairperson must call for a seconder.
- 53.3. If there is no seconder, the motion lapses
- 53.4. If there is a seconder, the Chairperson will call upon the mover to address the meeting. The mover may exercise this right, decline the opportunity to speak or defer speaking.
- 53.5. After the mover has addressed the meeting (or reserved their right to speak) the seconder may address the meeting. The seconder may exercise this right or decline the opportunity to speak but cannot defer speaking.
- 53.6. After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chairperson must call upon any Councillor who wishes to speak against the motion.
- 53.7. Where the mover of the motion elects to defer and there is a speaker against the motion the Chairperson will offer the mover the opportunity to speak to the motion prior to hearing the Councillor speak against the motion.
- 53.8. In circumstances where the mover has chosen to defer speaking to the motion and an amendment is moved and seconded, the mover of the motion may exercise the right to speak to the amendment subject to clause 44.2, however the mover no longer has the right to speak to the motion pursuant to clause 53.7. Where an amendment is lost the mover of the motion retains the right of reply on the motion pursuant to clause 44.2.
- 53.9. The Chairperson will then call for speakers for and against the motion in alternate sequence.

- 53.10. When the sequence of alternate speakers is exhausted, notwithstanding that there are further speakers wishing to be heard on one side of the motion, the Chairperson may put the motion provided they are satisfied that debate has been fully exhausted.
- 53.11. Where debate has not been fully exhausted, further speakers may be heard in accordance with clause 44 prior to the motion being put.
- 53.12. The mover of a motion or amendment may, with the consent of the seconder, change the wording of the motion or amendment unless any Councillor opposes the change.
- 53.13. A Councillor calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
- 53.14. No motion may be withdrawn without the consent of the Meeting.
- 53.15. The mover of a motion must not introduce new material when exercising any right of reply.

#### **54. MOVING AN AMENDMENT**

- 54.1. No notice need be given of any amendment to a motion.
- 54.2. Any Councillor except for the mover or seconder of the original motion may move or second an amendment.
- 54.3. The Chairperson shall take speakers for and against an amendment in alternate sequence in the same manner as for motions.
- 54.4. Amendments must be dealt with one at a time.
- 54.5. An amendment must be relevant to the motion upon which it is moved and not negate the original motion.
- 54.6. If a proposed amendment effectively negates the substance of the substantive motion, it shall be disallowed and ruled to be a foreshadowed motion and shall only be considered in the event that the motion is lost.
- 54.7. A second or subsequent amendment cannot be moved until the immediately preceding amendment is decided upon.
- 54.8. If an amendment is carried it becomes the substantive motion. The mover and seconder of the amendment become the mover and seconder of the substantive motion. Debate recommences as for a new motion.
- 54.9. No right of reply is available to any amendment.
- 54.10. An amendment can only be withdrawn by the mover.

## 55. FORESHADOWED MOTIONS

- 55.1. At any time during debate any Councillor may foreshadow a motion or amendment so as to inform the Meeting of their intention to move a motion or amendment at a later stage in the Meeting. This does not extend any special right to the foreshadowed motion.
- 55.2. A motion foreshadowed may be prefaced with a statement that in the event a particular motion before the meeting being resolved in a certain way, a Councillor intends to move a subsequent motion.
- 55.3. A motion foreshadowed has no procedural standing and is merely a means to assist the flow of the meeting. Therefore Council is not required to have foreshadowed motions recorded in the minutes until the foreshadowed motion is formally moved.
- 55.4. Any foreshadowed motion or amendment must relate to the matter under discussion.

## 56. NOTICES OF MOTION

- 56.1. A Notice of Motion must be in writing and lodged with the Chief Executive Officer at least fourteen (14) calendar days prior to the date fixed for holding the Meeting to allow sufficient time to include the Notice of Motion on the Agenda.
- 56.2. The Chief Executive Officer must date and number all Notices of Motion in the order received.
- 56.3. The Councillor proposing the Notice of Motion should circulate the draft Notice of Motion to all Councillors for information before lodging it with the Chief Executive Officer.
- 56.4. The Chief Executive Officer, or delegate, must inform Councillors of any legal implications of any proposed Notice of Motion. This advice must be provided to all Councillors without fear or favour and prior to the Notice of Motion being made publicly available.
- 56.5. The Notice of Motion must relate to the objectives, role and functions as outlined in the Act.
- 56.6. A Notice of Motion must call for a Council report if the Notice of Motion:
  - a) affects the levels of Council services;
  - b) if it is inconsistent with the strategic objectives of the Council as outlined in the Council Plan;
  - c) commits Council to expenditure not included in the adopted budget;
  - d) establishes or amends Council policy;
  - e) commits Council to any contractual arrangement; or
  - f) concerns any litigation in respect of which Council is a party.

