MANNINGHAM

COUNCIL MEETING

AGENDA

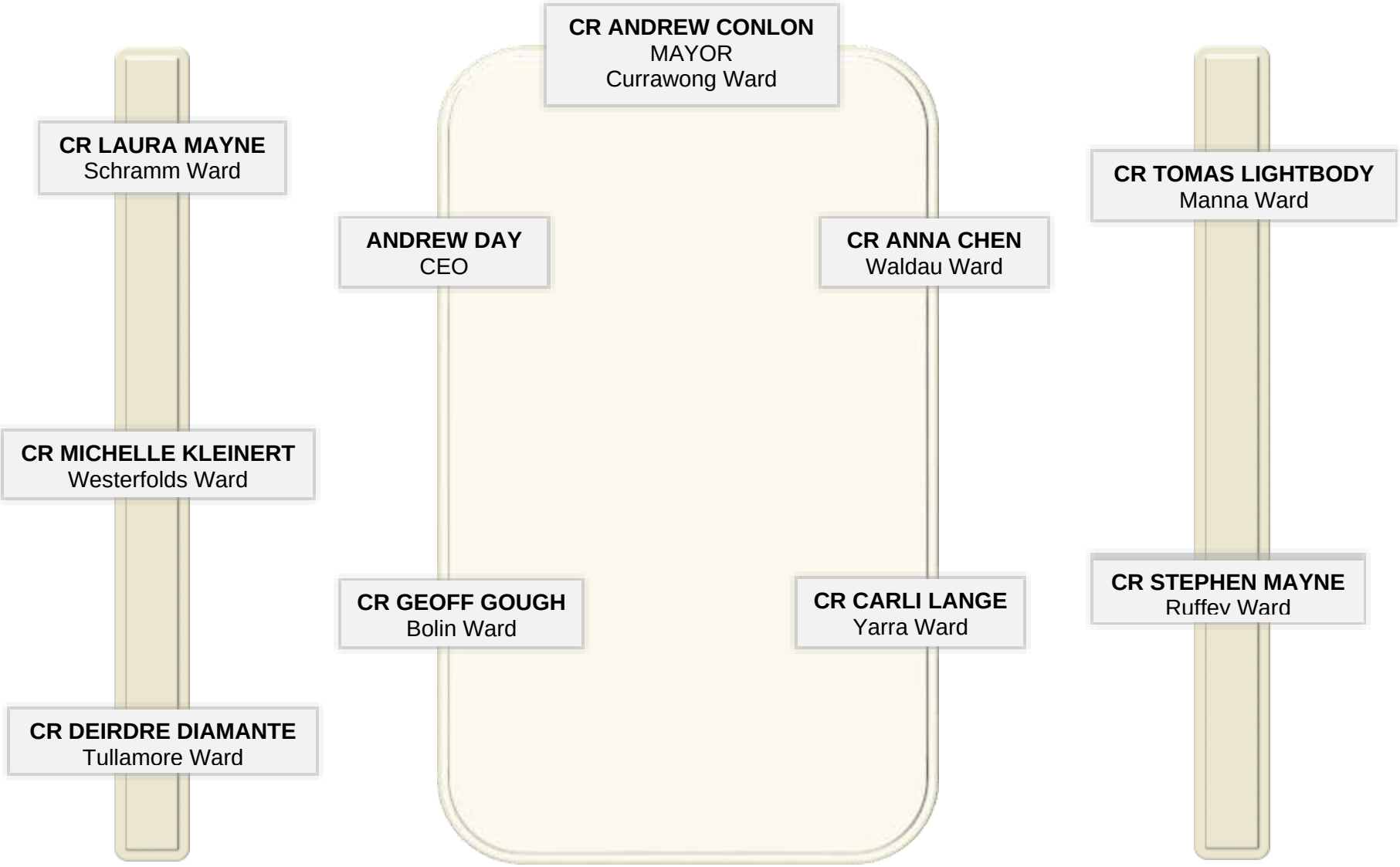
Date:	**Tuesday, 23 February 2021**
Time:	**7:00pm**
Location:	**Council Chamber, Civic Centre 699 Doncaster Road, Doncaster**

This meeting is convened to transact the business listed below.

Andrew Day
Chief Executive Officer

This meeting will be livestreamed.

COUNCIL MEETING SEATING PLAN



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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 Council Meeting held on 28 January 2021.

5 PRESENTATIONS

6 PETITIONS

7 PUBLIC QUESTION TIME

8 ADMISSION OF URGENT BUSINESS

9 PLANNING PERMIT APPLICATIONS

There are no Planning Permit Applications.

10 CITY PLANNING & COMMUNITY

10.1 Planning Scheme Amendment C127mann and Planning Permit Application PLN20/0303 - 674-680 Doncaster Road, 2 Short Street, and 14, 14A, 16 & 18 Hepburn Road, Doncaster (Doncaster Church of Christ) - Seeking Authorisation for Public Exhibition

File Number: IN21/75

Responsible Director: Director City Planning and Community

Attachments:
1. Amendment C127mann Documentation ⇩
2. Possible Draft Planning Permit Conditions PLN20/0303 ⇩
3. Practice Notes, Zone & Overlay Maps, and Planning History ⇩
4. Decision Plans ⇩

EXECUTIVE SUMMARY

A request has been made by Hollerich Town Planning Pty Ltd (the Proponent) on behalf of the landowner, The Properties Corporation of the Churches of Christ, for a combined planning scheme amendment and planning permit application pursuant to section 96A of the Planning and Environment Act 1987 (Amendment C127mann). The planning scheme amendment and planning permit application are to be considered concurrently under the request.

The section 96A combined amendment and permit application process is very different to the normal permit process. The permit application:

- *is not decided by Council;*
- *forms part of the Amendment process, including any Panel Hearing;*
- *the Council as Planning Authority will retain a significant role and influence in relation to the combined amendment and permit process;*
- *Council retains the right, including at particular statutory stages, to abandon the amendment and permit application if, however unlikely, the Council so decided;*
- *if after assessment, including any Panel Report the grant of a permit is recommended such a permit is issued by the Council at the direction of the Minister;*
- *Council is not asked and will not yet decide its final position in relation to the amendment or potential permit through this report or resolutions proposed in this report.*

A detailed but not final assessment of the permit application forms part of this report both to assist Council consideration and to allow the preparation of a draft set of potential permit conditions which Council is required to provide to the Department of Environment, Land, Water and Planning (DELWP).

The request relates to ten adjoining parcels of land within the Doncaster Hill Major Activity Centre at 674-880 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster (the Site, or ChapelHill). The Planning Scheme Amendment Request relates only to the properties at 674-880 Doncaster Road, 2 Short Street. The proposed planning permit application relates to the entire Site.

The Site contains a heritage listed church, four houses and a display home. The site is located in the Activity Centre Zone, Schedule 1 (ACZ1) where the most substantial mixed-use developments are permitted in the municipality.

Amendment C127mann proposes to:

- *Amend Schedule 1 of the Activity Centre Zone of the Manningham Planning Scheme to alter the boundary of sub-precinct 2C to include within it the properties at 674-680 Doncaster Road and 2 Short Street, Doncaster. The inclusion of these properties within sub-precinct 2C would increase the allowable maximum building height from 29.0 metres to 40.0 metres, increase the design element from 5.8 metres to 8.0 metres above the building and, increase the setbacks from the front tower edge from the front boundary from 9.0 metres to 11.0 metres, for these properties. The existing planning controls within sub-precinct 2F that applies to the properties at 14, 14A, 16 and 18 Hepburn Road are proposed to be retained. See Attachment 1 for Amendment C127mann documentation.*
- *Develop the site under planning permit application PLN20/0303 to partially demolish the existing heritage listed church, use and develop a 17-storey mixed-use development comprising 177 dwellings, a place of assembly, child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements and alter the access arrangements to a road in a Road Zone, Category 1. Ten of the dwellings are proposed for affordable housing.*

A draft Section 173 Agreement is also proposed to be executed as a pre-condition to any approval of the Amendment. This will ensure provision of Affordable (or like) Housing of at least 10 dwellings, more detail about which appears at Part 3 of this report.

It is recommended that Council resolve to seek Authorisation from the Minister for Planning to prepare and exhibit the combined Amendment C127 to the Manningham Planning Scheme and Planning Permit Application PLN20/0303.

1. RECOMMENDATION

That Council:

A. resolve to seek authorisation from the Minister for Planning of the *Planning and Environment Act 1987 ("Act") to prepare Amendment C127mann to the Manningham Planning Scheme generally in accordance with Attachment 1;*

B. note the proposed concurrent planning permit application process to:

> ***partially demolish the existing heritage building (church), use and development of a 17-storey mixed-use building, a place of assembly, a child care centre, two food and drinks premises, offices, a reduction in the standard car parking requirements, and alterations of access to a road in a Road Zone Category 1* to be reviewed and dealt with under section 96A, together with Division 5 of Part 4 of the Act.**

C. subject to authorisation being granted by the Minister for Planning, exhibit Amendment C127mann to the Manningham Planning Scheme, Planning Permit Application PLN20/0303, and associated documents for a minimum period of one (1) month in accordance with section 19 of the Act.

D. note the preliminary assessment of Permit Application PLN20/0303 and to allow the provision to DELWP of the following draft set of potential planning permit conditions, unless otherwise agreed and to the satisfaction of the Responsible Authority, to be exhibited as part of the combined amendment and Planning Permit Application PLN20/0303 at 674-680 Doncaster Road, 2 Short Street, 14, 14A, 16 and 18 Hepburn Road, Doncaster for the partial demolition of the existing heritage building, use and development of the land for a 17-storey mixed-use building comprising dwellings, a place of assembly, child care centre, food and drink premises and offices, reduction in standard car parking requirements and the creation and alteration of access to a road in a Road Zone, Category 1, as set out in Attachment 2.

E. note that a draft Section 173 Agreement is also proposed to be exhibited to be executed as a pre-condition to any approval of Amendment C127mann.

2. BACKGROUND

What is the process to consider a combined planning scheme amendment and planning permit application?

2.1 Section 96A of the *Planning and Environment Act* 1987 (the Act) makes provision for a planning permit application to be lodged and considered concurrently with a planning scheme amendment request. The Proponent of Amendment C127mann exercised this option and lodged Planning Application PLN20/0303 with the amendment request. Lodging a planning permit application concurrently with an amendment request has the benefit of expediting the assessment process of the planning permit application.

2.2 In instances where a planning scheme amendment and a planning permit application are made concurrently, the notification and appeal right provisions of the planning permit application are dealt with differently under the Act to a normal planning permit application.

2.3 The permit application under section 96A is exhibited with the proposed planning scheme amendment. Documents for both, including the decision plans and draft planning permit are exhibited together. Exhibition is for a minimum one month following authorisation being granted by the Minister for Planning to prepare the amendment. This process provides an additional two weeks to the standard advertising period for planning permit applications for the community to make submissions on the amendment and permit application.

2.4 If submissions are received, unless Council abandons the Amendment, they must be referred to an independent Planning Panel appointed by the Minister for Planning. The Panel, after having considered the submissions makes a written recommendation to Council on the amendment. They may recommend for Council to abandon the amendment, change certain aspects the amendment that has been exhibited, or approve the amendment as exhibited.

2.5 Council may accept the recommendations from the Panel, however should a resolution that differs from the Panel's recommendation be made, the recommendation must be justified to the Minister for Planning.

2.6 If a planning scheme amendment is abandoned by Council, or if the Minister for Planning decides to not approve the amendment request, or to not approve the planning permit application, there are no appeal rights for the review of the planning permit application to VCAT.

2.7 If the planning scheme amendment and the planning permit application are approved by the Minister for Planning, the planning permit application must be issued by Council immediately after the amendment has been gazetted in the Government Gazette. In this case, there are no third party appeal rights to VCAT from objectors to the proposal.

Preliminary discussions with the Department of Environment, Land, Water and Planning (DELWP)

2.8 DELWP strongly encourages that Council undertakes preliminary discussions with them before proceeding with the formal request for amendment.

2.9 On 24 September 2018 before proposed Amendment C127mann was lodged with Council, the Proponent and Council Officers met with officers from DELWP to discuss the proposal and to determine the most appropriate process for considering the planning scheme amendment request.

2.10 In-principle support to increase the mandatory building height requirements over part of the Site, as prescribed under the Activity Centre Zone, Schedule 1 (ACZ1), was given by DELWP. At that time it was acknowledged that this Amendment request would precede a review of the *Doncaster Hill Strategy 2002, revised 2004* (the Strategy).

2.11 DELWP further advised that the proposed built form must be justified on strong urban design grounds and that the amendment must be consistent with *Planning Practice Note 60: Height and setback controls for activity centres* (PPN60). The most recent version of PPN60 was published in September 2018 forming part of Attachment 3.

2.12 DELWP's in-principle support is premised on the basis that Council would scrutinise how the proposed development would achieve the existing ACZ1 requirements, align with addressing current shortcomings of the Strategy and how the proposal could be acceptable from an urban design perspective.

Review of the Doncaster Hill Strategy (2002, revised 2004) (the Strategy)

2.13 On 28 August 2018 Council resolved to endorse the *Manningham Planning Scheme Review, Findings and Recommendations (August 2018)* report – the four year programme for Council's strategic planning work. Recommendation 4 of the report identifies the action to commence a review of the *Doncaster Hill Strategy (2002, revised 2004).*

2.14 MGS Architects have been engaged to prepare a draft *Doncaster Hill Framework Plan,* which, upon adoption of the final plan, will supersede the Strategy.

2.15 Council is yet to consider the draft plan and the document is yet to be made publically available. Community and other stakeholder feedback will be considered prior to adoption of the plan.

Lodgement dates of Amendment C127mann

2.16 Amendment C127mann was lodged on 18 December 2018. The request to consider Planning Permit Application PLN20/0303 was lodged 19 months later on 14 July 2020. The building height proposed under Application PLN20/0303 intends to align with the amended height controls proposed by Amendment C127mann.

The Site

2.17 The properties of the site at 674-680 Doncaster Road, 2 Short Street, and 14, 14A, 16 and 18 Hepburn Road, Doncaster are a contiguous holding bounded by Doncaster Road to the north, Short Street to the west and Hepburn Road to the south. Whilst the planning permit application applies to the whole of the site, Amendment C127mann applies only to 674-680 Doncaster Road, 2 Short Street. See Figure 1.

Figure 1: The Site – aerial photograph 3 December 2020.

2.18 The irregular “L” shaped Site has an area of 6,583sqm. That part, in between Doncaster Road and Hepburn Road, is generally rectangular with approximate dimensions of 111 metres x 48 metres. On the eastern side of this are the remaining properties - 14 and 14A Hepburn Road. These have approximate dimensions of 51 metres x 22 metres.

2.19 The site is developed with several buildings. A heritage listed brick church under the Manningham Planning Scheme (HO46) is located on 674-680 Doncaster Road. This comprises the original late 19th century structure and more recent additions constructed in the 1950's. A car park adjoins the church on the western side adjacent to Short Street and on the southern side of the building. Single detached dwellings are at 2 Short Street and 16 Hepburn Road and a display home has been constructed at 18 Hepburn Road. At 14 & 14A Hepburn Road, a dual occupancy development is constructed in a tandem layout.

2.20 The site slopes down towards Hepburn Road from Doncaster Road with a level difference of approximately 11 metres, at an average gradient of approximately 1:10. Established mature landscaping comprising canopy trees and gardens surrounds all dwellings. Landscaping at the church is minimal due to the provision of car parking.

2.21 A 2.44 metre width sewerage and drainage easement abuts the eastern boundaries of 2 Short Street and 16 Hepburn Road. A sewerage pipe within and along the full length of the easement services the buildings on the site. There are no stormwater drainage pipes within the easement.

2.22 There are no covenants or section 173 Agreements registered on the Titles of any of the land parcels comprising the site. It is noted that the Covenant that was registered to the Title of 18 Hepburn Road, has been removed since the approval of Planning Permit PLN18/0571.

<u>The Neighbourhood</u>

2.23 The neighbourhood is within the Doncaster Hill Major Activity Centre. Characterised by large, mixed-use commercial and residential developments, the most intensive developments in the municipality are located in this vicinity. Development has occurred on larger lots or on consolidated holdings to maximise development potential. See Figure 2.

Figure 2: The Neighbourhood – aerial photograph 3 December 2020.

2.24 The schedule of the ACZ divides the Activity Centre into precincts and sub-precincts. Figures 3 and 4 identifies their location in the neighbourhood.

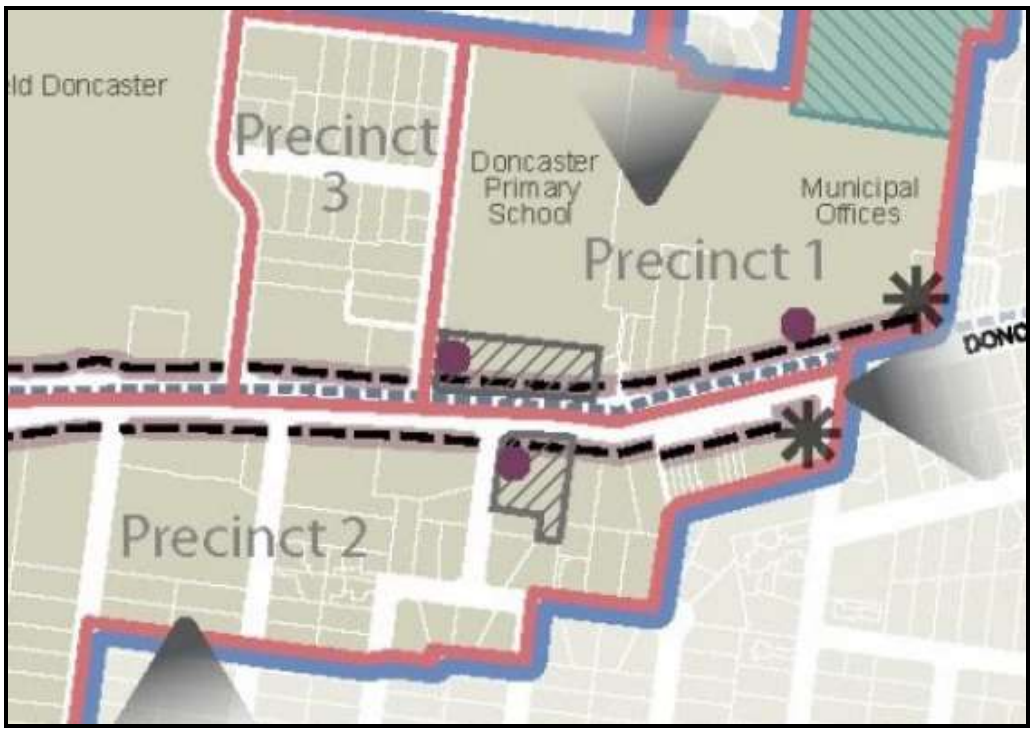


Figure 3: Precinct 1, 2 and 3 locations – ACZ1

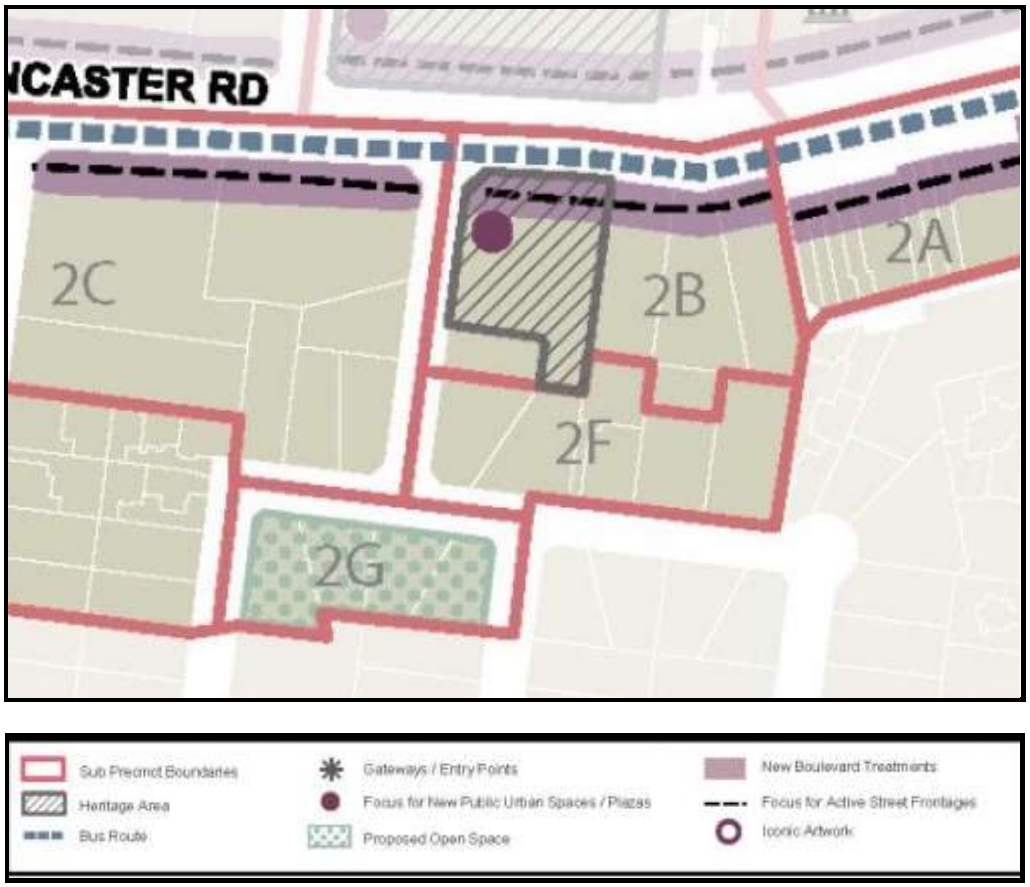


Figure 4: Sub-precinct 2 boundaries – ACZ1

2.25 Development in the Activity Centre includes the Westfield Doncaster Shopping Centre where higher-order retail and commercial goods and services are provided to the region (sub-precinct 4A of the ACZ1). The shopping centre, and the Doncaster Hill Major Activity Centre more broadly, are serviced by numerous bus routes from Melbourne's CBD and from across eastern Melbourne at the bus interchange accessed from Williamsons Road.

2.26 Larger developments near the site include:

- Manningham Council Civic Centre, including MC2 (sub-precinct 1B): 699 Doncaster Road.

- The Nest (sub-precinct 2C): 642 Doncaster Road (Planning Permit PL01/012626 – constructed). Eleven storey building containing 150 apartments, restricted retail office, café and basement car parking.

- The Bunnings Site (sub-precinct 3C): 659 Doncaster Road (Planning Permit P12/022747 - under construction). Trade supplies, restricted retail premise and retail premises; the construction of three multi-storey buildings [in three stages] comprising apartments and the above uses and basement car parking.

- 666 Doncaster Road (sub-precinct 2C): Planning Permit PL16/026965 – not yet commenced. Use and development of the land for the construction of a 13-storey building comprising dwellings, a restaurant and 3 retail premises, associated basement car parking, a reduction to the standard car parking requirements, variation to the carriageway easement E-2 on Title Plan 322585J, variation to the standard loading and unloading requirements and alteration of access to a road in a Road Zone, Category 1. The permit remains valid due to an approved extension of time request, and will expire if construction is not commenced by 23 October 2021.

- 682-684 Doncaster Road (sub-precinct 2B): Planning Permit PL14/024719 – not yet commenced. Demolition (retrospective) and construction of a 10-level building with roof terrace and 3 levels of basement car parking, providing retail premises and food and drink premises (restaurant) at ground level (an on-premises liquor licence for the restaurant use) and 275 dwellings above. The permit remains valid due to an approved extension of time request approved, and will expire if construction is not commenced by 2 June 2023.

- Magnolia (sub-precinct 2C): 20 Hepburn Road (Planning Permit PL11/021760 – constructed). Construction of an apartment building comprising 176 apartments and basement car park.

- Hepburn (sub-precincts 2B & 2F): 8 – 10 Hepburn Road (Planning Permit PL11/021855 – constructed). Five storey building comprising 67 apartments and associated basement level car parking.

2.27 Doncaster Road is a major arterial road with three traffic lanes in either direction separated by a raised kerb median. The speed limit reduces from 70 km/h to 60km/h in front of the Site westbound. The outer traffic lanes in each direction are bus lanes and limited Clearways operating between 7am-9am and 4pm-7pm. Doncaster Road is zoned Road Zone, Category 1.

2.28 To the south of the site the four properties between Walker Street and Clifford Road that front Hepburn Road on its southern side are within sub-precinct 2G of the ACZ1. Although currently developed with single detached dwellings, sub precinct 2G identifies this land for future open space. The property at 9 Hepburn Road has a Public Acquisition Overlay, Schedule 1 applying to it for the purposes of open space.

2.29 Other properties south of Hepburn Road are located within the General Residential Zone, Schedule 2. These properties are characterised by one and two storey detached dwellings on standard-sized residential allotments – see Figure 5.

Planning Scheme Permit Triggers

2.30 A permit is required under the following clauses of the Manningham Planning Scheme:

- Clause 37.08-2 (Activity Centre Zone, Schedule 1): to use the land for a place of assembly, food and drink premises, offices and a child care centre. The condition requirements opposite each use in the schedule have been met.

- Clause 43.01 (Heritage Overlay, Scheduled 46): to demolish or remove a building and to construct a building or construct or carry out works.

- Clause 52.06 (Car Parking): for the reduction in car parking requirements for the child care centre, food and drink premises, place of assembly and offices.

- Clause 52.29 (Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road): to create or alter access to a road in a Road Zone, Category 1.

2.31 Zone and Overlay maps applying to the site form part of Attachment 3.

Planning History

2.32 The site's planning history comprises a mix of planning scheme amendments and planning permit applications. The most recent development approved for the site under Planning Permit PLN18/0571 is summarised below. The remainder of the planning history forms part of Attachment 3.

2.33 Planning Permit PLN18/0571: 674-880 Doncaster Road, 14, 14A, 16 & 18 Hepburn Road and 2 Short Street Doncaster was issued on 3 July 2019. At the time the report was prepared, a Restriction Covenant existed on 18 Hepburn Road that has since been removed. The permit approved the partial demolition of the existing church building, the use and development of the land for a 13-storey mixed-use building comprising dwellings, a place of assembly, child care centre, food and drink premises and offices, a reduction in standard car parking requirement and the creation and alteration of access to a road in a Road Zone, Category 1. The height of the building complies with the mandatory height requirements prescribed in sub-precincts 2B (29 metres) and 2F (14.5 metres) in the ACZ1.

2.34 Plans for the development have not been endorsed and the development has not commenced. The Permit will expire if the development is not started within 4 years from the issue date of the permit (3 July 2023).

3. DISCUSSION / ISSUE

3.1 This report recommends that authorisation be sought from the Minister for Planning to prepare and exhibit the combined Planning Scheme Amendment C127mann and Planning Permit Application PLN20/0303 made under section 96A of the *Planning and Environment Act* 1987 for the properties at 674-880 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster.

3.2 As the amendment request is in two parts, an assessment and officer response to the planning scheme amendment and the planning permit application are made separately:

Planning Scheme Amendment

<u>What changes are requested to the planning scheme?</u>

3.3 The maximum building height controls that apply to the Site are mandatory controls, i.e. they cannot be varied by a planning permit. Therefore, the controls must be changed by a planning scheme amendment to allow the development proposed under Planning Permit Application PLN20/0303 to be approved.

3.4 Amendment C127mann proposes to amend the Manningham Planning Scheme by:

- Re-aligning the boundary of sub-precincts 2B and 2C in Schedule 1 to the ACZ, by extending sub-precinct 2C to incorporate the properties at 674-680 Doncaster Road and 2 Short Street, Doncaster, which are currently located within sub-precinct 2B. See Figure 5.

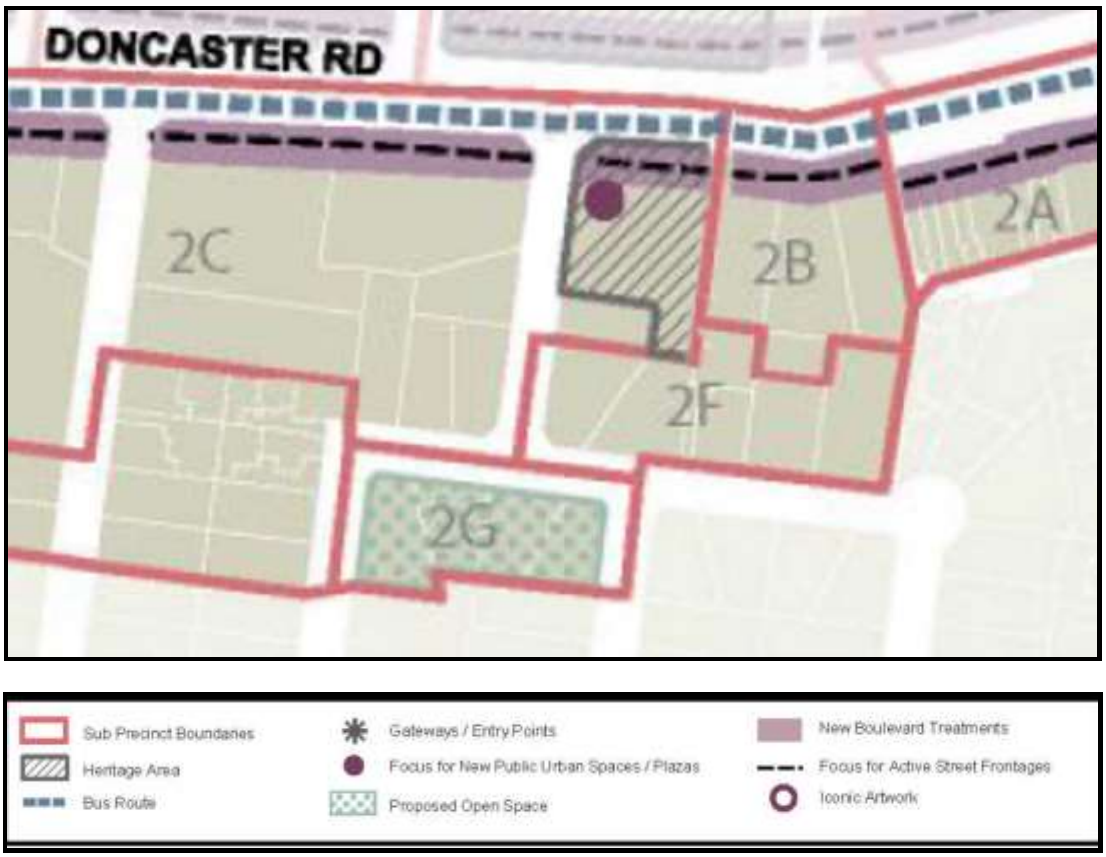


Figure 5: Proposed Precinct Boundaries, Schedule 1 of the ACZ

3.5 If approved, the amendment will result in the following changes to the Site:

- Maximum height (excluding the basement) increases from 29 metres (sub-precinct 2B) to 40 metres (sub-precinct 2C);
- Design element height increases from 5.8 metres above maximum height (sub-precinct 2B) to 8.0 metres above maximum height (sub-precinct 2C); and
- Setbacks from the front tower edge from the front boundary increases from 9 metres (sub-precinct 2B) to 11 metres (sub-precinct 2C).

3.6 The properties within the Site at 14, 14A, 16 & 18 Hepburn Road, Doncaster are located within sub-precinct 2F. No alterations to the boundary of sub-precinct 2F are proposed in the amendment request. The 14.5 metre maximum height control that applies to these properties will therefore remain unchanged. There is no design element height specified for sub-precinct 2F.

3.7 No other changes are proposed to the Scheme.

Is there strategic justification to adjust the sub-precinct boundary?

Built Form

3.8 The Proponent contends the current height controls in the ACZ1 will cause a *dip* in the built form along the southern side of Doncaster Road, restricting potentially desirable built form outcomes and resulting in poor urban design. The *dip* refers to the Site having lower relative maximum building heights than is achievable for the properties either side of it fronting Doncaster Road.

3.9 The Proponent also believes that an anomaly exists between the height of their development approved under Planning Permit PLN18/0571 at the rear of the site comprising 2 Short Street and 14-18 Hepburn Road and the development constructed on the adjoining site at 8 Hepburn Road, despite both sites having a mandatory 14.5 metre height limit.

3.10 This *dip* would occur for two reasons. The first being that Doncaster Road slopes down to the west from the east. The property at 682-684 Doncaster Road that adjoins the eastern boundary of the Site is more elevated than the Site and has natural ground levels reducing from 126.5 metres to 125.0 metres AHD at the common boundary with the Site. The Site has natural ground levels reducing from 125.0 metres to 123.0 metres AHD at the Short Street/Doncaster Road intersection.

3.11 Both of these properties are within sub-precinct 2B and are subject to the 29 metre mandatory height control with a 5.8 metre design element extension permitted above. This creates the effect that the building approved at 682-684 Doncaster Road (Planning Permit PL14/024719) appears one storey higher than the building that has been approved on the Site (Planning Permit PLN18/0571) – see Figure 6.

3.12 The second reason is due to the substantially higher built form allowed in sub-precinct 2C on the western side of Short Street which allows 40 metre high buildings to be approved. Opposite the Site, the building approved at 666 Doncaster Road (Planning Permit PL16/026925) has a built form about three storeys higher than the development approved at the Site – see Figure 6.

3.13 An Urban Design Assessment (UDA) prepared by Ethos accompanied the amendment request to review the urban design context, or built form analysis, of the Site as it relates to the broader Doncaster Hill Activity Centre and makes recommendations regarding appropriate changes to the Scheme. The study includes analysis of the vision and objectives for the Doncaster Hill Major Activity Centre and the constructed and approved developments in the vicinity of the Site.

3.14 Modelling indicating relative height differences in the developments approved at 666 Doncaster Road (Planning Permit PL16/026925), the Site (Planning Permit PLN18/0571) and 682-684 Doncaster Road (Planning Permit PL14/024719) was provided in the UDA. The depiction of these developments in Figure 6 illustrates the *dip* along Doncaster Road referred to by the Proponent.

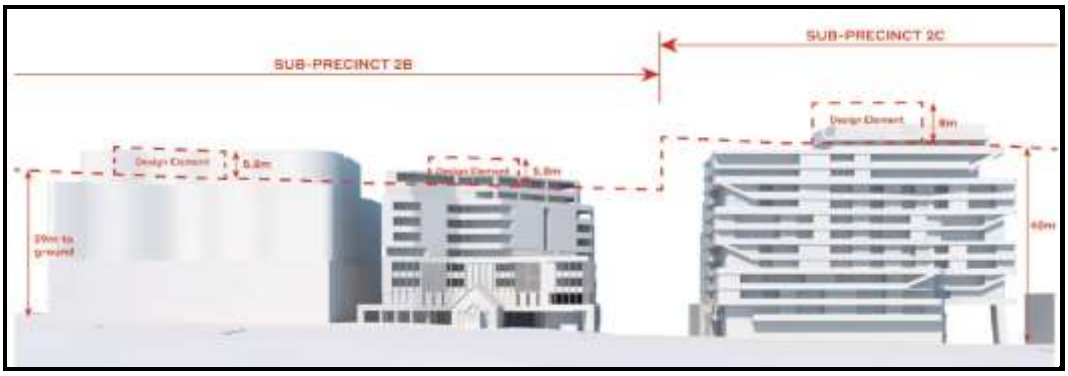


Figure 6: Developments approved at 682-684 Doncaster Road (left), the Site (centre), and 666 Doncaster Road (right)

3.15 Proposed Planning Permit Application PLN20/0303 was presented in a separate illustration (replacing the building approved under Planning Permit PLN18/0571) to indicate the alternative built form these three developments would create, should the development be approved. Figure 7 includes the adjusted sub-precinct boundary 2C proposed in the amendment, to allow for an increased building height for the Site.

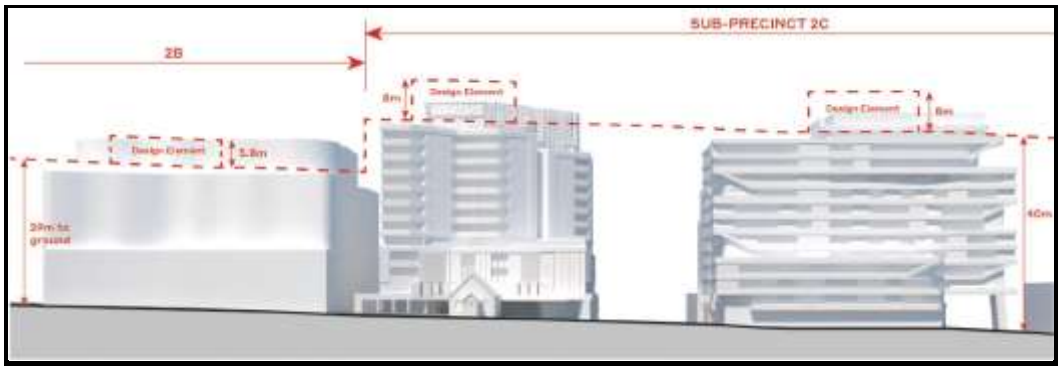


Figure 7: Developments approved at 682-684 Doncaster Road (left), proposed Planning Permit Application (PLN20/0303), and 666 Doncaster Road (right)

3.16 The Proponent's preferred development outcome for the Site is in Figure 7. In support, the Proponent argues in the UDA that the new building height would facilitate a more coherent streetscape presentation to Doncaster Road. The summit of the built form profile moves east with the topography. In addition it is their opinion that a height increase to 40 metres for the Site would have no greater visual dominance in the Doncaster Road streetscape or skyline profile - it merely avoids the *dip* that would occur if the existing controls are retained.

3.17 One potential impact from additional building height is increased overshadowing. An assessment of the overshadowing impacts on the Hepburn Reserve, to the south of the Site, by the Proponent, indicates that no additional shade will be cast onto the Reserve at the equinox. However some additional overshadowing will occur there at the solstice, but this is less than the overshadowing generated by the apartment building at 20 Hepburn Road approved under Planning Permit PL11/021760.

3.18 Council officers concur with the Proponent's position on built form. Figure 6 clearly illustrates that the transition in buildings heights along this section of Doncaster Road are inconsistent and would result in an incongruous relationship between them.

3.19 The topographical characteristics of Doncaster Hill were considered in the Strategy as a basis to determine the building height controls that are now in effect under the ACZ1. As mentioned, the over-arching vision for the Activity Centre is for the tallest buildings to be located on the highest parts of the Hill, with buildings of lesser heights being located towards the external boundaries of the ACZ1. The Building Height Diagram identified in the Strategy identify the properties along the Doncaster Road ridgeline as the most elevated properties in the Activity Centre.

3.20 The strip of one and two-storey commercial properties that are located east of the property at 682-684 Doncaster Road are located in sub-precinct 2A, where the maximum permissible building heights are 21.5 metres under the ACZ1, with a 4.3 metre design element permitted above. Sub-precinct 2A is at the eastern edge of the ACZ1 and provides a reduction in the building heights to the adjoining sub-precinct 2B.

3.21 The additional heights that would be achieved in the amendment are considered to be generally consistent with the vision in the Strategy. The Doncaster Road ridgeline is the most elevated land in the ACZ1 where taller buildings are encouraged. The transition in reduced building heights from the property at 666 Doncaster Road to the eastern edge of the ACZ1 (sub-precinct 2A) is achieved. And the incongruous relationship in building heights on this part of Doncaster Road (Figure 6) would be removed.

3.22 The form and appearance of individual buildings is important due to the design outcomes sought in the ACZ1, but it is considered equally important that adjacent buildings provide a cohesive presentation to a street frontage, to achieve good urban design. Adjusting sub-precinct boundary 2C to include the Site will achieve an improvement in the built form relationships of these buildings from the additional height it provides.

3.23 At the southern end of the Site, the properties 14, 14A, 16 and 18 Hepburn Road are within sub-precinct 2F. No changes to this sub-precinct are proposed.

3.24 The mandatory height controls in effect in the ACZ1 will ensure that buildings cannot be approved above the prescribed heights.

3.25 The built form analysis is supported.

Planning Practice Notes

3.26 Planning Practice Notes provide ongoing advice to councils about the operation of the Victoria Planning Provisions, planning schemes, and a range of planning processes and topics.

3.27 Two Planning Practice Notes are relevant to Amendment C127mann as follows (copies of these practice notes form part of Attachment 3):

Planning Practice Note 59 – The Role of Mandatory Provisions in Planning Schemes

3.28 The maximum height, design element height and setback provisions contained in the ACZ1 are mandatory controls, i.e. there is no opportunity to vary these requirements, other than by a planning scheme amendment.

3.29 In the preparation of Planning Scheme Amendment VC59, the use of mandatory development provisions was considered the appropriate method for achieving the built form outcomes sought for the Doncaster Hill Activity Centre. Strategic justification for them was provided in the amendment, and since the gazettal of the ACZ1 on 17 September 2009 they have proved effective in delivering the outcomes sought.

3.30 Amendment C127mann is not proposing to replace the mandatory controls contained in the ACZ1 with discretionary controls.

Planning Practice Note 60 – Height and Setback Controls for Activity Centres

3.31 Planning Practice Note 60 (PPN60) was last reviewed in September 2018. PPN60 provides guidance on the DELWP's preferred approach to the application of height and setback controls in Activity Centre.

3.32 In the section, *Development of height and setback controls* (page 2), PPN60 states:

> *Height and setback controls can be appropriate so long as they are not aimed at restricting the built form, but facilitating good design outcomes.*
>
> *Proposed height and setback controls must be soundly based on the outcomes of strategic research and background analysis that demonstrates consistency with state and regional policy and includes a comprehensive built form analysis.*

3.33 In addressing this statement position, the following responses are made under the relevant headings provided in PPN60:

Consistency with State and Regional Policy

3.34 Amendment C127mann is site specific and relates to land at 674-680 Doncaster Road and 2 Short Street, Doncaster, located with sub-precinct 2B of the ACZ1. It only consists a small part of the entire Activity Centre. The amendment is not seeking to introduce a suite of new controls over a broad area identified in new any strategic work.

3.35 The proposed amendment, seeking to re-align sub-precinct boundary 2C to apply it to the site to allow for increased building height, is considered to be consistent with state and regional policy.

3.36 The assessment of state and regional policy applies also to Planning Permit Application PLN20/0303.

3.37 Clause 11 (Settlement)

- *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements* (clause 11.01-1S).

- *To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community* (clause 11.03-1S).

- Clause 11.03-1R contains the strategy *Support the development and growth of Metropolitan Activity Centres by ensuring they:*

    - *Are able to accommodate significant growth for a broad range of land uses.*

    - *Are supported with appropriate infrastructure.*

    - *Are hubs for public transport services.*

    - *Offer good connectivity for a regional catchment.*

    - *Provide high levels of amenity.*

3.38 Amendment 127mann maintains the provision of sustainable growth and the concentration of the range of mixed uses currently permitted under the ACZ1. The Site is supported with high level infrastructure and public transport is readily accessible.

3.39 <u>Clause 15 Built form and Heritage</u>

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity* (clause 15.01.1S).

- *To create a distinctive and liveable city with quality design and amenity* (clause 15.01-1R).

- *To achieve building design outcomes that contribute positively to the local context and enhance the public realm* (clause 15.01-2S).

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place* (clause 15.01-5S).

- *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions* (clause 15.02-1S).

- *To ensure the conservation of places of heritage significance (clause 15.03-1S).*

3.40 The amendment is a refinement of the planning scheme controls that currently apply to the Site. With no other changes proposed to the ACZ1 controls, that would impact development opportunities for the entire ACZ1, Amendment C127mann is considered to maintain the existing urban environment that is safe, functional. The proposal contributes to the sense of place and cultural identity of Doncaster Hill.

3.41 The building design proposed in response to the requested altered sub-precinct boundary 2C removes the incongruous built form presentation in this part of Doncaster Road that would be created under the existing planning controls by virtue of the topographical differences of the Site to adjoining land. In this regard, the neighbourhood character and a sense of place of the immediate area are protected.

3.42 The proposed development has been designed having regard for energy efficiency principles. These are discussed in the assessment of the development application section of this report.

3.43 The heritage listed church fronting Doncaster Road is to be retained. Only the later additions to the building which have no heritage value are proposed to be demolished.

3.44 Clause 16 Housing

- *To facilitate well-located, integrated and diverse housing that meets community needs* (clause 16.01-1S).
- Clause 16.01-1R contains the strategy *Manage the supply of new housing to meet population growth and create a sustainable city by developing housing and mixed use development opportunities in locations that are:*
    - *Metropolitan activity centres and major activity centres.*
- *To deliver more affordable housing closer to jobs, transport and services* (clause 16.01-2S).

3.45 Amendment C127mann (and the proposed development) is located within the ACZ1 and is well-located. The development provides a range of one, two and three unit apartments creating residential choice that adds to the diversity of the residential stock in Manningham.

3.46 As part of the proposal, the Proponent has agreed to provide ten apartments for affordable housing. This will be secured under a Section 173 Agreement.

3.47 Clause 17 Economic Development

- *To strengthen and diversify the economy* (clause 17.01-1S).
- *To encourage development that meets the community's needs for retail, entertainment, office and other commercial services* (clause 17.02-1S).

3.48 The proposed mix-use development includes residential accommodation, a place of assembly, a child care centre, two food and drinks premises and offices. This range of uses is considered to strengthen and diversify the economy and community's needs for these services.

3.49 Clause 18 Transport

- *To create a safe and sustainable transport system by integrating land use and transport* (clause 18.01-1S).
- *To promote the use of sustainable personal transport* (clause 18.02-1S).
- *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes* (clause 18.02-2S).
- *To ensure an adequate supply of car parking that is appropriately designed and located* (clause 18.02-4S).

3.50 The proposed development is located in close proximity to the bus interchange at the Westfield Doncaster Shopping Centre that services the Activity Centre and the surrounding areas, providing access to the Melbourne CBD and eastern Melbourne more broadly. A high level of public transport is available.

3.51 The proposal include provision for bicycle parking for occupants and visitors and car parking within the development that has been assessed adequate to meet the needs of the development.

3.52 Clause 19 Infrastructure

- *To provide fairer distribution of and access to, social and cultural infrastructure* (clause 19.02-4S).
- *To facilitate the timely provision of planned infrastructure to communities through the preparation and implementation of development contributions plans and infrastructure contributions plans* (clause 19.03-1S).
- *To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community* (clause 19.03-2S).
- *To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach* (clause 19.03-3S).

3.53 Development Contributions Plan Overlay, Schedule 1 - Doncaster Hill Development Contributions Plan applies to the Site. Conditions for the monetary payment towards transport, streetscape, public art and social infrastructure, as required, have been included in the draft planning permit. This will ensure the infrastructure needs of the community are met.

3.54 Conditions have also been included requiring a third pipe connection to the proposal for the recycling of grey water from the Site. In addition to this, a series of water conservation conditions have been included in the draft permit for the development.

3.55 Amendment C127mann is considered to be consistent with and support all relevant state and regional policies.

Affordable Housing

State Policy

3.56 The Victorian Government has amended the *Planning and Environment Act* 1987 (the Act) to define affordable housing. This is to encourage an increase in affordable housing through local councils seeking a voluntary affordable housing contribution, as part of planning approval processes.

3.57 The definition of Affordable Housing under the Act is:

Section 3AA:

(1) *For the purposes of this Act, affordable housing is housing, including social housing, that is appropriate for the housing needs of any of the following—*

(a) very low income households;

(b) low income households;

(c) moderate income households.

(2) For the purposes of determining what is appropriate for the housing needs of very low income households, low income households and moderate income households, regard must be had to the matters specified by the Minister by notice published in the Government Gazette.

(3) Matters specified by the Minister by notice under subsection (2) cannot include price ranges or prices for the purchase or rent of housing.

3.58 Pursuant to section 3AB of the *Planning and Environment Act 1987*, an Order in Council was gazetted which specifies the income levels appropriate for Affordable Housing in relation to the three income categories specified in section 3AA.

3.59 Social housing is a category of Affordable Housing that is provided to eligible households, with rents subsidised to ensure that households pay an affordable rent. Social housing is housing that is owned by the Director of Housing (public housing) as well as housing that is owned or managed by registered housing agencies (community housing). Both public and community housing provide secure and affordable housing to a range of individuals and families and are regulated by the *Housing Act* 1983. Community housing providers are also registered and regulated by the state government through a regulatory framework overseen and implemented by the Registrar of Housing.

Local Policy

3.60 Council's *Affordable Housing Strategy and Action Plan 2010-2020* set an aspirational target that by 2020, 10% of housing units within Doncaster Hill will be affordable housing units.

3.61 It is noted that Council's *Affordable Housing Policy and Action Plan 2010–2020* has not been updated to take account the amendments to the *Planning and Environment Act 1987* in relation to Affordable Housing identified in sections 3.56 and 3.57 of this Report, nor the three income thresholds previously referred to in sections 3.58 and 3.59 of this Report. For these reasons, Council's existing policy does not further Council's objectives with respect to this development.

Proponent Affordable Housing Offer

3.62 The Proponent has indicated a willingness to provide Affordable Housing at the level of not less than 10 dwellings if the Amendment and Permit application are supported by Council, and an acceptance that these Affordable Housing dwellings be "tenure blind", namely constructed with the same type and quality of finishes as any other apartments within the Development.

3.63 The Developer has also indicated that the Affordable Housing is likely to be 1 or 2 bedroom apartments, to be situated in the lower level (especially if disability accommodation is to be provided) and may form part of the National Rental Affordability Scheme and/or the National Disability Insurance Scheme. It is not known what the ownership structure will be at this stage, including whether a registered housing association is to be involved or a trust, or some other entity or a combination of the same.

3.64 This offer of ten Affordable Housing units is four more than the six Affordable Housing units which were provided under Planning Permit PLN18/0571. The provision of Affordable Housing is consistent with State government policy 16.01-2S (Affordable Housing) under the Scheme.

3.65 The additional 41 dwellings to be provided under the amendment equates to providing an additional 9.75% dwellings - which is considered to meet the 10% target for the additional dwellings being proposed. This is consistent with Councils aspirational target of 10% Affordable Housing, as sought in Councils *Affordable Housing Strategy and Action Plan 2010-2020.*

3.66 The offer made was for a price reduction of 5% in the sales price for each of the ten units. This is unacceptable to Council as the offer does not meet the statutory definition of Affordable Housing under the Act relating to income households. And, on this basis, the offer would not provide a community benefit.

3.67 To provide community benefit, Affordable Housing must be provided as defined under the Act.

3.68 The proponent has indicated that there needs to be some flexibility about the nature, location and ownership structure of such Affordable Housing, pending the outcome of the Developer's further negotiations with Affordable Housing providers and that the Affordable Housing provision should be tenure blind. This is considered reasonable.

3.69 It is also proposed to require Council to give its approval to the initial owner and occupier of each affordable housing dwelling to ensure the Affordable Housing requirements have been satisfied at the outset of the commencement of ownership and use of the affordable housing dwellings for the intended purpose.

3.70 To achieve this outcome, Council officers are of the opinion that there is no necessity to require the number of Affordable Housing dwellings to be allocated to one of the three income thresholds. It is premature to know what the demand will be for the units based upon income thresholds for people in Manningham. What is important however, is that at least ten units are provided for Affordable Housing, to be allocated at the discretion of the Housing provider, and provided in accordance with the definition provided under the Act.

3.71 Affordable Housing is secured under a mutually agreed to Section 173 Agreement between the Proponent and Council and must be signed by all parties before the Amendment is sent to the Minister for Planning for approval, at the latest.

The affordable housing dwellings must satisfy the following:

- be not less than 10 in number, which are likely to be one or two bedroom apartments;
- to be tenure blind with finishes reflecting all other apartments within the development and fully integrated into the development;
- the ultimate location will reflect the needs of the occupant or provider, can be grouped together or spread throughout the development and are likely to be in the lower levels;
- all residents must satisfy one of the prescribed income ranges contained in the Ministerial Order entitled 'Specification of Income Ranges' published in the Victoria Government Gazette No. G23 dated 26 June 2019 at page 1070 pursuant to section 3AB of the *Planning and Environment Act 1987*;

- any of the dwellings can be used for disability purposes or form part of the National Disability Insurance Scheme or the National Rental Affordable Scheme, provided the dwellings satisfy all the other requirements of Council as specified herein;
- the need for flexibility with respect to models of ownership and management of the dwellings is acknowledged, including third party Affordable Housing providers, trusts and the like; and
- Council requires the initial owner and occupier of each dwelling to be approved of in writing by Council to ensure that Council's requirements in respect of affordable housing dwellings, as outlined herein, are satisfied.

3.72 The provision of four additional Affordable Housing units, above that approved under Planning Permit PLN18/0571, has been made as part justification for the additional four storeys and 41 additional apartments that would be obtained under Planning Permit Application PLN20/0303, should it be approved. This is considered to be a reasonable trade off in the circumstances, particularly given the inclusion of other community facilities in the development, the policy support and urban design justifications for the development proposal and the lack of any requirements under the Manningham Planning Scheme. There is considered to be an overall net community benefit should the Amendment be approved.

4. PLANNING PERMIT APPLICATION

Development Proposal

4.1 The proposal is outlined on the plans prepared by DesignInc Architecture Urban Design Interiors, Project No.16040, Revision TP7, dated 15 January 2021 – See Attachment 4 – Decision Plans.

4.2 The following plans / reports are also provided in support of the application:

- Urban Context Report and Design Response prepared by Hollerich Town Planning and dated 19 October 2020;
- Town Planning Report prepared by Hollerich Town Planning and dated October 2020;
- Urban Design Assessment, prepared by Ethos Urban, Amendment B, dated 11 November 2020;
- Sustainability Management Plan, prepared by Lucid Consulting Australia and dated 16 October 2020;
- Stormwater Management Report and associated MUSIC model, prepared by Adams Consulting Engineers and dated 12 January 2021;
- Design Response (Town Planning Architectural Documents) and Perspectives, prepared by DesignInc Architecture Urban Design Interiors, Project No.16040, Revision TP7, dated 2 November 2020;
- Heritage Impact Statement, prepared by Trethowan Architecture and dated 4 May 2020;
- Acoustic Design Criteria Assessment Letter, prepared by Acoustic Logic and dated 14 May 2020;
- Wind Report (Pedestrian Wind Environment Study) prepared by Windtech Consultants and dated 4 November 2020;

- Traffic Impact Assessment prepared by GTA Consultants, dated 8 May 2020;
- Waste Management Plan prepared by Leigh Design, dated 8 May 2020;
- Green Travel Plan prepared by Traffix Group, dated 8 May 2020;
- Vision Document – Doncaster Church of Christ, prepared by Chapelhill Development Group and submitted with the application.
- Clause 58 Apartment Compliance Schedule, completed by Hollerich Town Planning and submitted 18 January 2021;
- Development Summary Table, dated 3 November 2020;
- Residential Carpark Schedule, dated 21 October 2020;
- Development Summary Comparison, dated 11 May 2020;
- Draft Track Changes to original Permit, prepared by Hollerich Town Planning and submitted with the original application in July 2020.

Development Summary

4.3 A summary of the development is provided as follows:

Element	Details		
Building Details	• Total Site Area – 6583sqm • Site coverage 46.5% • Site Permeability 4.1%		
Building Levels	• 17 Levels - above ground (including part-basement/car-parking levels due to the slope of the site). • 5 basement levels (comprising 2 separate basements		
Building Height	• 46.8m (to the top of the design element to NGL below) • Maximum Design Element (Precinct 2C) – 8m		
Design Element (Top levels)	Level 15 - (388sqm 15% of roof area) Level 16 - (352sqm 13.6% of roof area) Level 17 (top) - (298sqm 11.5% of roof area)		
Area Use Details	Use	Area	Capacity
	Childcare	1009sqm	120 children
	Hall	483sqm	400 patrons
	Auditorium	573sqm	650 patrons
	Chapel	81sqm	150 patrons
	Office	1123sqm	N/A
	Food and Drink	317sqm	N/A

Basements	Residential Basement 1 (over 3 levels): ○ Total of 287 residential car spaces (including 18 residential visitor spaces) ○ Bicycle parking room (77 bicycle spaces); ○ 1 waste storage/bin room; ○ 5 internal stair access points; ○ 2 internal lift areas with a total of 3 lifts; ○ Storage areas and rooms on each level; ○ Rainwater tank (capacity not specified); ○ Loading dock access - loading dock includes: • Separate bin room; • Separate service lift; and • Rainwater tank area/access; • Services rooms. Non- Residential Basement 2 (over 2 levels): ○ Total of 193 residential car parking spaces; ○ Bicycle parking area (15 bicycle spaces); ○ 2 storage cage areas; ○ 5 internal stair access points; ○ 2 internal lift areas with access to a total of 3 lifts; ○ Services rooms.
	480 total car spaces, inclusive of: • 287 residential car spaces (including 18 residential visitor spaces) • 193 shared (non-residential uses) spaces
Residential Car Parking	239 residents car spaces required – 269 provided (surplus 30) 17 resident visitor car spaces required – 18 provided (surplus 1)
Non-Residential Uses operating times	The non-residential uses are proposed to have the following operating times: • Place of Assembly (427 patrons capacity) – 8am-5pm (weekdays); • Place of Assembly (650 patrons capacity) - 5pm-11pm weekdays/weekends; • Office – 7am-6pm weekdays; • Childcare (120 capacity) – 6am-7pm weekdays;

Non-Residential Uses Car Parking	<u>Weekdays:</u> Non-Residential Uses maximum car parking required: • Place of Assembly (5pm-11pm) – 195 spaces • Office (7am-6pm) – 28 spaces • Childcare (6am-7pm) – 26 spaces • Food and Drink (7am-10pm) – 11 spaces Total Non-Residential Uses car parking spaces provided and required at different weekday times: • 6am - 5pm – 193 required (no reduction) • 5pm - 6pm – 260 required (reduction of 67) • 6pm - 7pm – 232 required (reduction of 39) • 7pm - 10pm – 206 required (reduction of 13) • 10pm - 11pm – 195 required (reduction of 2) <u>Weekend:</u> Non-Residential Uses maximum car parking required: • Place of Assembly (8am-11pm) – 195 spaces • Food and Drink (7am-10pm) – 11 spaces Total Non-Residential Uses car parking spaces required and provided at weekend: • 7am – 10pm – 206 required (reduction of 13) • 10pm-11pm – 195 required (no reduction)
Affordable Housing	10 units / apartments (not specified / allocated)
Residential Communal Space	786 square metres – • 123 square metres at Level 4 (landscape garden terrace) • 430 square metres at Level 8 (pool/deck/amenities/dining room/theatre) • 233 square metres at Level 16 (landscape garden terrace)
Setbacks (minimum)	Doncaster Road (Northern boundary): ○ Basements – 13.1m ○ Ground floor – 10.3m ○ Level 5-7 – 5.0m ○ Level 8-13 – 13.1m ○ Level 14 – 17.1m ○ Level 15 – 16.5m ○ Level 16 – 21m

	○ Level 17 – 20m Southern boundary (Hepburn Road): ○ Basements – 5m ○ Ground floor – 5.45m ○ Level 1-7 – 4.9-5.45m ○ Level 8 – 39m ○ Level 15 – 44m ○ Level 16 – 52m ○ Level 17 – 56m Eastern boundary: ○ Basements – 0m or 4.5m (southern portion) ○ Ground floor – 4.5m-4.6m ○ Level 1-15 – 4.5-4.6m ○ Level 16 – 10.7m ○ Level 17 – 12.1m Western boundary (Short Street): ○ Basements– 5m or more ○ Ground floor – Level 3 – 4.5m-4.6m (protruding exit stair to 2.8m) ○ Level 4 – 5 – 4.57m (protruding exit stair to 2.8m) ○ Level 6 – 7.1m ○ Level 8 – 7.7m ○ Level 11-15 – 7.7m ○ Level 16 – 8.7m ○ Level 17 – 8.7m

Uses

4.4 The residential use within the mixed use building is comprised of 177 dwellings in the form of 2-3 storey town houses and single level apartments.

4.5 The non-residential uses include a place of assembly, separate office (Level 5), two food and drink premises and a childcare centre.

4.6 The place of assembly will comprise the existing Heritage chapel, auditorium, hall, a number of multipurpose rooms, service areas, meeting and storage rooms and associated office, to be operated by the Uniting Church as detailed by the Doncaster Church of Christ Vision Document (Chapelhill) submitted with the application.

Height

4.7 The maximum height of the building to the roof of is 46.8 metres, located centrally to the site, to the southern side of the top of the tower / design element (as indicated on the eastern elevation).

4.8 There are no rooftop services proposed above the design element. Rooftop services are generally centrally located above the tower roof form of Level 16 and on the lower level roof form of level 7. Plant equipment is reasonably setback from boundaries and will be screened by 1.8 metre visual screens where considered necessary.

Building Design Layout

4.9 The intention of the mixed use building layout is to provide a place of assembly extending from the existing Heritage chapel to be retained, restored and modified, by providing a range of complementary multipurpose uses and rooms (including an auditorium) over two levels, including office spaces, a child care centre and two food and drink premises, with the remainder of the building developed for residential apartments and uses.

4.10 A link is proposed to the south of the Heritage chapel to expand the worship space and connect the Chapel to the balance of the development

4.11 The proposed building generally locates the non-residential uses to the lower floor levels fronting Doncaster Road and as the site falls towards the south and southeast, the building incorporates some residential townhouses and apartments to the lower levels of the southern portion of the building.

4.12 Eleven, two to three-storey townhouses wrap around the building at ground level at Short Street and Hepburn Road, with direct private access through their courtyards, from these road frontages. Apartments are also provided above these townhouses along the southern elevation and around the south-east and south-west corners of the building, from level 3 to 6.

4.13 The fall of the land to the south enables the development to accommodate all car parking centrally within 2 separate basements across 5 levels (comprising basement and partial basement levels).

4.14 The proposed place of assembly occupies an area of 3045sqm over two levels (accessible from the Doncaster Road ground level access - Level 4), incorporating an auditorium with a capacity of 650 people, a hall with a capacity of 400 people, and numerous ancillary and multipurpose rooms, as detailed by the Doncaster Church of Christ Vision Document (Chapelhill).

4.15 Two food and drink premises (with a floor area of 124sqm and 167sqm, respectively) are accessed from plazas on either side of the existing chapel, fronting Doncaster Road (at level 4). Level 5 above, contains an office space (1123sqm in size) and a child care centre (1009sqm in size) with a capacity of 120 children (and the number of staff required pursuant to relevant legislation). An extensive outdoor play area (849sqm) is also proposed. Services associated with the auditorium below, together with mezzanine seating, are also provided at this level.

4.16 The apartment tower component in the northern section of the subject site, is setback from Doncaster Road, and has a clear architectural expression that is distinct from, but relates to, the podium element. The tower angles away from the corner of Doncaster Road and Short Street and provides a considerable setback to the southern boundary (to Hepburn Road).

4.17 The proposal includes significant communal open space areas, including a south facing landscape garden terrace at level 4 (123 sqm), a pool area and deck, amenities , dining room and theatre at level 8 (430sqm) and another landscape garden terrace at level 16 (233sqm).

4.18 The application includes a proposal for ten (10) Affordable Housing units/apartments. The intended units/apartments have not been allocated or specified, given the Affordable Housing operator has not been engaged.

Pedestrian and vehicle access and layout

4.19 Multiple external access points are available to pedestrians. Access to all uses is provided via Doncaster Road, with separate lobbies accessing the residential tower from Doncaster Road and the commercial areas from Short Street. An additional residential lobby is provided from Hepburn Road. Several of the proposed townhouses that wrap around the south-east and south-west corners of the building have direct street access from Short Street or Hepburn Road.

4.20 The fall of the land to the south enables the development to accommodate all car within 2 separate basements over 5 basement and partial basement levels. The 2 basements are accessed separately from Short Street (Residential basement) and Hepburn Road (Non-residential uses basement). A loading dock and associated separate entrance is also located along Hepburn Road, which is where garbage collection is also proposed to occur.

4.21 A new crossover is also proposed to the Doncaster Road frontage that will ordinarily be obstructed by removable bollards and is designed into the plaza design. The crossover is intended for use for only weddings and funerals.

4.22 All townhouses have direct access from Short Street or Hepburn Road frontages.

4.23 All apartments have access to their apartments from a residential lobby or corridor separated from other uses.

4.24 All apartments also have access from the basement carparking to their apartment or residential lobby or corridor.

4.25 A separate residential lobby entrance for pedestrians is provided from Short Street.

4.26 A total of 116 bicycle spaces are provided for the development, incorporating 12 public bicycle hoops providing 24 bicycle spaces within the plaza fronting Doncaster Road, 77 secure bicycle spaces within the residential basement and 15 within the place of assembly/non-residential uses basement.

Design Detail

4.27 The development features a modern contemporary architectural design, which emphasises distinct forms across its podium, tower and design element components. The podium wraps around to reveal the existing chapel from both the eastern or western approaches along Doncaster Road, nestling the ground level plazas around the chapel.

4.28 The slope down Short Street reveals additional levels of the podium towards the rear of the site. The main podium level incorporating the non-residential uses is expressed through brickwork to integrate with the brickwork of the existing chapel. The lower levels are finished in light render. The interface of the development with the adjoining apartment development on the eastern side is presented with a mid-grey render.

Figure 8 - Proposed 3D detailed perspectives of north-western & south-western corner views respectively

4.29 The tower has a deliberate north-west orientation to address the intersection of Doncaster Road and Short Street, receding from the chapel below while responding to the siting and form of the approved adjoining development at 682-686 Doncaster Road. The tower is articulated through light rendered framing elements with pale bronze vertical powdercoated cladding. The three upper levels comprising the design element are distinguished from the tower through the distinctive pergola cage feature surrounding these levels.

4.30 The various entries to the 3 street frontages are visible and identifiable from the street.

4.31 External walls incorporate a mixture of materials and finishes, including light brown face brickwork, vertical profiled metal cladding and render in generally grey tones, charcoal, brown, beige and off-white.

4.32 Windows are generally aluminium with clear or obscure glazing. Balcony balustrades are either clear or opaque glass with some vertical or horizontal louvered screens. The roof form is flat with parapets to the wall edge.

Landscaping

4.33 A strong canopy tree landscape theme is proposed within the road reserves of Short Street and Hepburn Road. Canopy trees are also proposed within the plaza frontage to integrate with the Doncaster Road boulevard treatment. Beyond this, the plaza features limited landscape areas. Planting is proposed along the eastern boundary, extending from the plaza area, including along a section over basement. Additional landscaping is provided within the outdoor play area of the child care centre, within the south facing rooftop garden and central void of the tower, both at level 6 and within the residential communal outdoor open space areas at level 8 and 16.

4.34 Landscaping is detailed on the landscape plan package prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020.

5. LEGISLATIVE REQUIREMENTS

5.1 An assessment against the Legislative Requirements has been completed in Section 3 of this Report.

6. REFERRALS

External Referrals

6.1 As part of the exhibition period, there is a requirement that the amendment and planning permit application be referred formally to all of the relevant statutory authorities.

6.2 Given the proposal involves the alteration of access to Doncaster Road, officers have already referred the application to the Department of Transport (formally known as VicRoads).

6.3 The Department of Transport have advised of no objection to the proposal, subject to conditions being included on any permit issued, including the provision of a functional layout plan detailing the access arrangement from Doncaster Road.

Internal Referrals

6.4 The application was referred to a number of service units within Council. The following table summarises the responses:

Service Unit	Comments
Infrastructure Services Unit – Drainage	• No objection subject to conditions for the provision of an on-site storm water detention system.
Infrastructure Services Unit – Vehicle Crossing	• No objection subject to conditions requiring the removal of redundant crossovers and Vehicle crossing permits required for new crossovers and the side entry pit and junction pit are within the proposed crossover for the loading dock. The pits are to be modified/converted to suit the crossover profile in accordance with Council Standard Drawings and to the satisfaction of the Responsible Authority.

Service Unit	Comments
Infrastructure Services Unit – Access	• No objection subject to the provision of a Car Parking Management Plan to include appropriate signage for directional assistance, identification of entries and differing uses.
Infrastructure Services Unit – Traffic and Car Parking	• The number of car parking spaces provided is adequate. The findings of the submitted traffic report are supported. • The development will not generate any unreasonable traffic congestion within the surrounding street network.
Infrastructure Services Unit – Construction Management	• No objection subject to a requirement for the provision of a Construction Management Plan and standard site management practices conditions.
Waste Management	• A revised Waste Management Plan is required, to the satisfaction of the RA. The Waste issues and concerns are considered and assessed in the assessment section of this report.
Infrastructure Services Unit – Easements	• Given consent to build over the easement has not been obtained from Yarra Valley Water (YVW) as advised by the application documents, a condition will require YVW approval prior to approval of development plans.
Infrastructure Services Unit – Overland Flow	• No objection / no site inundation.
Environmentally Sustainable Design	• No objection subject to a requirement for revisions to the plans and the sustainability management plan, including to indicate the size of rainwater tanks and their connections, demonstrate best practice 4-star in the Green Star Design and As-Built Rating System and revised the stormwater management strategy.

Stormwater	• The submitted Sustainability Management Plan (prepared by Lucid Consulting Australia, dated 16 October 2020) demonstrates a STORM rating of 100%.
	• Council's Drainage Engineers have assessed the proposed Stormwater and seek modifications, as below:
	  • *Provide a certified copy of water quality analysis – MUSIC from the service provider for Council records;*
	  • *Locate treatment units prior to OSD is acceptable, but it is the design*

Service Unit	Comments
	engineer's responsibility to verify the levels work and flow rates work; • *Provided OSD storage volume is not acceptable - permissible site discharge and OSDstorage volume must be calculated using OSD4 programme (refer to Council's OSD Guide line for details);* • *SPELL storm Chambers are not a preferable option as a solution for OSD storage;* • *15 KL water tank must be used for toilet flushing as per report details;* • *Required to include maintenance work in 173 agreement.*
Heritage	• Objection to the proposed increase in the height of the building/tower from a heritage perspective. The Heritage matters are considered and assessed in the assessment section of this report.
Urban Design	• Urban Design Advice was prepared by MGS Architects on behalf of Council. • The Urban Design Assessment generally supportive of the proposed development, but included a number of recommendations. • An assessment against each of the recommendations is provided in the Assessment Section of this report.

7. STATUTORY PLANNING ASSESSMENT

7.1 The proposal has been assessed against the relevant state and local planning policies, the zone and overlay and the relevant particular and general provisions of the Scheme. The proposal has been assessed is to be read in conjunction with the Amendment Assessment.

7.2 The following Statutory Planning assessment is made under the headings:

- Built Form, Design and Landscaping;
- Heritage;
- Apartment Developments (Clause 58);
- Car parking, Access, Traffic, Waste, Land Adjacent to a Road Zone Category 1 and Bicycle Facilities.

Built Form, Design and Landscaping

Built Form

7.3 Within Precinct 2C (as proposed), the proposal has a tower height of 38.7m and the design element reaching a maximum height of 46.8m, which meets the mandatory maximum building heights of 40m and 48m respectively.

7.4 Within Precinct 2F, the proposal has a total height of 14.5m, which meets the mandatory maximum building height of 14.5m. Allowable encroachments above the maximum building heights will include lift overrun, plant and/or associated screens. The proposal is therefore fully compliant with maximum mandatory building heights of the ACZ1.

7.5 Under the ACZ1, the design element within Precinct 2B should not occupy more than 15% of the overall roof area of the building. The design element, incorporating part of level 15 and all of level 16 and 17, suitably comprise 15%, 13.6% and 11.5% respectively of the overall roof area, which meets the requirement.

7.6 The architectural form of the design element is supported. It includes three levels of dwellings, including two level apartments on level 16 and 17. The design element successfully provides a high quality visual feature the tower form, while being centralised and distinguished from the built form of the tower. See figure 9.

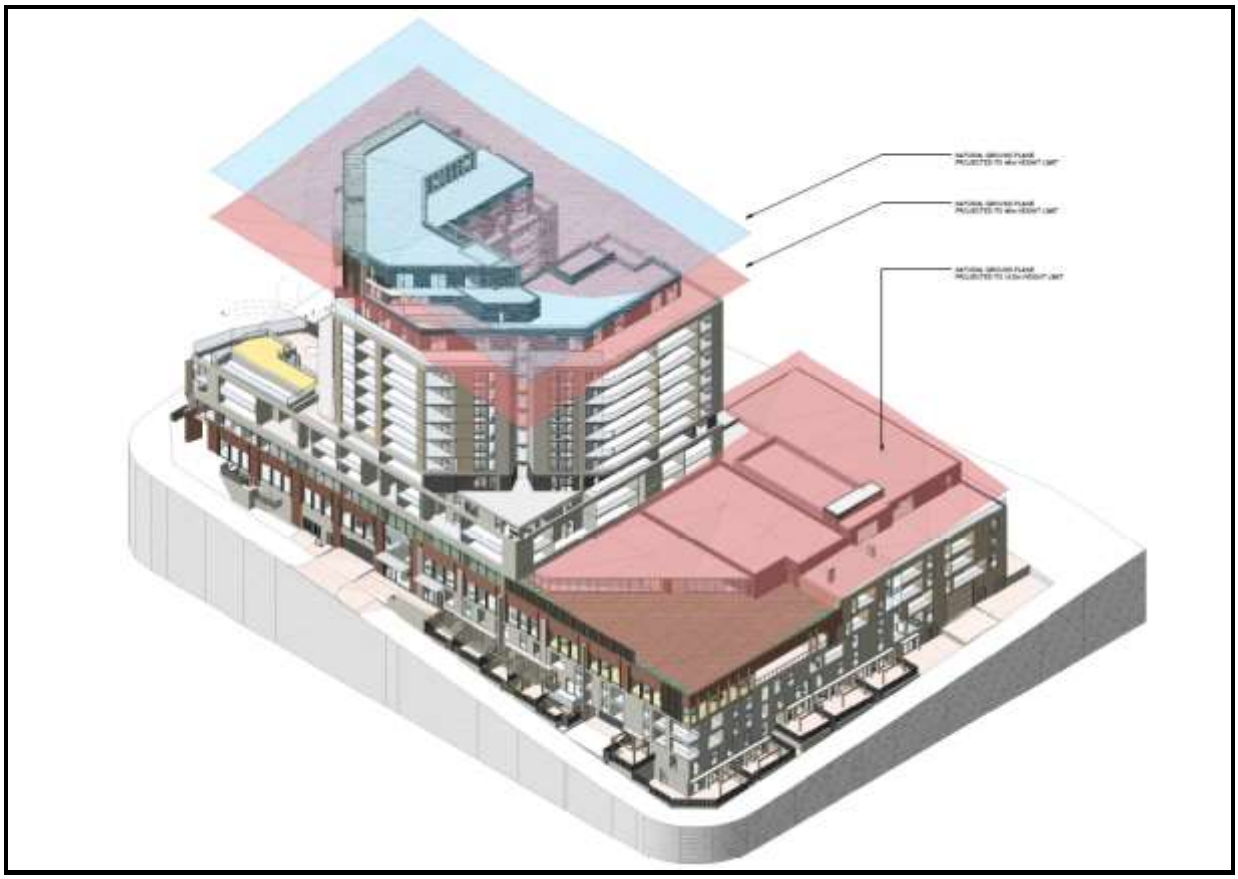


Figure 9 - Proposed 3D perspective viewed from south-west corner

7.7 The bronze metal pergola design detail extends over the external balconies and around the extent of the three levels, appearing as a cage form. See Figure 10.

Figure 10 - Proposed 3D detailed perspective viewed from north-west corner

7.8 The cage form achieves a visual weightlessness to these upper levels, in contrast to the solid built form appearance of the repeated solid vertical masonry balconies of the levels below.

7.9 The positioning of the design element is significant as it adds visual interest to the most prominent corner, being Doncaster Road and Short Street, and proposes angles which provide a relationship and continuity with the tower built form below.

7.10 Overall, the high quality design and materials, location and design of the design element continues the theme of those in nearby developments within Doncaster Hill, while providing an alternative and interesting visual and architectural feature, while aligning with the vision statement in the Doncaster Hill Strategy 2002, which seeks to emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.

Overshadowing

7.11 The Activity Centre Zone specifies that the Design Element should not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.

7.12 Due to the setbacks of the design element and the orientation of the site, the design element will cast some shadows upon 7 and 9 Hepburn Road, when measured at 12 noon on 22 June (winter solstice). See Figure 11.

Figure 11 - Proposed shadows – 22 June 12pm

7.13 The shadow diagram demonstrates that the maximum extent of shadow cast by the proposed development, indicating that it does not impact a significant area of either of these two properties. It is also noted that the recent developments to the east of the site also marginally impact the properties to the south of Hepburn Road and the recent development to the west of the site, impact the properties to the south of Hepburn Road significantly more than the proposal.

7.14 The property at 7 Hepburn Road (south-east corner) is only marginally impacted at the winter solstice, to the front and side setback of the dwelling and the property at 9 Hepburn Road (south-west corner) is part of the future Hepburn Reserve (with the 4 adjoining properties to the west).

7.15 When compared with the proposed shadows at 12pm on 22 September (the Equinox), the shadows are consistent with the ACZ1 requirement that development should not overshadow adjacent properties outside of the activity centre, between the hours of 11am and 2pm, on 22 September. The shadows at this halfway point between the winter and summer solstice, are significantly reduced to the road reserve and northern side of Hepburn Road. See Figure 12.

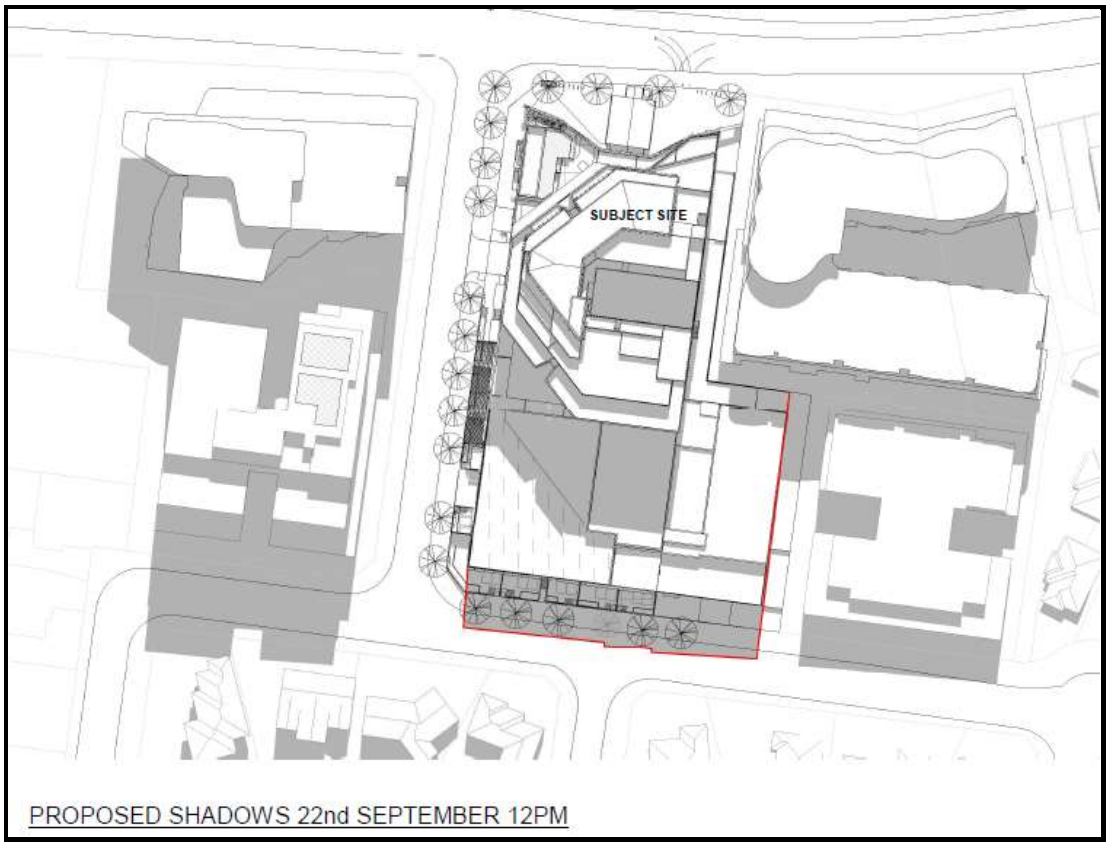


Figure 12 - Proposed shadows – 22 September 12pm

Building Setbacks

7.16 The applicable building setback requirements of the site combining Precincts 2C and 2F are as follows:

- Mandatory minimum 5m setback to the front podium edge from the Doncaster Road front boundary;
- Mandatory minimum 11m setback to the front tower edge from the Doncaster Road front boundary;
- Preferred 5m setback from other front boundaries (including the western frontage of 2 Short Street and the entire southern interface with Hepburn Road); and
- Preferred 4.5m setback from side boundaries (including the eastern setbacks to 682-686 Doncaster Road and 8-10 Hepburn Road).

7.17 Balconies, screens, street furniture, verandahs and architectural features are allowable encroachments that may be constructed within these setback provided they are designed and located to the satisfaction of the responsible authority.

Front building setbacks to Doncaster Road

7.18 The podium and tower setbacks to Doncaster Road are mandatory requirements and a permit cannot be granted to vary them. Both the podium and tower front setbacks remain compliant with the minimum 5m and 11m front setback mandatory setbacks, of the podium and tower respectively.

7.19 It is noted that a reduced setback of 3.12m is provided to the north-west corner of the podium from the north-western corner splay, which is regarded as the side setback, rather than a front setback.

7.20 There are several allowable encroachments within the 5m front podium front setback to Doncaster Road. An extension is proposed to the front of the existing chapel, which would reduce the existing chapel setback from 2.635m to 0.46m. The extension is to reconstruct the former chapel portico, which had been removed from the original heritage building. Heritage advice received has confirmed that there is sufficient evidence of the original state of the fabric of the portico for the reconstructive work, which must be completed by suitably qualified heritage specialists or a builder or tradesperson with relevant expertise.

7.21 At the north-western corner of the frontage at Level 4 (Doncaster Road level), a canopy projects into the frontage with a street setback of 1.43m to provide pedestrian weather protection. The projection of this canopy will improve the functionality of the space and the legibility of the building entry from the street.

<u>Front building setbacks to Short Street and Hepburn Road</u>

7.22 The front setback requirements to Short Street and Hepburn Road are preferred 5m setbacks that can be varied with a permit. This provision is interpreted as applying to the frontage of properties in the current lot configuration and street context, instead of its future consolidated form, which would otherwise regard the Hepburn Road frontage as a rear boundary. This front setback provision therefore applies to the property at 2 Short Street and the entire southern interface with Hepburn Road. See Figure 13 (Subject site Lots).

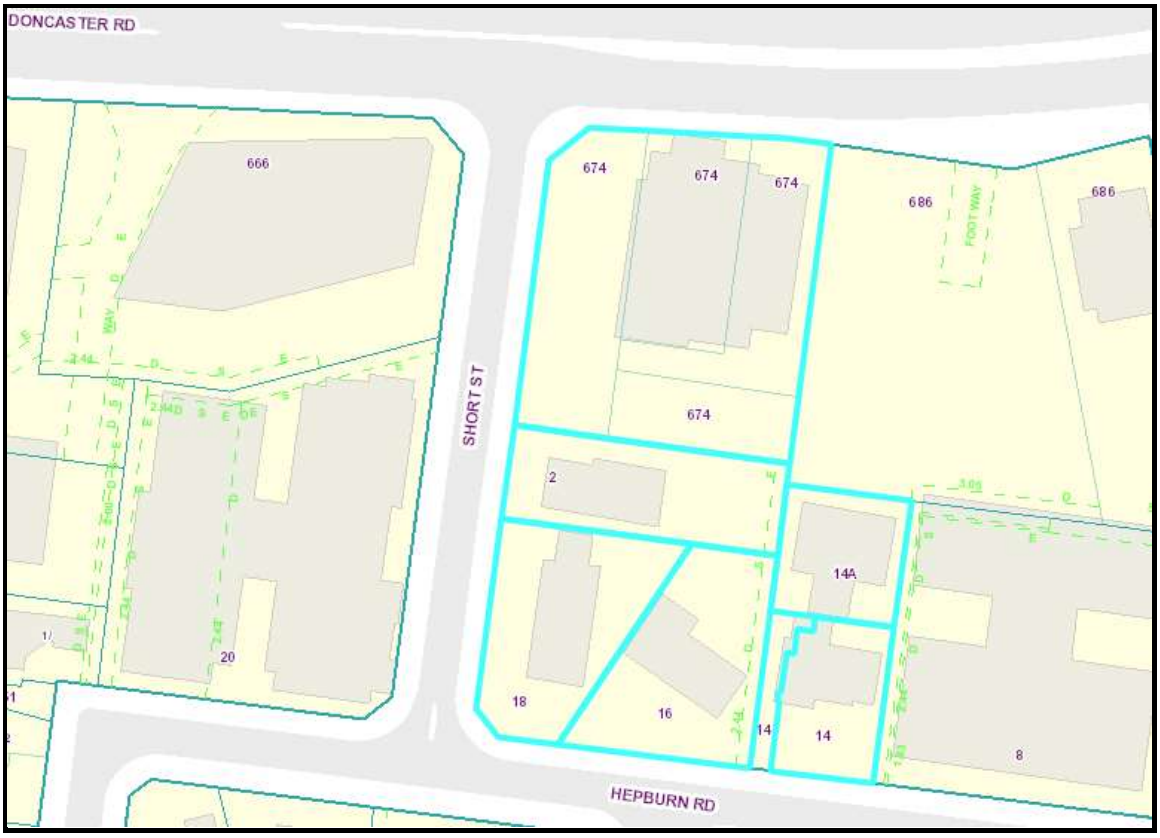


Figure 13 - Subject site lots and arrangement of lots (yet to be consolidated)

7.23 The western boundary of 674 Doncaster Road and 18 Hepburn Road is the side setback to Short Street, attracting a 4.5m side setback requirement, while the front setback of Short Street (lot at 2 Short Street) attracts a 5m front setback requirement.

7.24 The proposed front setback to 2 Short Street (lot at 2 Short Street) provides a setback of 4.5m and therefore seeks a reduction of the 5m setback requirement (500mm reduction). The proposed setback is considered suitable, as the 4.5m setback is generally consistent along the Short Street frontage, which is the side street of the future consolidated development. See Figure 14.

Figure 14 - Proposed 3D detailed perspective viewed from south-west corner

7.25 The tower has a minimum 7.7m setback to Short Street, which falls short of the 11m tower front setback requirement (to 2 Short Street). However, the tower is considered responsive to the streetscape corners and three streetscape frontages of the site, by angling the built form away from and therefore presenting to and addressing the north-western and south-western corners. The small section of tower which technically encroaches into the front setback to Short Street, is minimal in length and is the side setback of the future consolidated development.

7.26 To require a 5m front setback and 11m tower setback to the Short Street frontage would, result in an unusual building alignment and would not provide any meaningful relief to the visual presentation.

7.27 The proposed front setback to Hepburn Road of 5.4m-5.0m meets the technical setback requirement of 5.0m.

<u>Side building setbacks</u>

7.28 The remaining setbacks are preferred 4.5m setbacks that can also be varied with a permit. This relates to the western sides of 674 Doncaster Road and 18 Hepburn Road and the entire eastern boundary, and the northern boundary of 14A Hepburn Road.

7.29 All setbacks above natural ground level are compliant, including the northern part of the eastern boundary, southern part of the eastern boundary and the northern boundary of 14A Hepburn Road. The only exceptions to this 4.5m setback requirement from a side or rear boundary are to the western setback, at Level 3 and 4 where there are some minor protrusions for a stair exit, with a 2.8m setback, the north-western corner splay and the south-west corner splay, where the corner of the building comes to 3.12m and 3.84m respectively. These are negligible reductions and are considered acceptable given they do not pose any unreasonable off-site amenity impacts, being adjacent to a roadway, and maintain a consistent built form along the Short Street streetscape.

Eastern Facade

7.30 Council Officers raised concerns and sought consideration of potential modifications, increased articulation and treatments to the eastern façade, to provide visual interest to and reduce the visual impact of the 9-10 storey's of sheer wall/built form. See Figures 15 and 16 below (Original elevation and 3D modelling images of eastern facade).

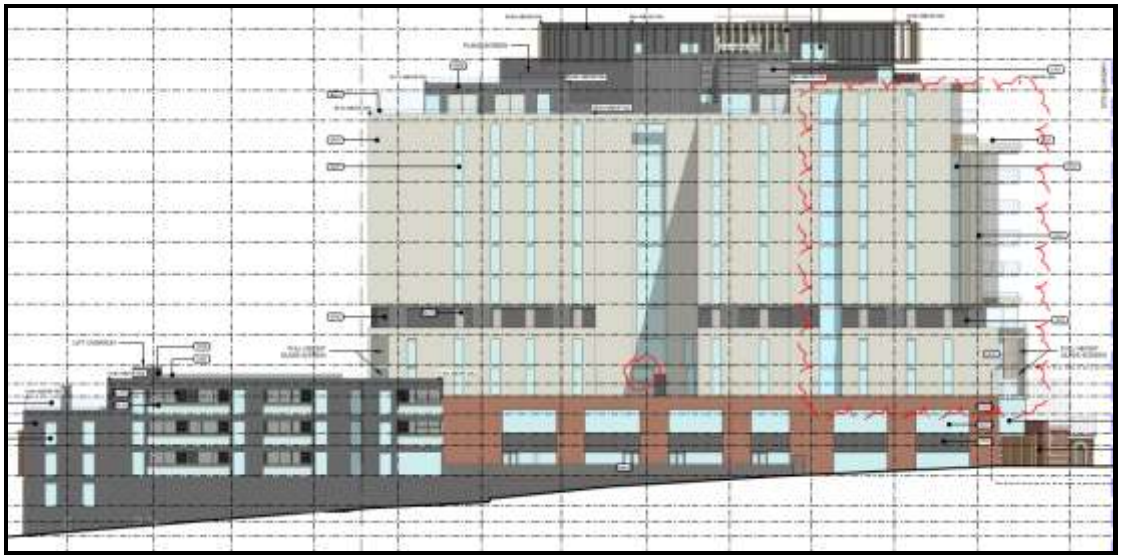


Figure 15 - Original Eastern façade proposal (earlier development plan elevation)

7.31 Recommendations included the introduction or modification of balcony locations, stepping of built form and upper levels, modified fenestration to reduce the prominence of the verticality (rather than the repeated window locations over 9-10 storeys) and material variations.

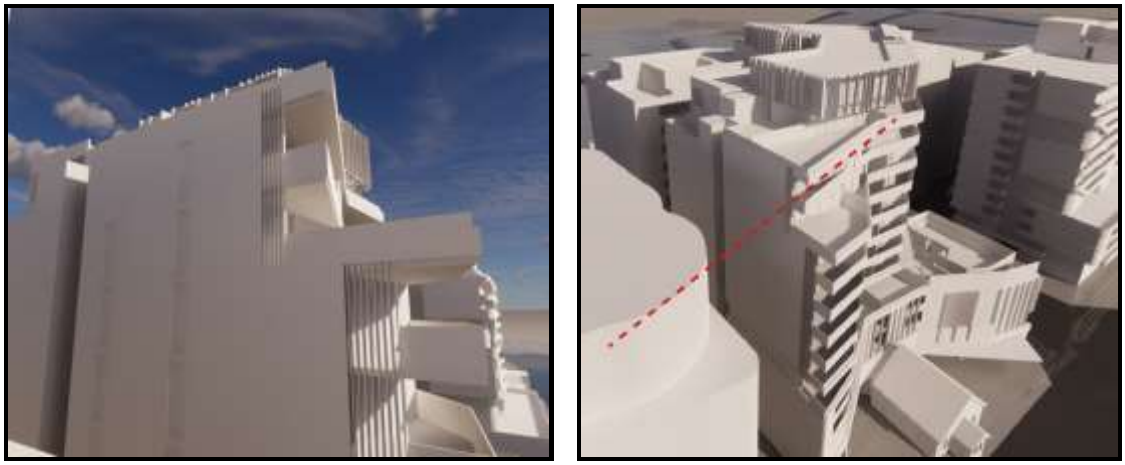


Figure 16 - 3D modelling of eastern façade (original proposal)

7.32 Amended plans were provided in January 2020 which provided a revised the layout of apartments at the eastern end of courtyard (18 apartments) to provide east facing balconies, also introducing improved articulation and visual interest to the eastern façade. See Figure 17 below.

Figure 17 - Amended Eastern façade proposal (currently proposed)

7.33 Further to these balcony openings, significant modification of the materiality has been introduced to the eastern façade in keeping with the varied materials provided to the rest of the building.

7.34 The proposed changes are considered to successfully articulate the façade, both vertically and horizontally and will add improved design interest and articulation to the eastern façade, which will be highly visible in the absence of development progressing at the property to the east (682-686 Doncaster Road) and will be highly visible to adjoining apartments of the development of the property to the east, once completed.