- 56.7. The Chief Executive Officer may reject any Notice of Motion which:
- a) is vague or unclear in intention; or
  - b) is defamatory or objectionable in language or nature; or
  - c) may be prejudicial to any person or Council; or
  - d) is outside the powers of Council.
- 56.8. If rejecting a Notice of Motion, the Chief Executive Officer must:
- a) give the Councillor who lodged the Notice of Motion an opportunity to amend it prior to rejection, if it is practicable to do so; and
  - b) if the Notice of Motion cannot be amended to the satisfaction of the Chief Executive Officer, notify, in writing, the Councillor who lodged the Notice of Motion of the rejection and the reasons for the rejection.
- 56.9. The Chief Executive Officer may designate a Notice of Motion to be confidential in accordance with the relevant grounds contained in section 89(2) of the Act. A confidential Notice of Motion will be considered in a meeting that is closed to members.
- 56.10. The full text of any Notice of Motion accepted by the Chief Executive Officer must be included in the Agenda.
- 56.11. A Councillor may by written notification to the Chief Executive Officer request their Notice of Motion to be withdrawn at any time.

## 57. MOVING A NOTICE OF MOTION

- 57.1. If a Councillor who has lodged a Notice of Motion is absent from the meeting or fails to move the motion when called upon by the Chairperson, any other Councillor may move the motion.
- 57.2. If a Notice of Motion is not moved in accordance with clause 53.1, the Notice of Motion shall be deemed to have lapsed.
- 57.3. A Notice of Motion may be varied if leave of the meeting is granted.
- 57.4. A second or subsequent Notice of Motion to revoke or amend an earlier resolution must not be considered by Council until a period of three (3) months has elapsed after the date of the meeting at which the first or last motion of revocation was dealt with.
- 57.5. Further motions are only permissible in relation to a Notice of Motion that is carried, and not permissible in relation to a Notice of Motion that is lost.
- 57.6. A Notice of Motion cannot be considered in relation to a matter that is the subject of a rescission motion within three calendar months of the rescission motion having been dealt with, unless a notice signed by a majority of all Councillors is submitted to the Chief Executive Officer.

**58. RESCISSION OR ALTERATION OF RESOLUTIONS**

- 58.1. Two or more Councillors may propose a motion to rescind or alter a resolution of Council provided that notice of the motion is delivered to the Chief Executive Officer by 5.00pm on the next working day following the Council Meeting at which the resolution proposed to be rescinded or altered was adopted, outlining the resolution to be rescinded or altered and the date of the meeting at which the resolution was adopted.
- 58.2. Rescission or alteration motions are to be lodged on a form provided for this purpose as appearing in Schedule 2.
- 58.3. No action will be taken to implement a resolution on which a rescission or alteration motion has been lodged pursuant to clause 58.1.
- 58.4. A rescission or alteration of a previous resolution must be passed by a majority of the whole Council.
- 58.5. Rescission or alteration motions are not permissible in respect of planning permit resolutions, planning scheme amendment resolutions or contract/tender acceptance resolutions.
- 58.6. A rescission or alteration motion is not permissible in respect of a rescission or alteration motion that has been carried.
- 58.7. In the event that a rescission motion is carried, a further motion is permissible in respect of that matter.

**59. PROCEDURAL MOTIONS**

- 59.1. A procedural motion, unless otherwise prohibited, may be moved at any time and shall be dealt with in accordance with Schedule 4.
- 59.2. A procedural motion is required to be seconded.
- 59.3. The Chairperson cannot move a procedural motion.
- 59.4. Unless otherwise provided, debate on a procedural motion is not permitted and the mover does not have a right of reply.
- 59.5. Unless otherwise provided a procedural motion cannot be amended.

**60. URGENT BUSINESS AT ORDINARY MEETINGS OF COUNCIL**

- 60.1. Council may resolve, by not less than a two-thirds majority of those present at an Ordinary Meeting of Council, to admit (without the required notice) an item considered to be urgent business under clause 20.1(m).
- 60.2. An item may be classified as urgent business if it:
- a) relates to a matter which has arisen since the distribution of the Agenda; or
  - b) involves a matter of urgent community concern; or
  - c) cannot be safely or conveniently deferred until the next ordinary Council meeting
- 60.3. Notwithstanding anything to the contrary in this Law, a Councillor may not propose an item of urgent business if the matter relates to business which:
- a) substantially affects the levels of Council service; or
  - b) commits Council to expenditure not included in the adopted budget; or
  - c) establishes or amends a Council policy; or
  - d) commits Council to any contractual arrangement; or
  - e) requires, pursuant to other Council policy, the giving of prior notice.