7.35 The proposed changes also ensure that the eastern façade is consistent with the appearance of the balance of the building. See Figure 18.

Figure 18 - 3D modelling of proposed Doncaster Road perspective from streetscape level (demonstrating detailing of the balance of the building)

Boulevard Character

7.36 Within the areas where a minimum 5 metre podium setback is provided (with the exception of within the vicinity of the chapel), a 3.6 metre wide paved promenade across the site frontage will replace the existing footpath and a landscaped boulevard treatment to Doncaster Road will be provided, as required by policy. The development and landscape plans appear to design the crossover to Doncaster Road (which will only be used for weddings and funerals) into the required boulevard treatment.

To ensure this is achieved, a landscape condition will require the boulevard pavement treatment to be continued over the crossover and driveway to reinforce pedestrian priority. The development will contribute positively to the local urban character and enhances the public realm by providing an active frontage and creating a boulevard along Doncaster Road.

Landscape Design

7.37 The pedestrian plaza to the Doncaster Road frontages incorporates canopy trees to compliment the Doncaster Road Boulevard Treatment. There are limited opportunities for further landscaping within the balance of the plaza.

7.38 The ground and upper level landscape areas appear to be commensurate with other high density developments within Doncaster Hill. The 4.6m eastern setback to 8-10 Hepburn Road is provided with a row of canopy trees to provide screening and privacy between the properties. Given the location of the basement along the eastern boundary (with 642 Doncaster Road), there is no opportunity for screen planting however, a landscape treatment is provided to the ground level plaza extension along this eastern setback (at level 4).

7.39 There are a number of opportunities for deep soil canopy tree planting within the frontage, integrated with the plaza and boulevard treatment. There are also opportunities for deep soil planting to the southern side of the eastern setback.

7.40 While the proposal does not provide 15% of the site (987sqm) for deep soil planting (as specified by Table D2 of Standard D10 of Clause 58.3-5) the deep soil planting provided, is considered sufficient in the context of the existing developments within the Doncaster Hill Activity Centre and landscape treatments anticipated for development along this section of Doncaster Road.

7.41 A row of street trees is also suitably proposed along the western interface with Short Street and the southern interface with Hepburn Road.

7.42 The upper level landscaped courtyard, communal outdoor areas and rooftop gardens are proposed to be landscaped to provide secluded and varied landscaped spaces and experiences. See Figure 19. Standard landscape conditions will require more detailed landscape plans be provided.

Figure 19 - Level 6 central courtyard (of tower) and outdoor rooftop garden area, respectively

Access and Mobility

7.43 A condition will require the submission of a Disability Access Plan that implements the recommendations of a Disability Access Audit (prepared by a suitably qualified person) that demonstrates compliance with the relevant Australian Standards for vehicle and pedestrian access into the building, to the satisfaction of the Responsible Authority. Disabled ramps are not provided to all entries, however it is considered that any further external changes to the building recommended by the Plan and Audit can be designed appropriately so as not to have any unreasonable impact on the public realm.

Wind

7.44 The detailed Wind Assessment submitted with the application, considers wind tunnelling and wind generated by the building to pedestrians across all levels. The report makes several recommendations for the provision of screens and use of densely planted vegetation to ameliorate wind effects, including to numerous private balconies across most levels, the childcare outdoor area, communal outdoor areas and the rooftop gardens. A condition will require plan notations be included to demonstrate compliance with the recommendations of the wind assessment, to the satisfaction of the Responsible Authority.

Noise Attenuation

7.45 The Acoustic Design Criteria Assessment (prepared by Acoustic Logic and dated 14 May 2020) submitted with the application, assesses the internal traffic noise design criteria for the proposed development, in line with Clause 58.04-3 (Noise Impacts) and recommends that the treatment to address external noise intrusion from traffic on Doncaster Road be finalised during the design phase of the project to ensure compliance with the criteria in Table 2 of this assessment, is achieved (likely to include medium to heavy weight single glazing or IGU). Conditions will therefore require this.

7.46 There are a number of potential noise sources within the proposed mixed use development, including the childcare centre, auditorium, hall, multipurpose rooms, communal outdoor landscape areas and pool area and theatre room.

7.47 The town planning submission references an Acoustic report providing discussion that future apartments will not be impacted by noise emanating from uses proposed within the subject site however, the Acoustic Logic submission only relates to assessments of traffic noise to the internal development.

7.48 Conditions will therefore require an Acoustic Report to consider the potential noise impacts of the non-residential uses on internal dwellings and other uses within the development and where suitable, recommend suitable attenuation measures.

7.49 Most service spaces which generate noise are located within the basement and away from any dwellings. Plant services located on the roof are screened and will meet EPA Guidelines.

Urban Design

7.50 An Urban Design Assessment was completed by MGS Architects on behalf of Council. The Urban Design Assessment is generally supportive of the proposed development, but included a number of recommendations. An assessment against each of the recommendations is provided below table:

Recommendation	Discussion / Response / Outcome
Provide Charging Stations	• It is considered reasonable to require charging stations for each of the bicycle and car parking areas within the basements, to encourage sustainable transport. This will be conditioned accordingly.
An Acoustic Report for internal uses to the neighbourhood amenity; A Management Plan for the operation of the south terrace of the Church (to manage amenity impacts including noise)	• As discussed in the Noise Attenuation assessment of this report, an Acoustic Report for internal uses to the neighbourhood amenity will be required by condition. The report will be required to detail intended management the south terrace of the Church (to manage amenity impacts).
Childcare Lift and Lobby scale for parents with prams	• The applicant has advised that they are comfortable with the amount of space provided within the lobby area adjacent to the child care, noting that the design of the childcare centre was commented on previously by Council and the design of the childcare centre has had some preliminary input from a potential tenant. • Council Officers are not aware of general issues or concerns relating the childcare lobby sizes.
Daylighting / Daylight Amenity to dwellings	• The development has been modified in response concerns relating to the the sunlight access and daylight penetration into numerous apartments. The modifications included reorientation of 18 apartments on the corners of the tower courtyard, to provide their balcony on the eastern elevation. • The assessment of the internal amenity (Clause 58) demonstrates that Standards and objectives are met in relation to minimum dimensions for living areas and maximum room depth / ceiling heights for the living / kitchen / dining areas. • The assessment of Clause 58 – Windows within this report, finds that the daylight access is suitable, given the alternative design arrangements and treatments which improve daylight to the compromised windows. • The assessment of the internal shadow diagrams of the courtyard and the recommended deletion of 3 apartments (on northern side of the tower courtyard) to improve the sunlight access into the tower courtyard, found that the modification would benefit 3 additional apartments (providing sunlight to their private open space balcony).

	• Given the scale of these types of high density developments, there will generally always be some apartments that do not have the optimal orientation and direct access to sunlight. • Given there is no specific requirement or Standard for the provision of access to direct sunlight to a number/percentage of a development / dwellings, given the low proportion of apartments which do not receive direct sunlight, and given the recommended deletion of the 3 apartments would provide the direct sunlight benefit to only 3 additional apartments; the recommended modification is not considered to be justified.
Adequacy of living spaces	• The assessment of the internal amenity (Clause 58) demonstrates that Standards and objectives are met in relation to minimum dimensions for living areas and room sizes. • The assessment also generally found that many proposed living areas exceeded the minimum dimensions considerably. • Indicative furnishings are proposed to many apartments to further demonstrate the usability and adequacy of the spaces.
Application of the Wind Attenuation Measures	• The current set of amended plans has included the wind attenuation measures, as recommended by the Wind Report submitted with the application. A standard condition will be applied to ensure the development comply with the wind report which will be endorsed as part of any approval.

7.51 The Urban Design Assessment included the following commentary and assessment, relevant to the assessment of the proposed development:

Commentary

Logically the municipal precinct opposite the subject site to the north would be anticipated to change and intensify over time. Similarly, the centre owned Westfield Doncaster Shoppingtown, would be anticipated to see development intensification in the southern two-thirds of the site of significant magnitude as the SRL is extended to Doncaster and beyond. Each of these directions that have occurred since the earlier Structure Plan and controls were developed would suggest that the proposed scale of development sought would not be misplaced in a strategic sense if the existing controls were not in place.

The inclusion of the subject site given its diverse community role, precinct within which it sits and the robust character of the neighbourhood and neighbouring development is similarly of a scale that would in my view support the scale of development sought subject to the design standards proposed resolving all issues of design and amenity and underlying operation to Council's satisfaction.

I am persuaded that there is sound logic in framing Short Street with development with comparable scale and setbacks as a broader strategy for built form and street definition for the emerging neighbourhood.

The enhanced and balanced setbacks to Doncaster Road also align with the objectives of the Heritage Overlay to give space and focus to the remnant restored Chapel on the site.

In summary, subject to Council determining their commitment to proceed with the proposed amendment, I am supportive of the proposed adoption of Sub-Precinct 2C provisions for height, setback and design features in lieu f Sub-Precinct 2B controls but for the same footprint.

Built form

The position of the larger built form towards the Doncaster Road frontage is supported as a strategy.

The siting of the building to provide for setbacks and substantial transitioning down to the Hepburn Road interface is supported.

The creation of a podium expression in brickwork and masonry, the development then of a middle ground form expressive of the commercial/community activities of the middle levels and capping with an apartment building with consideration of a top and middle expression is also supported as a way of breaking the site down into a series of forms and street responses.

The retention and restoration of the Church hall in association with enhanced plaza treatments and streetscape planting is also welcome. Replacing the at grade parking with a more generous northern forecourt to Doncaster Road is more effective in stitching together the emerging southern promenade and landscapes and the projection of the hall gives it some prominence which is welcome.

The Design Principles are well considered and generally convincing in their execution

Height and Massing

I am satisfied that the proposed expression and massing of the built form to the Doncaster Road frontage successfully frames the existing retained church, establishes an appropriately human scaled street wall podium and in its upper level form and siting, successfully transitions between the lower eastern development and taller western scale.

The raking north-western corner treatment of the tower is generous in its opening up of the street gateway to Short Street. The approach amplifies the space between built form.

The proposal demonstrates some sound design thinking with what a very complex mixed-use brief is.

Conclusion

Particularly commendable I think is the resolution of the proposed modelling and stitching of the various and complex overlaying design responses to the Doncaster Road Boulevard goals heritage value ascribed to the Church and the mediating and stepping of built form to either side of the site.

The treatment of Short Street as a gateway to the neighbourhoods beyond is also generous in its approach.

Whilst ambitious in scale I think the applicant has demonstrated that the suggested amendments to the underlying scale, setbacks and features is warranted subject to the scheme addressing matters raised in Recommendations 1 to 5 inclusive to Council's satisfaction.

Heritage

7.52 The church known as the Doncaster Church of Christ at 674 Doncaster Road comprises two church buildings; one built in 1889 and another built beside it in 1956. The two were linked by an addition constructed in 1957. Further alterations were made through the 1960's, 1970's and 1990's. The portico of the 1889 church was removed in the 1960's. Schedule 46 to the Heritage Overlay (HO46) classifies both church buildings of local significance, which are spoiled by alterations, and is part of a group with the former Shire Hall and the Doncaster School. See Figure 20.

Figure 20 - Photos of the Heritage Chapel from 1889, 1957 & 2016 respectively

7.53 The proposal involves three forms of heritage consideration; demolition of the 1956 church, reconstruction of the portico of the 1889 church building, and new works comprising the 17-storey mixed-use building to the rear.

<u>Heritage Demolition / Removal</u>

7.54 Whilst the whole site is covered by the HO46, the 1956 church building and its 1960's, 1970's and 1990's extensions are of limited significance. A comparative analysis, including further investigations found that architect Joseph Smith was not a noted architect, with his work largely being in conjunction with other more highly acclaimed practitioners. The design of the 1956 church building has limited architectural interest on its own, and is an example of a style that, at the time of construction, was becoming outdated. The additions are not identified as being of heritage significance according to the citation for the site, and therefore do not contribute to the significance of the place.

7.55 The statement of significance states that the church has aesthetic, historic and social value. The aesthetic and historic values will be maintained through the retention of the 1889 building, which is considered of primary significance on the site. The social significance of the site will be retained as the church continues to serve the community. Notwithstanding this, the historic significance of the site is being diminished by the demolition of the 1956 church building. It is therefore important that an interpretive strategy be undertaken as an integral part of the development of the site.

7.56 Significant elements from the 1956 church building fabric and material from the Church of Christ's extensive archive are proposed to be incorporated into the public spaces, including the foyer space running through the centre of the Doncaster Road level, linking the 1889 church building to the auditorium and hall.

7.57 The previous approval (Planning Permit PLN18/0571) included conditions to require that the existing interpretative signage that notes the church's links to the former Shire Hall and the Doncaster School be maintained, including their location within the development. Further details how this existing signage will be protected during construction were also required.

7.58 A number of the windows and doors to the 1956 church building appear to be original. Some windows were replaced in 1974 by a series of stained-glass windows by Alan Sumner. While not original, they were purpose-designed as a series for the Church and therefore their importance relates to their existing context. These windows were required to be retained for reuse within the previous approval (Planning Permit PLN18/0571), including the foundation stones, which were also required to be clearly depicted on the plans by condition. A further condition required a schedule to itemise which elements are being retained (including photographs) and how and where they are to be stored and reinstated.

7.59 Demolition of these features was not considered to impact upon the heritage significance of the site through the previous approval (Planning Permit PLN18/0571). Given the current proposal is unchanged in relation to the demolition works, and no further concerns have been raised by the Heritage Consultant, the demolition works are supported.

Heritage Reconstruction

7.60 The proposed reconstruction of the 1889 church building, including the reproduced portico, was supported through the previous approval (Planning Permit PLN18/0571), as there is sufficient evidence of the original state of the fabric through photographs for this reconstructive work to be completed.

7.61 Conditions required this work to be carried out by suitably qualified heritage specialists or a builder or tradesperson with relevant expertise in this form of work and for a photographic record to be kept of the existing condition of the church building, to be incorporated into the interpretative strategy.

7.62 Given the current proposal is unchanged in relation to the reconstruction works, and no further concerns have been raised by the Council's Heritage Advisor, the reconstruction works are supported.

New Development Proposal – relating to Heritage

7.63 The previous approval, under Planning Permit PLN18/0571, of a 13-storey mixed-use building was supported by Council's Heritage Advisor and Council Officers, subject to conditions to ensure that the 1889 church building to be retained is not overwhelmed by the development. Conditions required the deletion of a section of protruding vertical Colorbond clad screen from the balconies of apartments on Levels 6 and 7, to reduce the effect of the building overwhelming the chapel on the western approach along Doncaster Road.

7.64 The 1889 church building remains integrated with the new building via the provision of a glazed link corridor that assists to visually separate the new from the old, as supported through the previous approval (under Planning Permit PLN18/0571). See Figure 21 below.

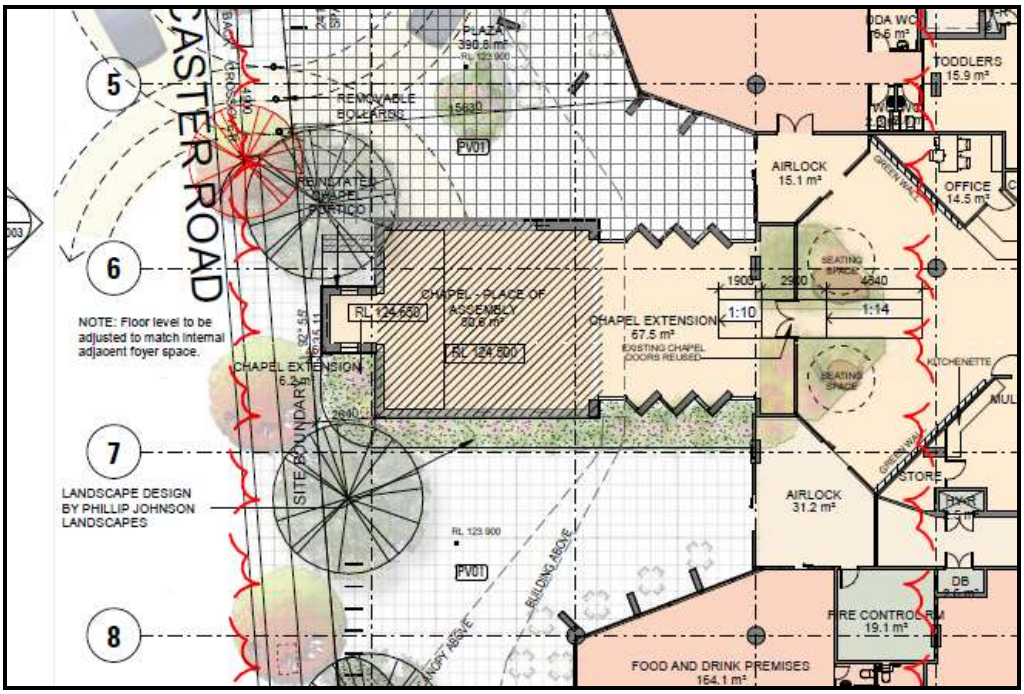


Figure 21 - Excerpt from the proposed plans detailing proposed Chapel modifications

7.65 Council's heritage advisor raised concern through this process, with a new brick wall behind the 1889 church building which proposed to "blend" with the existing brick of the church, coupled with the scale of the building behind, as it will cause the church building to blend into the development. A condition was therefore included to require that the brick wall colour be changed to a pale colour, to assist to clearly delineate the original church from the proposed new works (potentially match the original lighter coloured brick used for detailing in the 1889 church building).

7.66 The Heritage Advice in response to this new current proposal for development of the 17-storey mixed use building, concludes that the proposed increase in height of the development form 13 storey to 17 storeys, is not supported from a heritage perspective.

7.67 Through continued discussions with the Heritage Advisor since the response was provided, they have further recommended that before a decision is made on the appropriateness, consideration of additional perspectives from key locations at a streetscape pedestrian height should be reviewed, to consider the height of the tower and impact on the heritage elements, as well as recommended modifications to help reduce the visual dominance of the proposal, to offset the additional height and mitigate adverse heritage impacts.

7.68 The following relevant extracts from the Heritage Advice provided on 20 November and 10 December 2020, include:

> *We are not satisfied that the dip in the crest of the hill is adequate justification for the proposed increase in height of the development in the heritage context. The height is not required but a maximum strategic allowance. The presence of the Church and other heritage places on this section of Doncaster Road warrants a different height and setback in this location.*
>
> *The existing heritage places at this location in the Doncaster Hill Activity Centre could be capitalised on to create the 'strong sense of place and civic identity' sought in the land use and development objectives for ACZ1.*

To this end, the recommendations in the previous advice (20 November 2020) still stand:

- *It is critical that the existing conditions of permit PLN18/0571 that relate to heritage matters are retained as part of any new approval.*
- *The proposed increase in height of the development form 13 storey above basement level to 17 storeys above basement level is not supported from a heritage perspective.*

However, it is acknowledged that there are other objectives that the development is seeking to meet.

Before a decision is made about the appropriateness of the modified development, it is recommended that:

- *The comparative heights to Doncaster Road (10 storeys/31.4m and 14 storeys/44.7m) be quantified using sightline models like the examples shown in Figures 3 and 4, from the streetscape at pedestrian height (approximately 1.7m) at key locations in the public domain.*
- *Recommended locations for sightline modelling include: from the setting of the Church; on approach along Doncaster Road (on foot, and by car) on both sides of road; and from neighbouring heritage places – the former Shire Offices (HO44) and Doncaster Primary School No. 197 (Playhouse) (HO45).*

Council should review and only approve the modified proposal if they determine that the increased height does not have a significant adverse impact on the heritage values of HO46.

Should Council decide to approve the modified height for the new development, from a heritage perspective, the following modifications are recommended to help reduce the visual dominance of the proposed building at 17 storeys:

- *Increase the setback of all additional levels below the 'design element'. If there is a move to change the category from 2B to 2C then the setbacks should be adjusted to meet the requirements for these categories as a minimum.*

Further changes to the approved design under Planning Permit PLN18/0571 are recommended to offset the additional height and to mitigate adverse heritage impacts by improving the visual prominence of the heritage place:

- *Remove the projecting canopy from the setback at street level.*
- *Peel back the projecting arms that envelope the Church building, to seek to improve the setting for the Church. The building typology of the Church is such that it was intended as a freestanding building, as opposed to being enveloped in a forecourt.*

7.69 Subsequent to the concerns raised by the Heritage Advisor, a number of meetings were conducted between Council's Heritage Advisor, the applicant representatives and the Heritage Consultant who prepared the Heritage Assessment for the proposed development.

7.70 Further assessment of the 3D modelling prepared by Council has also been undertaken, including through a meeting (with Councils Heritage Advisor, the applicant representatives, the Heritage Consultant who prepared the Heritage Assessment and

Council Planning Officers), which included a virtual experience of the model, provided by Council's GIS Team. See Figure 22 and Figure 23 (3D Modelling images).

Figure 22 - 3D modelling images of Doncaster Road from streetscape level
(views from north-east & north-west respectively)

7.71 The Heritage Consultant (who prepared the Heritage Assessment) has since further advised the following, in response to the issues and concerns for the proposed increased height, tower and development:

- *'The future scale of Doncaster Road will be set by these developments and the revised proposal for the Chapel Hill site adopts and continues this scale while making appropriate deference to the existing church with the design of the lower podium and the significant setback of the new multistorey building along the site's western flan*k.'

- '*When reviewing developments of a scale between 10 and 20 stories I am of the opinion that a carefully considered additional height will not affect the scale and setting of a two storey (or generally low rise) host heritage building. This is the case when comparing the originally proposed building and revised proposal. This situation is reinforced by the scale of adjacent proposed developments which set the built scale of Doncaster Road in this particular section of the south side of the street.*'

7.72 It is relevant to note that the design of the projecting arms of the podium, that embrace the church were discussed at length through the previous approval (under Planning Permit PLN18/0571) and was ultimately supported from a Heritage perspective. No changes are proposed to this part of the proposal and therefore the additional building height and modifications to the upper levels of the tower, are the modified issue for consideration.

7.73 The Urban Design Advice (provided by MGS Architects on behalf of Council) provides for support of the proposal and in particular includes a number of relevant comments on the relationship between the Heritage Chapel and the built form:

- *The enhanced and balanced setbacks to Doncaster Road also align with the objectives of the Heritage Overlay to give space and focus to the remnant restored Chapel on the site.*

- *The retention and restoration of the Church hall in association with enhanced plaza treatments and streetscape planting is also welcome. Replacing the at grade parking with a more generous northern forecourt to Doncaster Road is more effective in stitching together the emerging southern promenade and landscapes and the projection of the hall gives it some prominence which is welcome.*

- *Particularly commendable I think is the resolution of the proposed modelling and stitching of the various and complex overlaying design responses to the Doncaster Road Boulevard goals, heritage value ascribed to the Church and the mediating and stepping of built form to either side of the site.*

7.74 The revised proposal achieves full compliance with the setbacks from Doncaster Road as outlined for Precinct 2C in the ACZ and is generally well in excess of the minimum setback requirements to the tower, given the manner in which the building angles away from the north-west corner to Doncaster Road and Short Street. See Figure 23.

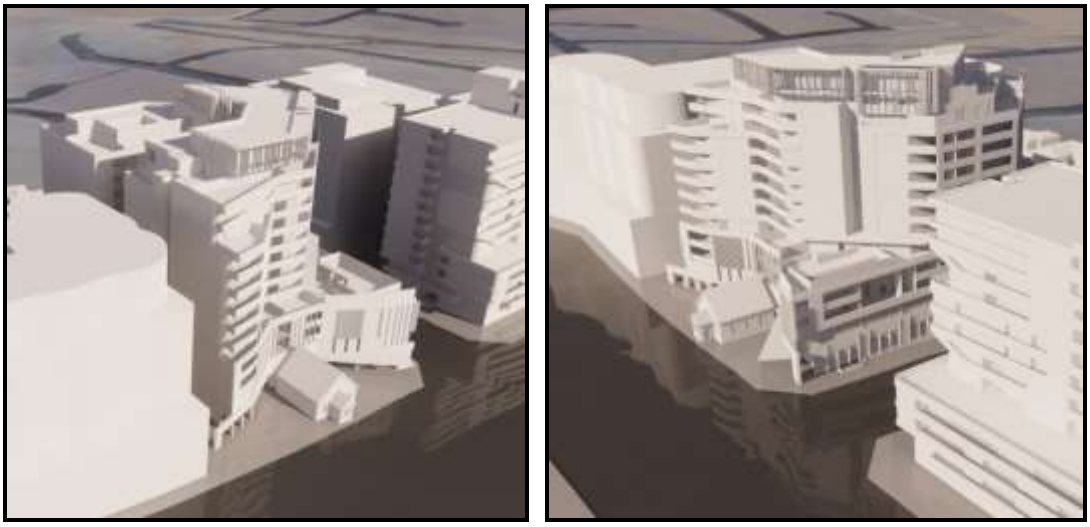


Figure 23 - 3D modelling images of Doncaster Road from elevated level
(views from north-east & north-west respectively)

7.75 Given the chapel is on the north side of the site, there are no increased shadow impacts to the chapel by the increased tower height.

7.76 It is relevant that the previous proposal for the 13 storey building and tower (under Planning Permit PLN18/0571) was supported, from a Heritage perspective, at this site.

7.77 Subsequent to further review of the modelling and 3D perspectives provided by the applicant, as recommended by the Heritage Advisor, it is considered that the increased tower height, combined with the proposed setbacks of the tower and further setbacks of the upper level and design element, does not unreasonably overwhelm the Heritage Chapel, to a greater degree or experiential measure.

7.78 Given all of the above, the proposed building height increase is considered suitable from a Heritage perspective.

7.79 The original Planning Permit PLN18/0571 included a condition to modify the proposed brick and delete the extension ‘fin’ feature to the western end of the podium (at levels 5, 6 and 7), and are therefore still considered appropriate, given the built form and general setbacks of the podium is unchanged from the approval under Planning Permit PLN18/0571.

Clause 58 Apartment Developments

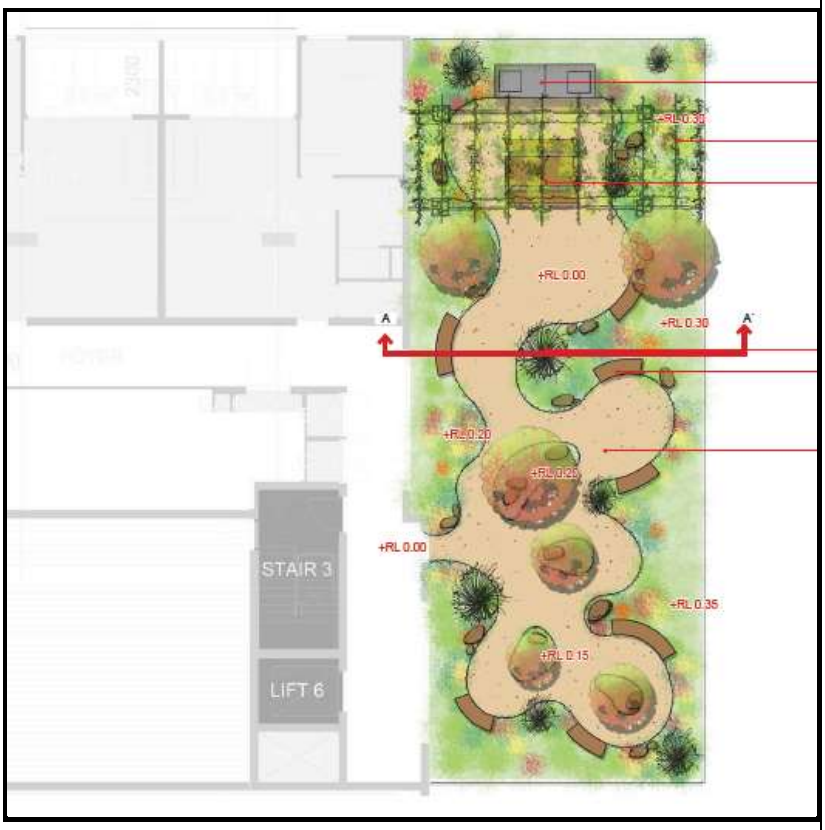
7.80 Pursuant to Clause 58 (Apartment Developments), the development must meet all of the objectives of this clause and should meet all of the standards.

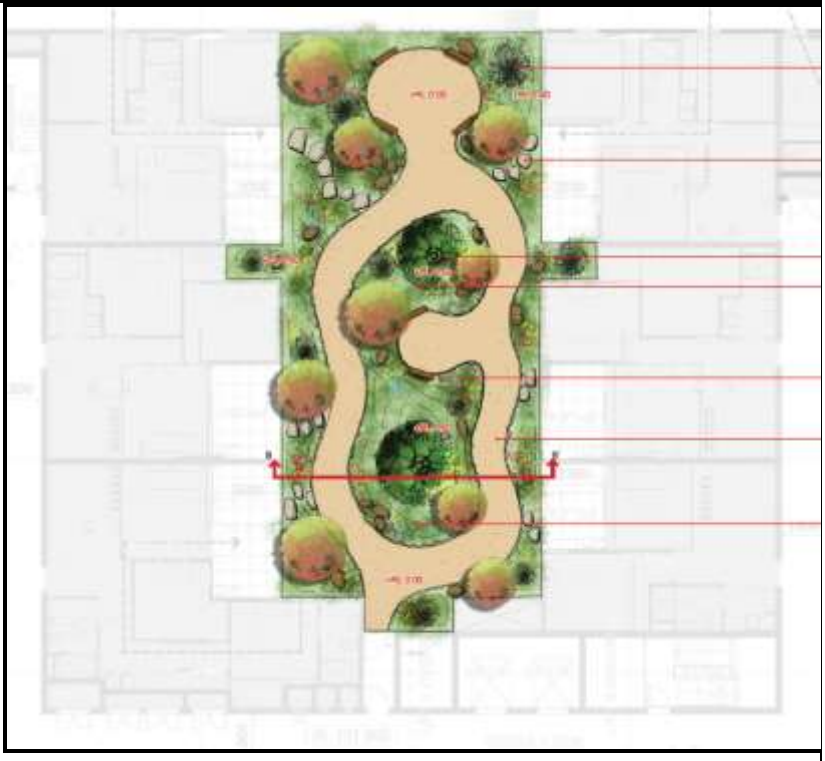
7.81 A detailed assessment against the objectives of Clause 58 is provided in a Clause 58 Assessment table below:

Objective	Objective Met/Not Met
58.02-1 – Urban context • To ensure that the design responds to the existing urban context or contributes to the preferred future development of the area. • To ensure that development responds to the features of the site and the surrounding area.	**Met** The proposed development generally responds positively to the existing urban context and the preferred future development of the area. In particular, it is appropriately designed to respond to its location within the Doncaster Hill Activity Centre, provides for retention, restoration, a suitable design response to the existing Heritage Church. The proposal also suitably considers the sensitivity of the properties towards the south of the site, including having regard to the topography of the land, which falls to the south.
58.02-2 – Residential policy • To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework. • To support higher density residential development where development can take advantage of public and community infrastructure and services.	**Met** The application was accompanied by a written statement demonstrating how the development is in accordance with Municipal Planning Strategy and the Planning Policy Framework. The site can support higher density residential development which takes advantage of public and community infrastructure and services and in this case make a contribution to public and community infrastructure and services.
58.02-3 – Dwelling diversity • To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	**Met** The proposal includes a mix of townhouse and apartment types, sizes and layouts, including: • 2 two-bedroom townhouses; • 9 three-bedroom townhouses; • 25 one-bedroom apartments; • 90 two-bedroom apartments; and • 51 three-bedroom apartments.

Objective	Objective Met/Not Met
	The proposal includes a reasonable mix of one, two and three bedroom dwellings, including 2 and 3 level townhouses. The proposal also includes an offering of 10 affordable housing units/apartments. The 10 affordable housing units/apartments have not been selected or specified by the applicant at this stage. This is discussed further in the main assessment under Affordable Housing.
58.02-4 – Infrastructure • To ensure development is provided with appropriate utility services and infrastructure. • To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	**Met subject to condition** The site has access to all services and the proposal is not anticipated to unreasonably overload the capability of utility services or infrastructure. A permit condition will require the provision of an on-site storm water detention system. An existing YVW easement within the site will be required to be relocated, subject to the applicable approvals from YVW and Council. Conditions will require this.
58.02-5 – Integration with the street • To integrate the layout of development with the street.	**Met** There are a number of building entries provided to each of the three frontages, for the range of uses within the building. The main north facing plaza provides access to the main foyer for the non-residential uses on the eastern side of the existing Heritage Chapel and to the main residential entry on the western side of the existing Heritage Chapel. Additional entries integrate the development with each of the three road frontages, providing suitable separation of uses and are clearly identifiable from the streets. A number of individual residential townhouse pedestrian entries are also provided to street level townhouses along Short Street and Hepburn Road, through their street elevation courtyards. Two vehicle access points are provided to each of the two separate basements from Short Street, as well as the loading dock vehicle entry provided to Hepburn Road. A vehicle crossover is also proposed from Doncaster Road to the front plaza, which is anticipated to be used for weddings and funerals and is otherwise restricted by removable bollards. The crossover is proposed to blend with the boulevard and plaza urban design theme.

Objective	Objective Met/Not Met
58.03-1 – Energy efficiency • To achieve and protect energy efficient dwellings and buildings. • To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy. • To ensure dwellings achieve adequate thermal efficiency.	**Met subject to conditions** The 3D shadow diagram package demonstrates that the proposal does not unreasonably reduce the energy efficiency of buildings on adjoining lots. The shadows of the proposed building at the Equinox (22 September) does not extend onto properties to the south of the site, however the maximum shadow cast in Winter (22 June) will impact properties to the south. Given the location and orientation of the site, the proposal makes a practical attempt to optimise solar energy as the U shaped tower maximises the opportunity for solar access from the north and north-west. Living areas are located on the northern side of the development, where practicable. However, it is noted the north facing apartments facing the internal courtyard of the U shaped tower, are impacted by internal shade. Balconies have been strategically located with consideration to apartments below to maximise solar/light access to habitable rooms and proposing materials to balcony balustrades to generally increase solar access into apartments. It is considered that further modification of some solid balcony walls, using opaque materials, could further improve these opportunities. Conditions will require this. Table D1 (Cooling Load) for Climate zone 62 - Moorabbin (as confirmed by the NatHERS zone map, Nationwide House Energy Rating Scheme), requires a NatHERS maximum cooling load of MJ/m2 of 21 per annum. The development is proposed to be constructed to achieve an average NatHERS star rating of 6.5 stars, with no individual dwelling assessed to be less than 5-Stars and all apartments to have a NatHERS maximum cooling load of no more than 21, subject to fabric insulation and glazing requirements specified in the Sustainability Management Plan (prepared by Lucid Consulting Australia and dated 16 October 2020).
58.03-2 – Communal open space • To ensure that communal open space is accessible, practical, attractive, easily maintained and integrated with the layout of the development.	**Met subject to conditions** Ample communal open space areas are provided as follows: • Level 4 meeting room, office and library (123sqm); • Level 6 outdoor rooftop garden area (193sqm); • Level 8 outdoor area and pool (278.5sqm) and associated amenities, inside dining room and theatre room (151.5sqm) – total 430sqm; • Central courtyard (of tower), which is accessible to 6 lower level apartments (200sqm); • Level 16 rooftop garden (237sqm); and • A total of 1183sqm of communal spaces.

Objective	Objective Met/Not Met
	Standard D7 requires that developments with 40 or more dwellings should provide a minimum area of communal open space of 2.5 square metres per dwelling or 250 square metres, whichever is lesser. The proposed communal areas significantly exceed the Standard D7 requirement of 442.5sqm of communal open space, by 740sqm. The communal open spaces are practical, attractive, easily maintained, well integrated with all areas of the development and provide a variety of options. See Figure 24.  Figure 24 - Level 6 outdoor rooftop garden area (south facing adjacent to Hepburn Road). The central courtyard (of tower) is only accessible to 6 lower level apartments adjoining this space (other than for maintenance), which is reasonable in this setting. The Level 7-15 courtyard facing apartments will still benefit from the outlook to this landscaped space from their elevated balconies above. See Figure 25.

Objective	Objective Met/Not Met
	 Figure 25 - Level 6 central courtyard (of tower) – accessible to 6 lower level apartments. Windows, balconies or corridor outlooks generally provide for suitable passive surveillance opportunities, to all outdoor spaces. However conditions will require the doors adjoining the Level 8 and 16 outdoor areas to be glazed and have glazed windows either side, which will improve the passive surveillance and also maximise solar access into these hallway areas. The nature of the theatre room, dining room and library will alternatively benefit from the proposed seclusion.
58.03-3 – Solar access to communal outdoor open space • To allow solar access into communal outdoor open space.	**Met** Standard D8 requires that the communal outdoor open space should be located on the north side of a building, if appropriate and at least 50% or 125 square metres (whichever is the lesser) of the primary communal outdoor open space should receive a minimum of two hours of sunlight, between 9am and 3pm on 21 June. The external communal open space areas, locations, orientations and details of compliance with Standard D8 are as follows: Communal Area | Location/orientation | Standard Met Level 6 outdoor | Located on southern side of the lower | Met - 2 hours of sunlight

<table>
<tr><th>Objective</th><th>Objective Met/Not Met</th></tr>
<tr><td></td><td>
<table>
<tr><td>rooftop garden area (193sqm)</td><td>building (overlooking Hepburn Road), but with full east and west orientation and only shade from one level of built form on the northern side.</td><td>received on 22 June for more than 50% of area</td></tr>
<tr><td>Level 8 outdoor area and pool (278.5sqm)</td><td>Located on the north-western corner of the tower, with optimal northern and western orientation.</td><td>Met – 2 hours of sunlight received on 22 June for most of area</td></tr>
<tr><td>Central courtyard (of tower) 200sqm</td><td>Centrally located with no northern aspect or orientation.</td><td>Not Met (does not receive 2 hours of sunlight during 9am-3pm at the equinox)</td></tr>
<tr><td>Level 16 rooftop garden (237sqm)</td><td>Located on the southern side of the tower, but with full east, west and some northern orientation (obstructed only partially by the plant area).</td><td>Met - 2 hours of sunlight received on 22 June for most of area</td></tr>
</table>
Three of the four outdoor communal open space areas (totalling 708sqm of communal outdoor open space) meet and exceed the solar access to open space requirement (Standard D8).
Given the generous communal open space areas and exceeded solar access provisions, the solar access provisions to these spaces will provide positive amenity outcomes for future occupants.
</td></tr>
<tr><td>58.03-4 – Safety
• To ensure the layout of development provides for the safety and security of residents and property.</td><td>Met subject to condition

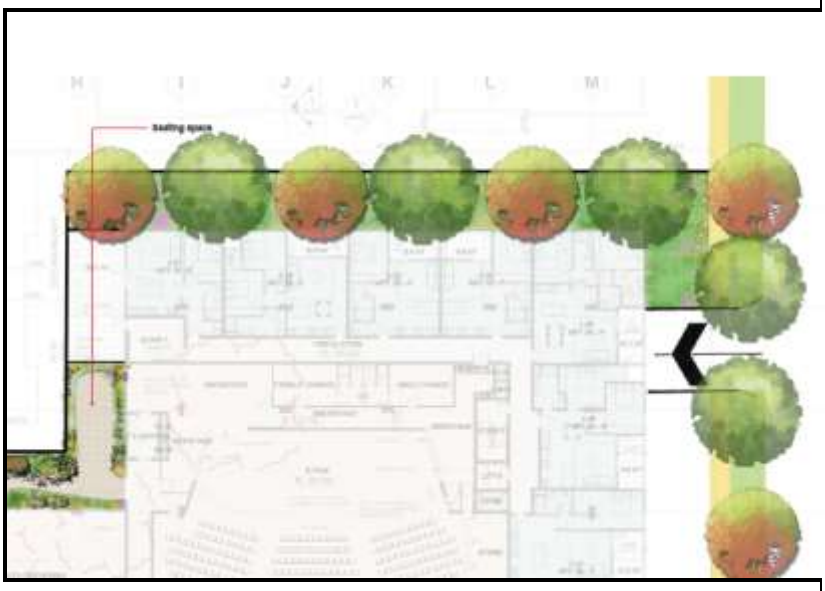
The proposal suitably provides for the safety and security of residents by providing separate basements and basement entries for the residential and non-residential uses, as well as separate pedestrian entries for the residential components and non-residential uses.

The residential basement car park has a security roller door and intercom for visitor access at its entry.

The non-residential uses basement car park also has a security roller door and intercom at the entrance, which will be secured and in use after hours.</td></tr>
</table>

Objective	Objective Met/Not Met
	A condition will also require a Car park Management Plan which will assist in the suitable management and signage for basements and entries, to further provide for the ongoing safety and security of residents, visitors and the building.
58.03-5 – Landscaping • To encourage development that respects the landscape character of the neighbourhood. • To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. • To provide appropriate landscaping. • To encourage the retention of mature vegetation on the site. • To promote climate responsive landscape design and water management in developments that support thermal comfort and reduces the urban heat island effect.	**Met subject to condition** The landscaping proposal for this development is considered acceptable, subject to standard conditions, including the aligning of the plaza treatment and design with the standard Doncaster Hill Boulevard Treatment. There are a number of opportunities for deep soil canopy tree planting within the frontage, integrated with the plaza and boulevard treatment. There are also opportunities for deep soil planting to the southern side of the eastern setback. Whilst the proposal does not provide 15% of the site (987sqm) for deep soil planting (as specified by Table D2 of Standard D10) the deep soil planting provided, is considered to be sufficient in the context of the Doncaster Hill Activity Centre and landscape treatments anticipated for development along this section of Doncaster Road. There are no significant trees to be retained on site. A row of street trees is also suitably proposed along the western interface with Short Street and the southern interface with Hepburn Road. Overall, the landscaping across the site is considered acceptable and responsive to the landscaping outcome sought. The upper level landscaped courtyard, communal outdoor areas and rooftop gardens are proposed to be landscaped to provide secluded and varied landscaped spaces and experiences. Standard landscape conditions will require more detailed landscape plans.
58.03-6 – Access • To ensure the number and design of vehicle crossovers respects the urban context.	**Met** Two crossovers are proposed from Short Street, accessing each of the two basements (Residential and Non-Residential) and one crossover is proposed from Hepburn Road, to access the loading zone and bin collection area. There is also a less formalised crossover proposed to provide occasional vehicle access to the plaza area from Doncaster Road. This crossover will have bollards restricting access until the occasional access is required (such as for maintenance, weddings, funerals or events).

Objective	Objective Met/Not Met
	The crossover was also referred to the Department of Transport who have no objection to the proposal, subject to conditions. The extent of each frontage occupied by proposed crossovers is significantly below the maximum percentage specified by Standard D11 and the number of crossovers is considered appropriate given the scale and arrangement of the mixed use development. The proposal therefore is considered to achieve the objective and recommendations of Standard D11.
58.03-7 – Parking location • To provide convenient parking for resident and visitor vehicles. • To protect residents from vehicle noise within developments.	**Met – by standard condition** The accessways provide access directly into the basements and will therefore not result in unreasonable vehicle noise or impacts to residents. Car parking for residents and other users are provided within two separate basements (Residential and Commercial), each with separated access/entries. These basement car parking areas are suitably secured by access gates, enclosed, suitably separated from dwellings and standard conditions will require details to ensure they will be well ventilated. All dwellings and levels can be conveniently accessed from the basement, circulation corridor, stairs, frontages or lifts (to all levels).
58.03-8 – Integrated water and stormwater management • To encourage the use of alternative water sources such as rainwater, stormwater and recycled water. • To facilitate stormwater collection, utilisation and infiltration within the development. • To encourage development that reduces the impact of stormwater run-off on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.	**Met - subject to condition** Rainwater tanks totalling 15kL capacity are located underneath and adjacent to the basement car parking levels. The submitted Sustainability Management Plan (prepared by Lucid Consulting Australia, dated 16 October 2020) demonstrates a STORM rating of 100%. The Drainage Engineers have assessed the amended Stormwater and seek modifications through a conditions. The amended stormwater / Sustainability Report will be required by condition.

Objective	Objective Met/Not Met
58.04-1 – Building setback • To ensure the setback of a building from a boundary appropriately responds to the existing urban context or contributes to the preferred future development of the area. • To allow adequate daylight into new dwellings. • To limit views into habitable room windows and private open space of new and existing dwellings. • To provide a reasonable outlook from new dwellings. • To ensure the building setbacks provide appropriate internal amenity to meet the needs of residents.	**Met** A full analysis of the proposed setbacks is undertaken in the design and built form section of this report. The proposed side and rear setbacks are considered to respond appropriately to the existing urban context to the south-east and west, as well as the preferred future development anticipated to the north-east and the general sensitivity of the residential context to the south. North, west and south facing apartments are not in close proximity to any adjoining properties, which avoids any unreasonable overlooking or loss of privacy. The eastern setbacks are considered reasonable as they provide a suitable level of separation to the adjoining residential properties to the east, including meeting the ACZ1's preferred 4.5m setback to adjoining properties. There are two adjoining properties to the east; 682-686 Doncaster Road and 8-10 Hepburn Road. A minimum 9m setback is provided from balconies/windows to the balconies and windows of the approved development at 682-686 Doncaster Road, which will allow adequate daylight into and provide a reasonable outlook from new dwellings, as well as limit views into habitable room windows and private open space areas. Given the separation distance achieved, screening measures are not considered necessary to this elevation.  Figure 26 - Proposed landscaping to the southern section of the eastern boundary (adjacent to 8 Hepburn Road).

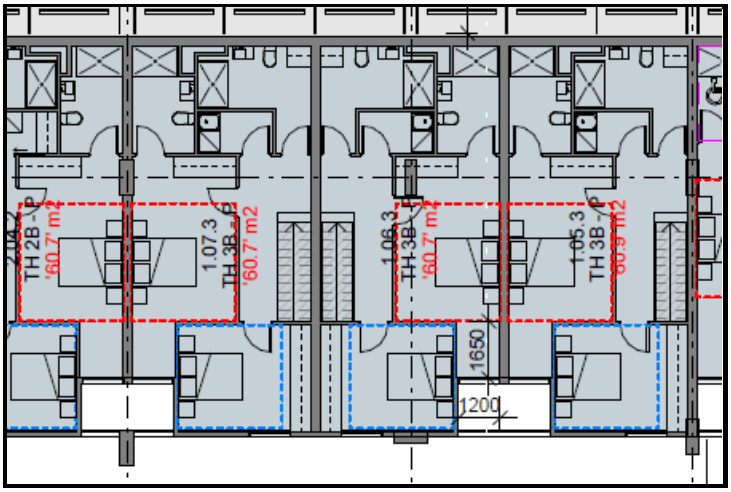
Objective	Objective Met/Not Met
	A minimum 9m setback is provided to windows of the development at 8-10 Hepburn Road, however balconies of the development are within 9m. The setback is suitable to allow adequate daylight into and provide a reasonable outlook from new dwellings. To improve privacy and amenity for the existing and proposed dwellings, the 4.6m wide eastern setback is proposed to be landscaped with screening canopy trees and all east facing apartments are proposed to have sliding louver screens and a privacy shelf from the balconies, to prevent downwards views from the proposed east facing apartments. See Figure 26 above.
58.04-2 – Internal views • To limit views into the private open space and habitable room windows of dwellings within a development.	**Met** Apartments are designed to avoid internal overlooking. The apartments adjoining the internal courtyard of the tower are designed to provide a 10m separation between any windows and balconies. Balconies are also designed to limit internal views either by providing screening devices between any adjoining balconies or habitable windows.
58.04-3 – Noise impacts • To contain noise sources in developments that may affect existing dwellings. • To protect residents from external and internal noise sources.	**Met subject to conditions** There are no unusual external noise sources which will impact the proposed development. An Acoustic Design Criteria Assessment (prepared by Acoustic Logic and dated 14 May 2020) has been submitted with the application, which assesses the internal traffic noise design criteria for the proposed development. The assessment recommends that the treatment to address external noise intrusion from traffic on Doncaster Road be finalised during the design phase of the project to ensure compliance with the criteria in Table 2 of this assessment, is achieved (likely to include medium to heavy weight single glazing or IGU). There are a number of potential noise sources within the proposed mixed use development, including the childcare centre, auditorium, hall, multipurpose rooms, communal outdoor landscape areas and pool area and theatre room. The town planning submission references an Acoustic report providing discussion that future apartments will not be impacted by noise emanating from uses proposed within the subject site however, the Acoustic Logic submission only relates to assessments of traffic noise to the internal development.

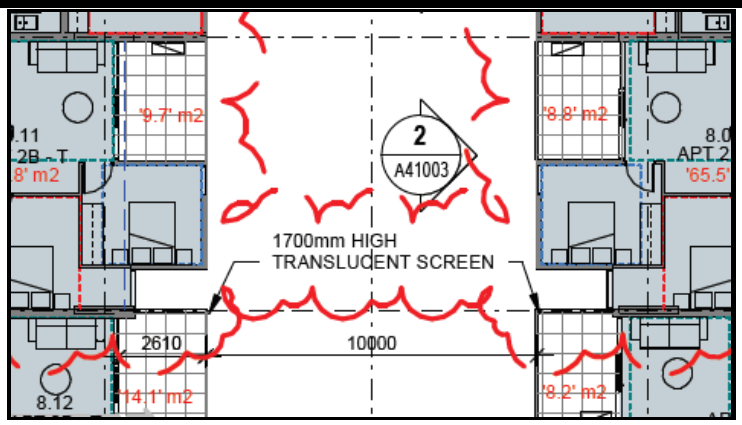
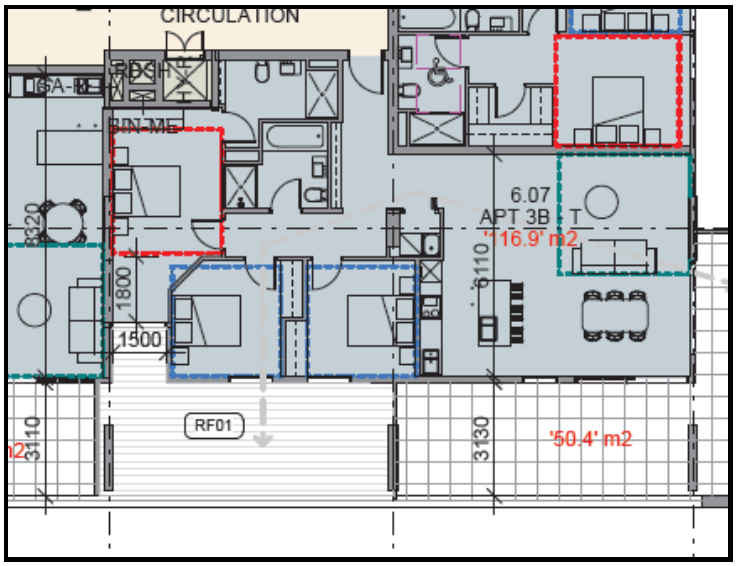
Objective	Objective Met/Not Met
	Conditions will therefore require an Acoustic Report to consider the potential noise impacts of these uses on internal dwellings and other uses within the development and where suitable, recommend suitable attenuation measures. Most service spaces which generate noise are located within the basement and away from any dwellings. Plant services located on the roof are screened and will meet EPA Guidelines.
58.05-1 – Accessibility • To ensure the design of dwellings meets the needs of people with limited mobility.	**Met subject to condition** As required under the standard 50% (89 apartments/units) of the apartments have been nominated as meeting the accessibility requirements for door opening widths, entrance paths and access to an adaptable bathroom.
58.05-2 – Building entry and circulation • To provide each dwelling and building with its own sense of identity. • To ensure the internal layout of buildings provide for the safe, functional and efficient movement of residents. • To ensure internal communal areas provide adequate access to daylight and natural ventilation.	**Met subject to conditions** The varied residential entries, basement entries and numerous non-residential use entries will be easily identifiable and visible from the street frontages and provide for safe, functional and efficient access and movement within the building. The Carpark Management Plan will further require signage to each vehicle and pedestrian entry, adjacent to these street frontages, to assist in clearly and particularly distinguishing between the residential and non-residential entries. All communal residential corridors are provided with a source of natural daylight and potential for ventilation, however, there are some further opportunities to increase windows and daylight to these areas, which have been discussed under Safety and will be required by condition. The non-residential uses will all receive suitable natural light and ventilation opportunities.
58.05-3 – Private open space • To provide adequate private open space for the reasonable recreation and service needs of residents.	**Met subject to condition** All apartments are provided with a balcony for private open space with direct access from a living area and meeting or exceeding the size and dimension requirements of Standard D19: • 1 bedroom - 8sqm – 1.8m minimum dimension • 2 bedroom - 8sqm – 2m minimum dimension • 3 bedroom - 8sqm – 2.4m minimum dimension Air conditioning units are provided on the upper level roof forms of Level 6 and Level 15, for many apartments, however some units are still provided on balconies.

Objective	Objective Met/Not Met
	Most balconies with air conditioning units are provided with an additional 1.5sqm of space however, a number which are internal to the courtyard of the tower fall short of the additional 1.5sqm. Conditions will require that these private open spaces are modified to meet Standard B19 by either relocating the air conditioning units or increasing the area. The townhouses, provided over 2 or 3 levels, are provided with a range of open spaces, including varied balconies and ground level courtyards accessible from the Short or Hepburn Road frontages. Where some of these courtyards are not directly accessible from the living areas, a balcony is suitably provided adjacent to the living areas. The development has been designed to provide private open space and balconies with optimal access to sunlight, where possible and recent modifications have further modified an additional 18 apartments to have easterly balconies, in place of balconies previously internal to the courtyard of the tower. This modification is considered a significant improvement for the amenity of these apartments. It is noted that the various communal residential areas exceed the minimum area requirements by more than double and further to this, many of the balconies are substantially larger than the requirements of Standard D19. Given all of the above and subject to the condition, the private open spaces are considered to meet the objective and standard.
58.05-4 – Storage • To provide adequate storage facilities for each dwelling.	**Considered Met – objective met** Each apartment is provided with a minimum 6 cubic metres of storage within the basement. The residential storage are provided within a range of storage cage rooms and spaces around each basement level. All basement storage cages are provided generally in proximity or immediate proximity to their allocated car parking space. Where cages are located directly adjacent to a parking space, the cage and parking space are allocated to the same apartment. The internal storage also meets the minimum internal storage areas for all apartment except for 18 apartments, which are all provided with 8.58m3 of storage internal to the apartments, instead of the required 9m3, falling short by 0.48m3. The total cubic metres provided for all apartments, exceed the minimum required by Standard D20: • 1 bedroom – 10m3 • 2 bedroom - 14m3

Objective	Objective Met/Not Met
	• 3 bedroom - 18m3 The 18 apartments which fall short of the internal cubic metres required by less and half a cubic metre are all provided with a total of 14.58m3 (where 14m3 is required by the Standard). Given the overall storage exceeds the minimum requirement and given the minor shortfall in the internal space provided, the variance to the Standard is considered reasonable and the objectives are considered to be met.
58.06-1 – Common property • To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. • To avoid future management difficulties in areas of common ownership.	**Met subject to conditions** The communal areas including the car parking areas, plaza, landscape areas, internal lobby and corridors are practically designed and can be suitably managed by a future Owners' Corporation. There are no apparent difficulties associated with the future management of these areas.
58.06-2 – Site Services • To ensure that site services can be installed and easily maintained. • To ensure that site facilities are accessible, adequate and attractive.	**Met** Appropriate site services are provided: • The ground floor (Level 4) Residential Lobby includes access to the separate lifts and a service area includes a concierge desk, post box/mail room, meeting room, office and residential library and stair access down to the Short Street Residential Lobby and entrance. • Dwellings fronting Short Street and Hepburn Road will have independent letter boxes in the ground floor (Level 3) Hepburn Road Residential Lobby entrance. • A substation is located within the western side of the front elevation, accessible to the street. • Services including fire, water, pump and gas are provided generally within the north-west corner of the building, to the Short Street frontage. • Given the fall of the land, these services are integrated into the building, partial basement and built form and appear to be suitably screened. A standard condition will require that they are designed to integrate into the design detail of the built form and suitably screened.

Objective	Objective Met/Not Met
	• The proposed waste management arrangement is not supported, as disused in the main assessment report.
58.06-3 – Waste and recycling • To ensure dwellings are designed to encourage waste recycling. • To ensure that waste and recycling facilities are accessible, adequate and attractive. • To ensure that waste and recycling facilities are designed and managed to minimise impacts on residential amenity, health and the public realm.	**Not Met – Condition required** The Waste Management Plan submitted with the application has been assessed by Council Waste Referrals Officers to be lacking in necessary details. The proposed arrangement is also of concern for the management, practicality, efficiently and convenience for future residents and users. The issues are discussed in detail, the Waste assessment section of this report. Given the complexities of the numerous issues raised and given a suitable solution may require internal redesign or rearrangements of the development, it is recommended that the waste management strategy be resolved through provision of an amended Waste Management Plan and where necessary, amended development plans, to respond to the issues raised and to the satisfaction of the Responsible Authority, either through conditions or preferably before the application can be progressed to the panel hearing.
58.07-1 – Functional layout • To ensure dwellings provide functional areas that meet the needs of residents.	**Met** All bedrooms and living areas meet the minimum dimensions and areas requirements specified by Standard D24, as demonstrated by the dimensioned indicators (green, blue and red dashed squares) on the floor plans and General Arrangement plans (TP701-TP716).
58.07-2 – Room depth • To allow adequate daylight into single aspect habitable rooms.	**Met** All apartments appear to have adequate daylight into single aspect habitable rooms, including meeting the requirements for single aspect rooms with a maximum depth of 9 metres, in accordance with Standard D25. The floor levels on the elevations indicate each floor level is 3.0m in height however, the floor to ceiling heights are not specified. A condition will require the minimum 2.7m high floor to ceiling heights, to also be indicated on the elevations, to ensure compliance is achieved, as indicated by the Town Planning assessment report/response to Clause 58. It is further noted that where the maximum 9m room depth is proposed and there is further overhang of the external window (generally by balconies), the orientation of these aspects is either north or west, and therefore daylight experienced is improved.

Objective	Objective Met/Not Met
58.07-3 – Windows • To allow adequate daylight into new habitable room windows.	**Considered Met by condition** The objective to allow adequate daylight into new habitable room windows is considered to be met, by condition as discussed below. Where possible, habitable room windows are located in an external wall however, some bedrooms of apartments are alternatively provided with daylight via a smaller secondary area (snorkel window). Standard B26 allows a window to provide daylight to a bedroom from a smaller secondary area with a minimum width of 1.2 metres and a maximum depth of 1.8 metres (1.5 times the width). This is generally achieved for most secondary windows, however, a number of these windows are not clear to the sky or are further obstructed by extending walls. A detailed assessment is provided of the daylight to windows compliance within the submitted Clause 58 Compliance Schedule and associated development plans. The assessment finds that 17% (31) dwelling are non-compliant with the Standard. It however provides further details and alterations to provide improved daylight to these non-compliant windows: • 16 windows are co-located with adjoining apartment window, to provide improved daylight access (as shown below);  • 22 have been designed with an adjoining protruding balcony to have a translucent screen (rather than a solid screen) to improve daylight access (as shown below);

Objective	Objective Met/Not Met
	 • 2 have provided a modified internal bedroom design, by angling the internal wall to improve the daylight access (as shown below);  • Of the compromised windows, only 5 (2.8% of dwellings) are south facing. Along with the modifications and improvements the applicant has made to the proposal through the application process, the alternative solutions to provide improved daylight to these compromised windows are considered to provide adequate daylight into the bedroom window of 17% of the dwellings. Conditions will require the roof form overhang over Apartment 6.19 to be removed to allow the window to be clear to the sky, as the roof form above is unoccupied.
58.07-4 – Natural ventilation • To encourage natural ventilation of dwellings. • To allow occupants to	**Met** The submitted Clause 58 Town Planning Assessment suggests that 67% of dwellings (118 of 177 dwellings) provide effective cross ventilation, exceeding the requirement of 40%

Objective	Objective Met/Not Met
effectively manage natural ventilation of dwellings.	of Standard D27. The proposed plans demonstrate natural ventilation achieved by the indicators (dimensioned grey dashed arrow lines) on the floor plans and General Arrangement plans (TP701-TP716). The natural ventilation indicates the ventilation openings on different orientations of the single level apartments and ventilation paths are between 5m and 18m. The submitted Clause 58 Town Planning Assessment further suggests that the townhouses will be vertically cross-ventilated. Ten of these townhouses are single aspect and are not considered to achieve cross ventilation, in accordance with Standard D27, therefore 61% of dwellings are considered to provide cross ventilation, still exceeding the requirement of 40% (Standard D27). The single aspect townhouses which do not achieve cross ventilation vertically are B01, 101, 102,103, 104, 105, 106, 107, 204 and 205.

7.82 The detailed assessment against the objectives of Clause 58 is provided in the Clause 58 Assessment Table above, demonstrates that the development generally satisfies all objectives of relevance to the application, subject to some conditions.

Car parking, Access, Traffic, Waste, Land Adjacent to a Road Zone Category 1 and Bicycle Facilities

Car parking and access

7.83 The Scheme requires a total of 516 car parking spaces for the proposed development. 480 car parking spaces are proposed overall, resulting in an overall shortfall of 36 car spaces. A permit is therefore being sought to reduce the car parking requirement. The car parking requirements and number of spaces provided is detailed as follows:

Purpose	Scheme car parking requirement	Car parking provided
Dwellings	239 spaces	269 spaces (surplus of 30)
Dwelling visitors	17 spaces	18 spaces (surplus of 1)
Total Residential	256 spaces	287 spaces (surplus of 31)
Place of assembly	195 spaces	193 shared spaces (shortfall of 67)
Food and drink	11 spaces	
Office	28 spaces	

Child care	26 spaces	
Total non-residential	260 spaces	193 shared spaces (shortfall of 67)
Total Overall	516	480

7.84 The previous development at this site, approved under Planning Permit PL18/0571 included an overall car parking requirement of 473 car spaces, with a provision of 400 car spaces and a shortfall of 73 car spaces. This development application seeks an overall shortfall of 36 car spaces.

7.85 This proposed development incorporates two basement car park areas over 5 basement and partial basement levels, providing a separate Residential and Non-residential uses basement car park, accessed from two separate driveways.

7.86 The car park for residents and resident visitors exceeds the car parking requirements by 31 car spaces (30 are proposed to be allocated additionally to future residents and 1 additional space is allocated as a visitor space). The visitor car parking spaces are suitable located in proximity to the entrance of the residential car park.

7.87 The non-residential car park layout adopts a shared approach to the provision of parking for all non-residential uses, including the place of assembly (which incorporates the auditorium, hall and chapel), child care centre, offices and food and drink premises. These four non-residential uses have car parking areas allocated across the two levels. A combined 193 car parking spaces are provided for these non-residential uses, which falls short of the required 263 spaces by 67 spaces.

7.88 The submitted traffic report identifies that the uses will not all operate at capacity during any one time. The justification for a portion of shared car parking for the non-residential uses, as provided in the submitted traffic report is summarised as:

- The place of assembly could have a total capacity of approximately 1,200 patrons across all of its functions, however not all functions will operate concurrently and this use should be capped at 650 patrons at any given time;
- The place of assembly is anticipated to operate at a lower capacity during business hours on weekdays, when the childcare and office would operate at capacity and can be further reduced to 427 patrons during these times;
- The offices and child care centre will operate during the day on weekdays only, which is outside the anticipated peak times of the place of assembly;
- The food and drink premises are anticipated to operate at peak capacity at lunch time on Fridays and Saturdays, with a lower capacity in the evenings.

7.89 The peak demand of the non-residential car park is during the day on weekdays. During these times, all uses would operate concurrently, with the offices, child care centre and food and drink premises all operating at full capacity, while the place of assembly would operate at its lowest capacity. To alleviate car parking demand in the non-residential car park during these times, the submitted traffic report recommends placing a limitation on the place of assembly to no more than 427 patrons.

7.90 By lowering the maximum number of place of assembly patrons to 427, the total anticipated non-residential car parking demand during this peak time is 193 spaces. Given the non-residential car park has a capacity of 193 spaces, the shortfall would no longer be relevant for this time.

7.91 The only time the capacity of the place of assembly and food and drink premises are anticipated to reach a peak car parking demand (of 260 spaces), is between 5pm and 6pm weekdays, where all the uses are most likely to be in use. This would result in the maximum proposed shortfall of 67 spaces.

7.92 It is further noted that given the childcare and office would operate primarily during weekday business hours, during the evenings, the shortfall would be significantly less, as follows:

- 6pm-7pm weekdays the shortfall is anticipated to reduce to 39 spaces;
- 7pm and 10pm the shortfall is anticipated to reduce to 13 spaces; and
- 10pm-11pm, the shortfall is anticipated to reduce to 2 spaces.

7.93 Consideration must be given to the high likelihood that some residents and resident visitors will also likely be multi-users of the various non-residential uses and that users of the non-residential uses, are also likely to use more than one of these uses. For example residents or office staff may use the childcare centre and/or customers of the food and drink premises may be attending the place of assembly.

7.94 Further considering the other mixed uses available within the Doncaster Hill, including the Westfield Shopping Centre, primary school, gyms and restaurants, along with the site's proximity to public transport services, it is expected that some users may be multi-trip users and future residents may be less likely to use their cars and have lower car ownership.

7.95 Given all of this above, including that the maximum reduction being sought is 36 car spaces, where the previous approval under Planning Permit PL18/0571 allows a reduction of 73 car spaces, the proposed car parking reduction is considered minor and acceptable in this context.

7.96 Conditions will require limitations on the days and hours of operation of other uses, including that the office and child care would not operate after 6pm weekdays and on weekends, and that the place of assembly is restricted to 427 patrons between 6am and 5pm weekdays.

7.97 As spaces within the non-residential car park are demarcated by use, a condition will require a Car parking Management Plan to detail how spaces will be allocated, signage and management practices to ensure that when a use is dormant (i.e. the office and child care centre during weekends), unused car parking spaces will be available for overflow parking for the operational uses.

7.98 Subject to the above additional limitations, the non-residential car park will provide an appropriate number of spaces across the four uses that will accommodate the anticipated demand. This rationale is not unusual for mixed-use buildings within the municipality and is supported by Council's Infrastructure Services Unit.

7.99 An assessment against the car parking design standards at Clause 52.06-9 is provided in the table below:

Design Standard	Assessment
1 – Accessways	• The accessways to the basement car parks meet the minimum width and height clearance requirements. • Minimum 6.1m by 7m passing areas are provided within the site frontages. • All vehicles are able to exit the site in a forwards direction. • An adequate visibility splay area is provided along the exit lane of each driveway. • Within the car parking levels, a 4m internal radius is provided at changes of direction.
2 – Car Parking Spaces	• Car parking spaces are generally provided in accordance with the dimensions and clearance areas required.
3 – Gradients	• Driveway gradients have been assessed as compliant with the standard, subject to the commercial car park driveway entrance being modified to no steeper than 1:10.
4 – Mechanical Parking	• No mechanical parking is proposed.
5 – Urban Design	• The driveways do not dominate public space. • The development limits the projection of basement areas above natural ground level through stepping of the ground floors and basement/carparking levels in response to the slope and the incorporation of dwellings around the curtilage of the car park areas, to activate the development with the street.
6 – Safety	• The car parking areas are secured by security gates which are operational by intercoms where appropriate and when necessary. • Pedestrian accesses are highly visible, suitably located and clearly separated from the accessways and roadways.
7 – Landscaping	• Where practicable, landscaping is well-placed along the frontages, plaza and accessways into the building.

Traffic

7.100 The submitted traffic report identifies that the proposed development is expected to generate up to 181 and 263 vehicles movements at the AM and PM peak hours respectively. It concludes that the volume of traffic generated by the development can be comfortably accommodated by the nearby road network.

7.101 The number of vehicle movements is not anticipated to have a discernible impact on the surrounding road network once distributed to the arterial road network, due to the number of routes available for drivers to use. It concludes that there is adequate traffic gap capacity in westbound through traffic on Doncaster Road to accommodate the additional left-turn out movements from Short Street that will be generated by the development during the peak hours.

7.102 Council's Infrastructure Services Unit has not raised concern in relation to the expected volume of traffic generated by the proposed development as assessed in the submitted traffic report.

Waste

7.103 The Waste Management Plan submitted with the application has been assessed by Council Waste Referrals Officers to be lacking in necessary details. The proposed arrangement is also of concern for the management, practicality, efficiently and convenience for future residents and users.

7.104 Waste Referral feedback was provided in November and December 2020, seeking greater clarity on the proposed Waste Management Plan, raised issues and sought additional details.

7.105 A response from the applicant was provided in January 2021 to advise that a formally updated Waste Management Plan could not be provided but provided responses to the matters raised.

7.106 A subsequent assessment of the responses and further discussions (in January 2021) between Councils Waste Referrals Officer and the Waste Consultant who prepared the report (Leigh Design), determined that the provided waste management proposal was suitable, and further details could be provided before public notice (panel hearing). The general view of the consultants was that many of the issues being raised were more operational, which could be addressed once the development is in operation.

7.107 The issues raised and concluded by the Waste Referral response include:

1. The Waste Management Plan does not reference and detail the two bin rooms proposed for the development or clearly detail how or how frequently the Residential Bins are to be moved through the basement, to the Loading dock for collection (as advised by the applicant through subsequent discussions and advice).

2. The practicality of having the residential waste collection occur from within the loading bay is not seen as being a viable solution as the volume of bins which would be required to be moved forward and backward from the loading area, potentially numerous times a week, seems unmanageable.

3. The complexities of an arrangement for regularly moving the residential bins to the loading dock for collection, may also result in issues for the usability of the loading dock which services the numerous and varied uses of the mixed-use development.

4. A review of the engineering plans suggest that a smaller private waste collection vehicle could access the residential car park and undertake bin collections from within close proximity to the bin room.

5. Given the opportunity to have a private waste collection vehicle undertake waste collection from within the car park, it would be necessary to review swept path diagrams showing all truck movements within the car park.

6. As previously requested, verification is sought on whether the bin rooms can accommodate all the bins which will be required for the development. Thought could be given to the use of bigger bins or even increasing collection frequency.

7. A more practical approach needs to be considered to how residents will easily dispose of garbage, recyclables, food organic waste and glass material.

8. It is not practical or efficient to expect residents to transport garbage, recyclables, glass and/or food waste via the lift, to the bin rooms located in the basement, as only a portion of the development is provided with a bin chute (to the tower apartments) and only for garbage.

9. The waste service needs to be designed to be user friendly and convenient to encourage recycling (including consideration of food organic and glass waste separation methods).

10. It is important that issues like this are fully considered at the design stage, as retrofitting solutions into the future may not be simple, is not likely to result in the best outcome and may be costly.

11. Before the Engineering Plans are finalised and approved, a Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. The Waste Management Plan needs to take into consideration and not be limited to:

    - Waste generation rates, collection frequency, bin requirements, size and location of bin storage rooms and details on waste facilities and equipment,
    - Plans showing appropriate turning facilities, swept path diagrams, turning circles and relevant height clearances;
    - Details on how residents will practically and conveniently access waste facilities.

12. The Development and /or Engineering Plans may need to be altered or amended to take into consideration any requirements resultant in achieving approval of the Waste Management Plan.

13. It is recommended that the Waste Management Plan details and issues are resolved before formal approval of a development of this scale and complexity.

7.108 Given the complexities of the numerous issues raised and given a suitable solution may require internal redesign or rearrangements of the development, it is recommended that the Waste Management Plan and arrangement be resolved through provision of an amended Waste Management Plan and where necessary, amended development plans, to respond to the issues raised and to the satisfaction of the Responsible Authority, either through conditions or preferably before the application can be progressed to the panel hearing.

<u>Land Adjacent to a Road Zone Category 1</u>

7.109 A permit is required under Clause 52.29 of the Manningham Planning Scheme as the proposal involves the removal of existing crossovers and creation of a new crossover to Doncaster Road, which is zoned Road Zone Category 1.

7.110 The Department of Transport has provided conditional consent to the proposal, therefore the access arrangement is considered appropriate.

Bicycle Facilities

7.111 Clause 52.34 (Bicycle facilities) requires a total of 66 bicycle spaces, inclusive of 35 for dwelling residents, 18 for dwelling resident visitors, 7 for employees of the non-residential uses and 6 for visitors to the non-residential uses. The breakdown of statutory bicycle parking requirement of each use is provided below:

Purpose	Use Size	Employee/Resident	Visitor/Customer/User
Office	1123sqm	4 spaces	1 spaces
Dwellings	177 dwellings	35 spaces	18 spaces
Food and Drink	317sqm	1 spaces	1 spaces
Place of Assembly	3351sqm	2 spaces	4 spaces
Childcare centre	120 children	None	None

7.112 Therefore the proposed provision of a total of 116 bicycle spaces provided for the development exceeds the overall provision for all uses.

7.113 The bicycle spaces consist of 12 public bicycle hoops providing 24 bicycle spaces within the plaza fronting Doncaster Road (for any visitors to the site), 77 secure bicycle spaces within the residential basement (for residents and resident visitors) and 15 bicycle spaces within the non-residential uses basement (for employees or visitors to the non-residential uses). These locations also provide for a range or visitors and users to varied and convenient access to bicycle parking.

7.114 As specified by the Traffic Report, Clause 52.34-3 of the Manningham Planning Scheme generates a statutory requirement of one change room/shower (for nine employee bicycle spaces). It is not clear if this has been provided. Conditions will require compliance with this requirement.

8. COUNCIL PLAN / STRATEGY

Council Plan 2017 - 2021

8.1 Should Amendment C127mann proceed, it is considered that it would align with and respond to Initiative 2.1: Inviting places and spaces of the 2017-21 Council Plan.

Manningham Planning Scheme Review - August 2018

8.2 Recommendation No. 4 provides for the review of the *Doncaster Hill Strategy (2002, revised 2004).* The scope of the review includes reviewing the Doncaster Hill planning principles including the precinct guidelines, mandatory height controls, urban form and development principles. Upon implementation, the review is expected to provide contemporary decision making by responding to emerging trends and identified gaps in achieving the desired vision for Doncaster Hill.

8.3 As previously addressed in the report, DELWP have given in-principle support to progress Amendment C127mann in acknowledgement the Amendment request would proceed a review of the *Doncaster Hill Strategy 2002, revised 2004* (the Strategy). MGS consultants have been engaged to prepare a draft *Doncaster Hill Framework Plan* which, in anticipation of adoption, will supersede the Strategy. It is noted that this draft plan is yet to be considered by Council or be publicly exhibited,

8.4 As part of the in-principle support, DELWP have advised that the built form must be justified on strong urban design grounds and that the amendment must be consistent with *PPN60: Height and setback controls for activity centres.*

8.5 On the basis that the proposed design is well justified and that Amendment C127mann is consistent with PPN60, it is considered that Amendment C127mann will align with and respond to Recommendation 4.

9. IMPLEMENTATION

9.1 Finance/Resource Implications

The Proponent is responsible for covering the costs of the amendment process in accordance with the *Planning and Environment (Fees) Regulations* 2016 and the preparation of the Section 173 Agreement.

9.2 Communication and Engagement

A communications strategy will be prepared to manage the communications and consultation required for Amendment C127mann, Planning Permit Application PLN20/0303 in accordance with the requirements of the *Planning and Environment Act* 1987. These will include:

- Notice in the Government Gazette;
- Notices in the Manningham Leader or metropolitan newspaper;
- Direct notification sent to adjoining and nearby property owners and occupiers. Submitters to the previous planning permit application that may not be part of the mailing list will also receive notification of the amendment.
- Information on Council's website (Your Say Manningham);
- Community information session(s) to provide opportunities for enquiries and clarifications to be made; and
- Information made available at the municipal offices and the Doncaster Library (subject to COVID restrictions).

9.3 Timelines

Subject to Council's resolution, authorisation from the Minister for Planning will be sought to prepare and exhibit Amendment C127mann and the planning permit application.

Following authorisation from the Minister for Planning, the amendment and planning permit application will be exhibited for a minimum period of (1) one month after notice is given in the Government Gazette, in accordance with section 19 of the *Planning and Environment Act* 1987.

All submissions will be considered by Council as well as being referred to an Independent Panel for consideration as part of a Panel Hearing if Council cannot resolve the matters raised in the submissions.

It is anticipated that the entire amendment process will take around 12 months to complete.

10. DECLARATIONS OF CONFLICT OF INTEREST

10.1 No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME

Notice of the Preparation of an Amendment to a Planning Scheme and Notice of an Application for a Planning Permit Given Under Section 96C of the *Planning and Environment Act 1987*

Amendment C127

Planning Permit Application PLN20/0303

The land affected by the amendment is 674-680 Doncaster Road and 2 Short Street, Doncaster.

The land affected by the planning permit application is 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 and 18 Hepburn Street, Doncaster.

The amendment proposes to amend Schedule 1 to the Activity Centre Zone (ACZ1) by realigning the sub-precinct boundaries of 2C and 2B. The eastern edge of sub-precinct 2C currently ends at Short Street. It is proposed to extend sub-precinct 2C to the east so that it will encompass 674-680 Doncaster Road and 2 Short Street, Doncaster. The boundary between sub-precinct 2C and sub-precinct 2B will commence at the boundary between 674-680 Doncaster Road and 682-684 Doncaster Road, Doncaster.

The planning permit application PLN20/0303 seeks permission for:

- partial demolition of a heritage building (church)
- use and development of a 17 storey mixed-use building
- place of assembly
- child care centre
- two food and drink premises
- offices
- reduction in the standard car parking requirements
- Alterations of access to a road in a Road Zone Category 1

The amendment has been requested and planning permit application has been made by Hollerich Town Planning Pty Ltd (the Proponent) on behalf of the landowner, The Properties Corporation of the Churches of Christ.

You may inspect the amendment, the Explanatory Report about the amendment, the planning permit application, and any documents that support the amendment and the planning permit application, including a draft proposed permit, free of charge, at:

- Manningham Council website at [web address to be inserted]
- Manningham Council at 699 Doncaster Road, Doncaster, during office hours
- Doncaster Library, MC2, 687 Doncaster Road, Doncaster during business hours
- Department of Environment, Land, Water and Planning website www.delwp.vic.gov.au/public-inspection.

Any person who may be affected by the amendment and/or the planning permit application by the granting of the permit may make a submission to the planning authority about the amendment and the planning permit application. Submissions must be made in writing giving the submitter's name and contact address, clearly stating the grounds on which the

amendment is supported or opposed and indicating what changes (if any) the submitter wishes to make.

Name and contact details of submitters are required for Council to consider submissions and to notify such persons of the opportunity to attend Council meetings and any public hearing held to consider submissions.

The closing date for submissions is [Date to be inserted]. A submission must be sent to:

Manager Integrated Planning
Manningham City Council
PO Box 1
DONCASTER VIC 3108

Or online at: [web address to be inserted]

The planning authority must make a copy of every submission available at its office and/or its website for any person to inspect free of charge until the end of the two months after the amendment comes into operation or lapses.

ANDREW DAY
Chief Executive Officer

Planning and Environment Act 1987

MANNINGHAM PLANNING SCHEME
AMENDMENT C127mann
674-680 Doncaster Road and 2 Short Street, Doncaster

PLANNING PERMIT APPLICATION PLN20/0303
674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster

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 requested and planning permit application has been made by Hollerich Town Planning Pty Ltd (the Proponent) on behalf of the landowner, The Properties Corporation of the Churches of Christ.

Land affected by the amendment

The amendment applies to land at 674-680 Doncaster Road and 2 Short Street, Doncaster.

The amendment is a combined planning scheme amendment and a planning permit application under section 96A of the Planning and Environment Act 1987 ("Act").

The planning permit application applies to a larger site than the amendment, that is the whole of the subject land at 674-680 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster.

What the amendment does

Amendment C127mann proposes to amend Schedule 1 to the Activity Centre Zone (ACZ1) by realigning the sub-precinct boundaries of 2C and 2B. The eastern edge of sub-precinct 2C currently ends at Short Street. It is proposed to extend sub-precinct 2C to the east so that it will encompass 674-680 Doncaster Road and 2 Short Street, Doncaster. The boundary between sub-precinct 2C and sub-precinct 2B will commence at the boundary between 674-680 Doncaster Road and 682-684 Doncaster Road, Doncaster.

The planning permit application PLN20/0303 seeks permission for:

- Partial demolition of a heritage building (church)
- Use and development of a 17-storey mixed use building
- Place of assembly
- Child care centre
- Two food and drink premises
- Offices
- Reduction in the standard car parking requirements
- Alterations of access to a road in a Road Zone Category 1

The draft planning permit is attached as a separate document to this Explanatory Report.

Strategic assessment of the amendment

Why is the amendment required?

Amendment C127mann has been informed by a detailed Urban Design Assessment of the area affected by the amendment and the surrounds, focusing predominantly on the eastern half of sub-precinct 2 of the Doncaster Hill Major Activity Centre.

The existing ACZ1 height controls result in a 'dip' in the built form along the Doncaster Road frontage as a result of the topography of the land, and the higher built form permitted to the west of Short Street when compared to the subject land. Street profile modelling demonstrates that due to the slope of the land the built form permitted on the subject land appears one storey lower than the adjoining land to the east (682-684 Doncaster Road) despite this neighbouring property being in the same sub-precinct and being closer to the edge of the activity centre. The permissible built form on the subject land appears three storeys lower than the land to the west of Short Street due to the different height controls under the sub-precincts and the sloping nature of the land.

The boundaries of the sub-precincts are arbitrary and the Urban Design Assessment undertaken by the Proponent for the amendment, has concluded that it is a poor urban design outcome to use the centre line of the Short Street road reservation as a sub-precinct boundary, particularly when considering the otherwise symmetrical streetscape of Short Street.

An increase to the maximum building height permitted on the subject land would facilitate a more coherent streetscape presentation to Doncaster Road, with the summit of the built form profile moving slightly east as the topography continues to slope upwards.

A height increase to 40 metres on the subject land would have no greater visual domination in the Doncaster Road streetscape or skyline profile. It will avoid the 'dip' that would occur if the existing controls remained and moves the summit slightly east.

How does the amendment implement the objectives of planning in Victoria?

The amendment applies and implements the objectives of planning in Victoria specified in Section 4 of the *Planning and Environment Act 1987* as outlined below.

- It provides for the fair, orderly, economic and sustainable use and development of land, by facilitating strategically justified development in a preferred location for urban intensification.
- It ensures a pleasant, efficient and safe environment for all Victorians and visitors.
- It ensures that buildings of historic significance on the subject land will continue to be appropriately protected, conserved and enhanced.
- It balances the present and future interests of all Victorians, facilitating higher density development in a well serviced location, and by improving urban design outcomes in the Doncaster Hill Major Activity Centre.

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

Environmental Effects
The proposed changes relate only to a change in mandatory height controls and is not likely to have any adverse environmental effects.

Economic Effects
The amendment is expected to have positive economic effects as it will enable the development of a larger building that can accommodate a mix of commercial and residential uses, as encouraged by the ACZ1.

Social Effects
The amendment supports an expansion of the community services offered on the subject land, including a total of 10 affordable housing units which is expected to have positive social effects and contribute to a net community benefit.

Does the amendment address relevant bushfire risk?

The subject land is not located in an area subject to bushfire risk.

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

Ministerial Direction - The Form and Content of Planning Schemes
This amendment was prepared and presented in accordance with the style guide and drafting instructions in the direction.

Ministerial Direction No. 9 Metropolitan Strategy
This amendment recognises the significance of the Doncaster Hill Major Activity Centre. The re-alignment of the existing sub-precinct boundaries proposes to improve urban design outcomes within the precinct which seeks to achieve built form that steps down the hill.

The Metropolitan Strategy (Plan Melbourne 2017 - 2050) provides strong support for intensification of activity centres and this amendment will support efficient use of the subject land that benefits from existing services and infrastructure.

Ministerial Direction No. 11 Strategic Assessment of Amendments
This explanatory report and addresses the requirements of Ministerial Direction 11.

Ministerial Direction No. 15 The Planning Scheme Amendment Process
This amendment and planning permit application under section 96A of the *Planning and Environment Act 1987* will follow the set times and steps specified for planning scheme amendments under this Direction.

Ministerial Direction No. 18 Victorian Planning Authority Advice on Planning Scheme Amendments

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

The amendment supports and implements the Planning Policy Framework as demonstrated below. It supports the role and function of vibrant activity centres, in accordance with clauses 11.03-1R and 11.03-1S.

- It supports improved urban design outcomes in Doncaster Hill by enabling a more consistent streetscape presentation along Doncaster Road, in accordance with clause 15.01-1R.
- It will support the creation of well-designed places that are memorable and distinctive, while also strengthening the boulevard character of Doncaster Road, in accordance with clause 15.01-5S.
- It continues to ensure that the heritage place on the subject land will be conserved and enhanced as part of a future development, achieving the strategies of clause 15.01-1S.
- It supports the increased provision of housing within an existing area that is close to existing services and facilities, in accordance with clause 16.01-1S.
- It will provide for development that meets the community's needs for entertainment, office and other commercial services in accordance with clause 17.02-1S.
- It will provide for development that is close to high-quality public transport routes in accordance with clause18.02-4S.

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

The Strategic Framework Plan at Clause 21.04 includes the subject land within the Doncaster Hill Major Activity Centre, and adjacent to a main road. This amendment seeks to improve urban design outcomes along the main road and within the evolving Doncaster Hill Major Activity Centre.

The amendment reinforces the vision for Doncaster Hill, as outlined by Clause 21.09, by ensuring that:

- the built form emphasises the dramatic landform in Doncaster Hill;

- development achieves a general stepping down of the built form, away from the ridgeline;
- high rise, and high density housing is supported in a well serviced area;
- a coherent and consistent streetscape is achieved along Doncaster Road.

Amendment C127manns ensures that the heritage status of the Doncaster Church of Christ is retained and protected as part of the redevelopment of the subject site, in accordance with clause 21.11 and 22.03 and the ACZ1.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions as outlined below.

- It amends an existing control (Activity Centre Zone – Schedule 1) to allow for a development that exceeds the existing height permitted on the subject land.

- The amendment has been informed by the guidance provided in Practice Note 60 (Height and Setback Controls for Activity Centres). In accordance with these guidelines, the proposed adjustment to the height control is underpinned by a comprehensive built form analysis for the site and adjoining properties.

How does the amendment address the views of any relevant agency?

The exhibition of Amendment C127mann and the planning permit application will provide a formal opportunity for all relevant stakeholders to provide comment on the proposal. The views of relevant agencies will be sought during this process.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is not expected to have any adverse impacts on the transport system. The subject land is located in the Doncaster Hill Major Activity Centre, where substantial development has already occurred.

Resource and administrative cost

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

The amendment is unlikely to have any adverse implications on the resource and administrative costs of the responsible authority.

Where you may inspect this amendment

The amendment the planning permit application is available for public inspection, free of charge at the Manningham website at [web address to be inserted]

And

The amendment the planning permit application is available for public inspection, free of charge, during office and/or operating hours at the following places:

- Manningham City Council: 699 Doncaster Road, Doncaster
- Doncaster Library, MC2, 687 Doncaster Rd, Doncaster

The amendment the planning permit application can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection

The amendment the planning permit application can also be inspected free of charge at the

Department of Environment, Land, Water and Planning website at www.planning.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 [Dated to be inserted].

A submission must be sent to:

Manager Integrated Planning
Manningham City Council
PO Box 1
DONCASTER VIC 3108

Or online at: [web address to be inserted]

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: [Date to be inserted]
- panel hearing: [Date to be inserted]

Possible draft planning permit conditions for Planning Permit Application PLN20/0303

Provided as part of the Explanatory Report

1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Design Inc, Project No. 16040, Revision TP7 dated 15 January 2021), but modified to show:

   1.1 The replacement of the pale bronze profiled vertical Colorbond metal cladding (marked on the plan as CW03) defining the northern balconies of Apartments 6.11 on Level 6 and 7.11 on Level 7 with the pale bronze powdercoated aluminium box fins (marked on the plan as MB01), and to terminate at the western edge of the balconies;

   1.2 The brickwork brand and colour identified on the plans as 'BK01' modified to be a pale colour, to match the original lighter coloured brick used for detailing on the 1889 church building, to the satisfaction of the Responsible Authority;

   1.3 Roof form overhang over Apartment 6.19 to be removed to allow the window to be clear to the sky;

   1.4 The doors adjoining the Level 8 and 16 outdoor areas to be glazed and have glazed windows either side, where practicable;

   1.5 Relocation of the air conditioning units or modification of apartments balconies which do not meet Standard B19 of Clause 58.05-3 of the Manningham Planning Scheme (as they do not provide an additional 1.5sqm of area, where an air conditioning unit is located);

   1.6 The minimum 2.7m high floor to ceiling heights for apartments, also indicated on the elevation plans;

   1.7 Further modification of any solid balcony side walls to be translucent privacy screens, to improve daylight and solar access, to the satisfaction of the Responsible Authority;

   1.8 Indication of removal, relocation or modification of the easement, as approved by Yarra Valley Water;

   Boulevard treatment and Doncaster Road frontage

   1.9 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;

   1.10 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority Landscaping;

1.11 All landscaping areas detailed and dimensioned to correspond with the concept landscape plans (prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020);

1.12 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority;

Car parking, access and basement areas

1.13 Suitably located charging stations for the car parking and bicycle areas, within each of the two basements;

1.14 A detailed schedule and allocation of car parking spaces for each apartment and townhouse within the basement and Level 1, rationalised based on the location of corresponding allocated external storage spaces and the most convenient lift locations relative to the entrance of each dwelling;

1.15 Allocation of external storage for each dwelling, rationalised based on the location of corresponding allocated resident vehicle spaces, including a minimum 6m3 of storage to each townhouse;

1.16 Details of the materials, finishes and dimensions of all external storage areas;

1.17 Details and plan notations demonstrating each area set aside for bicycle spaces complies with Clause 52.34-6 (Design of bicycle spaces) and Clause 52.34-7 (Bicycle signage) of the Manningham Planning Scheme;

1.18 The provision of one change room/shower (for nine employee bicycle spaces) as required by Clause 52.34-3 (Bicycle) of the Manningham Planning Scheme;

1.19 A notation detailing that all redundant vehicle crossovers be removed and the footpath, nature strip, kerb and channel be reinstated;

1.20 Details of the ventilation provided to all car park areas;

Other

1.21 Capacity of all rainwater tanks;

1.22 All services designed to integrate into the design detail of the built form and suitably screened;

1.23 Any required design inclusions or modifications in response to the Acoustic Assessment approved under a further Condition of this Permit,

1.24 A schedule listing all sustainability features / commitments applicable to the approved development, including the provision of third pipe and any plans changes as required, as per the Sustainability Management Plan approved under a further Condition of this permit;

1.25 All recommendations and design changes as required by Department of Transport as required by a further Condition of this Permit;

1.26 Design details (including location, height and materials) of the screens

and/or design features as included and required by the Wind Report under a further Condition of the Permit;

1.27 Notations to demonstrate compliance with the recommendations of the Wind Report under a further Condition of the Permit;

1.28 All recommendations and design changes as required by the reports and management plans approved under further Conditions of this permit to the satisfaction of the Responsible Authority.

Endorsed Plans

2. The uses and development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Construction Management Plan

3. Not less than three months before the development starts, a Construction Management Plan (CMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

3.1 Element A1: Public Safety, Amenity and Site Security;

3.2 Element A2: Operating Hours, Noise and Vibration Controls;

3.3 Element A3: Air Quality and Dust Management;

3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);

3.5 Element A5: Waste Minimisation and Litter Prevention; and

3.6 Element A6: Traffic and Parking Management which is also to include consideration of a shuttle service for construction personnel to and from the site.

Council's Works Code of Practice and Construction Management Plan Guideline are available on Council's website.