**61. VOTING**

- 61.1. When called upon by the Chairperson, the Councillors present must vote by a show of hands or as Council otherwise determines.
- 61.2. For the purposes of voting at a Council meeting, the Chairperson must put the motion or amendment first in the affirmative, then in the negative.
- 61.3. The question is determined in the affirmative by a majority of the Councillors present at a meeting at the time the vote is taken voting in favour of the question.
- 61.4. A Councillor has the right to abstain from voting. A Councillor who abstains from voting and remains in the meeting will be deemed to have voted against the motion. Abstaining from voting does not constitute cause for debate. Any abstention from voting will be recorded in the minutes.
- 61.5. The Chairperson may require a recount to be taken and shall declare the result.

**62. SECOND VOTE**

- 62.1. In the event of an equality of votes, subject to the Act and this Law, the Chairperson has a second vote.
- 62.2. Clause 62.1 does not apply in the event of an equality of votes in respect of the election of Mayor, a rescission motion, or in cases where the Act provides that a matter or amendment is to be determined by lot.

**63. NO DISCUSSION ONCE DECLARED**

- 63.1. Once a vote on a motion has been taken, no further discussion relating to the motion will be allowed unless:
- a) a Councillor requests that their opposition to the motion be recorded in the minutes; or
  - b) there is a call for a division.

**64. VOTE TO BE TAKEN IN SILENCE**

- 64.1. Except that a Councillor may call a division, Councillors must remain seated in silence while a vote is being taken.

**65. DIVISIONS**

- 65.1. A division may be requested by any Councillor on any matter.
- 65.2. A request for a division must be made to the Chairperson immediately prior to, or immediately after the relevant vote is taken, but cannot be requested after a subsequent item of business has commenced.
- 65.3. A division is a separate and distinct vote and will determine the Council's resolution on the motion or amendment. No Councillor is prevented from changing their original vote at the call for a division.
- 65.4. Once a division has been requested, the Chairperson must first ask each Councillor wishing to vote in the affirmative to raise their hand and then ask each Councillor wishing to vote in the negative to raise their hand.
- 65.5. The names of those voting in the affirmative and in the negative, together with those that abstained are to be recorded in the minutes of the meeting.
- 65.6. All Councillors who cast votes originally must remain in the Chamber whilst the division is taken.
- 65.7. Councillors who were absent for the original vote but who have returned in time to vote on the division may cast a vote.
- 65.8. The Chairperson will then declare the result of the division.



**PART 9 – CHAIRPERSON’S DUTIES AND DISCRETIONS****66. CHAIRPERSON**

66.1. The Chairperson has the following additional duties and discretions:

- a) the Chairperson must not accept or entertain any motion, question or statement which is derogatory, defamatory, objectionable in language or embarrassing to any Councillor, member of staff, ratepayer or member of the public;
- b) the Chairperson must call to order any person including any Councillor who is disruptive or unruly during any Meeting and any person who, having been twice so called to order fails to comply with the Chairperson’s call, will be guilty of an offence;
- c) the Chairperson may without resolution adjourn for a period not exceeding five minutes any Meeting which has in the opinion of the Chairperson become unruly to the extent that the business of the Meeting cannot be reasonably continued; and
- d) the Chairperson may remain seated during all or any part of any Meeting.

66.2. Any person referred to in clause 66.1(b) who upon being requested by the Chairperson to leave such meeting does not do so may be removed by an authorised officer or a member of the police force. The period of any exclusion will be for the entirety of the meeting at which the offence occurred.

**67. RECORDING PROCEEDINGS**

67.1. A person must not, without the prior approval of the Chairperson, operate any audio or visual recording equipment at any Council meeting.

67.2. Nothing in clause 67.1 applies to any member of Council staff operating any cameras or recording device for the purpose of any presentations or keeping a record of the Council meeting.

67.3. Where the meeting is to be recorded pursuant to clauses 67.1 or 67.2, the Chairperson must as soon as practicable after the opening of the Council meeting, advise those who are in attendance that their images and/or voices are likely to be recorded during the course of the Council meeting.