Sustainability Management Plan

4. Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The plan must be generally in accordance with the prepared by Lucid Consulting Australia and dated 16 October 2020, and the Stormwater Management Report and associated MUSIC model, prepared by Adams Consulting Engineers and dated 12 January 2021 but be modified to:

4.1 Demonstrate best practice 4-star in the Green Star Design and As-Built Rating System;

4.2 Include details and the size of rainwater tanks and their connections;

4.3 Provide the third pipe connection, which must not only be a single point connection to top up the rainwater tank;

4.3.1 Provide a revised the stormwater management strategy to:

4.3.2 Provide a certified copy of water quality analysis – MUSIC from the service provider for Council records;

4.3.3 Locate treatment units prior to OSD is acceptable, but it is the design engineer's responsibility to verify the levels work and flow rates work;

4.3.4 Provided OSD storage volume is not acceptable - permissible site discharge and OSD storage volume must be calculated using OSD4 programme (refer to Council's OSD Guide line for details);

4.3.5 Provide an alternative to SPELL storm Chambers (not a preferable option as a solution for OSD storage), unless otherwise agreed;

4.3.6 Detail that 15 KL water tank must be used for toilet flushing.

Green Travel Plan

5. The development must be constructed in accordance with the Green Travel Plan approved and forming part of this permit (prepared by Traffix Group, dated 8 May 2020), and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

Waste Management Plan

6. Prior to the submission of plans under Condition 1, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be to the satisfaction of the Responsible Authority, generally in accordance with the submitted Waste Management Plan prepared by Leigh Design, dated 19 November 2020, but be modified to detail:

6.1 A modified waste management strategy to the satisfaction of the Responsible Authority;

6.2 Waste generation rates, collection frequency, bin requirements, size and location of bin storage rooms and details on waste facilities and equipment;

6.3 Plans showing appropriate turning facilities, swept path diagrams, turning circles and relevant height clearances (included within the report/plan);

6.4 Details on how residents will practically and conveniently access waste facilities;

6.5 Details on how residents will practically and conveniently access dispose of garbage, recyclables, food organic waste and glass material;

6.6 Measures to ensure that the private waste contractor can access the development and the private waste contractor bins;

6.7 No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

Acoustic Report

7. In association with the submission of plans under Condition 1, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report Acoustic Design Criteria Assessment prepared by Acoustic Logic and dated 14 May 2020, but be modified to show:

    7.1 Treatment to address external noise intrusion from traffic on Doncaster Road to ensure compliance with the criteria in Table 2 of the assessment (likely to include medium to heavy weight single glazing or IGU);

    7.2 An Acoustic assessment to consider the potential noise impacts of the non-residential uses on internal dwellings and other uses within the development and the surrounding neighbourhood and where suitable, recommend suitable attenuation measures.

Pedestrian Wind Environment Report

8. In association with the submission of plans under Condition 1, an amended Pedestrian Wind Environment Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the report prepared by Windtech, dated 11 February 2019, but be modified to show:

    8.1 Alternative measures to provide wind protection that avoids the provision of screens on the north-western balconies of Levels 6 and 7, based on the requirement under Condition 1.2 of this permit to the satisfaction of the Responsible Authority;

    8.2 Diagrams to show the location of all required screens.

Disability Access Plan

9. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:

    9.1 Vehicular and pedestrian access into the building;

    9.2 Access to the lifts;

    9.3 The provision of tactile indicators;

    9.4 The provision of braille indicators for the lifts;

    9.5 The use of contrasting paving materials to assist the vision impaired;

    9.6 All emergency exits; and

    9.7 Car parking areas.

Car Parking Management Plan

10. Before the commencement of any approved use, a Car Parking Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this approved plan. The plan must be generally in accordance with the endorsed plans and must include:

    10.1 The allocation of all car parking spaces;

    10.2 Details of how each car park will be managed, including access arrangements and any measures to allow any available non-residential car parking spaces to be utilised by other uses as overflow parking;

    10.3 Details of how the loading area will be managed;

    10.4 Details of how all bicycle parking spaces will be allocated and managed.

Conservation Management Plan

11. Prior to any demolition works commencing on the site or the endorsement of plans under Condition 1, whichever is the sooner, a conservation management plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the conservation management plan will be endorsed and form part of the permit. The conservation management plan must provide further details of works which will be undertaken to the existing church building on the site and include:

    11.1 Detailed plans to show the specific stain glass windows that will be retained and any measures required for removal during the construction process, storage details, restoration and installation measures as part of the interpretive strategy under a further Condition of this permit, to the satisfaction of the Responsible Authority. The CMP must include details of a suitably qualified stained glass conservator undertaking the works;

    11.2 Details of the storage location for the existing interpretive signage, foundation stones and stain glass windows during construction works to ensure their protection;

    11.3 A detailed plan outlining the new location of the existing interpretive signage, foundation stones and stain glass windows as part of the interpretive strategy under Condition 16 of this permit;

    11.4 Detailed construction plans (drawn to scale of 1:20) of the new portico informed by available evidence of the original building to the satisfaction of the Responsible Authority and plan details of how the new portico and steps will be fixed to the existing church building;

    11.5 Detailed construction plans (drawn to the scale of 1:20) to show how the existing church building will be fixed to the new building to the satisfaction of the Responsible Authority; and

    11.6 Detailed construction plans (drawn to the scale of 1:20) to show the integration of the existing church building with the new building so that it is level and aesthetically compatible with the chapel extension, gardens and foyer to the satisfaction of the Responsible Authority.

Works must be undertaken in accordance with the conservation management plan and must be managed by a suitably qualified heritage specialist to the satisfaction of the Responsible Authority.

Management Plan Compliance

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

13. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved under a further Condition of this permit, or similar qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures / commitments in the Sustainability Management Plan approved under a further Condition of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit to the satisfaction of the Responsible Authority.

Yarra Valley Water Easement

14. Before Condition 1 plans can be considered for endorsed, written formal consent from Yarra Valley Water to modify, relocate or build over the easement is required to be provided.

Removal of restriction

15. Before the development starts, the restriction contained in the Instrument of Transfer number B416060 on Lot 9 of PS 056685 must be removed from the title pursuant to Section 23 of the Subdivision Act 1988, to the satisfaction of the Responsible Authority.

Archival record

16. Prior to any demolition works commencing on the site, a photographic heritage record of the church building and the buildings to be demolished or altered must be prepared to the satisfaction of the Responsible Authority. One archival quality copy of the record along with an electronic copy must be submitted to the Responsible Authority. The record must also include:

    16.1 Views of each elevation of the building/s;

    16.2 Two diagonally opposed views of each internal space in the building/s; and

    16.3 Any architectural design detailing of the building/s.

    16.4 Photo log sheets including plans clearly showing north and indicating what direction the images were taken.

    The photographic record must be taken with an SLR camera of at least 8 megapixels and images saved in RAW format.

Interpretive strategy

17. Before the commencement of the use of the place of assembly, an interpretive

strategy of permanent displays must be installed within the Level 4 public space foyer to the satisfaction of the Responsible Authority. It must include the

archival record approved under a further Condition, incorporated with existing interpretive signage, existing church archives that document the history and development of the site and the re-use of existing stain glass windows.

Landscape Plan

18. Before the development starts, amended landscaping plans must be submitted to the Responsible Authority for approval. The plans must be generally in accordance with the approved site layout plans and the decision plans prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020, but modified to show:

18.1 Species, locations, quantities, approximate height and spread of proposed planting;

18.2 Details of soil preparation and mulch depth for garden beds;

18.3 Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;

18.4 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;

18.5 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority;

18.6 A separate sectional detail of Doncaster Road boulevard canopy tree planting methods, which includes appropriate root director or root cell technology incorporated to ensure that the boulevard paving is not damaged by tree roots over time;

18.7 Sectional details of the planting method for planter boxes, including the method of drainage;

18.8 A minimum 1m wide area to the perimeter of the site, within the private open space/courtyard area of dwellings fronting Short Street and Hepburn Road;

18.9 Further details of and a landscape treatment provided to the following spaces, to the satisfaction of the Responsible Authority:

18.9.1 Between the loading dock accessway and the eastern boundary, fronting Hepburn Road;

18.9.2 Generally along the southern frontage to Hepburn Road (including within front courtyards);

18.9.3 Generally along the eastern frontage to Short Street (including within front courtyards);

18.10 Improved details of the site frontage to Doncaster Road, including the location of bicycle parking, ramps, planter beds, retaining walls and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;

18.11 The irrigation of communal garden beds and lightweight planter boxes controlled by sensors;

18.12 Details of any rain-garden, including maintenance details;

18.13 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting;

18.14 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority.

Landscape Bond

19. Before the release of the approved plan for the development, a $15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Street Trees

20. Footpath panels adjacent to proposed street tree locations must be removed and reinstalled by the developer/property owner with TripStop X to Council specification, and to the satisfaction of the Responsible Authority.

21. All fencing foundations and infrastructure must be engineered and installed to withstand the pressure exerted from roots from street trees as they grow, to the satisfaction of the Responsible Authority.

22. All street trees along Hepburn Road must be retained and protected in accordance with AS 4970, to the satisfaction of the Responsible Authority.

23. All street tree removal and planting works must be undertaken by Council at the full cost of the permit holder, to the satisfaction of the Responsible Authority.

Completion and Maintenance

24. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

25. Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:

25.1 All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';

25.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and

25.3 All landscape areas must be fully planted and mulched or grassed.

26. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

27. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon

as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.

28. In the event of excavation or works causing damage to any existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.

Stormwater – On-site detention (OSD)

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

    29.1 Be designed for a 1 in 5 year storm; and

    29.2 Storage must be designed for 1 in 10 year storm.

Construction Plan (OSD)

30. Before the development starts, a construction plan for the system required by a further Condition of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

31. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

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

On-site car parking and bicycle parking and access

33. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:

    33.1 Be completed and line-marked to the satisfaction of the Responsible Authority prior to the occupation of the development or commencement of the uses hereby permitted;

    33.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and

    33.3 Be drained and sealed with an all-weather seal coat.

34. The residential, visitor and non-residential car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.

35. The areas set aside for residential visitor car parking shown on the endorsed

plans must be made available for this use free of charge at all times and must

not be used for any other purpose, to the satisfaction of the Responsible Authority.

36. All bicycle parking areas must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

37. The use of the crossover on Doncaster Road for vehicle access must only be associated with special events of the place of assembly, to the satisfaction of the Responsible Authority.

38. An intercom and an automatic garage door opening system must be installed, so as to facilitate convenient 24 hour access to the residential car park by visitors, to the satisfaction of the Responsible Authority.

Place of Assembly

39. Except with the prior written consent of the Responsible Authority, the maximum number of patrons who may attend the place of assembly at any one time and the hours of operation of the place of assembly are:

    427 patrons on Monday to Friday between 8:00am and 5:00pm

    650 patrons on Monday to Friday between 5:00pm and 11:00pm

    650 patrons on Saturday and Sunday between 8:00am and 11:00pm

40. The number of patrons who may attend the place of assembly on Monday to Friday between 8:00am and 5:00pm may increase to 650 patrons with the prior written consent of the Responsible Authority. Additional patrons will only be permitted if it can be demonstrated that the car parking demand for the place of assembly does not exceed the available car parking spaces, to the satisfaction of the Responsible Authority.

Child Care Centre

41. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 120.

42. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:00am and 7:00pm on weekdays only.

43. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.

44. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.

45. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Food and Drink Premises

46. Except with the prior written consent of the Responsible Authority, the food and drink premises must only operate between the hours of 7.00am and 10:00pm Monday to Sunday.

47. The shop fronts of the food and drink premises must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.

48. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.

Offices

49. Except with the prior written consent of the Responsible Authority, the offices must only operate between the hours of 7:00am and 6:00pm on weekdays only, to ensure that unused car parking spaces outside of these times are made available as overflow parking for other uses.

Amenity

50. Before the uses commence, all fencing, including acoustic fencing and any other measures must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.

51. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

52. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

53. All delivery and collection of goods associated with the non-residential uses must be conducted within the subject land and within the operating hours approved under this permit.

54. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection must be undertaken in accordance with Council requirements and the approved waste management plan.

55. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Monday to Friday to the satisfaction of the Responsible Authority.

56. The operators of non-residential uses must ensure to the satisfaction of the Responsible Authority that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby residents and residents in the building, and in accordance with any approved car parking operation approved under another condition of this permit.

57. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:

    57.1 Transport of materials, goods or commodities to or from the land;

57.2 Storage of goods and wastes;

57.3 Appearance of any building, works or materials; and

57.4 Emission of noise, light, vibration, odour & dust.

Lighting

58. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.

59. The development must be provided with external lighting capable of illuminating access to each car parking space, storage area, waste bins, pedestrian walkways, stairwells, lifts, dwelling entrances and entry foyers. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Development Contribution

60. Prior to the completion of the development, a Development Contribution as agreed by the Responsible Authority in accordance with Clause 45.06 Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

General

61. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

62. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.

63. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.

64. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

65. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

66. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

Affordable housing

67. Prior to the commencement of buildings and works Affordable Housing must be secured under a mutually agreed to Section 173 Agreement between the Proponent and Council and must be signed by all parties before the Amendment

is sent to the Minister for Planning for approval, at the latest. The affordable housing dwellings must satisfy the following:

67.1 Be not less than 10 in number, which are likely to be one or two bedroom apartments;

67.2 To be tenure blind with finishes reflecting all other apartments within the development and fully integrated into the development;

67.3 The ultimate location will reflect the needs of the occupant or provider, can be grouped together or spread throughout the development and are likely to be in the lower levels;

67.4 All residents must satisfy one of the prescribed income ranges contained in the Ministerial Order entitled 'Specification of Income Ranges' published in the Victoria Government Gazette No. G23 dated 26 June 2019 at page 1070 pursuant to section 3AB of the *Planning and Environment Act 1987;*

67.5 Any of the dwellings can be used for disability purposes or form part of the National Disability Insurance Scheme or the National Rental Affordable Scheme, provided the dwellings satisfy all the other requirements of Council as specified herein;

67.6 The need for flexibility with respect to models of ownership and management of the dwellings is acknowledged, including third party Affordable Housing providers, trusts and the like; and

67.7 Council requires the initial owner and occupier of each dwelling to be approved of in writing by Council to ensure that Council's requirements in respect of affordable housing dwellings, as outlined herein, are satisfied;

67.8 The cost of preparing and registering the agreement is to be paid by the permit holder.

Department of Transport

68. Prior to commencement of the buildings and works, a Functional Layout Plan showing the access arrangement to the chapel off Doncaster Road, must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 10/10/2020 and annotated TP206 Rev TP6 but modified to show:

68.1 Access control; retractable bollards at the boundary or within the site, to limit access for special events only;

68.2 Access and the layout of parking for "hearse" and "wedding vehicle";

68.3 Demonstrated manoeuvring space for vehicles to enter and exit the site in a forward direction; and

68.4 Paved promenade treatment across the crossover to reinforce pedestrian priority.

69. Prior to commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the

satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria and the Responsible Authority.

70. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

71. Vehicles must enter and exit the land in a forward direction at all times.

72. Vehicles must enter and exit the land in a forward direction at all times.

Permit Expiry

73. This permit will expire if one of the following circumstances applies:

73.1 The development is not started within four (4) years of the date of this permit; and

73.2 The development is not completed within eight (8) years of the date of this permit.

73.3 The uses are not commenced within two (2) years of the development being completed.

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

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27/05/2019
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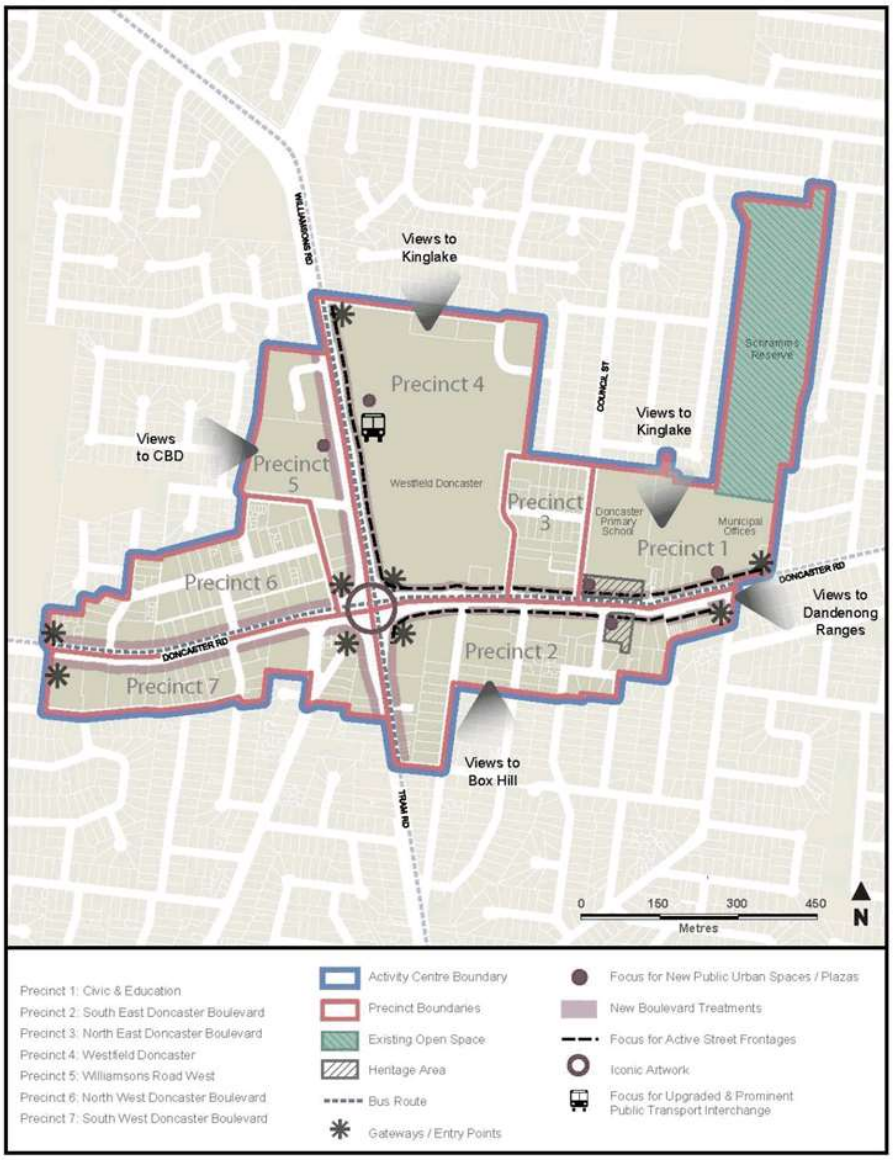
SCHEDULE 1 TO CLAUSE 37.08 ACTIVITY CENTRE ZONE

Shown on the planning scheme map as **ACZ1**.

DONCASTER HILL MAJOR ACTIVITY CENTRE

1.0 Doncaster Hill Framework Plan

23/05/2019
C104



2.0 Land use and development objectives to be achieved

23/05/2019
C104

- To advance Doncaster Hill as a sustainable and vibrant mixed-use activity centre with a strong sense of place and civic identity.

- To develop the centre as a focus for contemporary high density residential development incorporating a mix of complementary retail, social, commercial and entertainment uses.
- Toensure theactivitycentre enhancesthesocial, environmental, economic and cultural elements of the municipality and region, advancing Doncaster Hill as a destination in Melbourne's East.

Land use

- To provide for a vibrant range of mixed uses that support the strategic role of the Doncaster Hill Major Activity Centre.
- To provide for a high level of activity that attracts people, provides a focal point for the community, creates an attractive and safe urban environment, increasing opportunities for social interaction.
- To ensure mixed use development comprises flexible floor spaces for a range of uses.
- To recognise the importance of the role that Westfield Doncaster plays as an anchor in the Doncaster Hill Activity Centre and as a major regional shopping centre.
- To substantially increase the provision, intensity and diversity of housing (especially affordable housing), that allows for all sectors of the community to live in the centre.
- To provide for high-density residential development on individual sites in conjunction with a diversity of other uses including a mix of retail, commercial, social, community and entertainment uses.
- To encourage commercial and small-scale retail uses at the lower level of buildings, with high-density apartment style residential development on upper levels.

Built form

- To create treed boulevards framed by podiums, consistent front setbacks and a high quality landscape along Doncaster, Williamsons and Tram Roads.
- To encourage innovative, contemporary architecture that provides a distinctive sense of identity for the Doncaster Hill Major Activity Centre.
- To emphasise the existing dramatic landform of Doncaster Hill through built form that steps down the hill.
- To ensure an appropriate transition in height both within the activity centre and to surrounding neighbourhoods.
- To encourage built form that capitalises on key views and vistas including to the middle-ground and distant features including Dandenongs, the Kinglake Ranges and the central Melbourne skyline.
- To encourage the provision of urban art within built form or in adjacent public areas.
- To encourage the built form at gateway locations identified in the Framework Plan to be designed to act as markers with distinguishing architectural or urban design treatments.

Environmental sustainability

- To ensure Australian Best Practice environmentally sustainable design is met in relation to building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management and transport.

Public realm

- To encourage active street frontages and pedestrian generating activities to be located along main roads.
- To ensure public spaces are minimally impacted by overshadowing, including preserving solar access in mid-winter to the key boulevards of Doncaster Road and Williamsons Road.

- To facilitate the enjoyment of public urban spaces/plazas, streetscapes, pedestrian and bicycle paths by ensuring that these areas are not excessively overshadowed or affected by wind tunnelling.
- To encourage artwork in suitable locations to contribute to creating a distinctive sense of identity.

Open space and landscaping

- To achieve development that provides accessible, safe, attractive and functional private and public open space opportunities, which are well connected and integrated within a permeable urban environment.
- To create a healthy and consistently landscaped environment that is dominated by native and indigenous planting.
- To maximise opportunities for landscaping in the public and private realm.
- To ensure each precinct has ready access to well designed public open space.

Transport and access

- To achieve development of circulation networks that focus on providing strong linkages within the Doncaster Hill Major Activity Centre, and enhance public transport, pedestrian and bicycle users' amenity.
- To provide for well-defined vehicular, bicycle and pedestrian access both within and external to all precincts, with strong pedestrian crossing points to be established between the north and south sides of Doncaster Road.
- To encourage the integration of car parking areas into buildings andthe unique slopinglandform, including providing under-croft and basement as opposed to open-lot parking.

Land configuration and ownership

- To encourage the reconfiguration and consolidation of land where necessary to create viable development sites and optimal development of the centre.
- To avoid the fragmentation of land through subdivision that does not achieve the outcomes of the Development Framework.

3.0 Table of uses

28/01/2021
C131mann

Section 1 - Permit not required

Use	Condition
Accommodation (other than Camping and caravan park, Caretaker's house, Corrective institution and Dwelling)	Must not be located at ground floor level, except for entry foyers. Must be in conjunction with one or more other uses in section 1 or 2.
Caretaker's house	
Dry cleaner	Must be in Precincts 4 or 2A.
Dwelling	
Education centre	Must be in Precinct 1.
Food and drink premises (other than Hotel and Tavern)	Must be in Precincts 4 or 2A.

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Use	Condition
	Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A. Must be located at ground floor level, but is not limited to ground floor level, except for in Precinct 4A.
Home based business **Leisure and recreation (other than Open sports ground, Restricted recreation facility, Major sports and recreation facility and Motor racing track)**	
Laundromat	Must be located in Precincts 4 or 2A.
Market	Must be located in Precinct 1.
Office	Must not be in Precincts 2E-G, 3A or 6D-E. Must be in conjunction with one or more other uses in section 1 or 2. Any frontage at ground floor level must not exceed 2 metres, unless the office is a bank, real estate agency, travel agency, or any other office where the floor space adjoining the frontage is a customer service area accessible to the public. Within Precinct 3 on land bounded by Doncaster Road, Tower Street, Berkeley Street and Council Street, must have a floor area of at least 1,500 square metres.
Open sports ground	Must be located in Precinct 1.
Postal agency **Railway**	
Restricted recreation facility	Must be located in Precinct 1.
Shop (other than Adult sex product shop)	Must be located in Precincts 4 or 2A.
Tramway	
Any use listed in Clause 62.01	Must meet requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Adult sex product shop	Must be at least 200 metres (measured by the shortest route reasonably accessible on foot) from a residential zone or Business 5 Zone, land used for a hospital, primary school or secondary school or land in a Public Acquisition Overlay to be acquired for a hospital, primary school or secondary school.

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Use	Condition
Commercial display area	
Food and drink premises (other than Hotel and Tavern) – if the Section 1 condition is notmet	Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A. Must be located at ground floor level, but is not limited to ground floor level, except for in Precinct 4A,
Hotel	Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A.
Office – if the Section 1 condition is not met	Must be in conjunction with one or more other uses in section 1 or 2. Within Precinct 3 on land bounded by Doncaster Road, Tower Street, Berkeley Street and Council Street, must have a floor area of at least 1,500 square metres.
Place of assembly (other than Carnival, Circus and Drive-In theatre)	Must be in conjunction with one or more other uses in section 1 or 2.
Research centre **Research and development centre** **Restricted recreation facility**	
Retail premises (other than food and drink premises, market, primary produce sales, postal agency and shop)	Must be in conjunction with one or more other uses in section 1 or 2, except for in Precinct 4A. Must be located at ground floor level, but is not limited to ground floor level, except for in Precint 4A.
Service industry (other than Dry cleaner and Laundromat)	
Shop (other than Adult sex product shop) – if the Section 1 condition is not met	Must be in conjunction with one or more other uses in section 1 or 2. except for in Precincts 4 or 2A Must be located at ground floor level, but is not limited to ground floor level. except for in Precincts 4 or 2A.
Tavern	Must be in conjunction with one or more other uses in section 1 or 2.
Transport terminal (other than Airport, Road freight terminal and Wharf) **Utility installation (other than Minor utility installation and Telecommunications facility)** **Any other use not in Section 1 or 3**	

Section 3 - Prohibited

Use
Agriculture (other than Apiculture)
Airport
Brothel
Camping and caravan park
Cemetery
Corrective institution
Drive-in theatre
Freeway service centre
Industry (other than Service industry and Research and development centre)
Major sports and recreation facility
Motor racing track
Primary produce sales
Road freight terminal
Saleyard
Timber production
Warehouse (other than a Commercial display area)
Winery
Wharf

4.0 Centre-wide provisions

03/06/2010 C87

4.1 Use of land

03/06/2010 C87

A permit is not required to use land located in Precinct 1 for the purpose of Local Government or Education providing the use is carried out by, or on behalf of, the public land manager.

4.2 Subdivision

23/05/2019 C104

Applications for subdivision of existing sites that are not associated with a development proposal that supports the objectives promoted by this Scheme for the Doncaster Hill Major Activity Centre are discouraged.

Consolidation of land to facilitate the creation of viable development sites is encouraged.

4.3 Buildings and works

03/06/2010 C87

Dwellings

No permit is required to:

- Construct or extend one dwelling on a lot of more than 500 square metres. This exemption does not apply to:
  - Construction of a dwelling if there is at least one dwelling existing on the lot.
  - Extension of a dwelling if there are two or more dwellings on the lot.

- Construction or extension of a dwelling if it is on common property.
- Construction or extension of a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building, and the fence exceeds the maximum height specified in Clause 55.06-2.
- The development of a Caretaker's house or a Bed and breakfast.

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Construct one dependent person's unit on a lot.

4.4 Design and development

23/05/2019
C104

Dwellings

On a lot of less than 500 square metres, a development must meet the requirements of Clause 54 if it proposes to:

- Construct or extend one dwelling; or
- Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling.

A development must meet the requirements of Clause 55 if it proposes to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.
- Construct or extend a front fence within 3 metres of a street if:
  - The fence is associated with 2 or more dwellings on a lot or a residential building, and
  - The fence exceeds the maximum height specified in Clause 55.06-2.

This does not apply to a development of four or more storeys, excluding a basement.

Building height

New development must not exceed the Maximum Building Heights and Design Element Heights specified in the precinct provisions at Clause 5 of this Schedule.

A permit cannot be granted to vary the Maximum Building Heights or Design Element Heights specified in the precinct provisions at Clause 5 of this Schedule.

For the purposes of this Schedule, the Maximum Building Height and Design Element Height does not apply to service equipment including plant rooms, lift overruns, solar collectors and other such equipment provided the following criteria are met:

- No more than 50% of the roof area is occupied by the equipment;
- The equipment is located in a position on the roof so as to minimise additional overshadowing of neighbouring properties and public spaces;
- The equipment does not extend higher than 3.6 metres above the Maximum Building Height as specified in the precinct provisions at Clause 5 of this Schedule; and

- The equipment is designed and screened to the satisfaction of the responsible authority.

For the purposes of this Schedule, a Design Element is a unique architectural or design feature that substantially contributes to the overall building form and appearance. Design Element Areas are identified for each precinct in the Precinct Provisions at Clause 5 of this Schedule.

Design Elements should:

- Substantially contribute to the overall built form and appearance by forming part of a distinctive architectural or ecologically sustainable design feature;
- Be based oncontemporary architectural andinnovative urban design techniquesthat incorporate ecologically sustainable design principles;
- Be located where built form will have the greatest impact and be able to make an architectural statement, including the highest areas on ridgelines, the area surrounding the intersection of Doncaster and Williamsons Road, and the entry points/gateways into Doncaster Hill Major Activity Centre;
- Not occupy greater than 15% of the overall roof area of the building.
- Not substantially increase the visual mass of the building; and
- Not cast additional overshadowing upon adjacent and nearby properties and public spaces at 12 noon on 22 June.

Building setbacks

A permit cannot be granted to vary the front setbacks, including the front podium and front tower setbacks, specified in the precinct provisions at Clause 5 of this Schedule for those properties abutting Doncaster Road, Williamsons Road or Tram Road.

A permit may be granted to vary the minimum side and rear setbacks specified in the precinct provisions at Clause 5 of this Schedule.

Minor buildings and works such as verandas, architectural features, balconies, sunshades, screens, artworks and street furniture may be constructed within the setback areas specified in the precinct provisions at Clause 5 of this Schedule provided they are designed and located to the satisfaction of the responsible authority.

Overshadowing

Development on the north side of Doncaster Road must not cast a shadow further than 1.2 metres south of the back of the kerb on the south side of Doncaster Road between 11:30am and 1:30pm on 22 June.

Development should be designed to avoid casting shadows on adjacent properties (including public open space areas) outside the activity centre between 11:00am and 2:00pm on 22September.

Boulevard character

Development along Doncaster Road, Williamsons Road and Tram Road, except for land in Precinct 4A (Westfield Doncaster) along Williamsons Road, must provide:

- A podium of at least 12 metres along street frontages.
- A uniform 5 metre setback to a podium from the site frontage.
- A 3.6 metre wide paved promenade across the site frontage, replacing the existing footpath, to the satisfaction of the responsible authority.
- Two staggered avenues of large deciduous trees (minimum 3.5 metres height at time of planting) at 12 metre spacings, and the inside row being positioned at 3.5 metre offset from the building edge, with species being to the satisfaction of the responsible authority.

- A tree grille at each tree, to be bordered by a pavement header strip to the satisfaction of the responsible authority.
- A mix of hard and soft landscape treatments within the street frontage setback area located between the new paved promenade and the front wall of the building. Hard landscape treatments may include paving, street furniture and screens etc., which complement the boulevard landscape treatment. Soft landscape treatments may include grassed areas and planting that complements the boulevard landscape treatment to the satisfaction of the responsible authority.
- Artwork in a suitable location within the street frontage area, unless an artwork contribution has been made in some other form to the satisfaction of the responsible authority.
- For land in Precinct 4A (Westfield Doncaster), the boulevard character treatments along Williamsons Road will be detailed in a Development Plan prepared and approved pursuant to Schedule 4 of the Development Plan Overlay.

Landscape design

Landscape design must:

- Incorporate screen planting and landscape buffers of 1.5 metre minimum width as an interface to adjoining sites;
- Provide canopy trees and native indigenous plantings;
- Provide landscape treatments to the tops of podiums to provide visual interest and to soften the built form environment; and
- Create private and public open space areas that are accessible, safe, attractive and functional for all users.

Access and mobility

New development must:

- Comply with the Australian Standard AS1428 Part 2 provisions for access and mobility;
- Provide a high level of accessibility at the principal front entry for any residential development; and
- Provide for side or rear access to parking areas on sites along Doncaster Road, where appropriate.

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5.0 Precinct provisions

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Proposed
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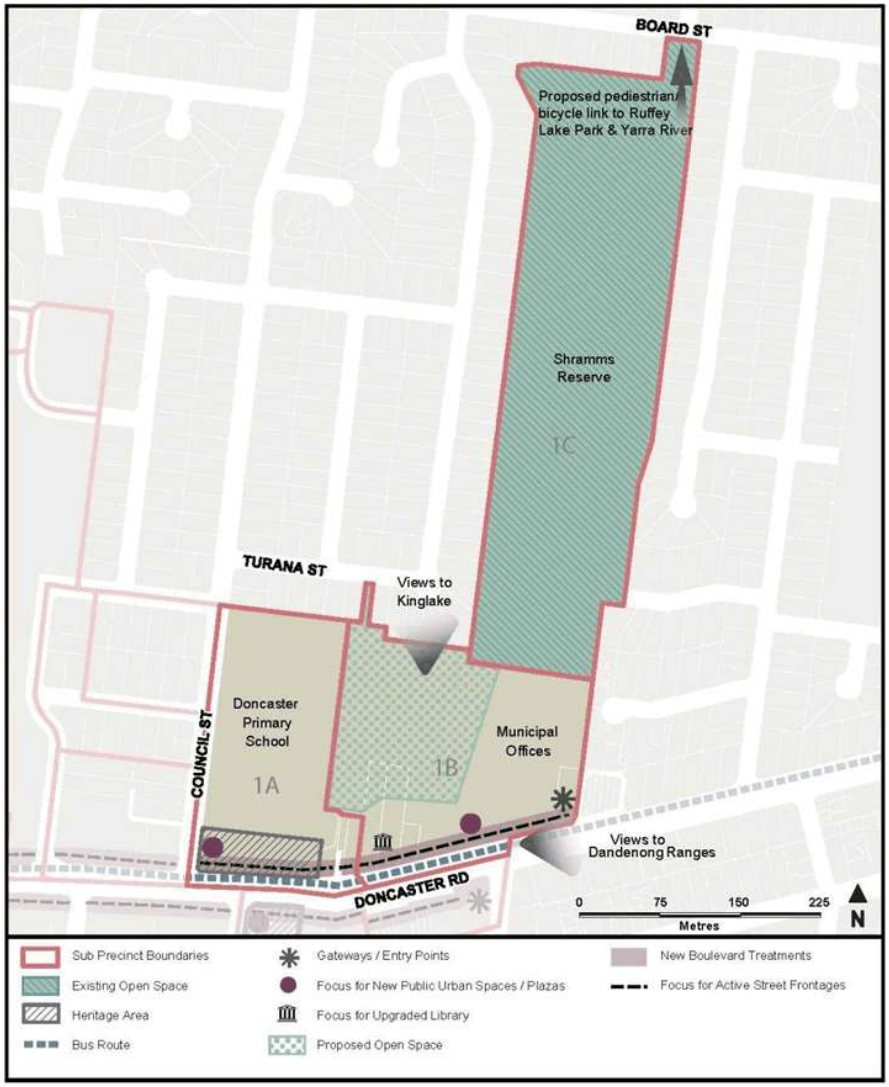
5.1 Precinct 1: Civic and Education

03/06/2010
C87

5.1-1 Precinct map



5.1-2 Precinct objectives

- To develop Precinct 1 as a consolidated focus for civic, community, education and recreation facilities and associated activities.
- To create an enhanced historic and arts enclave focusing on the old shire offices and school building as integral features of the precinct, and develop a link with the heritage elements in Precinct 2.

- To consider mixed use commercial and residential opportunities within the precinct.
- To create a major public open space comprising an attractive green spine and outdoor events space, with extensive canopy tree planting.
- To create well designed urban spaces/plazas interfacing with the major civic open space, community, civic and education facilities and Doncaster Road, as part of future development proposals.
- To create an attractive green spine as an 'outdoor events space' which is visible from Doncaster Road, and with strong pedestrian links to key buildings and new facilities within the precinct.
- To create a landmark gateway building at the eastern end of the precinct.

5.1-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
1A	None specified	None specified	5m from front boundary 4.5m from side boundaries 8m from rear boundaries
1B	29m	3.8m above maximum height	5m from front boundary 4.5m from side boundaries 8m from rear boundaries
1C	None specified	None specified	None specified

5.1-4 Precinct guidelines

- Buildings should be innovative and contemporary and respond to the character of the existing municipal offices building and to the unique topography of the site.
- Recreation/open space setting should be preserved.
- Any new development should be sympathetic to the scale of the surrounding residential neighbourhood.
- Building facades and public spaces should reflect the precinct's functions.
- Pedestrian linkages should be created with the retail precincts / active street frontages of both Westfield Doncaster and Doncaster Road.
- Significant vistas to the northern ranges from Doncaster Road (in the vicinity of the Municipal Offices) and from Schramms Reserve should be retained.
- New boulevard treatments should allow for access to key views and be designed to highlight the entrance to community spaces and facilities provided.
- Extensively plant native and indigenous vegetation throughout the precinct.

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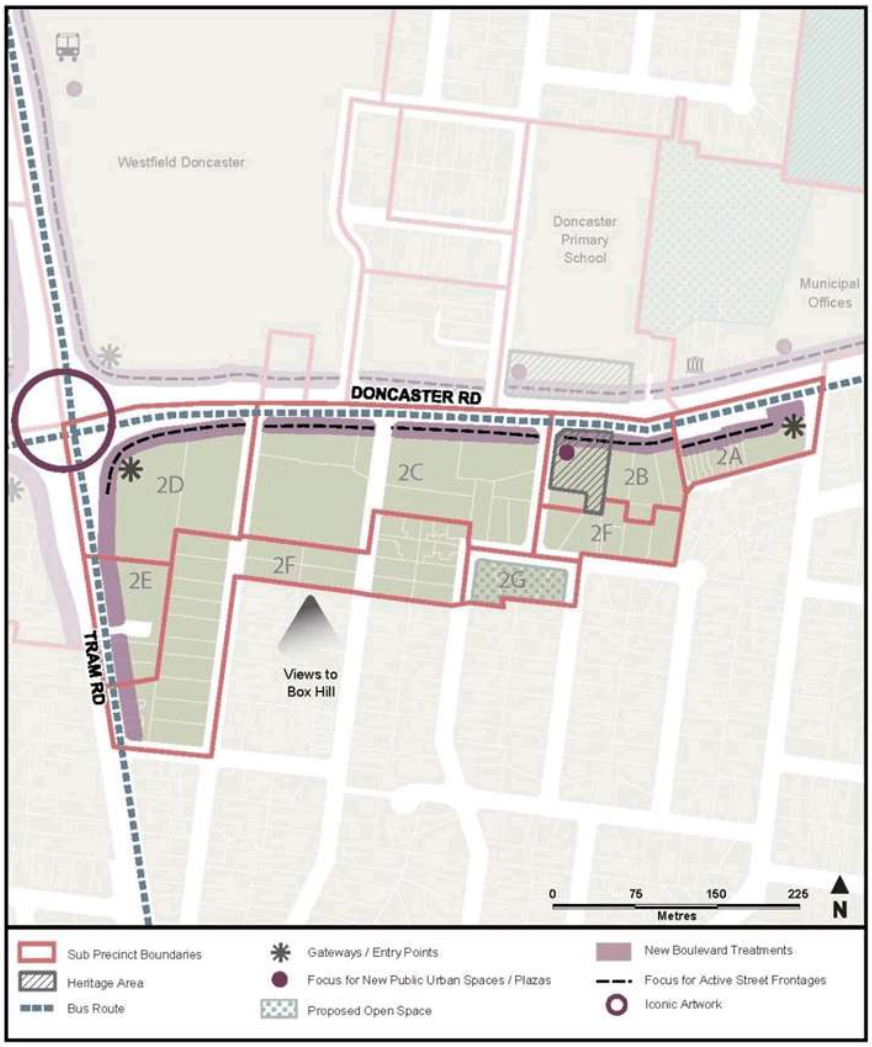
5.2 Precinct 2: South East Doncaster Boulevard

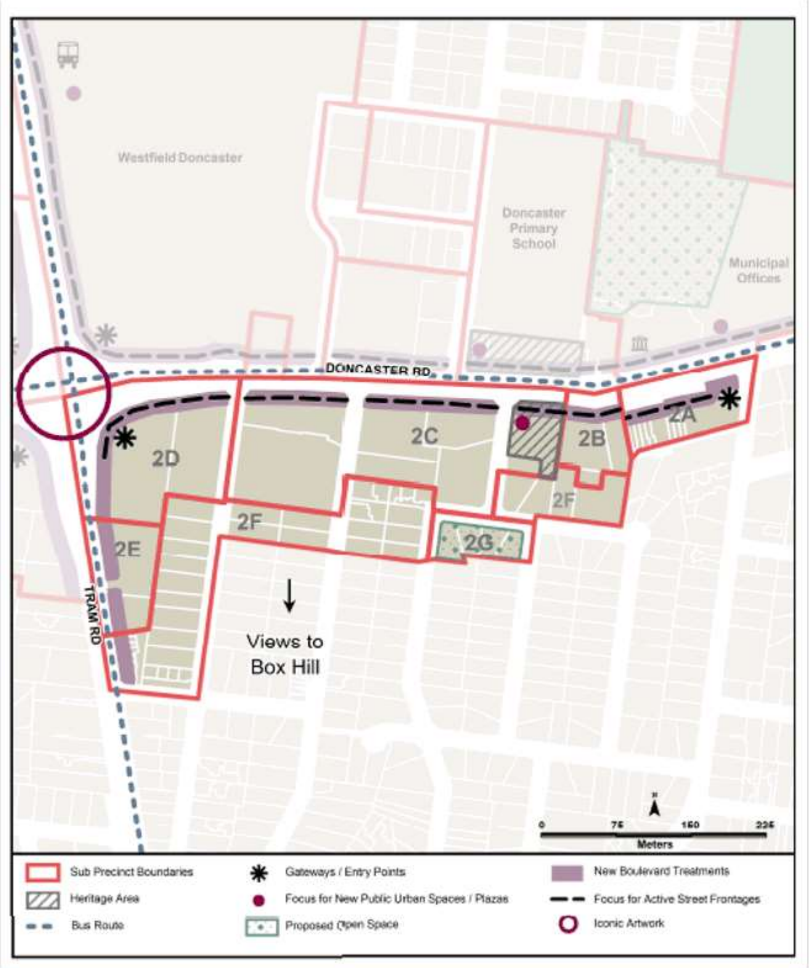
03/06/2010
C87

5.2-1 Precinct map – MAP TO BE DELETED AND REPLACED WITH FOLLOWING MAP



MANNINGHAM PLANNING SCHEME

New Map to be inserted



5.2-2 Precinct objectives

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To encourage the greatest area of high-density development to locate along the Doncaster Road ridgeline.
- To encourage the provision of cafes, restaurants and outdoor eating within the precinct.
- To retain and enhance the historic elements within the precinct and develop a link with the historic and arts enclave in Precinct 1.

- To support and connect with the pedestrian link proposed for the Doncaster Road, Williamsons and Tram Roads intersection at the western end of the precinct.
- To create a landmark gateway building at the eastern and western ends of the precinct.
- To create a public urban space/plaza with good solar access abutting the south side of Doncaster Road, with convenient access to the north side.
- To develop an area of open space as a passive green park, with urban play opportunities, and located in an area convenient to the precinct with well defined pedestrian links.

5.2-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
2A	21.5m	4.3m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2B	29m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2C	40m	8.0m above maximum height	5m to front podium edge from front boundary 11m to front tower edge from front boundary 4.5m from the side boundaries 5m from rear boundary
2D	36m	7.2m above maximum height	5m to front podium boundary 13m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2E	21.5m	None specified	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2F	14.5m	None specified	5m from front boundary 4.5m from side boundaries 4.5m from rear boundary
2G	11m	None specified	3m from front boundary 4.1m from side boundaries 4.5m from rear boundary

5.2-4 Precinct guidelines

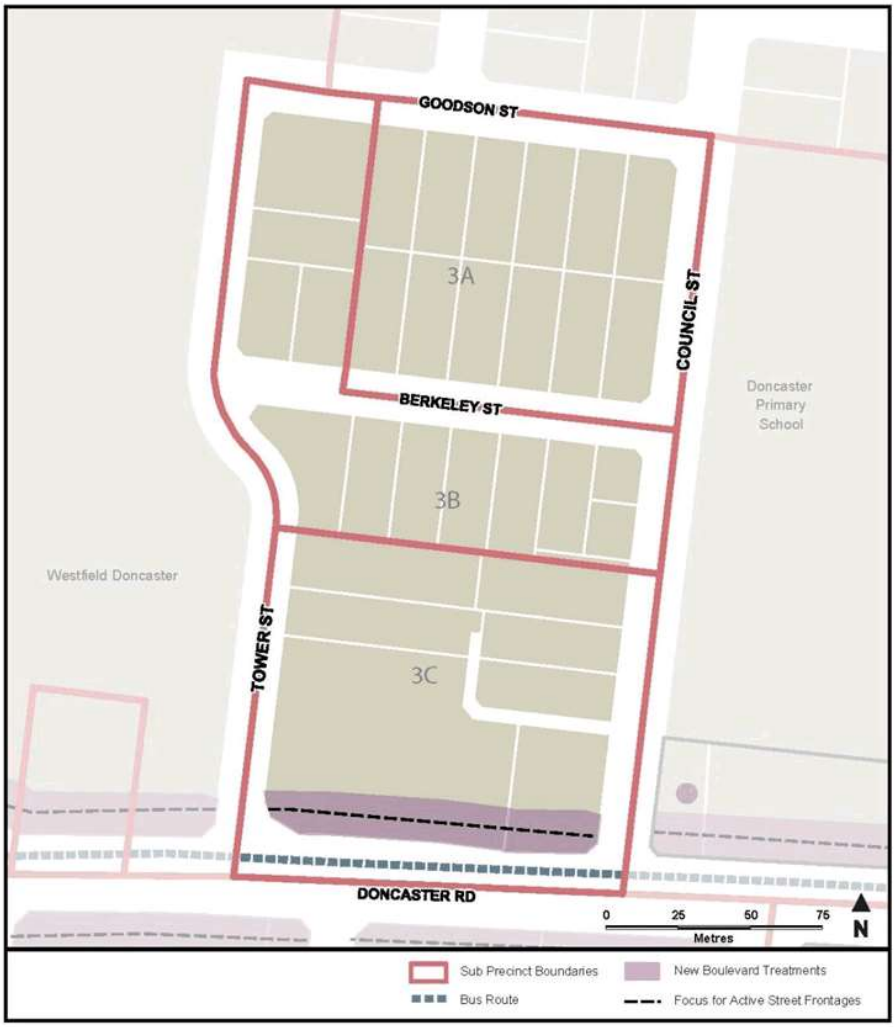
- Development should recognise heritage elements within the precinct.
- Built form should achieve a general stepping of the building in a southerly direction from the ridgeline, down Tram Road, and towards the residential area to the east.

MANNINGHAM PLANNING SCHEME

5.3 Precinct 3: North East Doncaster Boulevard

03/06/2010
C87

5.3-1 Precinct map



5.3-2 Precinct objectives

- To encourage a greater mix of uses including residential and commercial uses in the precinct.
- To encourage an enhanced pedestrian environment within the precinct.
- To ensure development steps down the hill to maximise the northerly aspect and commanding views to the northern ranges.
- To encourage the provision of a pedestrian and bicycle network to Westfield Doncaster and the civic and education precinct.

MANNINGHAM PLANNING SCHEME

5.3-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
3A	12.5m	None specified	5m from front boundary 4.1m from side boundaries 4.5m from rear boundary
3B	14.5m	None specified	5m from front boundary 4.5m from side boundaries 4.5m from rear boundary
3C	29m	5.8m above maximum height	5m to front podium edge from front boundary 15m to front tower edge from front boundary 4.5m from side boundaries 4.5m from rear boundary

5.3-4 Precinct guidelines

- Development should address rear lane-scapes providing alternate residential frontage to the north in addition to commercial and retail frontages along Doncaster Road.
- Developments should maximise opportunities afforded by being positioned between Westfield Doncaster and the civic and education precinct.

5.3-5 Any other requirements

In the areabetween Doncaster Road, Tower Street, Berkeley Street and Council Street, development must not occur on land with an area of less than 2,500 square metres.

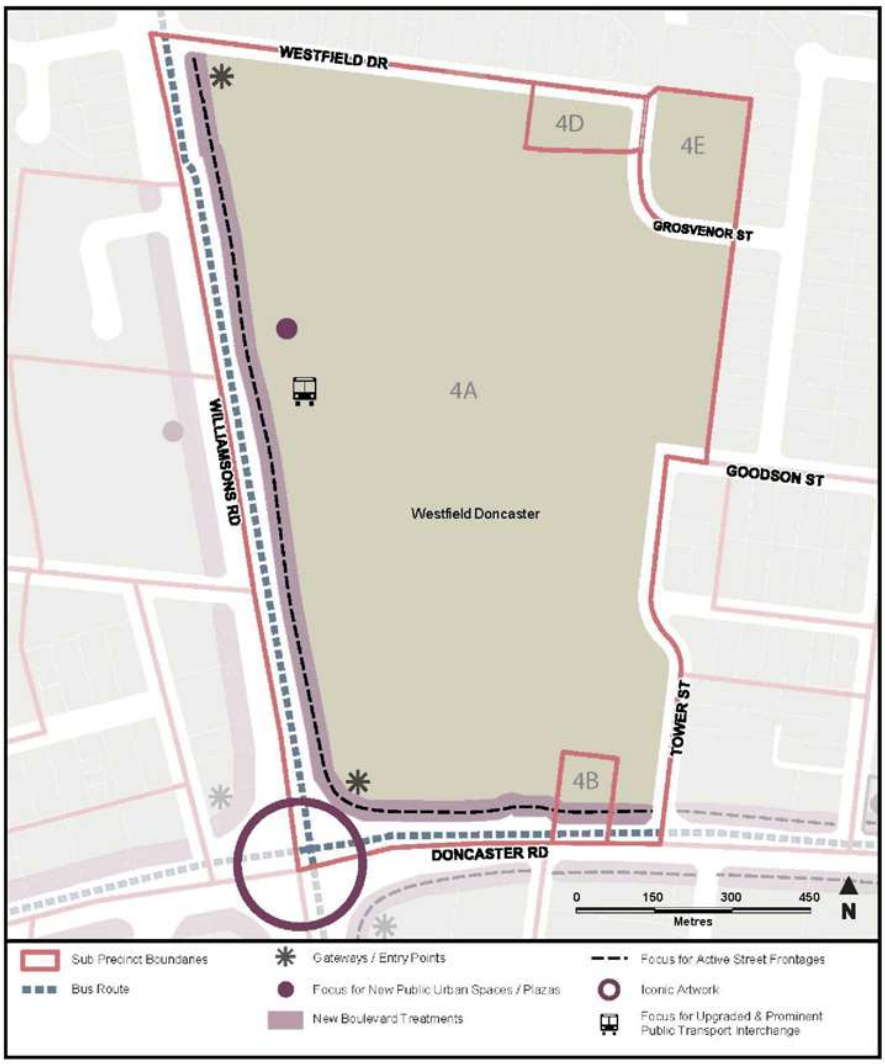
In the area between Berkeley Street, Tower Street, Goodson Street and Council Street, development must not occur on land with an area of less than 2,000 square metres.

MANNINGHAM PLANNING SCHEME

5.4 Precinct 4: Westfield Doncaster

03/06/2010
C87

5.4-1 Precinct map



5.4-2 Precinct objectives

- To further improve existing active street frontages.
- Encourage an enhanced pedestrian environment within the precinct.
- To maintain and improve the positive engagement of the precinct with the main intersection of Doncaster Road and Williamsons Road.
- To provide opportunities for a range of residential and commercial uses to develop within the precinct along with the existing retail development.
- To create a number of significant externalised public urban spaces/plazas, which are well connected to the public transport interchange and boulevard along Doncaster Road.

- To support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Roads intersection at the western end of the precinct.
- To provide a high quality design outcome, improved streetscapes and appropriate interfaces with residential areas.
- To provide flexibility to respond to retail and employment trends.

5.4-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
4A	None specified	None specified	None specified
4B	21.5m	4.3m above maximum height	5m to front podium edge from front boundary 13m to front tower edge from the front boundary 4.5m from the side boundaries 4.5m from the rear boundary
4D	11m	None specified	5m from front site boundary 4.5m from side boundaries
4E	None specified	None specified	None specified

5.4-4 Precinct guidelines

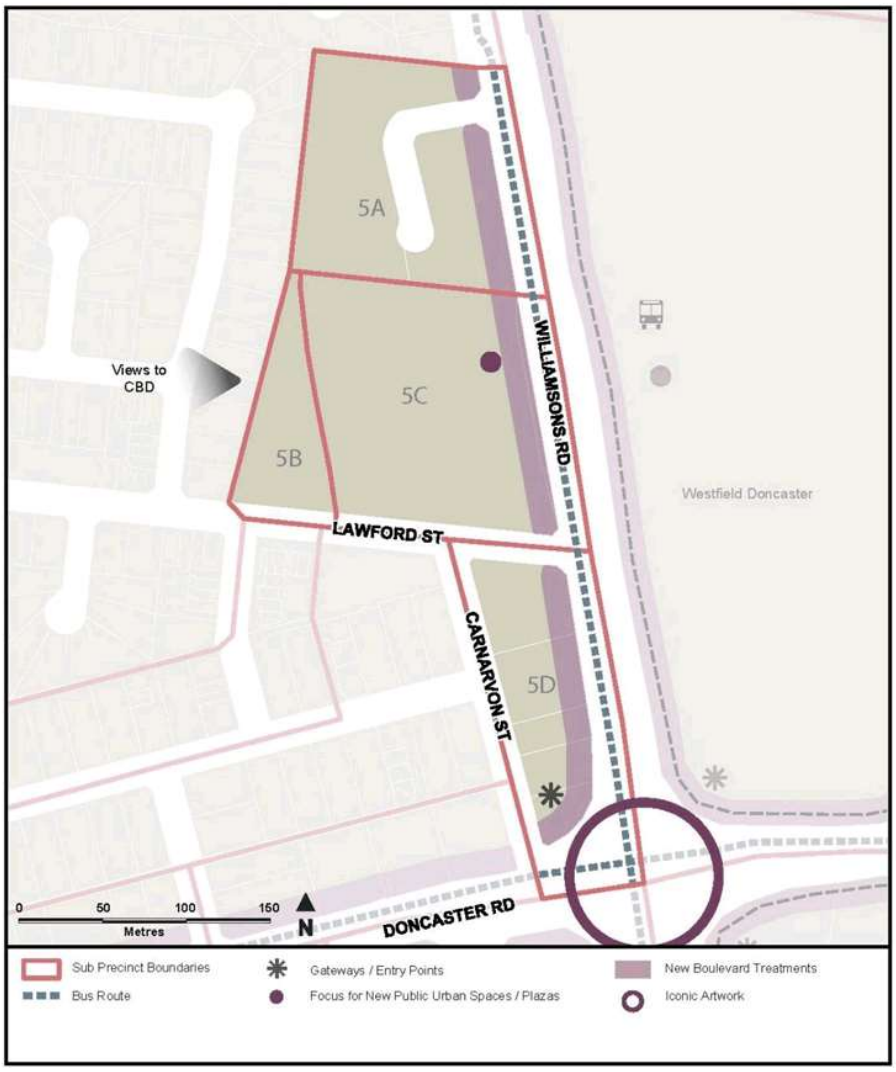
- Maintain a landmark building at the Doncaster Road and Williamsons Road intersection.
- Architectural design of any built form at the north west corner to Westfield Doncaster to be appropriate to its gateway location.
- To provide for a landmark building in the vicinity of the entrance forecourt to Williamsons Road.
- Maintain and enhance an integrated public transport interchange to support both Westfield Doncaster and the greater Doncaster Hill area in a prominent and easily accessible location.
- Create a pedestrian friendly interface between Westfield Doncaster, Doncaster Road, Williamsons Road and Tower Street.
- Establish strong pedestrian entries and linkages from Westfield Doncaster to all other precincts within Doncaster Hill.
- Future building form is to maximise the north-east aspect and views, and vistas to the CBD.
- External spaces should directly link to Williamsons Road and Doncaster Road where appropriate.

MANNINGHAM PLANNING SCHEME

5.5 Precinct 5: Williamsons Road West

03/06/2010
C87

5.5-1 Precinct map



5.5-2 Precinct objectives

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To encourage high density development along the Williamsons Road ridgeline, with less dense development progressively stepping down the hill towards the west.
- To capitalise on broad views and vistas obtained from strategic points along the Williamsons Road ridgeline, including from public urban spaces/plazas .
- To provide for an improved pedestrian network with stronger links to Westfield Doncaster, public transport interchanges, and nearby open space.

- To create a significant area of public urban space/plaza both within and convenient to the precinct to help cater for the proposed high-density development in the surrounding precincts.
- To create a landmark gateway building at the southern end of the precinct.
- To provide a pedestrian network that will provide positive linkages to the adjacent precincts in particular the Westfield Doncaster site, the public transport interchanges and Lawford Reserve.
- To encourage the inclusion of public open space abutting Williamsons Road that accommodates vistas to the city and has convenient links to Westfield Doncaster.

5.5-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
5A	29m	None specified	5m from side boundaries 8m from rear boundary
5B	14.5m	None specified	5m from side boundaries 8m from rear boundary
5C	36m	7.2m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 5m from side boundaries
5D	29m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary

5.5-4 Precinct guidelines

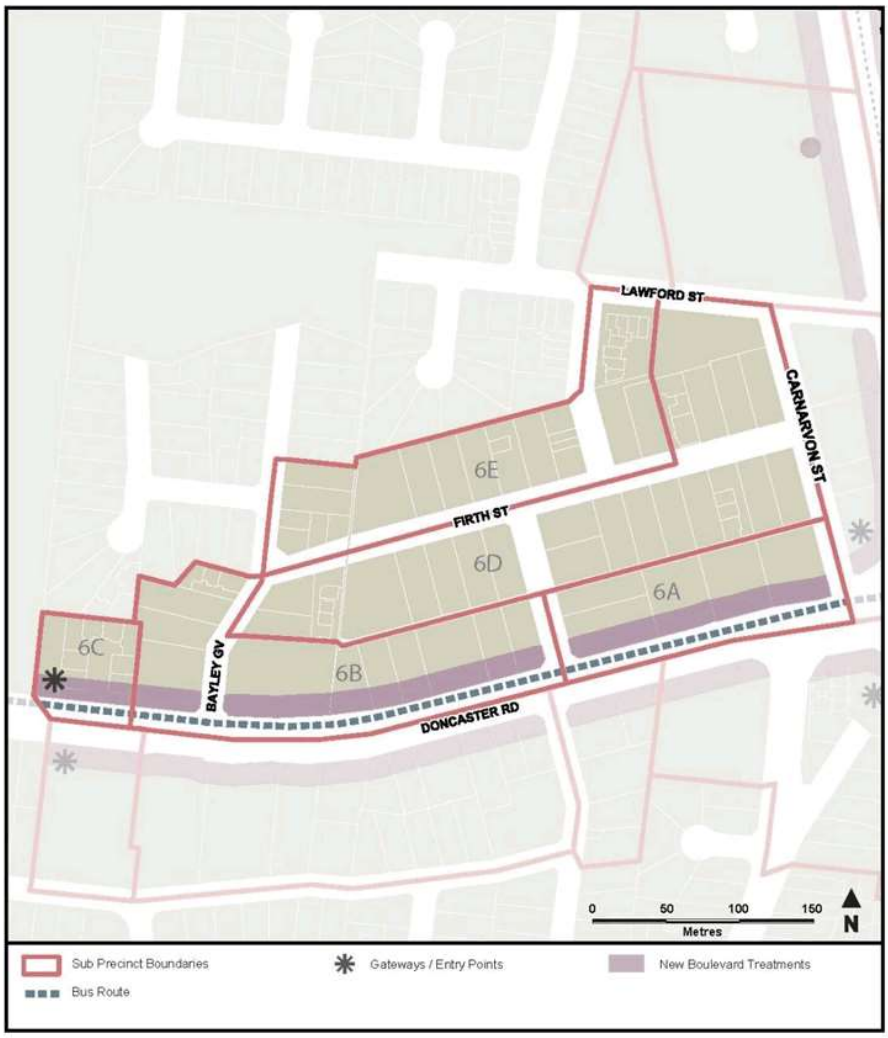
- Support and connect with the pedestrian link proposed for the Doncaster Road, Williamsons and Tram Roads intersection at the southern end of the precinct.
- Retain strategic view corridors towards the city from Williamsons Road within future development from specially created public urban spaces/plazas between buildings. A long continuous wall of building is discouraged.

MANNINGHAM PLANNING SCHEME

5.6 Precinct 6: North West Doncaster Boulevard

03/06/2010
C87

5.6-1 Precinct map



5.6-2 Precinct objectives

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To create a vibrant and commercially viable mix of uses at a lower scale and generally on smaller scale allotments than is proposed for precincts located further east in Doncaster Hill.
- To encourage the provision of pedestrian and cycling links to connect with Lawford Reserve and the Doncaster Road, Williamsons and Tram Roads intersection at the eastern end of the precinct.
- To create a landmark gateway building at the western end of the precinct.
- To strengthen pedestrian and bicycle linkages between the precinct and Lawford Street Reserve.

MANNINGHAM PLANNING SCHEME

5.6-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
6A	21.5m	None specified	5m to front podium edge from front boundary 11m to front tower edge from front boundary. 4.5m from side boundaries 5m from rear boundary
6B	21.5m	None specified	5m to front podium edge from front boundary 11m to front tower edge to front boundary 4.5m from side boundaries 5m from rear boundary
6C	18m	3.6m above maximum height	5m to podium edge from front boundary 11m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
6D	14.5m	None specified	5m from site boundary 4.5m from side boundaries 4.5m from rear boundary
6E	11m	None specified	2m from front boundary 4.1m from side boundaries 5m from rear boundary

5.6-4 Precinct guidelines

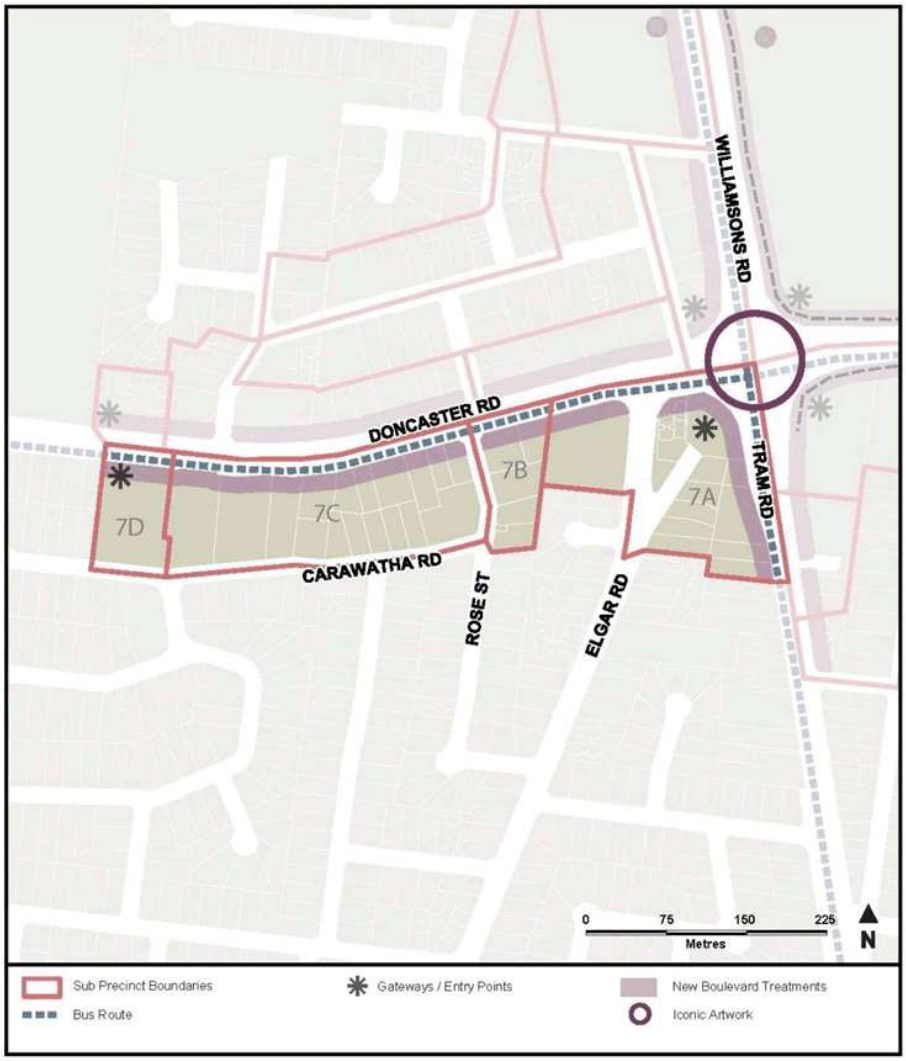
- Support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Roads intersection at the southern end of the precinct.

MANNINGHAM PLANNING SCHEME

5.7 Precinct 7: South West Doncaster Boulevard

03/06/2010
C87

5.7-1 Precinct map



5.7-2 Precinct objectives

- To encourage an appropriate mix of residential and commercial uses in the precinct.
- To create a vibrant and commercially viable mix of uses, generally on smaller allotments than is proposed for precincts located further east in Doncaster Hill.
- To ensure that the precinct has ready access to well designed public open space.
- To improve pedestrian access through this precinct to Doncaster Road from the residential land to the south.
- To create a landmark gateway building at the eastern and western ends of the precinct.

5.7-3 Precinct requirements

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
7A	32.5m	6.5m above maximum height	5m to podium edge from front boundary 9m to tower edge from front boundary 4.5m from side boundaries 4.5m from rear boundary
7B	29m	4.3m above maximum height	5-10m to front podium edge from front boundary 6m to front tower edge from podium edge 4.5m from side boundaries 5m from rear boundary
7C	21.5m	None specified	5-10 to front podium edge from front boundary 8m to tower edge from podium edge 4.5m from side boundaries 5m from rear boundary
7D	18m	3.6m above maximum height	10m to podium edge from front boundary 8m to front tower edge from podium edge 4.5m from side boundaries 5m from rear boundary

5.7-4 Precinct guidelines

- Strengthen links between the precinct and existing nearby areas of open space.
- Significant vistas to the CBD skyline from Doncaster Road should be retained.
- Provide open space which offers well designed play opportunities to the south of the precinct.
- Support and connect with the pedestrian link proposed for the Doncaster, Williamsons and Tram Roads intersection at the eastern end of the precinct.

6.0 Application requirements

23/05/2019
C104

In addition to the application requirements set out at Clause 37.08-7, an application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate, to the satisfaction of the responsible authority. For the land in Precinct 4A (Westfield Doncaster), the application requirements set out below are to be read in conjunction with those in the Development Plan Overlay (Schedule 4), as appropriate:

- Sections of the proposed building at appropriate intervals.
- Sight-lines from balcony edges.
- A three-dimensional coloured artist's impression showing the proposed development in the context of surrounding development.
- A traffic and car parking assessment that includes existing traffic details, parking allocation, traffic generation and distribution, impact of generated traffic on the existing road network, paring generation rates and traffic management from the development construction phase onwards.
- A Sustainability Management Plan (SMP).

- In Precinct 1, an application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either:
  - To the application for permit being made.
  - To the application for permit being made and to the proposed use or development.

Sustainability Management Plan

A Sustainability Management Plan (SMP) must achieve the following to the satisfaction of the responsible authority:

- Address matters of building energy management, water sensitive urban design, construction materials, indoor environment quality, waste management, and transport.
- Demonstrate the application of Australian best practice rating tools and design principles, use of emerging technology, and a commitment to 'beyond compliance' throughout the construction period and subsequent operation of the development.
- Identify statutory obligations and documented sustainability performance standards from Government and other authorities.
- Specify key performanceindicators, to anagreedlevel, to measurethe achievement of objectives and initiatives identified in the Plan.
- Identify responsibilities and a schedule for both implementing and monitoring the Plan over time.

The individual components of the SMP should address:

- Building Energy Management:
  - The design of the building for energy efficiency (thermalenvelope).
  - The use of energy saving technologies to further reduce demand.
  - The use of alternative energy sources, whether provided on-site or through the purchase of 'green energy'.
- Water Sensitive Urban Design:
  - An integrated water management plan that identifies opportunities for:
  - A reduction in demand for potable water through use of water conservation features and alternative sources of supply such as wastewater and stormwater.
  - A reduction in the volume of wastewater through water conservation and reuse.
  - An improvement in stormwater quality runoff and a reduction in peak flowsthrough appropriate treatment and stormwater reuse.
- Construction Materials:
  - The use of building materials that minimise ecological or health impacts and greenhouse gases based on the type and volume of raw materials, water and energy consumed in their production.
  - The use of materials that can be expected to endure for the life of the development with minimal maintenance and can be recycled at the end of their useful life.
  - The reuse of recycled materials and the use of materials with recycled components.
  - The use of materials produced in Victoria or Australia.
  - The use of pre-fabricated, pre-cut and standardised components to reduce waste.

- Indoor Environment Quality:
  - The provision of airflow, fresh air intake, cross-ventilation, daylight, appropriate levelsof lighting, views and direct access to outdoor areas.
  - The use of materials with low levels of toxic chemicals, minimal off-gassing and production of allergens and other internal air pollutants.
  - The exclusion of external pollutants (including odours) and the safe disposal of internally generated pollutants
  - The measures to reduce reliance on mechanical heating, ventilation, cooling and lighting systems.
  - The use of flexible internal controls for these systems.
  - The measures to minimise noise levels and noise transfer within and between buildings and associated external areas.
  - The provision of an independent acoustics report detailing measures to minimise adverse impacts of noise levels and noise transfer within and between buildings.
- Waste Management:
  - An integrated plan for:
    - A reduction in the amount of waste delivered.
    - A reduction in the amount of waste to landfill.
    - Maximising recycling and composting opportunities.
    - Appropriately dealing with hazardous materials.
    - The provision of adequate private/communal space(s) for the collection of recyclable materials and waste.
- Quality of Public and Private Realm:
  - Design and development that conforms to the Australian Standard AS1428 Part 2 provisions for access and mobility.
  - Design and development that provides a high level of accessibility at the principal front entry for any residential development.
  - The provision of an independent access audit report detailing measures to conform with the Australian Standard AS1428 Part 2 provisions for access and mobility.
  - The provision of shared spaces that can accommodate varying functions and flexibilityfor future uses.
- Transport:
  - The provision of easily located 'after trip' facilities for bicycle users, joggers, etc.
  - Car parking that reduces energy consumption due to lighting and ventilation.
- Demolition and Construction
  - The protection of vegetation and other features to be retained and public assets.
  - Testing for and development of a management plan for contaminated or potentially contaminated sites.
  - The prevention of the unintended movement of building waste and hazardous materials and other pollutants on or off the site, whether by air, water or other means.

- The measures to minimise the amount of waste delivered; the recycling of demolition and waste materials; and the return of waste materials to the supplier (where the supplier has a program of reuse or recycling).
- The measures to minimise noise and other amenity impacts from mechanical equipment and demolition/construction activities, especially outside of daytime hours.
- The measures to minimise interference with normal circulation and parking arrangements and any continuing use of outdoor areas.
- The measures for ensuring worker and public safety.
- A means for communicating construction arrangements to occupants of affected properties.
- The provision of adequate environmental awareness training for all on-site contractors and sub-contractors.

7.0 Notice and review

17/09/2009
VC59

An application to construct a building or construct or carry out works is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act in accordance with Clause 37.08-8 of the Activity Centre Zone.

8.0 Decision guidelines

27/05/2019
C126mann

Before deciding on an application, in addition to the decision guidelines in Clause 65 and Clause 37.08-9, the responsible authority must consider, as appropriate:

Use

- Whether the proposal achieves an appropriate mix of uses within the site to complement and support the strategic role of Doncaster Hill Major Activity Centre.
- Whether the proposal provides for flexible non-residential floor spaces that can be adapted in the future to a variety of alternative non-residential uses.
- The contribution that the proposal made towards the achievement of residential population targets as set out in the *Doncaster Hill Strategy* (October 2002, Revised 2004) and as envisaged by this scheme.
- Whether the proposal will create a mix of active uses and pedestrian generating activities, particularly at street level, that contribute to a vibrant public realm.
- The contribution made towards the achievement of employment targets, including commercial and retail floor space forecasts as set out in the *Doncaster Hill Strategy* (October 2002, Revised 2004).
- Whether the proposal provides for an appropriate scale ofdevelopment in order to accommodate the mix and intensity of uses envisaged for each precinct.

Design and built form

Whether the proposed development:

- Creates a strong visual interest by providing unique building types based on innovative, contemporary architecture, urban design and ecologically sustainable development principles.
- Is site responsive and achieves an appropriate scale with a stepping down in built form that responds to Doncaster Hill's natural topography.
- Incorporates side and rear setbacks to enhance pedestrian safety and amenity, and assists in the retention of view lines, penetration of sunlight and creation of landscape buffers.

- Ensures that any environmental wind effects to the adjoining and surrounding neighbourhood is minimised to the satisfaction of the responsible authority.
- Provides overhead weather protection features adjoining key pedestrian walkways and nodal points.
- Ensures dwelling balconies have an open space area of at least 8 square metres, and a minimum dimension of 1.6 metres.
- Complements, where relevant, the form, scale, materials, colour and lighting of a heritage place on the same or adjoining site.
- The objectives, standards and decision guidelines of Clause 55. This does not apply to a development of four or more storeys, excluding a basement.
- Whether the design and siting of any sign/s satisfies the following design principles:
  - Signs should be integrated into the design of the building façade, preferably within the first 3 levels of the podium;
  - Signs should be of a size and height that is complementary to the built form of the building and surrounding landscape treatments;
  - Signs should be limited in number and incorporate limited detail other than is necessary to identify the building name and key tenants;
  - Signs should be consolidated in mixed use and commercial developments to avoid the visual clutter of signage and displays (eg. vehicles, products, promotional material and free standing signs).

Subdivision

- Whether the subdivision is associated with a development proposal that supports the objectives promoted by this Schedule and does not result in the fragmentation of sites.

Access

Whether the proposed development:

- Incorporates provisions for pedestrians, cyclists and people with a disability demonstrating how access needs are accommodated.
- Integrates car parking requirements into the design of buildings and landform by encouraging the use of under-croft or basement parking and minimises the use of open lot/half basement/ground floor car parks at street frontage.
- Provides vehicular access to buildings fronting key boulevards off side streets or via rear access.
- Limits the number of vehicle crossings to each development.

9.0 Signs

23/05/2019 C104

Signs requiring a permit under Clause 52.05 must not be located within the 5 metre setback from the street frontage along Doncaster Road, Williamsons Road and Tram Road, except for theland in Precinct 4A (Westfield Doncaster) along Williamsons Road. For land in Precinct 4A (Westfield Doncaster) along Williamsons Road, guidance for the location and display of advertising signs will be detailed in a Development Plan prepared and approved pursuant to Schedule 4 of the Development Plan Overlay.

10.0 Other provisions of the scheme

23/05/2019 C104

None specified.

11.0 Background documents

23/05/2019
C104

Doncaster Hill Strategy (Manningham City Council, October 2002, Revised 2004); and

Doncaster Hill Sustainability Guidelines (Manningham City Council, June 2004).

Possible draft planning permit conditions for

Planning Permit Application PLN20/0303

1. Before the use and development starts, amended plans drawn to scale and dimensioned, must be submitted to the satisfaction of and approved by the Responsible Authority. When approved the plans will then form part of the permit. The plans must be generally in accordance with the decision plans (prepared by Design Inc, Project No. 16040, Revision TP7 dated 15 January 2021), but modified to show:

   1.1 The replacement of the pale bronze profiled vertical Colorbond metal cladding (marked on the plan as CW03) defining the northern balconies of Apartments 6.11 on Level 6 and 7.11 on Level 7 with the pale bronze powdercoated aluminium box fins (marked on the plan as MB01), and to terminate at the western edge of the balconies;

   1.2 The brickwork brand and colour identified on the plans as 'BK01' modified to be a pale colour, to match the original lighter coloured brick used for detailing on the 1889 church building, to the satisfaction of the Responsible Authority;

   1.3 Roof form overhang over Apartment 6.19 to be removed to allow the window to be clear to the sky;

   1.4 The doors adjoining the Level 8 and 16 outdoor areas to be glazed and have glazed windows either side, where practicable;

   1.5 Relocation of the air conditioning units or modification of apartments balconies which do not meet Standard B19 of Clause 58.05-3 of the Manningham Planning Scheme (as they do not provide an additional 1.5sqm of area, where an air conditioning unit is located);

   1.6 The minimum 2.7m high floor to ceiling heights for apartments, also indicated on the elevation plans;

   1.7 Further modification of any solid balcony side walls to be translucent privacy screens, to improve daylight and solar access, to the satisfaction of the Responsible Authority;

   1.8 Indication of removal, relocation or modification of the easement, as approved by Yarra Valley Water;

   Boulevard treatment and Doncaster Road frontage

   1.9 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;

   1.10 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority Landscaping;

1.11 All landscaping areas detailed and dimensioned to correspond with the concept landscape plans (prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020);

1.12 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority;

Car parking, access and basement areas

1.13 Suitably located charging stations for the car parking and bicycle areas, within each of the two basements;

1.14 A detailed schedule and allocation of car parking spaces for each apartment and townhouse within the basement and Level 1, rationalised based on the location of corresponding allocated external storage spaces and the most convenient lift locations relative to the entrance of each dwelling;

1.15 Allocation of external storage for each dwelling, rationalised based on the location of corresponding allocated resident vehicle spaces, including a minimum 6m3 of storage to each townhouse;

1.16 Details of the materials, finishes and dimensions of all external storage areas;

1.17 Details and plan notations demonstrating each area set aside for bicycle spaces complies with Clause 52.34-6 (Design of bicycle spaces) and Clause 52.34-7 (Bicycle signage) of the Manningham Planning Scheme;

1.18 The provision of one change room/shower (for nine employee bicycle spaces) as required by Clause 52.34-3 (Bicycle) of the Manningham Planning Scheme;

1.19 A notation detailing that all redundant vehicle crossovers be removed and the footpath, nature strip, kerb and channel be reinstated;

1.20 Details of the ventilation provided to all car park areas;

Other

1.21 Capacity of all rainwater tanks;

1.22 All services designed to integrate into the design detail of the built form and suitably screened;

1.23 Any required design inclusions or modifications in response to the Acoustic Assessment approved under a further Condition of this Permit,

1.24 A schedule listing all sustainability features / commitments applicable to the approved development, including the provision of third pipe and any plans changes as required, as per the Sustainability Management Plan approved under a further Condition of this permit;

1.25 All recommendations and design changes as required by Department of Transport as required by a further Condition of this Permit;

1.26 Design details (including location, height and materials) of the screens and/or design features as included and required by the Wind Report under a further Condition of the Permit;

1.27 Notations to demonstrate compliance with the recommendations of the Wind Report under a further Condition of the Permit;

1.28 All recommendations and design changes as required by the reports and management plans approved under further Conditions of this permit to the satisfaction of the Responsible Authority.

Endorsed Plans

2. The uses and development, including the location of buildings, services, engineering works, fences and landscaping as shown on the approved plans must not be altered without the written consent of the Responsible Authority.

Construction Management Plan

3. Not less than three months before the development starts, a Construction Management Plan (CMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the plan will form part of the permit. The Construction Management Plan is to be prepared in accordance with the template within Council's CMP Guidelines. The CMP must address:

3.1 Element A1: Public Safety, Amenity and Site Security;

3.2 Element A2: Operating Hours, Noise and Vibration Controls;

3.3 Element A3: Air Quality and Dust Management;

3.4 Element A4: Stormwater and Sediment Control and Tree Protection (also as per the specific requirements of this permit);

3.5 Element A5: Waste Minimisation and Litter Prevention; and

3.6 Element A6: Traffic and Parking Management which is also to include consideration of a shuttle service for construction personnel to and from the site.

Council's Works Code of Practice and Construction Management Plan Guideline are available on Council's website.

Sustainability Management Plan

4. Prior to the endorsement of plans under Condition 1, an amended Sustainability Management Plan (SMP) must be submitted and approved to the satisfaction of the Responsible Authority. When approved the Plan will form part of the permit. The recommendations of the Plan must be incorporated into the design and layout of the development and must be implemented to the satisfaction of the Responsible Authority before the occupation of any dwelling. The plan must be generally in accordance with the prepared by Lucid Consulting Australia and dated 16 October 2020, and the Stormwater Management Report and associated MUSIC model, prepared by Adams Consulting Engineers and dated 12 January 2021 but be modified to:

4.1 Demonstrate best practice 4-star in the Green Star Design and As-Built Rating System;

4.2 Include details and the size of rainwater tanks and their connections;

4.3 Provide the third pipe connection, which must not only be a single point connection to top up the rainwater tank;

4.3.1 Provide a revised the stormwater management strategy to:

4.3.2 Provide a certified copy of water quality analysis – MUSIC from the service provider for Council records;

4.3.3 Locate treatment units prior to OSD is acceptable, but it is the design engineer's responsibility to verify the levels work and flow rates work;

4.3.4 Provided OSD storage volume is not acceptable - permissible site discharge and OSD storage volume must be calculated using OSD4 programme (refer to Council's OSD Guide line for details);

4.3.5 Provide an alternative to SPELL storm Chambers (not a preferable option as a solution for OSD storage), unless otherwise agreed;

4.3.6 Detail that 15 KL water tank must be used for toilet flushing.

Green Travel Plan

5. The development must be constructed in accordance with the Green Travel Plan approved and forming part of this permit (prepared by Traffix Group, dated 8 May 2020), and all of its requirements must be implemented and complied with at all times to the satisfaction of the Responsible Authority, unless with the further written approval of the Responsible Authority.

Waste Management Plan

6. Prior to the submission of plans under Condition 1, an amended Waste Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be to the satisfaction of the Responsible Authority, generally in accordance with the submitted Waste Management Plan prepared by Leigh Design, dated 19 November 2020, but be modified to detail:

6.1 A modified waste management strategy to the satisfaction of the Responsible Authority;

6.2 Waste generation rates, collection frequency, bin requirements, size and location of bin storage rooms and details on waste facilities and equipment;

6.3 Plans showing appropriate turning facilities, swept path diagrams, turning circles and relevant height clearances (included within the report/plan);

6.4 Details on how residents will practically and conveniently access waste facilities;

6.5 Details on how residents will practically and conveniently access dispose of garbage, recyclables, food organic waste and glass material;

6.6 Measures to ensure that the private waste contractor can access the development and the private waste contractor bins;

6.7 No private waste contractor bins can be left outside the development boundary at any time on any street frontage for any reason.

Acoustic Report

7. In association with the submission of plans under Condition 1, an amended Acoustic Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the acoustic report Acoustic Design Criteria Assessment prepared by Acoustic Logic and dated 14 May 2020, but be modified to show:

7.1 Treatment to address external noise intrusion from traffic on Doncaster Road to ensure compliance with the criteria in Table 2 of the assessment (likely to include medium to heavy weight single glazing or IGU);

7.2 An Acoustic assessment to consider the potential noise impacts of the non-residential uses on internal dwellings and other uses within the development and the surrounding neighbourhood and where suitable, recommend suitable attenuation measures.

Pedestrian Wind Environment Report

8. In association with the submission of plans under Condition 1, an amended Pedestrian Wind Environment Report must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must be generally in accordance with the report prepared by Windtech, dated 11 February 2019, but be modified to show:

8.1 Alternative measures to provide wind protection that avoids the provision of screens on the north-western balconies of Levels 6 and 7, based on the requirement under Condition 1.2 of this permit to the satisfaction of the Responsible Authority;

8.2 Diagrams to show the location of all required screens.

Disability Access Plan

9. Before the development starts, or the issue of a building permit for the development, whichever is the sooner, a Disability Access Plan that implements the recommendations of a Disability Access Audit, prepared by a suitably qualified person that demonstrates compliance with the relevant Australian Standards for access, including AS1428 Part 2, must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will form part of the permit. The plan must include but is not limited to:

9.1 Vehicular and pedestrian access into the building;

9.2 Access to the lifts;

9.3 The provision of tactile indicators;

9.4 The provision of braille indicators for the lifts;

9.5 The use of contrasting paving materials to assist the vision impaired;

9.6 All emergency exits; and

9.7 Car parking areas.

Car Parking Management Plan

10. Before the commencement of any approved use, a Car Parking Management Plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the plan will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this approved plan. The plan must be generally in accordance with the endorsed plans and must include:

10.1 The allocation of all car parking spaces;

10.2 Details of how each car park will be managed, including access arrangements and any measures to allow any available non-residential car parking spaces to be utilised by other uses as overflow parking;

10.3 Details of how the loading area will be managed;

10.4 Details of how all bicycle parking spaces will be allocated and managed.

Conservation Management Plan

11. Prior to any demolition works commencing on the site or the endorsement of plans under Condition 1, whichever is the sooner, a conservation management plan must be submitted and approved to the satisfaction of the Responsible Authority. When approved, the conservation management plan will be endorsed and form part of the permit. The conservation management plan must provide further details of works which will be undertaken to the existing church building on the site and include:

11.1 Detailed plans to show the specific stain glass windows that will be retained and any measures required for removal during the construction process, storage details, restoration and installation measures as part of the interpretive strategy under a further Condition of this permit, to the satisfaction of the Responsible Authority. The CMP must include details of a suitably qualified stained glass conservator undertaking the works;

11.2 Details of the storage location for the existing interpretive signage, foundation stones and stain glass windows during construction works to ensure their protection;

11.3 A detailed plan outlining the new location of the existing interpretive signage, foundation stones and stain glass windows as part of the interpretive strategy under Condition 16 of this permit;

11.4 Detailed construction plans (drawn to scale of 1:20) of the new portico informed by available evidence of the original building to the satisfaction of the Responsible Authority and plan details of how the new portico and steps will be fixed to the existing church building;

11.5 Detailed construction plans (drawn to the scale of 1:20) to show how the existing church building will be fixed to the new building to the satisfaction of the Responsible Authority; and

11.6 Detailed construction plans (drawn to the scale of 1:20) to show the integration of the existing church building with the new building so that it is level and aesthetically compatible with the chapel extension, gardens and foyer to the satisfaction of the Responsible Authority.

Works must be undertaken in accordance with the conservation management plan and must be managed by a suitably qualified heritage specialist to the satisfaction of the Responsible Authority.

Management Plan Compliance

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

13. Before the occupancy of the development, a report from the author of the Sustainability Management Plan approved under a further Condition of this permit, or similar qualified person or company, must be submitted to the satisfaction of the Responsible Authority. The report must confirm that all measures / commitments in the Sustainability Management Plan approved under a further Condition of this permit, and the third pipe requirements, have been implemented in accordance with the approved plans and the planning permit to the satisfaction of the Responsible Authority.

Yarra Valley Water Easement

14. Before Condition 1 plans can be considered for endorsed, written formal consent from Yarra Valley Water to modify, relocate or build over the easement is required to be provided.

Removal of restriction

15. Before the development starts, the restriction contained in the Instrument of Transfer number B416060 on Lot 9 of PS 056685 must be removed from the title pursuant to Section 23 of the Subdivision Act 1988, to the satisfaction of the Responsible Authority.

Archival record

16. Prior to any demolition works commencing on the site, a photographic heritage record of the church building and the buildings to be demolished or altered must

be prepared to the satisfaction of the Responsible Authority. One archival quality copy of the record along with an electronic copy must be submitted to the Responsible Authority. The record must also include:

16.1 Views of each elevation of the building/s;

16.2 Two diagonally opposed views of each internal space in the building/s; and

16.3 Any architectural design detailing of the building/s.

16.4 Photo log sheets including plans clearly showing north and indicating what direction the images were taken.

The photographic record must be taken with an SLR camera of at least 8 megapixels and images saved in RAW format.

Interpretive strategy

17. Before the commencement of the use of the place of assembly, an interpretive strategy of permanent displays must be installed within the Level 4 public space foyer to the satisfaction of the Responsible Authority. It must include the archival record approved under a further Condition, incorporated with existing interpretive signage, existing church archives that document the history and development of the site and the re-use of existing stain glass windows.

Landscape Plan

18. Before the development starts, amended landscaping plans must be submitted to the Responsible Authority for approval. The plans must be generally in accordance with the approved site layout plans and the decision plans prepared by Phillip Johnson Landscaping, Job No.1019, dated 14 October 2020, but modified to show:

18.1 Species, locations, quantities, approximate height and spread of proposed planting;

18.2 Details of soil preparation and mulch depth for garden beds;

18.3 Sectional details of shrub planting method and the canopy tree planting method which includes support staking and the use of durable ties;

18.4 Full details of the boulevard treatment along Doncaster Road, including maintaining a minimum 3.6m wide paved promenade with staggered avenues of deciduous trees, with full dimensions and paving materials in accordance with the Doncaster Hill Strategy;

18.5 The continuation of the Doncaster Hill paved promenade treatment over the Doncaster Road crossover/driveway to reinforce pedestrian priority;

18.6 A separate sectional detail of Doncaster Road boulevard canopy tree planting methods, which includes appropriate root director or root cell technology incorporated to ensure that the boulevard paving is not damaged by tree roots over time;

18.7 Sectional details of the planting method for planter boxes, including the method of drainage;

18.8 A minimum 1m wide area to the perimeter of the site, within the private open space/courtyard area of dwellings fronting Short Street and Hepburn Road;

18.9 Further details of and a landscape treatment provided to the following spaces, to the satisfaction of the Responsible Authority:

18.9.1 Between the loading dock accessway and the eastern boundary, fronting Hepburn Road;

18.9.2 Generally along the southern frontage to Hepburn Road (including within front courtyards);

18.9.3 Generally along the eastern frontage to Short Street (including within front courtyards);

18.10 Improved details of the site frontage to Doncaster Road, including the location of bicycle parking, ramps, planter beds, retaining walls and surface materials, to demonstrate how this area will function and be maintained to ensure a purposeful interaction with the public realm;

18.11 The irrigation of communal garden beds and lightweight planter boxes controlled by sensors;

18.12 Details of any rain-garden, including maintenance details;

18.13 All canopy trees and screen planting to be at least 1.5 metres in height at the time of planting, with the exception of trees within the Doncaster Road boulevard, which must be at least 3.5 metres in height at the time of planting;

18.14 The retention of the street trees within the road reserve of Hepburn Road, unless otherwise agreed by the Responsible Authority.

Landscape Bond

19. Before the release of the approved plan for the development, a $15,000 cash bond or bank guarantee must be lodged with the Responsible Authority to ensure the completion and maintenance of landscaped areas and such bond or bank guarantee will only be refunded or discharged after a period of 13 weeks from the completion of all works, provided the landscaped areas are being maintained to the satisfaction of the Responsible Authority.

Street Trees

20. Footpath panels adjacent to proposed street tree locations must be removed and reinstalled by the developer/property owner with TripStop X to Council specification, and to the satisfaction of the Responsible Authority.

21. All fencing foundations and infrastructure must be engineered and installed to withstand the pressure exerted from roots from street trees as they grow, to the satisfaction of the Responsible Authority.

22. All street trees along Hepburn Road must be retained and protected in accordance with AS 4970, to the satisfaction of the Responsible Authority.

23. All street tree removal and planting works must be undertaken by Council at the full cost of the permit holder, to the satisfaction of the Responsible Authority.

Completion and Maintenance

24. Once the permitted development has commenced it must be continued and completed to the satisfaction of the Responsible Authority.

25. Before the occupation of any approved dwelling the following works must be completed generally in accordance with the approved plans and to the satisfaction of the Responsible Authority:

    25.1 All privacy screens and obscured glazing must be installed, noting that the use of obscure film fixed to transparent windows is not considered to be 'obscured glazing';

    25.2 All driveways, bicycle and car parking areas fully constructed, with appropriate grades and transitions, line marked and/or signed and available for use; and

    25.3 All landscape areas must be fully planted and mulched or grassed.

26. Buildings, including screening, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

27. The landscaping as shown on the approved landscaping plan must be maintained by replacing any dead, diseased, dying or damaged plants as soon as practicable and not using the areas set aside for landscaping for any other purpose, to the satisfaction of the Responsible Authority.

28. In the event of excavation or works causing damage to any existing boundary fence, the owner of the development site must at their own cost repair or replace the affected fencing to the satisfaction of the Responsible Authority.

Stormwater – On-site detention (OSD)

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

    29.1 Be designed for a 1 in 5 year storm; and

    29.2 Storage must be designed for 1 in 10 year storm.

Construction Plan (OSD)

30. Before the development starts, a construction plan for the system required by a further Condition of this permit must be submitted to and approved by the Responsible Authority. The system must be maintained by the Owner thereafter

in accordance with the approved construction plan to the satisfaction of the Responsible Authority.

Drainage

31. Stormwater must not be discharged from the subject land other than by means of drainage to the legal point of discharge. The drainage system within the development must be designed and constructed to the requirements and satisfaction of the relevant Building Surveyor. A connection to Council maintained assets must not be constructed unless a Miscellaneous Works Permit is first obtained from the Responsible Authority.

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

On-site car parking and bicycle parking and access

33. The areas set aside for the parking of vehicles, together with the aisles and access lanes as delineated on the endorsed plans must:

    33.1 Be completed and line-marked to the satisfaction of the Responsible Authority prior to the occupation of the development or commencement of the uses hereby permitted;

    33.2 Be used for no other purpose and maintained at all times to the satisfaction of the Responsible Authority; and

    33.3 Be drained and sealed with an all-weather seal coat.

34. The residential, visitor and non-residential car parking areas must be clearly lined marked and signed and must not be used for any other purpose, to the satisfaction of the Responsible Authority.

35. The areas set aside for residential visitor car parking shown on the endorsed plans must be made available for this use free of charge at all times and must not be used for any other purpose, to the satisfaction of the Responsible Authority.