**SCHEDULE 1**

**Question form for use by members of the public**

This form is required to be completed and submitted to Council by 5.00pm on the day prior to the Council meeting or placed in the question box located in the gallery by the commencement of the meeting.

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_  
\_\_\_\_\_

**QUESTION 1:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**QUESTION 2:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GUIDELINES FOR THE CONDUCT OF PUBLIC QUESTION TIME AT ORDINARY MEETINGS OF COUNCIL:**

1. Public question time shall be taken in the normal order of business listed on the Agenda and after any urgent items of business.
2. A question must be put in writing and for the question to proceed the person asking the question must be present in the gallery when the question is called on.
3. At the discretion of the Mayor the questioner may be invited to clarify or elaborate on the question.
4. The duration of any address by the questioner is at the discretion of the Mayor.
5. The Mayor may answer the question or direct it as deemed appropriate.
6. The number of questions that any person may ask shall be limited to two.
7. The number of questions that may be asked on any one issue shall be limited to two.

SCHEDULE 2

Rescission or Alteration Motions

The following guidelines apply for the lodgement of a notice of intention to move that a resolution passed by Council be rescinded or altered:

- 1. Notices of rescission or alteration must be in the correct format, viz:

It is my intention to move at the Ordinary Meeting of Council to be held on / /

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 2. Such notices are to be signed by at least two Councillors and lodged with the Chief Executive Officer or nominee by 5 pm on the day following the Council meeting.

Cr ..... Cr .....

(print name) (print name)

.....

(signature) (signature)

Received by ..... at ..... on .....

(Officers name) (time) (date)

Manningham City Council Meeting Procedure Law 2017

SCHEDULE 3

Disclosure of Conflict of Interest Form

This form is to be completed by a Councillor at the earliest opportunity after the Councillor has identified that he/she has a conflict of interest in an item listed on a Council agenda.

I, Councillor ..... , declare that I have a **conflict of interest** in

Item Number ..... on the agenda for the Council Meeting to be held on .....

Relating to .....

The type of interest is:

- Direct Interest
- Indirect Interest
  - Close association
  - Financial
  - Conflicting Duty
  - Applicable Gift
  - Party to the matter
  - Residential amenity

(Please tick the relevant type of interest)

The nature of the conflict of interest being that.....

.....

Signature ..... Name ..... Date .....

\* I will be attending the meeting.

\* I will be an apology for the meeting.

(\* Please strike out the one that is not applicable.)

Form received by Chief Executive Officer:

Signed .....

Dated .....

## Manningham City Council Meeting Procedure Law 2017

## SCHEDULE 4

## PROCEDURAL MOTIONS – PROCEDURE AND EFFECT

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of debate to later hour/date	That this matter be adjourned until .....	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson  (b) When another Councillor is speaking	Motion and amendments postponed to the stated time/date	Debate continues unaffected
Adjournment of debate indefinitely	That this matter be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson  (b) When another Councillor is speaking  (c) When the matter is one in respect of which a call of Council has been made	Motion and amendments postponed but may be resumed:  (a) At the same meeting upon motion to resume  (b) At any later meeting if on the Agenda	Debate continues unaffected
Adjournment of meeting to later hour/date	That this meeting be adjourned until .....	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson  (b) When another Councillor is speaking	Meeting adjourns immediately until the stated time/date	Debate continues unaffected

Manningham City Council Meeting Procedure Law 2017

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of meeting indefinitely	That this meeting be adjourned until further notice	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson (b) When another Councillor is speaking (c) During a meeting which is a call of the Council	Meeting adjourns until further notice	Debate continues unaffected
Deferral of matter/item	That this matter be deferred until .....	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson (b) When another Councillor is speaking	Matter/item deferred to the stated time/date  Consideration starts afresh	Debate continues unaffected
Withdrawal of item	That this matter be withdrawn	Any Councillor	Yes	Any matter	(a) During the election of the Chairperson (b) When another Councillor is speaking	Matter/item withdrawn from consideration	Debate continues unaffected

## Manningham City Council Meeting Procedure Law 2017





PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
The Closure	That the question be now put	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	During nominations for Chairperson  (A closure motion shall not be accepted by the Chairperson unless the Chairperson considers that there has been sufficient debate for and against the motion or amendment)	Motion or amendment in respect of which the closure is carried is put to the vote immediately	Debate continues unaffected
Laying the matter on the table	That the matter lie on the table	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a) During the election of the Chairperson  (b) During a meeting which is a call of the Council	Motion and amendments not further discussed or voted on until:  (a) Council resolves to take the question from the table at the same meeting (b) Matter is placed on a future Agenda and the Council resolves to take the question from the table	Debate continues unaffected