36. All bicycle parking areas must be maintained and not be used for any other purpose, to the satisfaction of the Responsible Authority.

37. The use of the crossover on Doncaster Road for vehicle access must only be associated with special events of the place of assembly, to the satisfaction of the Responsible Authority.

38. An intercom and an automatic garage door opening system must be installed, so as to facilitate convenient 24 hour access to the residential car park by visitors, to the satisfaction of the Responsible Authority.

Place of Assembly

39. Except with the prior written consent of the Responsible Authority, the maximum number of patrons who may attend the place of assembly at any one time and the hours of operation of the place of assembly are:

427 patrons on Monday to Friday between 8:00am and 5:00pm

650 patrons on Monday to Friday between 5:00pm and 11:00pm

650 patrons on Saturday and Sunday between 8:00am and 11:00pm

40. The number of patrons who may attend the place of assembly on Monday to Friday between 8:00am and 5:00pm may increase to 650 patrons with the prior written consent of the Responsible Authority. Additional patrons will only be permitted if it can be demonstrated that the car parking demand for the place of assembly does not exceed the available car parking spaces, to the satisfaction of the Responsible Authority.

Child Care Centre

41. Except with the prior written consent of the Responsible Authority, the number of children who may attend the centre at any one time must not exceed 120.

42. Except with the prior written consent of the Responsible Authority, the child care centre must only operate between the hours of 6:00am and 7:00pm on weekdays only.

43. The external play areas must be kept in a neat and tidy condition to the satisfaction of the Responsible Authority.

44. The operator of the centre must through proper management and supervision techniques, ensure that excessive noise is not generated by external play activities, to the satisfaction of the Responsible Authority.

45. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Food and Drink Premises

46. Except with the prior written consent of the Responsible Authority, the food and drink premises must only operate between the hours of 7.00am and 10:00pm Monday to Sunday.

47. The shop fronts of the food and drink premises must not be covered by promotional or other film or signage that reduces transparency of the interface, to the satisfaction of the Responsible Authority.

48. The exhaust system to the food and drink premises must be fitted with filter devices capable of minimizing the external emission of odours and airborne fat particles and be maintained to the satisfaction of the Responsible Authority.

Offices

49. Except with the prior written consent of the Responsible Authority, the offices must only operate between the hours of 7:00am and 6:00pm on weekdays only, to ensure that unused car parking spaces outside of these times are made available as overflow parking for other uses.

Amenity

50. Before the uses commence, all fencing, including acoustic fencing and any other measures must be erected in accordance with the approved plan to the satisfaction of the Responsible Authority.

51. All security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the Responsible Authority.

52. All noise emanating from any mechanical plant (air conditioners, refrigeration plant, etc.) must comply with the State Environment Protection Policy N-1 and in the event of the Responsible Authority receiving justifiable complaints regarding noise from such sources, the onus will be on the owner of the development site to prove compliance with the relevant policy to the satisfaction of the Responsible Authority.

53. All delivery and collection of goods associated with the non-residential uses must be conducted within the subject land and within the operating hours approved under this permit.

54. Rubbish, including bottles and packaging material, must at all times be stored within the building and screened from external view. All waste collection and recycling collection must be undertaken in accordance with Council requirements and the approved waste management plan.

55. The collection of all waste from the premises must only be conducted between the hours of 8.00am to 6.00pm Monday to Friday to the satisfaction of the Responsible Authority.

56. The operators of non-residential uses must ensure to the satisfaction of the Responsible Authority that all on-site activities are conducted in an orderly manner and must endeavour to ensure that patrons / customers who depart the premises late at night, do so in a manner not likely to cause noise disturbances to nearby residents and residents in the building, and in accordance with any approved car parking operation approved under another condition of this permit.

57. The use and development must be managed so that the amenity of the area is not detrimentally affected, to the satisfaction of the Responsible Authority, through the:

    57.1 Transport of materials, goods or commodities to or from the land;

    57.2 Storage of goods and wastes;

    57.3 Appearance of any building, works or materials; and

    57.4 Emission of noise, light, vibration, odour & dust.

Lighting

58. External lighting must be designed so as to minimise loss of amenity to residents of adjoining properties to the satisfaction of the Responsible Authority.

59. The development must be provided with external lighting capable of illuminating access to each car parking space, storage area, waste bins, pedestrian walkways, stairwells, lifts, dwelling entrances and entry foyers. Lighting must be located, directed, shielded and of limited intensity so that no nuisance or loss of amenity is caused to any person within and beyond the site, to the satisfaction of the Responsible Authority.

Development Contribution

60. Prior to the completion of the development, a Development Contribution as agreed by the Responsible Authority in accordance with Clause 45.06 Development Contributions Plan Overlay Schedule 1 – Doncaster Hill Development Contributions Plan must be paid to the Responsible Authority.

General

61. All services, including water, electricity, gas, sewerage and telephone, must be installed underground and located to the satisfaction of the Responsible Authority.

62. A centralised TV antenna must be installed and connections made to each dwelling to the satisfaction of the Responsible Authority.

63. No individual dish antennae may be installed on the overall building to the satisfaction of the Responsible Authority.

64. If allowed by the relevant fire authority, external fire services must be enclosed in a neatly constructed, durable cabinet finished to complement the overall development, or in the event that enclosure is not allowed, associated installations must be located, finished and landscaped to minimise visual impacts from the public footpath in front of the site to the satisfaction of the Responsible Authority.

65. Buildings, engineering works, fences and landscaped areas must be maintained to the satisfaction of the Responsible Authority.

66. Privacy screens as required in accordance with the endorsed plans must be installed prior to occupation of the building to the satisfaction of the Responsible Authority and maintained to the satisfaction of the Responsible Authority thereafter.

Affordable housing

67. Prior to the commencement of buildings and works Affordable Housing must be secured under a mutually agreed to Section 173 Agreement between the Proponent and Council and must be signed by all parties before the Amendment is sent to the Minister for Planning for approval, at the latest. The affordable housing dwellings must satisfy the following:

    67.1 Be not less than 10 in number, which are likely to be one or two bedroom apartments;

    67.2 To be tenure blind with finishes reflecting all other apartments within the development and fully integrated into the development;

67.3 The ultimate location will reflect the needs of the occupant or provider, can be grouped together or spread throughout the development and are likely to be in the lower levels;

67.4 All residents must satisfy one of the prescribed income ranges contained in the Ministerial Order entitled 'Specification of Income Ranges' published in the Victoria Government Gazette No. G23 dated 26 June 2019 at page 1070 pursuant to section 3AB of the *Planning and Environment Act 1987;*

67.5 Any of the dwellings can be used for disability purposes or form part of the National Disability Insurance Scheme or the National Rental Affordable Scheme, provided the dwellings satisfy all the other requirements of Council as specified herein;

67.6 The need for flexibility with respect to models of ownership and management of the dwellings is acknowledged, including third party Affordable Housing providers, trusts and the like; and

67.7 Council requires the initial owner and occupier of each dwelling to be approved of in writing by Council to ensure that Council's requirements in respect of affordable housing dwellings, as outlined herein, are satisfied;

67.8 The cost of preparing and registering the agreement is to be paid by the permit holder.

Department of Transport

68. Prior to commencement of the buildings and works, a Functional Layout Plan showing the access arrangement to the chapel off Doncaster Road, must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must be generally in accordance with the plans date stamped 10/10/2020 and annotated TP206 Rev TP6 but modified to show:

68.1 Access control; retractable bollards at the boundary or within the site, to limit access for special events only;

68.2 Access and the layout of parking for "hearse" and "wedding vehicle";

68.3 Demonstrated manoeuvring space for vehicles to enter and exit the site in a forward direction; and

68.4 Paved promenade treatment across the crossover to reinforce pedestrian priority.

69. Prior to commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria and the Responsible Authority.

70. Prior to the occupation of the development, the crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.

71. Vehicles must enter and exit the land in a forward direction at all times.

72. Vehicles must enter and exit the land in a forward direction at all times.

Permit Expiry

73. This permit will expire if one of the following circumstances applies:

    73.1 The development is not started within four (4) years of the date of this permit; and

    73.2 The development is not completed within eight (8) years of the date of this permit.

    73.3 The uses are not commenced within two (2) years of the development being completed.

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

This version of **Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes** has been prepared for use with screen reader software. The printed publication may contain design features that have been necessarily omitted from this version. In other respects this document contains identical text to that in the PDF version of the document which is available at planning.vic.gov.au

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Planning Practice Note 59

The Role of Mandatory Provisions in Planning Schemes

September 2018

This practice note sets out criteria that can be used to decide whether mandatory provisions may be appropriate in planning schemes.

In addition to this practice note, specific criteria and implementation approaches for proposed mandatory height and setback controls at activity centres are dealt with in *Planning Practice Note 60 Height and setback controls for activity centres*.

Introduction

Planning schemes based on the *Victoria Planning Provisions* (VPP)are predominantly performance based. Planning schemes specify the objective that needs to be achieved and provide a degree of freedom on how it is achieved.

Performance-based schemes require a judgement. The decision maker must undertake an assessment of the proposal and decide whether the proposal meets the relevant planning objectives or achieves an appropriate balance between competing planning policies.

A performance-based planning scheme is able to accommodate variation, innovation, unforeseen uses and development or circumstances peculiar to a particular application to produce results beneficial to the community.

Mandatory provisions in the VPP are the exception. The VPP process is primarily based on the principle that there should be discretion for most developments and that applications are to be tested against objectives and performance outcomes rather than merely prescriptive mandatory requirements.

Nevertheless, there will be circumstances where a mandatory provision will provide certainty and ensure a preferable and efficient outcome. Although these circumstances cannot be common practice, they may include areas of high heritage value, strong and consistent character themes, or sensitive environmental locations such as along the coast.

A balance must be struck between the benefits of a mandatory provision in the achievement of an objective against any resulting loss of opportunity for flexibility in achieving the objective.

What is a mandatory provision?

A *mandatory provision* is a requirement or control that must be met and provides for no opportunity to vary the requirement.

A *performance-based provision* provides for flexibility in the approaches or variation in the measure to achieve the required outcome.

When are mandatory provisions appropriate?

Mandatory provisions usually specify a maximum or a minimum built form requirement. The majority of mandatory provisions requested by councils are for building height controls, however they can also relate to such matters as:

- site coverage
- plot ratio
- setbacks to buildings
- lot sizes
- open space areas
- sight lines.

Mandatory provisions will only be considered in circumstances where it can be clearly demonstrated that discretionary provisions are insufficient to achieve desired outcomes.

The criteria below should be used to assess whether or not the benefits of any proposed mandatory provision outweigh any loss of opportunity and the flexibility inherent in a performance-based system.

- **Is the mandatory provision strategically supported?**
  - Does the proposed measure have a sound strategic basis having regard to the planning objective to be achieved and the planning policy framework generally?
  - Does the proposed mandatory measure clearly implement a policy or achieve an objective rather than just being a prescriptive tool?
- **Is the mandatory provision appropriate to the majority of proposals?**
  - Has the scope of the proposed mandatory provision been carefully considered to ensure that it will be appropriate in the vast majority of cases to limit the unnecessary loss of the flexibility and opportunity available in a performance-based system?
  - Will the considered application of planning policy to be implemented by the proposed measure lead to the outcome prescribed by the measure in the vast majority of cases or is it merely one of a number of possible outcomes?
- **Does the mandatory provision provide for the preferred outcome?**
  - Does a proposed mandatory provision resolve divergent opinions within the community as to a preferred outcome when a consistent outcome is necessary?
  - Does a proposed mandatory provision avoid the risk of adverse outcomes in circumstances where there is likely to be constant pressure for development inconsistent with planning policy?
  - Is there real evidence of development exceeding the proposed control?
- **Will the majority of proposals not in accordance with the mandatory provision be clearly unacceptable?**
  - Will the majority of proposals not in accordance with the requirements fail to meet the objectives of the control?
  - Will the majority of proposals not in accordance with the requirements lead to unacceptable planning outcomes?
- **Will the mandatory provision reduce administrative costs?**

- Will the proposed mandatory provision reduce costs imposed on councils, applicants and the community to the extent that it significantly outweighs the benefit of a performance-based provision?

Specific requirements and criteria for mandatory height and setback controls at activity centres are dealt with in *Planning Practice Note 60 Height and setback controls for activity centres*. That practice note outlines in more detail the level of work necessary to demonstrate that mandatory provisions are required and provides guidance on implementation approaches.

How to write mandatory requirements in planning schemes

In writing a mandatory provision, it is important that the provision should:

- implement an objective
- be clear in its intent to users
- be able to achieve consistent and predictable results
- be as measurable as possible using a quantifiable measure
- be expressed in plain English using common terms.

The Design and Development Overlay is the most appropriate tool for the expression of mandatory built form requirements. Opportunities may also exist in some other zones and overlays to mandate controls.

Local policy and mandatory requirements

A local planning policy is not a control. Local planning policies have a defined role to guide the exercise of discretion created by a zone, overlay or particular provision.

Local planning policy cannot remove the discretion under the relevant planning control that triggers its consideration. Mandatory requirements cannot be included in local planning policy as to do so would remove the very discretion created by the planning provision. Hence mandatory requirements must be in a zone or overlay.

It is not uncommon for planning provisions in zones, overlays and in planning policy to prescribe preferred building heights. These provisions are not mandatory. But, at times, these provisions are mistakenly considered by councils and the community as mandatory requirements. Consequently, this leads to the view that the controls or policy have been disregarded. It is desirable that the use and language of discretionary controls be clearly expressed and also be subject to a rigorous strategic assessment.

Further reading

Proposals for mandatory provisions have been dealt with by Planning Panels Victoria in numerous reports. Helpful panel reports include:

- Bayside Planning Scheme Amendment C2
- Stonnington Planning Scheme Amendment C58
- Port Phillip Planning Scheme Amendment C52
- Queenscliffe Planning Scheme Amendment C7
- Melbourne Planning Scheme Amendment C20
- Hobsons Bay Planning Scheme Amendment C11.

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DOCUMENT ENDS

This version of **Planning Practice Note 60: Height and setback controls for activity centres** has been prepared for use with screen reader software. The printed publication may contain various photographs, captions and design features that have been necessarily omitted from this version. In other respects this document contains identical text to that in the PDF version of the document which is available at www.planning.vic.gov.au

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Planning Practice Note 60

September 2018

Height and setback controls for activity centres

This practice note provides guidance on the department's preferred approach to the application of height and setback controls for activity centres.

This practice note should be read in conjunction with *Practice Note 58: Structure planning for activity centres* and *Planning Practice Note 59: The role of mandatory provisions in planning schemes*.

Activity centres

Activity centres are a focus for commercial, retailing, employment, community, transport, entertainment and other services, and are places where people shop, work, meet, relax and live. State planning policy encourages the concentration of these services within activity centres, and recognises that activity centres are also ideally placed to provide for different types of housing, including higher density housing. As such, activity centres are a major focus for change in metropolitan Melbourne.

A key strategy of metropolitan planning policy in the *Victoria Planning Provisions* (VPP) is to build up activity centres as a focus for housing and economic growth by ensuring Metropolitan and Major Activity Centres:

- can accommodate ongoing investment and change in retail, office, service and residential markets
- provide for a mix of activities that generate high numbers of trips including business, retail, services and entertainment
- have the potential to grow sustainably and support more intensive housing developments without conflicting with surrounding land uses
- provide for services and infrastructure to support population growth
- identify areas for urban renewal.

To support how growth is managed, Clause 11.02 of the Planning Policy Framework includes strategies that seek to ensure that sufficient land is available to meet forecast demand, that planning to accommodate projected population growth over at least a 15-year period should occur and that clear direction on locations where that growth should occur is provided.

The role of structure planning for activity centres

Change in and around activity centres is anticipated and encouraged by state planning policy but needs to be managed carefully. This will ensure that new development maintains an appropriate level of amenity, and integrates with existing and proposed land uses and built forms. State policy seeks to manage change in and around activity centres through structure planning.

Structure planning is the process of developing a strategic framework for the integrated development of an activity centre and surrounds. Structure plans provide the foundation for activity centre change by clarifying preferred directions for future growth and articulating how this change will be managed.

Structure plans should be formulated in a collaborative manner with the local community and landowners and should be informed and supported by a range of studies and background research. *Planning Practice Note 58: Structure Planning for Activity Centres* provides guidance to councils on the structure planning process, including the inputs and outputs required. Background research required to underpin a structure plan is outlined in the *Ruby Town Structure Plan Background Report Outline (2010)* and includes consideration of the following:

- Policy context – Metropolitan Planning Strategy & Municipal Strategic Statement, other relevant Council policies
- Demographic, Housing and Economic Profile,
- Movement and Transport
- Physical infrastructure
- Social Infrastructure
- Built form
- Heritage
- Recreation facilities and needs
- Community arts and cultural
- Open space
- Environment and sustainability

As part of the structure planning process preferred built form outcomes, including maximum building heights or setbacks, may be proposed.

Structure planning should be undertaken for all Metropolitan and Major Activity Centres. However, it may not always be necessary for councils to undertake detailed structure planning for smaller activity centres (eg. Neighbourhood Activity Centres). In these instances, a comprehensive built form analysis will need to be undertaken to identify preferred built form outcomes and provide the basis for any proposed controls.

Development of height and setback controls

Height and setback controls can be appropriate so long as they are not aimed at restricting the built form, but at facilitating good design outcomes.

Proposed height and setback controls must be soundly based on the outcomes of strategic research and background analysis that demonstrates **consistency with state and regional policy** and includes a **comprehensive built form analysis**.

Consistency with state and regional policy

A council will need to demonstrate that any proposed height and setback controls are consistent with state and regional policy and allow for an appropriate level of change over time.

Height controls must not encumber a centre's ability to accommodate community requirements for retail, commercial, housing, community, health, educational and other essential requirements, as consistent with state and regional development policy in the *VPP*.

A council will need to be able to demonstrate that there is sufficient land and capacity available to meet forecast demand and projected population growth over at least a 15-year period, and beyond this to a 30-year horizon, including how an activity centre contributes to this need.

Comprehensive built form analysis

A council will need to demonstrate that proposed height and setback controls are based on identifiable objectives or outcomes. Proposed height controls must be selected as a result of undertaking a comprehensive built form analysis that achieves the following:

- identifies significant opportunities for change within an activity centre and explores alternative built form objectives and outcomes to accommodate this change
- includes an analysis of visual and amenity impacts, solar access and overshadowing impacts and any impact on environmental conditions within the centre, including in respect of wind
- identifies any significant physical features, such as views to or from the activity centre or topography that needs to be considered
- identifies and articulates how new development should address street frontages and laneways or relate to adjacent residential areas
- selects appropriate heights and built form outcomes at a precinct level through evaluation of built form objectives, land use outcomes and economic growth consistent with state and regional policy.

A comprehensive built form analysis should be completed as part of the structure planning process.

How to deliver preferred built form outcomes at activity centres

Preferred built form outcomes identified in structure plans should be given effect in planning schemes either through local policy, or a zone or overlay control.

Any built form controls introduced into a planning scheme should provide for development that is in line with a structure plan or comprehensive built form analysis for the activity centre. These controls could be discretionary or mandatory, or a combination of both.

In some instances mandatory height or setback controls may be appropriate in only particular sections of an activity centre and not the entire activity centre. In these instances, it may be appropriate to include a mix of discretionary and mandatory height and setback controls.

When to apply discretionary controls

The application of discretionary controls, combined with clear design objectives and decision guidelines is the preferred form of height and setback controls.

Discretionary controls are more likely to facilitate appropriate built form outcomes rather than mandatory controls by providing more flexibility to accommodate individual or unique circumstances. Innovative or exemplary design is not of itself reasonable justification to exceed discretionary building height and setback requirements. When appropriate height and setback controls are identified, they should be included in the relevant planning scheme as discretionary controls with clear design objectives and decision guidelines.

Councils may wish to include a range of heights across an activity centre or at individual sites. Where this is done, design objectives and decision guidelines need to be clear and easily understood to provide clarity as to how the range of heights are to be applied and assessed.

When to apply mandatory controls

Mandatory height and setback controls (that is, controls that cannot be exceeded under any circumstance) will only be considered where they are supported by robust and comprehensive strategic work or where exceptional circumstances warrant their introduction.

Mandatory height or setback controls should only be applied where:

- Exceptional circumstances exist; or
- council has undertaken comprehensive strategic work and is able to demonstrate that mandatory controls are appropriate in the context, **and**
- they are absolutely necessary to achieve the preferred built form outcomes and it can be demonstrated that exceeding these development parameters would result in unacceptable built form outcomes.

In instances where a council is relying on its strategic work as a basis for mandatory height and setback controls they should be specifically reviewed every five years to ensure they are aligned to any updated census data or revisions to the metropolitan planning strategy. The review will need to assess whether the controls are still delivering on the outcomes and objectives for the centre and demonstrate that they are not undermining these going forward.

There may be instances where a time limit is applied to mandatory controls for an activity centre. This approach would allow for a more comprehensive review of the activity centre's role as part of the broader network and its ongoing ability to accommodate ~~and~~ an appropriate level of growth. In these instances, a 15-year time limit should be applied.

This will ensure any mandatory controls implemented in this way remain contemporary and appropriate to the local circumstances. In order to continue the operation of the controls beyond this time, a council will need to review its strategic work and demonstrate it meets the criteria in order to have the controls retained.

Robust and comprehensive strategic work

Where mandatory controls are proposed, a council will be assessed against **all** of the following:

- **Consistency with state and regional policy:** A council will need to be able to demonstrate that any proposed controls are visionary in nature and propose a preferred future character for the activity centre that aligns with the aspirations of the metropolitan planning strategy and state and regional policies included in the VPP.
- **Currency of work:** Any supporting structure plan or comprehensive built form analysis should be no more than five years old. A council will need to be able to demonstrate that the built form analysis undertaken to support any proposal for mandatory height or setback controls is contemporary, takes account of recent trends and has been subject to a program of public consultation.
- **Capacity to accommodate growth within the activity centre:** Planning for the activity centre must ensure sufficient opportunity is provided for commercial (retailing, office, fringe retailing and other uses such as entertainment) activities needed over at least a 15-year time frame and then into the 30-year horizon as well as anticipated housing growth over the same timeframes. This should include:
    - The role of the activity centre in the broader activity centre network for the municipality.
    - The location of the centre and its access to services, such as public transport.
    - Potential for redevelopment having regard to urban form, lot sizes and topography.
    - Any existing and proposed land uses and identification and analysis of key sites within the activity centre that can accommodate more intense development when compared with the remainder of the activity centre.

In addition to this, where mandatory height and setback controls are proposed over most or the entire activity centre, rigorous strategic justification has to be provided and should include:

- a Housing Strategy which examines the city's future housing needs and the role of activity centres (including neighbourhood activity centres) in accommodating these needs

- an activity centre/economic strategy which examines the role of the activity centre as part of a network of centres.

Exceptional circumstances

Exceptional circumstances may be identified for individual locations or specific and confined precincts, and might include:

- sensitive coastal environments where exceeding an identified height limit will unreasonably detract from the significance of the coastal environment
- significant landscape precincts such as natural waterways, regional parks and areas where dense tree canopies are the dominant feature
- significant heritage places where other controls are demonstrated to be inadequate to protect unique heritage values
- significant physical features, such as views to or from the activity centre or topography, where it can be demonstrated that discretionary controls would be inadequate to deliver the desired built form objectives or outcomes for the activity centre
- sites of recognised State significance where building heights can be shown to add to the significance of the place, for example views to the Shrine of Remembrance and major waterways
- helicopter and aeroplane flight paths and other aeronautical needs.

Where exceptional circumstances are identified, mandatory height and setback controls should only be applied where they are absolutely necessary to achieve the built form objectives or outcomes identified from the comprehensive built form analysis. Where mandatory controls are proposed, it will need to be demonstrated that discretionary controls could result in an unacceptable built form outcome.

Statutory implementation of height and setback controls

The Activity Centre Zone (ACZ) is the preferred tool to guide and facilitate the use and development of land ~~at~~ in Metropolitan and Major activity centres with structure plans. In most instances, height and setback controls would be applied at the precinct level within the ACZ schedule.

The Design and Development Overlay (DDO) is the preferred planning instrument for implementing discretionary and mandatory building heights and setbacks in other situations.

The design objectives and decision guidelines contained within the ACZ or DDO must be well structured and carefully worded to provide clear guidance to both decision makers and designers. This will ensure that any proposal to depart from the nominated heights and setbacks will be able to be rigorously assessed against a clear set of criteria, thereby minimising the likelihood of approval of a proposal which does not implement the design objectives of the ACZ or DDO.

Consistency in language used to ~~specified~~ specify height controls

Clear and consistent terms should be used to distinguish between preferred and mandatory maximum building height controls as follows:

- 'Preferred maximum building height' should be used consistently for a performance-based provision in conjunction with 'should'.
- 'Mandatory maximum building height' should be used consistently for a mandatory provision in conjunction with the word 'must'.

The use of uncommon terms such as 'indicative' or use of mutually exclusive terms such as 'must' in conjunction with preferred heights should be avoided.

In instances where there is no identified preferred height, the principles by which height should be determined for a given site or precinct should be identified, preferably in the form of a measurable

performance requirement. Another conceptually stronger approach is the definition of a floor area ratio measurement to act as a benchmark target for a site or precinct.

Avoid subjective terms and language

The use of subjective terms in height guidelines should be avoided as they can be confusing and open to manipulation. Qualitative measures that rely on highly subjective assessments or the use of poorly defined criteria, such as "high standard of architecture", as a height guideline should be avoided and should not be seen as a way to achieve a 'bonus' in height.

In addition, the use of descriptive terms such as "landmark", "gateway" and "iconic" can result in a high degree of confusion over the strategic planning intent, particularly around intended height. Often the terms can be misinterpreted to mean that a site is effectively exempt from the range of considerations that would be acceptable on other sites that are not identified with these terms.

As a default position, terms such as "landmark", "gateway" and "iconic" should be avoided, and it should not be assumed that the meaning of these terms is generally known or easy to interpret. Where the terms are included clear guidance should be provided to identify what the intended objective should be for a nominated site. For example, if the site is intended to be clearly higher than its surroundings in order to make it visible from a wider area then this should be identified.

References to building heights and setbacks

The preferred expression of heights and setbacks is in metres and should be in reference to a defined point such as the footpath at the frontage or Australian Height Datum or natural ground level. Reference can also be made to height in terms of storeys, however the definitive control should be in metres.

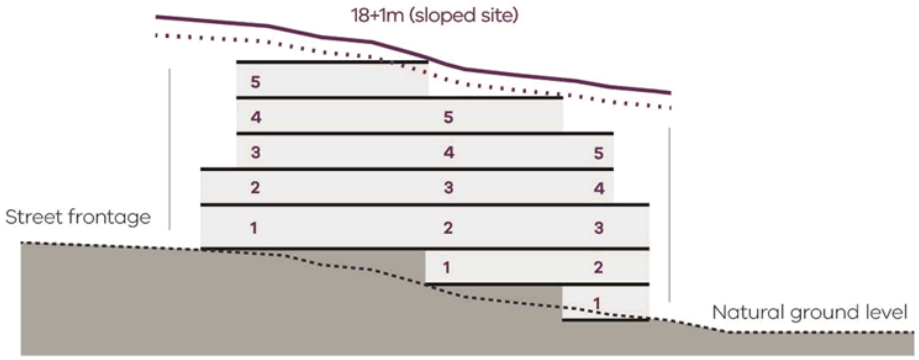
Where references to both metres and storeys are used, adequate allowance should be made for greater floor- to-floor heights needed to support employment uses where the zoning supports these uses.

Dealing with sloping blocks

The ordinary definition of building height used across Victoria is as set out at Clause 73.01 of the VPP and is the vertical distance from natural ground level to the roof or parapet at any point. This approach should be applied for sloping sites located within activity centres.

In order to allow for some flexibility on sloping sites, a mandatory maximum building height should allow for an exceedance by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

This approach will ensure that the built form responds to the underlying landform, usually by stepping down the built form.



Planning publications

The following publications provide best practice guidance on planning for new urban communities, statutory planning processes and drafting statutory documents (as relevant).

Planning for urban communities

- Ministerial Direction No. 9 Metropolitan Strategy
- *Public Transport Guidelines for Land Use and Development* (Department of Transport 2008)
- *Victorian Cycling Strategy* (VicRoads 2009)
- *Structure Planning for Activity Centres Planning Practice Note 58* (Department of Environment, Land, Water and Planning 2018)
- *Assessment and Response to the Report of the Advisory Committee on Activity Centre Boundaries* (Minister for Planning June 2009)
- *Activity Centre Zone Planning Practice Note 56* (Department of Environment, Land, Water and Planning June 2015)
- *Model Structure Plan – Ruby Town Structure* Plan (Department of Planning and Community Development, April 2010)
- *Ruby Town Structure Plan Background Report Outline* (Department of Planning and Community Development, April 2010)
- *Urban Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning 2017)
- *Apartment Design Guidelines for Victoria* (Department of Environment, Land, Water and Planning 2017)

Statutory planning processes

- *Using Victoria's Planning System* (Department of Environment, Land, Water and Planning)
- *Planning Practice Note 46: Strategic Assessment Guidelines* (Department of Environment, Land, Water & and Planning 2018)

Using VPP tools and statutory drafting

- *Writing Schedules VPP Practice Note (Department of Infrastructure 2000)*
- *Incorporated and background documents* Planning Practice Note 13: (Department of Environment, Water Land and Planning, September 2018)

Further information

All practice and advisory notes are available on the department's website:
www.planning.vic.gov.au

Further information in relation to planning for activity centres is available on the department's website:
www.planning.vic.gov.au

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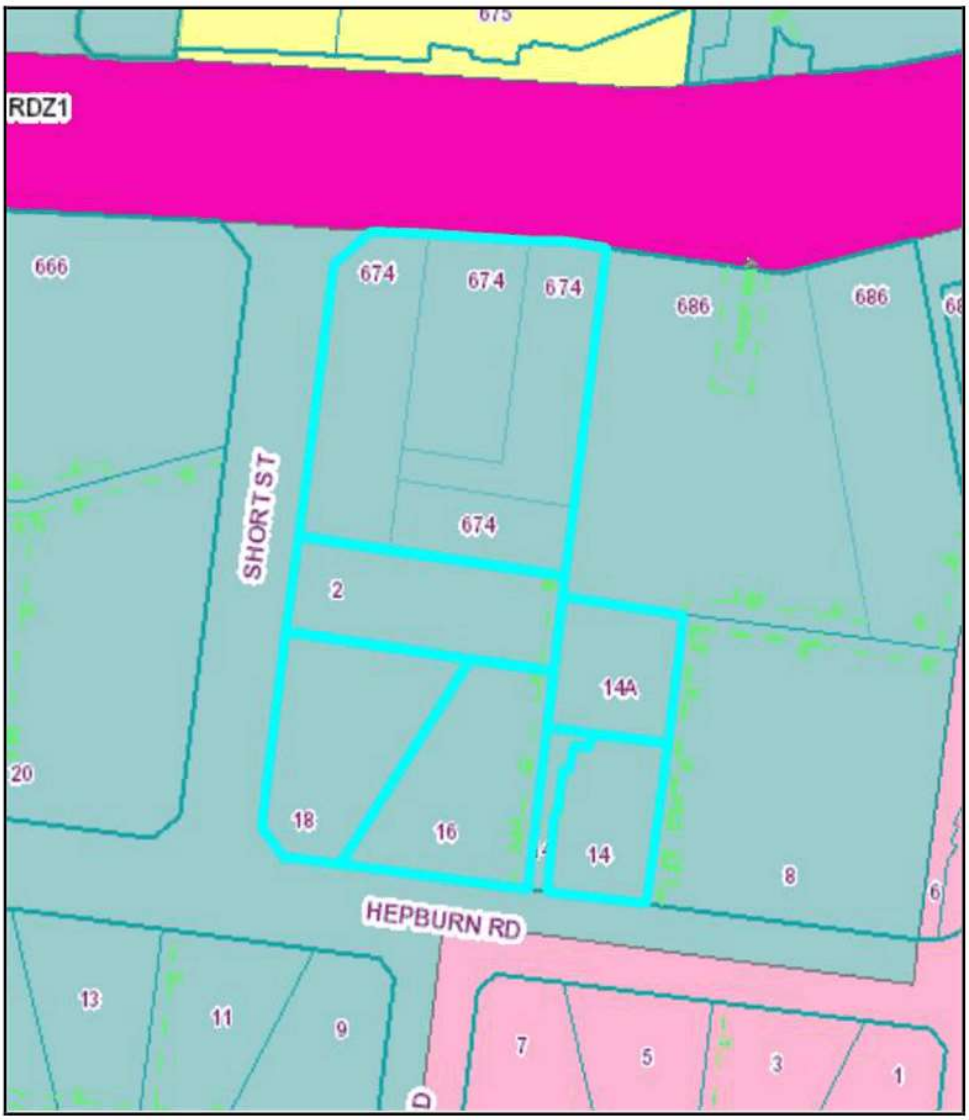
DOCUMENT ENDS

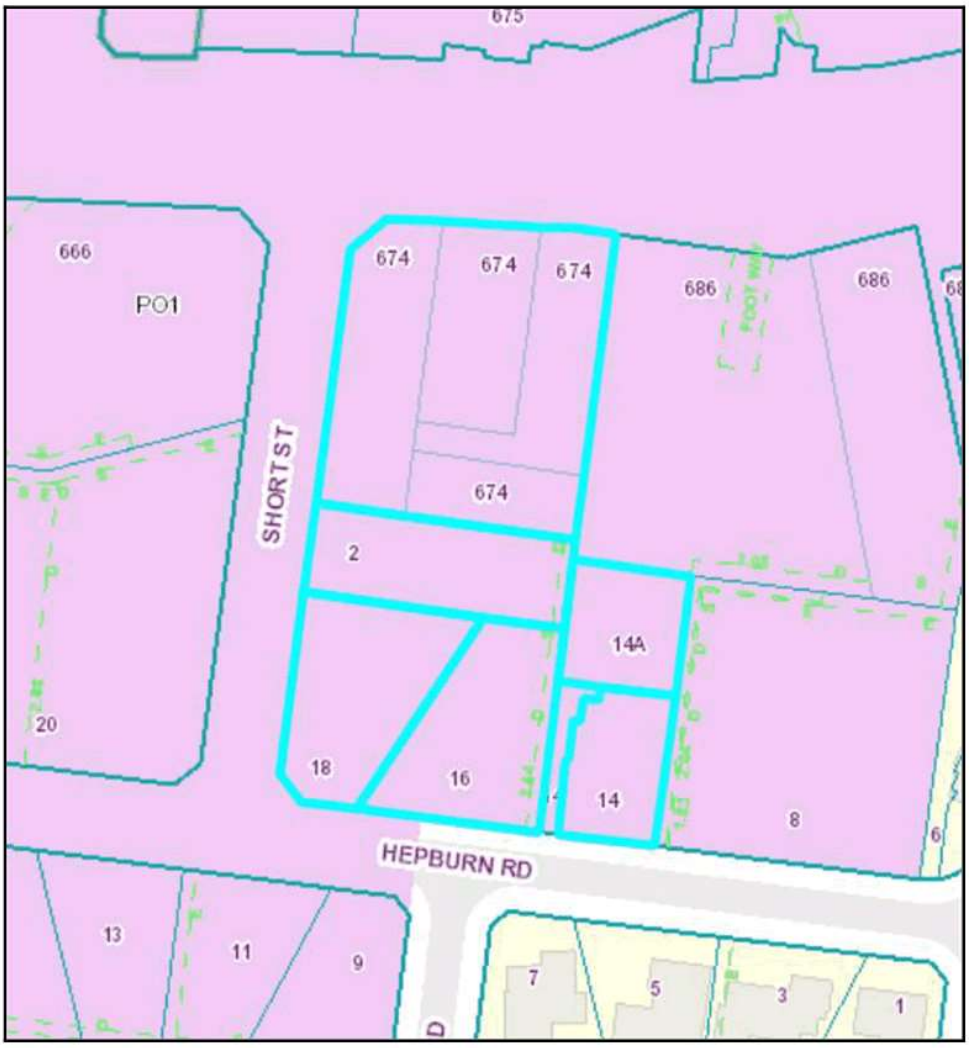
Zone and Overlay Controls – Amendment C127mann
674-880 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster



Zones: ACZ1 (green). RDZ1 (purple). GRZ2 (pink).

Heritage Overlay, Schedule 46

Development Contributions Plan Overlay, Schedule 1



Parking Overlay, Schedule 1

Planning History – Amendment C127mann
674-880 Doncaster Road, 2 Short Street and 14, 14A, 16 & 18 Hepburn Road, Doncaster

Planning Scheme Amendment C131mann (gazetted 28 January 2021)

Amendment C131mann corrects an anomaly in the Table of Uses in Schedule 1 of the ACZ. In the Table, in both the Section 1 uses (Permit not required) and Section 2 uses (Permit required) *Food and drink premises (other than Hotels and Taverns*) uses contain the same condition requirement to be met, in that they must be located within Precincts 4 or 2A,

These identical condition requirements inadvertently prohibited *Food and drink premises* uses from being considered in any precinct other than in Precinct 4 or 2A in the Doncaster Hill Activity Centre.

The gazettal of Amendment C131mann now enables the *Food and drink premises* proposed in Planning Permit Application PLN20/0303 to be considered in this amendment request.

Planning Scheme Amendment VC95 (gazetted 19 April 2013)

Amendment VC95 applies Schedule 1 to the Parking Overlay (PO1) to all land within the ACZ1 and prescribes car parking rates for Offices, Dwellings, Restaurants, Restricted Retail Premises and Shops in certain circumstances.

The car parking rates in the PO1 override the car parking rates in clause 52.06 (Car parking) where specified of the Scheme.

Planning Scheme Amendment VC59 (gazetted 17 September 2009)

Amendment VC59 replaces the Comprehensive Development Zone, the Industrial 1 Zone, and schedules 2 and 6 of the Design and Development Overlay that applied to the Doncaster Hill Activity Centre with the ACZ1. In addition, the Environmental Audit Overlay was introduced to the land formerly zoned Industrial 1 Zone.

The Strategy, predating the ACZ1, provides a framework for development in the Doncaster Hill Activity Centre. The strategic outcomes sought by the Strategy are reflected in Schedule 1 to the Activity Centre Zone. The over-arching vision for the Activity Centre is for the tallest buildings to be located on the highest parts of the Hill, with buildings of lesser heights being located towards the external boundaries of the ACZ1.

Schedule 1 divides the Doncaster Hill Activity Centre into seven precincts and sub-precincts, with each prescribed their own planning requirements including urban design guidelines and height controls. With the exception of some properties, land within the ACZ1 is subject to mandatory maximum building height controls. The Site is subject to mandatory height controls.

Below, Figure 1 identifies the Site (in yellow) within sub-precincts 2B and 2F. The properties on the western side of Short Street are in sub-precinct 2C.

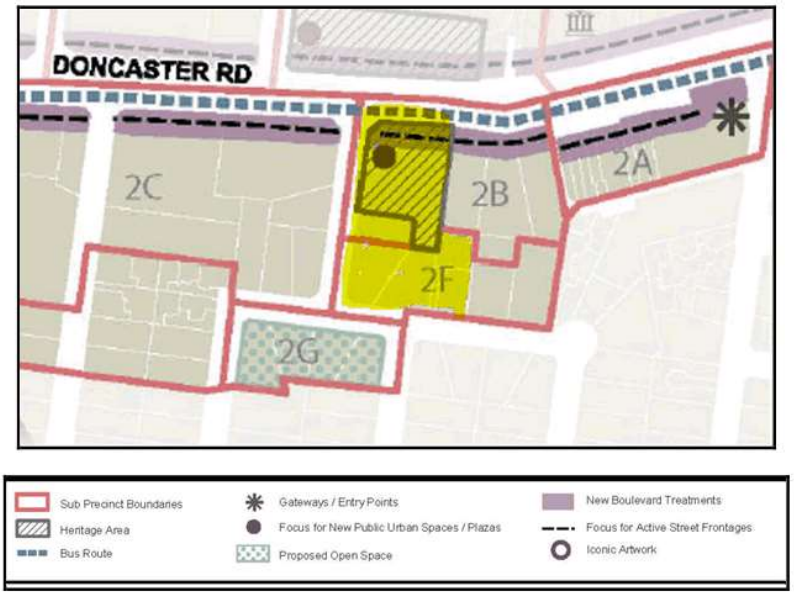


Figure 1: Existing Precinct Boundaries, ACZ1

1.1 Figure 2 identifies the mandatory height controls, design element heights and setback requirements for sub-precincts 2B, 2C and 2F.

Sub-Precinct	Maximum height (Excluding Basement)	Design Element Height	Setbacks
2B	29m	5.8m above maximum height	5m to front podium edge from front boundary 9m to front tower edge from front boundary 4.5m from side boundaries 5m from rear boundary
2C	40m	8.0m above maximum height	5m to front podium edge from front boundary 11m to front tower edge from front boundary 4.5m from the side boundaries 5m from rear boundary
2F	14.5m	None specified	5m from front boundary 4.5m from side boundaries 4.5m from rear boundary

Figure 2: Height Controls, Design Element Heights and Setback Requirements, ACZ1

Planning Scheme Amendment C72 (gazetted 18 December 2008)

Amendment C72 approved in whole the removal of the Registered Restrictive Covenants from the properties at 16, 18, 20, 22 and 24 Hepburn Road and at 1 Short Street, Doncaster.

For the purposes of Amendment C127mann, this relates to the properties at 16 and 18 Hepburn Road, Doncaster. The covenants restricted the development of these properties to one dwelling each and specified materials to be used in construction.

Planning Permit PLN18/0571: 674-880 Doncaster Road, 14, 14A, 16 & 18 Hepburn Road and 2 Short Street Doncaster (Not commenced)

Planning Permit PLN18/0571 was issued on 3 July 2019 and approved the partial demolition of the existing chapel building, the use and development of the land for a 13-storey mixed-use building comprising dwellings, a place of assembly, child care centre, food and drink premises and offices, a reduction in standard car parking requirement and the creation and alteration of access to a road in a Road Zone, Category 1. The height of the building complies with the mandatory height requirements prescribed in sub-precincts 2B (29 metres) and 2F (14.5 metres) in the ACZ1.

The plans for the development have not been endorsed and the development has not commenced. The Permit will expire if the development is not started within 4 years from the issue date of the permit, i.e. 3 July 2023.

Planning Permit PL14/024205: 18 & 20 Hepburn Road, Doncaster (Constructed)

Planning Permit PL14/024205 was issued on 4 June 2014. The Permit approved the temporary use of the land at 18 Hepburn Road as a display suite and land at 20 Hepburn Road for visitor car parking for the display suite, associated buildings and works and new vehicle crossover to Short Street. The proposed works are associated with planning permit PL11/021760 which was issued at the direction of VCAT (Order P3568/2011, dated 4 September 2012) for the construction of a multi-unit development.

A condition on the permit required the use to cease and all temporary structures to be removed from the site if the site is no longer marketing the sale of units associated with Planning Permit PL11/021760, or three years after the issue date of the permit, whichever occurs first.

Planning Permit 2772: 14 Hepburn Road, Doncaster (Constructed)

Planning Permit 2772 was issued on 17 April 1986 and approved a dual occupancy development in a tandem layout.