Manningham City Council Meeting Procedure Law 2017

PROCEDURAL MOTION	FORM	WHO CAN MOVE OR SECOND	IS A SECONDER REQUIRED?	MATTERS IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION PROHIBITED	EFFECT IF CARRIED	EFFECT IF LOST
Proceeding to the next business	That the meeting proceed to the next business	A Councillor who has not moved, seconded or spoken to the motion or any amendment of it	Yes	Any matter	(a) During the election of the Chairperson  (b) During a meeting which is a call of the Council	(a) If carried in respect to a motion, its effect is to remove that motion from consideration  (b) If carried in respect to an amendment, its effect is to dispose of the amendment and debate resumes upon the substantive motion	Debate resumed at point of interruption

**14.4 Record of Assembly of Councillors - December 2017**

File Number:	IN17/205
Responsible Director:	Executive Manager People and Governance
Attachments:	<ol style="list-style-type: none"><li>1 Assembly of Councillors Strategic Briefing Session 5 December 2017 <a href="#">↓</a> </li><li>2 Record of Assembly of Councillors - Access &amp; Equity Advisory Committee - 4 December 2017 <a href="#">↓</a> </li><li>3 Record of Assembly of Councillors - Heritage Advisory Committee - 15 November 2017 <a href="#">↓</a> </li><li>4 Record of Assembly of Councillors Senior Citizens Reference Group - 8 November 2017 <a href="#">↓</a> </li></ol>

**EXECUTIVE 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 an ordinary meeting of Council and those records are to be incorporated into the minutes of the Council Meeting.*

**1. RECOMMENDATION**

**That Council note the Records of Assemblies for the following meetings and that the records be incorporated into the minutes of this Council Meeting:**

- **Strategic Briefing Session – 5 December 2017**
- **Access & Equity Advisory Committee – 4 December 2017**
- **Heritage Advisory Committee – 15 November 2017**
- **Senior Citizens Reference Group – 8 November 2017**

**2. BACKGROUND**

2.1 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 the Council staff which considers matters that are intended or likely to be:-

2.1.1 The subject of a decision of the Council; or

2.1.2 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.

2.2 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.

- 2.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of 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.

### **3. DISCUSSION / ISSUE**

- 3.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989. The details of each of the following Assemblies are attached to this report.

- Strategic Briefing Session – 5 December 2017
- Access & Equity Advisory Committee – 4 December 2017
- Heritage Advisory Committee – 15 November 2017
- Senior Citizens Reference Group – 8 November 2017

### **4. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

Record of an Assembly of Councillors

Manningham City Council

## **Strategic Briefing Session**

**Meeting Date:** 5 December 2017  
**Venue:** Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6.33pm

- 1. Councillors Present:**  
Councillor Andrew Conlon (Mayor)  
Councillor Michelle Kleinert (Deputy Mayor)  
Councillor Anna Chen  
Councillor Sophy Galbally  
Councillor Geoff Gough  
Councillor Paul McLeish  
Councillor Paula Piccinini  
Councillor Mike Zafirooulos  
Councillor Dot Haynes

**Apologies from Councillors:**  
Nil

**Executive Officers Present:**  
Warwick Winn, Chief Executive Officer  
Teresa Dominik, Director Planning & Environment  
Leigh Harrison, Director Assets and Engineering  
Philip Lee, Director Shared Services  
Jill Colson, Executive Manager People & Governance

**Other Officers in Attendance:**  
Kym McClean, Governance Support Officer  
Andrew McMaster, Corporate Counsel  
Vivien Williamson, Manager City Strategy  
Lee Robson, Manager Business, Culture & Venues  
Kevin Ayre, Group Manager Financial Services  
Graham Brewer, Manager Property Services  
George Vass, Property Development Officer  
Julia Jenvey, Senior Recreation Planner  
Andrew Alan, Strategic Water Engineer

- 2. Disclosure of Conflicts of Interest**  
No disclosures of conflict of interest were made.
- 3. Items Considered**
- 3.1 Identification of Confidential or Sensitive Issues
  - 4.1 Actions Arising
  - 5.1 Forward Agenda
  - 6.1 2017/18 Mid-Year Budget Review
  - 6.2 King Street Reconstruction, Melbourne Hill Road Catchment and McDonald Avenue/Princely Terrace Drainage Improvements
  - 6.3 Active for Life Recreation Strategy – Further Update
  - 6.4 Property Portfolio Development (Confidential)
  - 6.5 Amendment C117 to Manningham Planning Scheme – Rural Areas Discretionary Uses – Ministerial Authorisation
  - 6.6 Amendment C123 – Municipal Wide Public Open Space Contribution Rates – Adoption of Amendment
  - 6.7 City Wide Development Contributions Plan – Project Update
  - 6.8 Parking Waiver Scoping Report

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- 6.9 Community Grant Guidelines
- 6.10 Arts Advisory Committee Terms of Reference
- 6.11 Freedom of the City Policy Review
- 6.12 Fraud and Corruption Policy and Fraud and Corruption Control Plan Review
- 6.13 Proposed Meeting Procedure Local Law 2017 - Update

The meeting ended at 9:41pm  
\*\*\*\*\*

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## **Access and Equity Advisory Committee**

**Meeting Date:** Monday 4 December 2017  
**Venue:** Function Room 3, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 5pm

1. **Councillors Present:**  
Councillor Mike Zafiroopoulos AM – Koonung Ward

**Officers Present:**  
Chris Potter, Director Community Programs  
Kirsten Reedy, Social Planning and Development Officer  
Juanita Haisman, Manger Communications  
Bronwyn Morphett, Acting Coordinator Social Planning and Community Development

2. **Disclosure of Conflicts of Interest**  
No disclosures were made.
3. **Items Considered**
1. CALD Communications Review
  2. Review of Committee successes and opportunities
  3. Implementation update – Access, Equity and Diversity Strategy and Disability Access and Inclusion Plan

**Finishing time**  
The meeting ended at 7.10pm

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## **Heritage Advisory Committee**

**Meeting Date:** 15 November 2017  
**Venue:** Koonung Room, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 6:00pm

1. **Councillors Present:**  
Councillor Paula Piccinini

**Apologies from Councillors:**  
Nil

**Officers in Attendance:**  
Vivien Williamson

2. **Disclosure of Conflicts of Interest**  
No disclosures of conflict of interest were made.

3. **Items Considered**
1. Confirmation of previous minutes
  2. Declaration of conflict of interest
  3. Actions from previous meeting – 23 August 2017
  4. Updates
  5. Advisory Committee Policy and Heritage Committee's Terms of Reference – Discussion
  6. Other Business
  7. Next Meeting Date

The meeting ended at approximately 7:30pm

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## **Senior Citizens Reference Group**

**Meeting Date:** Wednesday 8 November  
**Venue:** Heide Room, Civic Office, 699 Doncaster Rd, Doncaster  
**Starting Time:** 9.30am to 11.00am

**1. Councillors Present:**

Councillor Dot Haynes – Koonung Ward

**Officers Present:**

Keri Kennealy, Aged and Disability Support Services  
Catherine Walker, Aged and Disability Support Services

**2. Disclosure of Conflicts of Interest**

Confirmation that there were no items on Agenda where conflict of interest was declared.

**3. Items Considered**

- Annual Aged and Disability Support Client Letter
- Bi-annual Community Grants
- Training Session – Grant Writing
- Manningham Learns
- Park Orchards Carols
- Carols by Candlelight
- Council Awards 2018
- Remembrance Day

**4. Club updates**

- All clubs present provided an update of activities.

**5. Guest speakers**

Mirko Oklobdzija, Department of Human Services – Financial Information Services Officer.

Mirko provided an update on issues impacting on seniors.

**Finishing time**

The meeting ended at 11.00am

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**14.5 Documents for Sealing - 12 December 2017**

File Number: IN17/206  
Responsible Director: Executive Manager People and Governance  
Attachments: Nil

**EXECUTIVE SUMMARY**

*The following documents are submitted for signing and sealing by Council.*

**1. RECOMMENDATION**

**That the following document be signed and sealed:**

**Consent Agreement to Build Over an Easement  
Agreement under Section 173 of the Planning and Environment Act 1987  
Council and T Celik  
67 Hawtin Street, Templestowe**

**2. BACKGROUND**

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.

**3. DECLARATIONS OF CONFLICT OF INTEREST**

No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

**15 URGENT BUSINESS**

**16 WRITTEN QUESTIONS FROM THE PUBLIC**

**17 COUNCILLORS' QUESTION TIME**

**18 CONFIDENTIAL REPORTS**

There are no Confidential Reports.