CHAPEL HILL
674 - 680 DONCASTER RD,
14, 14A, 16 SHORT ST,
18 HEPBURN RD,
DONCASTER

DOCUMENTATION DRAWING LIST TOWN PLANNING

TP001	TITLE AND DRAWING REGISTER TOWN PLANNING
TP101	EXISTING CONDITIONS SURVEY PLAN
TP102	DEMOLITION PLAN
TP103	SITE PLAN
TP201	BUILDING KEY PLAN - KEY - BASEMENT 2
TP202	BUILDING KEY PLAN - KEY - BASEMENT 1
TP203	BUILDING KEY PLAN - KEY - LEVEL 01
TP204	BUILDING KEY PLAN - KEY - LEVEL 02
TP205	BUILDING KEY PLAN - KEY - LEVEL 03
TP206	BUILDING KEY PLAN - KEY - LEVEL 04
TP207	BUILDING KEY PLAN - KEY - LEVEL 05
TP208	BUILDING KEY PLAN - KEY - LEVEL 06
TP209	BUILDING KEY PLAN - KEY - LEVEL 07
TP210	BUILDING KEY PLAN - KEY - LEVEL 08
TP211	BUILDING KEY PLAN - KEY - LEVEL 09
TP212	BUILDING KEY PLAN - KEY - LEVEL 10
TP213	BUILDING KEY PLAN - KEY - LEVEL 11
TP214	BUILDING KEY PLAN - KEY - LEVEL 12
TP215	BUILDING KEY PLAN - KEY - LEVEL 13
TP216	BUILDING KEY PLAN - KEY - LEVEL 14
TP217	BUILDING KEY PLAN - KEY - LEVEL 15
TP218	BUILDING KEY PLAN - KEY - LEVEL 16
TP219	BUILDING KEY PLAN - KEY - LEVEL 17
TP220	BUILDING KEY PLAN - KEY - LEVEL 18 ROOF
TP301	EXISTING SHADOW ANALYSIS
TP302	EXISTING SHADOW ANALYSIS
TP303	PROPOSED SHADOW ANALYSIS
TP304	PROPOSED SHADOW ANALYSIS

DOCUMENTATION DRAWING LIST TOWN PLANNING

TP305	PROPOSED SHADOW ANALYSIS (Design Element)
TP306	PROPOSED SHADOW ANALYSIS
TP307	PROPOSED SHADOW ANALYSIS
TP401	KEY ELEVATION - EAST
TP402	KEY ELEVATION - NORTH
TP403	KEY ELEVATION - SOUTH
TP404	KEY ELEVATION - WEST
TP501	KEY SECTION - EAST WEST
TP502	KEY SECTION - NORTH SOUTH
TP503	KEY SECTION - DRIVEWAY
TP504	KEY SECTION - PLAZA
TP601	CHAPEL ALTERATION DETAILS
TP602	DESIGN ELEMENT ANALYSIS
TP603	DESIGN ELEMENT ANAYLYSIS
TP604	FINISHES SCHEDULE & EXTERNAL DETAILS
TP605	3D VIEWS
TP701	GENERAL ARRANGEMENT PLAN - BASEMENT 1
TP702	GENERAL ARRANGEMENT PLAN - LEVEL 01
TP703	GENERAL ARRANGEMENT PLAN ZONE 1- LEVEL 02
TP704	GENERAL ARRANGEMENT PLAN ZONE 2 - LEVEL 02
TP705	GENERAL ARRANGEMENT PLAN ZONE 1- LEVEL 03
TP706	GENERAL ARRANGEMENT PLAN ZONE 2 - LEVEL 03
TP707	GENERAL ARRANGEMENT PLAN - LEVEL 04
TP708	GENERAL ARRANGEMENT PLAN - LEVEL 05
TP709	GENERAL ARRANGEMENT PLAN ZONE 1 - LEVEL 06
TP710	GENERAL ARRANGEMENT PLAN ZONE 2 - LEVEL 06
TP711	GENERAL ARRANGEMENT PLAN - LEVEL 08
TP712	GENERAL ARRANGEMENT PLAN - LEVEL 09
TP713	GENERAL ARRANGEMENT PLAN ZONE 1 - LEVEL 14
TP714	GENERAL ARRANGEMENT PLAN - LEVEL 15
TP715	GENERAL ARRANGEMENT PLAN - LEVEL 16
TP716	GENERAL ARRANGEMENT PLAN - LEVEL 17

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

General Notes
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All dimensions subject to on site verification prior to excecution of work. Figured dimensions shall be taken in preference to scaling.
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CLIENT: DONCASTER CHURCH OF CHRIST / TEBTER

PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: TITLE AND DRAWING REGISTER TOWN PLANNING

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PROJECT DATE	09.2017
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CHECKED	KL
APPROVED	AD
OFFICE NO	A00005

TOWNPLANNING

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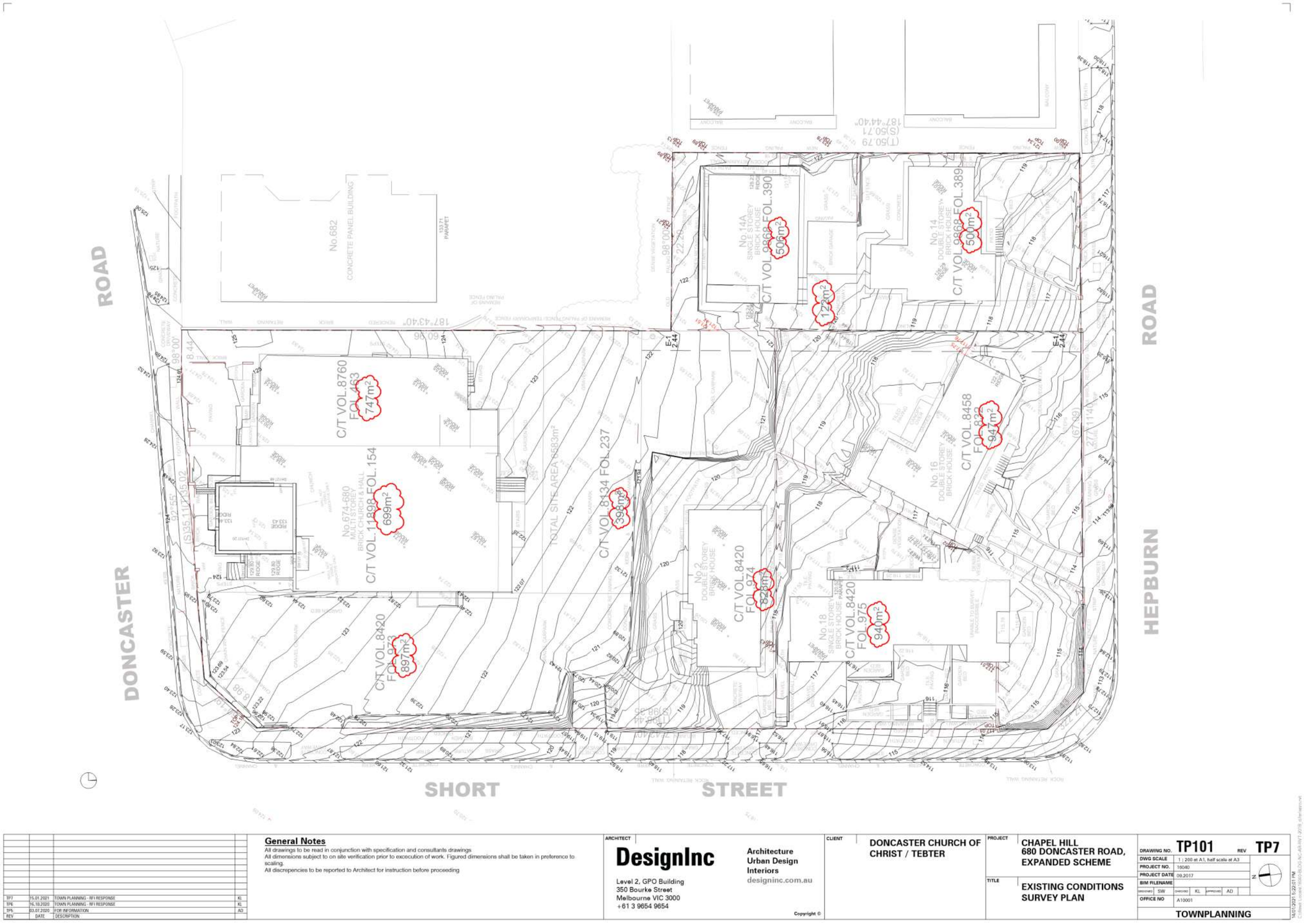
DONCASTER ROAD
SHORT STREET
HEPBURN ROAD
No.682 CONCRETE PANEL BUILDING
No.674-680 MULTI STOREY BRICK CHURCH & HALL
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699m²
C/T VOL.8760 FOL.463
747m²
C/T VOL.8420 FOL.972
897m²
TOTAL SITE AREA 6583m²
C/T VOL.8134 FOL.237
399m²
No.2 DOUBLE STOREY BRICK HOUSE
C/T VOL.8420 FOL.974
No.14A SINGLE STOREY BRICK HOUSE
C/T VOL.9862 FOL.390
506m²
172m²
No.14 DOUBLE STOREY BRICK HOUSE
C/T VOL.9862 FOL.389
500m²
No.16 DOUBLE STOREY BRICK HOUSE
C/T VOL.8458 FOL.832
947m²
No.18 SINGLE STOREY BRICK HOUSE
C/T VOL.8420 FOL.975
940m²
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TP6 16.10.2020 TOWN PLANNING - RFI RESPONSE KL
TP5 03.07.2020 FOR INFORMATION AD
REV DATE DESCRIPTION
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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME
TITLE
EXISTING CONDITIONS SURVEY PLAN
DRAWING NO. TP101
REV TP7
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PROJECT DATE 09.2017
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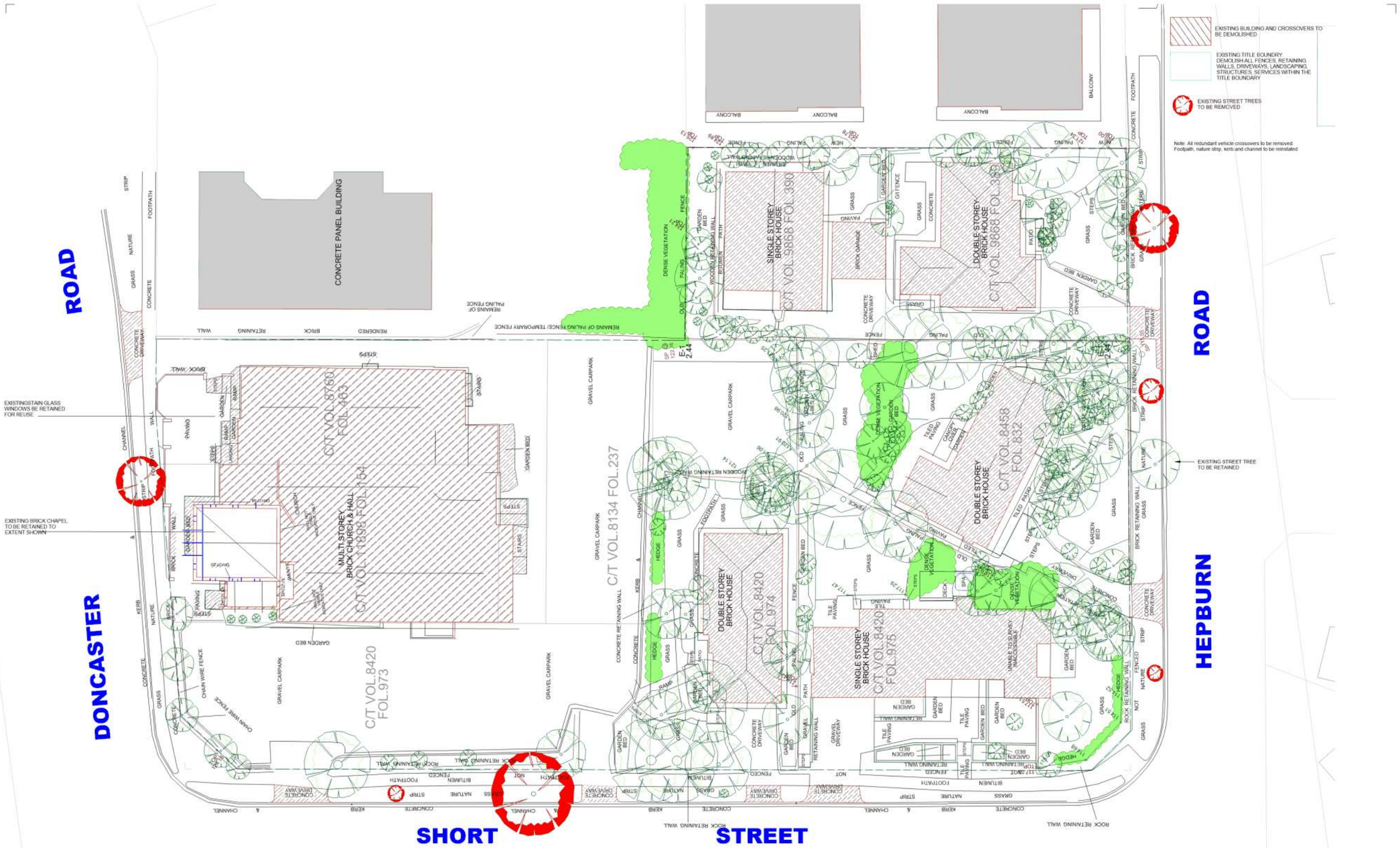

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PROJECT: CHAPEL HILL
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EXPANDED SCHEME

TITLE: DEMOLITION PLAN

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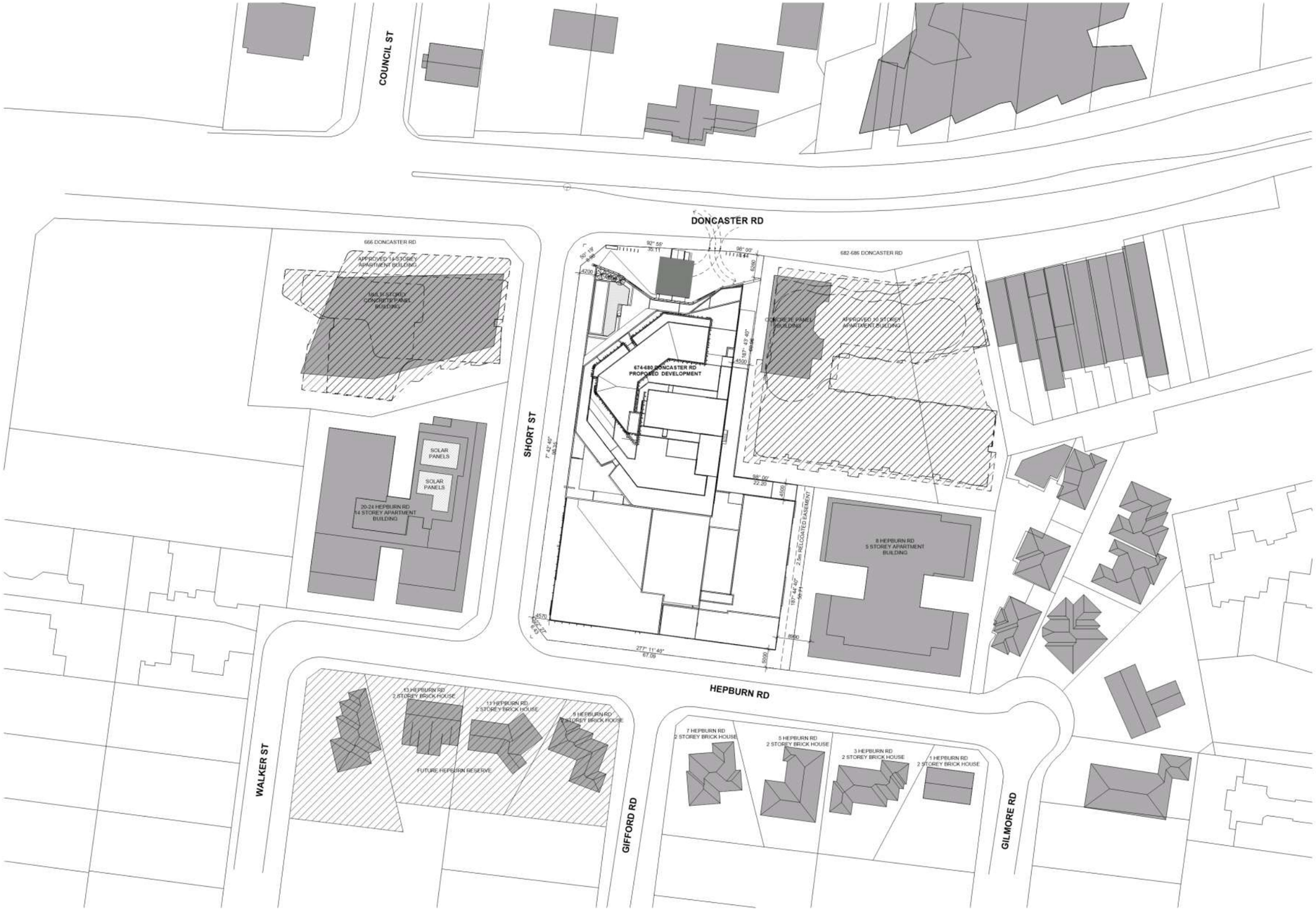

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: SITE PLAN

DRAWING NO. TP103 REV TP7

DWG SCALE 1 : 500 at A1, half scale at A3

PROJECT NO. 16040

PROJECT DATE 09.2017

BIM FILENAME

DESIGNED SW CHECKED KL APPROVED AD

OFFICE NO A12001

TOWNPLANNING

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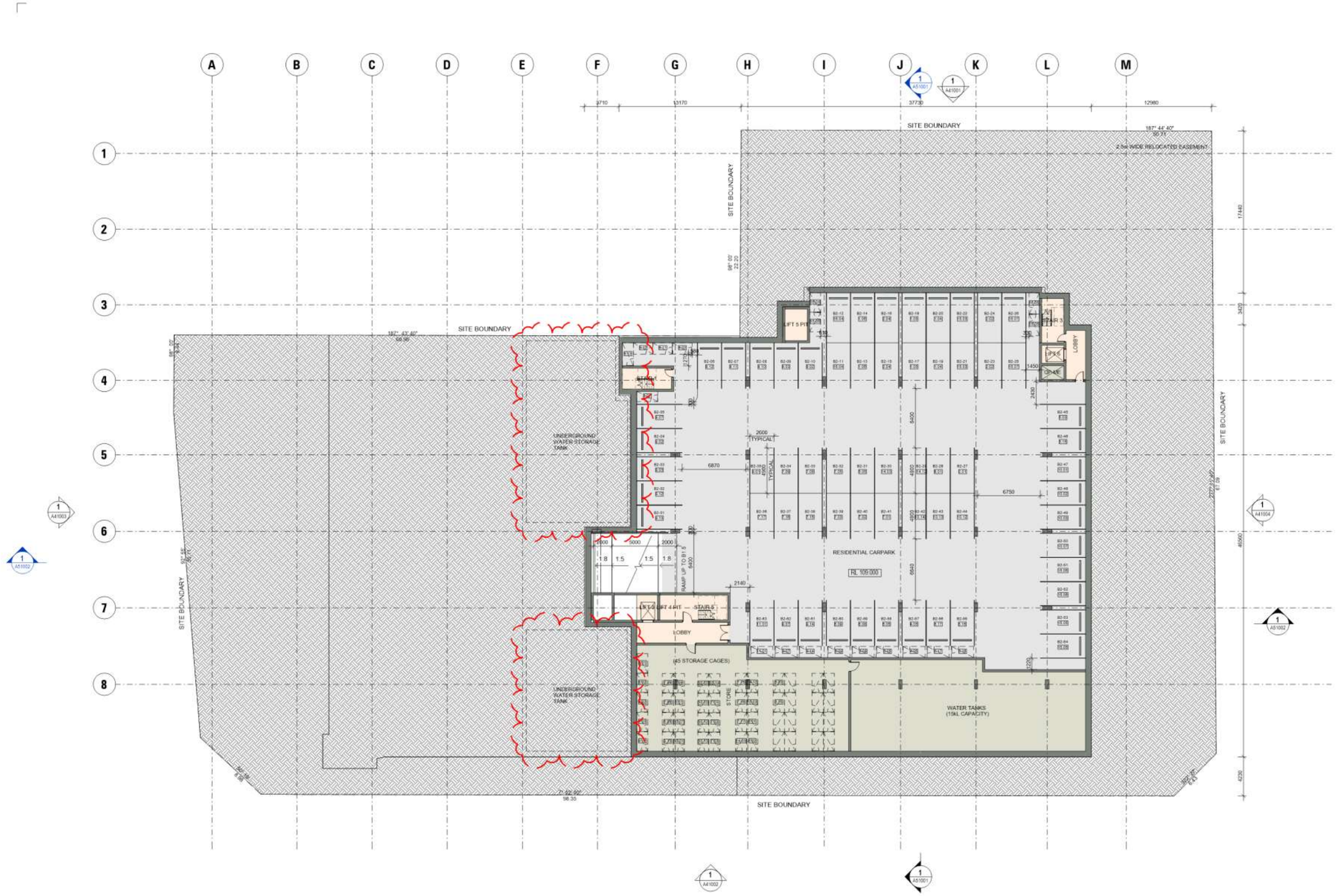


NOTE: Additional storage cages to be allocated to apartments upon application

BASEMENT 02 CARPARK SUMMARY:

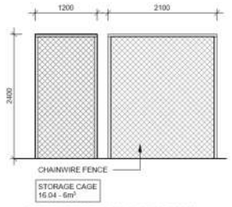
-63 residential car spaces
-63 storage cages

CAR PARKING LEGEND

STORAGE CAGE (minimum 6m²)
APARTMENT ALLOCATION

Note: All external storage cages in **MSH01**

CARPARK NUMBER
APARTMENT ALLOCATION



2 | STORAGE CAGE ELEVATIONS
SCALE 1 : 50

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD, EXPANDED SCHEME

TITLE
BUILDING KEY PLAN - KEY - BASEMENT 2

DRAWING NO.	TP201
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED	SW
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APPROVED	AD
OFFICE NO	A21821

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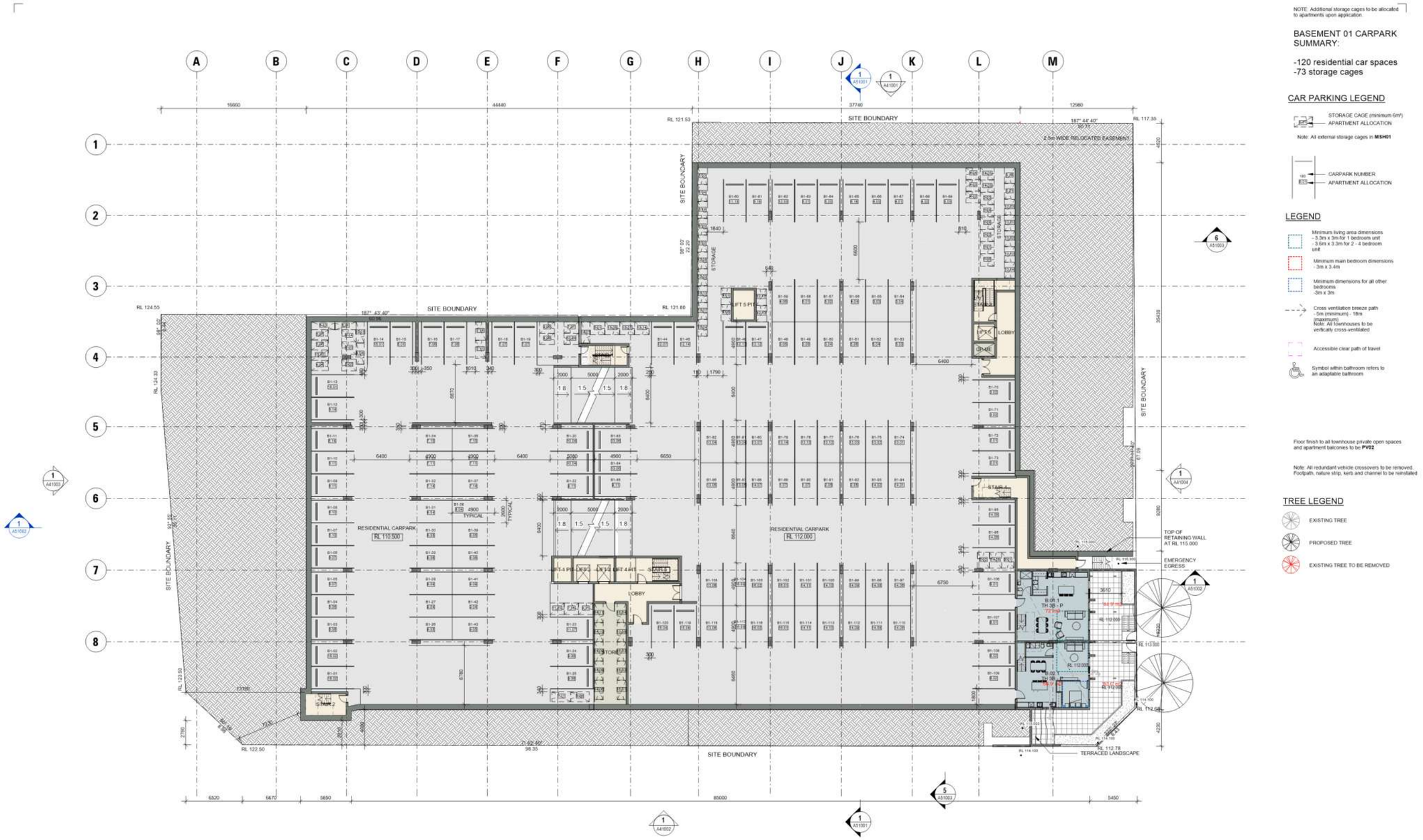

NOTE: Additional storage cages to be allocated to apartments upon application.

BASEMENT 01 CARPARK SUMMARY:

-120 residential car spaces
-73 storage cages

CAR PARKING LEGEND

STORAGE CAGE (minimum 6m²)
APARTMENT ALLOCATION

Note: All external storage cages in **MSH01**

CARPARK NUMBER
APARTMENT ALLOCATION

LEGEND

Minimum living area dimensions
- 3.3m x 3m for 1 bedroom unit
- 3.6m x 3.3m for 2 - 4 bedroom unit

Minimum main bedroom dimensions
- 3m x 3.4m

Minimum dimensions for all other bedrooms
-3m x 3m

Cross ventilation breeze path
- 5m (minimum) - 18m (maximum)
Note: All townhouses to be vertically cross-ventilated

Accessible clear path of travel

Symbol within bathroom refers to an adaptable bathroom

Floor finish to all townhouse private open spaces and apartment balconies to be **PV02**

Note: All redundant vehicle crossovers to be removed. Footpath, nature strip, kerb and channel to be reinstated

TREE LEGEND

EXISTING TREE

PROPOSED TREE

EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
BUILDING KEY PLAN - KEY - BASEMENT 1

DRAWING NO.	TP202
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21B11

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NOTE: Additional storage cages to be allocated to apartments upon application

LEVEL 01 CARPARK SUMMARY:

-104 residential car spaces
-77 residential bike spaces
-54 storage cages
-2 service bay car spaces

CAR PARKING LEGEND

STORAGE CAGE (minimum 6m²) — APARTMENT ALLOCATION

Note: All external storage cages in **M SH01**

CARPARK NUMBER — APARTMENT ALLOCATION

LEGEND

Minimum living area dimensions
- 3.2m x 3m for 1 bedroom unit
- 3.6m x 3.9m for 2 - 4 bedroom unit

Minimum main bedroom dimensions
- 3m x 3.4m

Minimum dimensions for all other bedrooms
-3m x 3m

Cross ventilation breeze path
- 5m (minimum) - 18m (maximum)
Note: All townhouses to be vertically cross-ventilated

Accessible clear path of travel

Symbol within bathroom refers to an adaptable bathroom

Floor finish to all townhouse private open spaces and apartment balconies to be **PV02**

Note: All redundant vehicle crossovers to be removed. Footpath, nature strip, kerb and channel to be reinstated

TREE LEGEND

EXISTING TREE

PROPOSED TREE

EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
BUILDING KEY PLAN - KEY - LEVEL 01

DRAWING NO.	TP203
REV	TP6
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
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OFFICE NO	A21011

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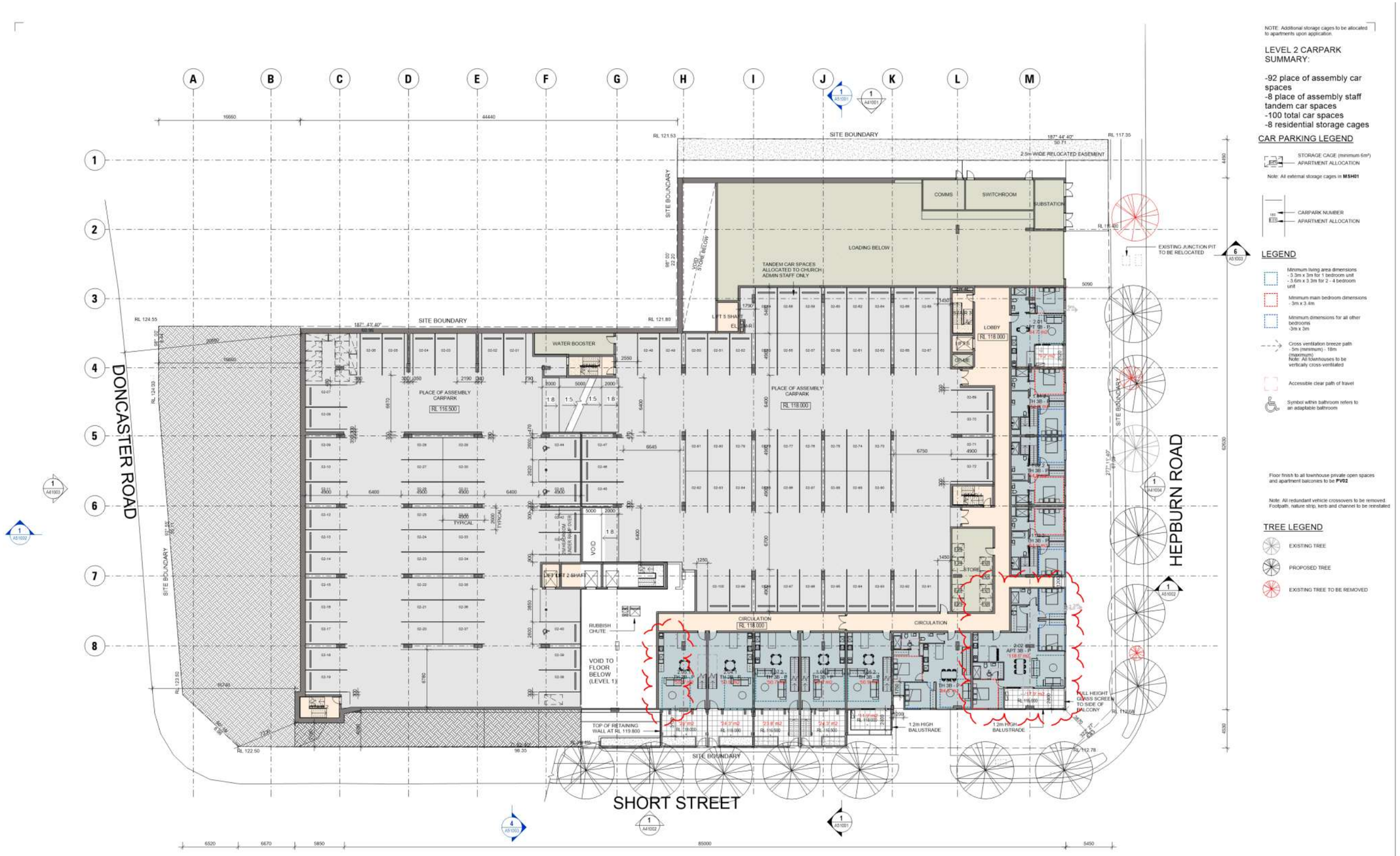

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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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CHAPEL HILL
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TITLE
BUILDING KEY PLAN - KEY - LEVEL 02

DRAWING NO.	TP204
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED	SW
CHECKED	KL
APPROVED	AD
OFFICE NO	A21021

TOWNPLANNING

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NOTE: Additional storage cages to be allocated to apartments upon application.

LEVEL 3 CARPARK SUMMARY:

-93 car spaces
-15 staff bike spaces

CAR PARKING LEGEND

STORAGE CAGE (minimum 6m²)
APARTMENT ALLOCATION

Note: All external storage cages in **MSH01**

CARPARK NUMBER
APARTMENT ALLOCATION

LEGEND

Minimum living area dimensions
- 3.3m x 3m for 1 bedroom unit
- 3.6m x 3.3m for 2 - 4 bedroom unit

Minimum main bedroom dimensions
- 3m x 3.4m

Minimum dimensions for all other bedrooms
-3m x 3m

Cross ventilation breeze path
- 5m (minimum) - 18m (maximum)
Note: All townhouses to be vertically cross-ventilated

Accessible clear path of travel

Symbol within bathroom refers to an adaptable bathroom

Floor finish to all townhouse private open spaces and apartment balconies to be **PV02**

Note: All redundant vehicle crossovers to be removed. Footpath, nature strip, kerb and channel to be reinstated

TREE LEGEND

EXISTING TREE
PROPOSED TREE
EXISTING TREE TO BE REMOVED

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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CHAPEL HILL
680 DONCASTER ROAD, EXPANDED SCHEME

TITLE
BUILDING KEY PLAN - KEY - LEVEL 03

DRAWING NO.	TP205
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
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OFFICE NO	A21031

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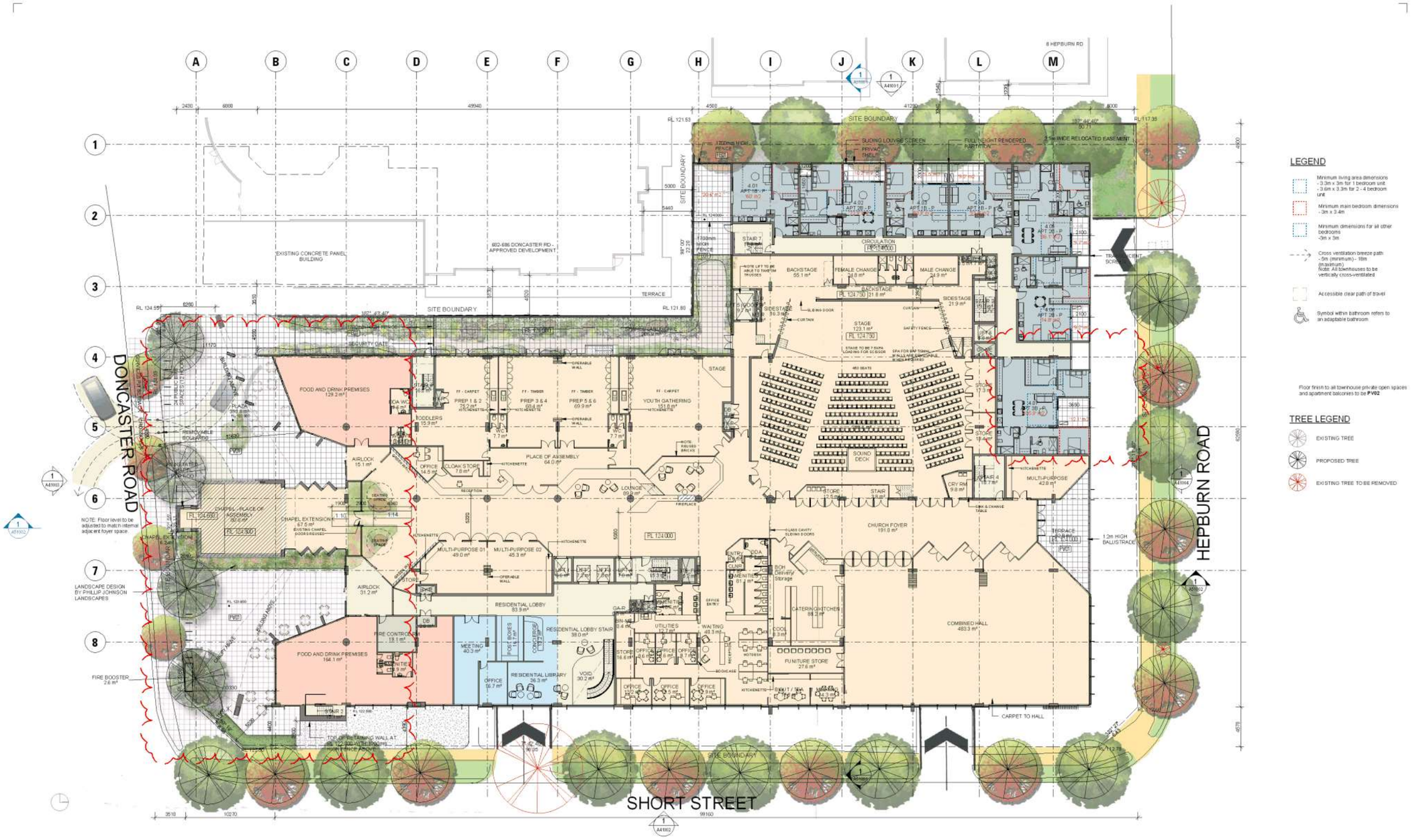

General Notes

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REV	DATE	DESCRIPTION	
TP6	16.10.2020	TOWNPLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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TITLE: BUILDING KEY PLAN - KEY - LEVEL 04

DRAWING NO.	TP206
REV	TP6
DWG SCALE	As indicated at A1, half scale at A3
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PROJECT DATE	09.2017
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OFFICE NO	A21041

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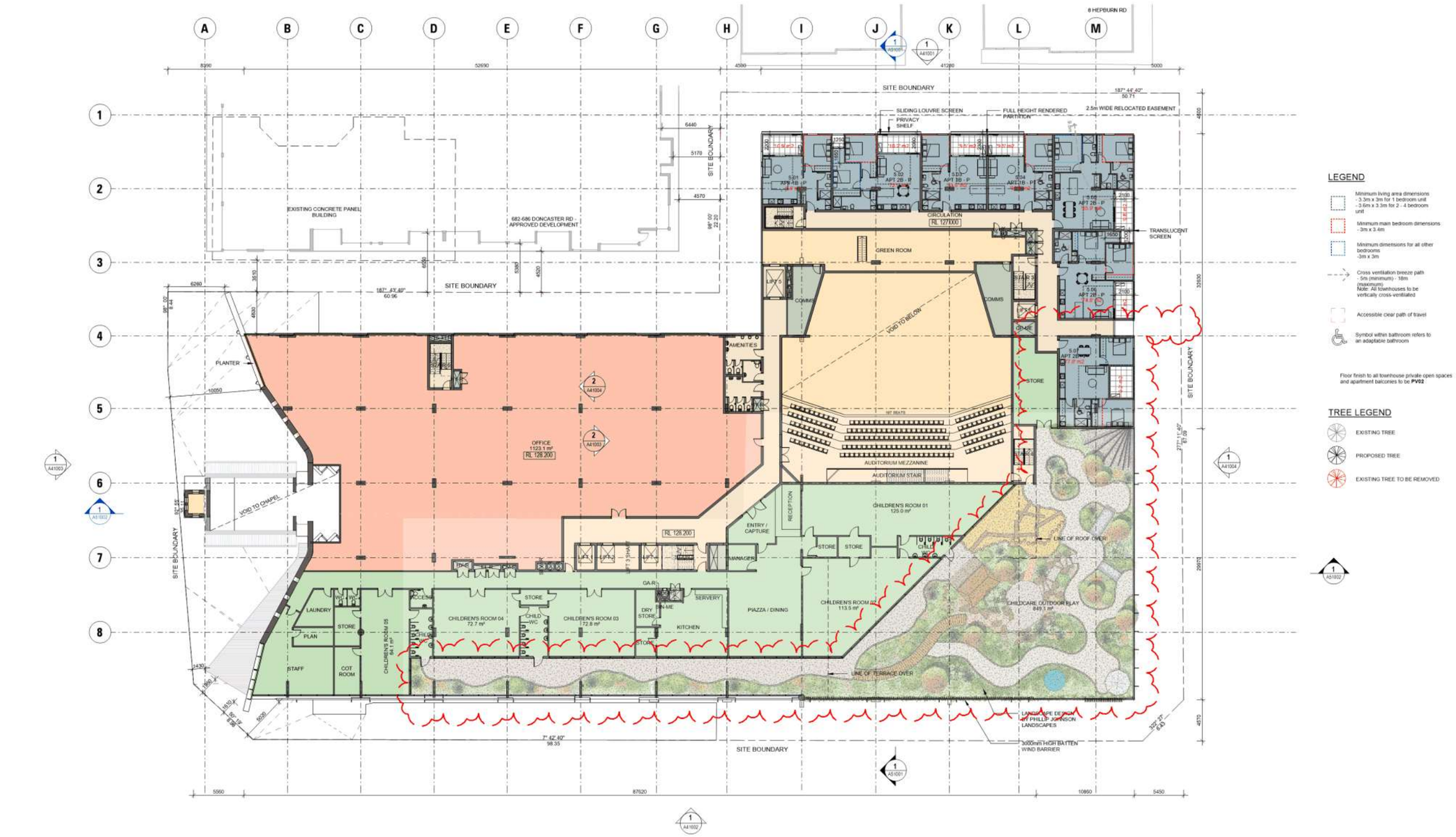

REV	DATE	DESCRIPTION	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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TITLE
BUILDING KEY PLAN - KEY - LEVEL 05

DRAWING NO.	TP207
REV	TP6
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
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APPROVED	AD
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REV	DATE	DESCRIPTION	
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TP5	02.07.2020	FOR INFORMATION	AD

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TITLE: BUILDING KEY PLAN - KEY - LEVEL 06

DRAWING NO.	TP208
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
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DESIGNED	SW
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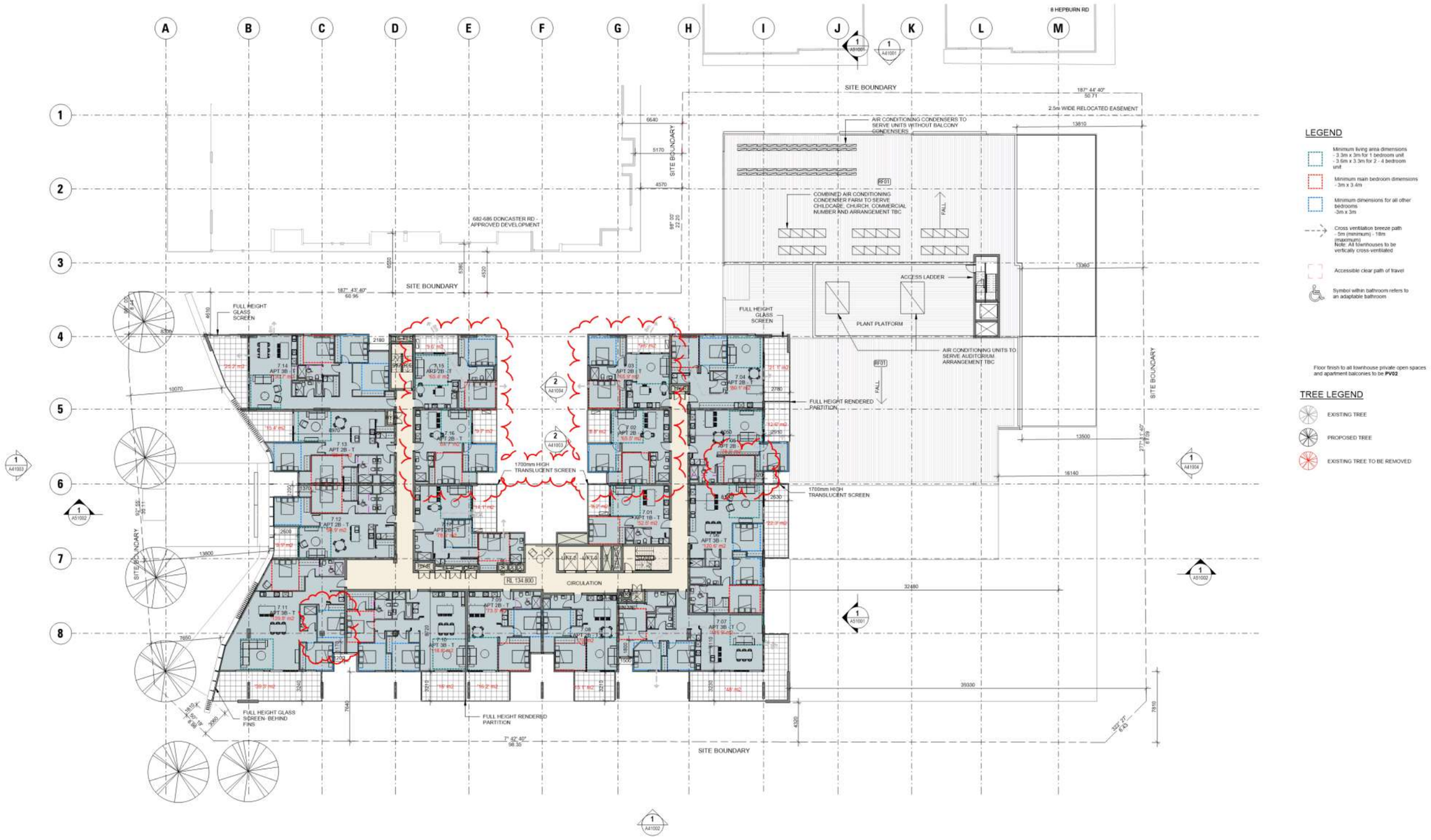

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TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 07

DRAWING NO.	TP209
REV	TP7
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PROJECT NO.	16040
PROJECT DATE	09.2017
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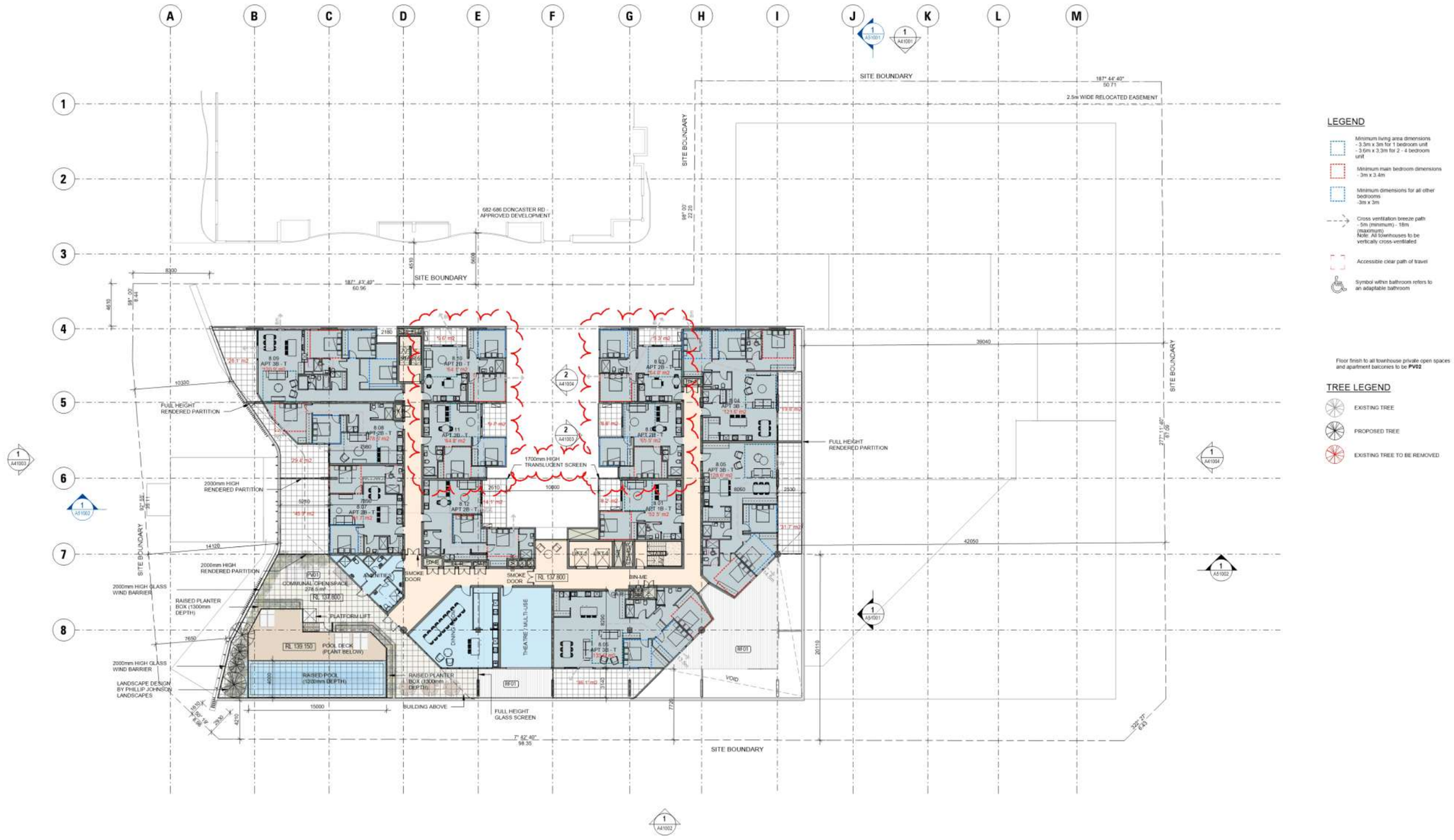

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TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT
CHAPEL HILL
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TITLE
BUILDING KEY PLAN - KEY - LEVEL 08

DRAWING NO.	TP210
REV	TP7
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PROJECT NO.	16040
PROJECT DATE	09.2017
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CHECKED	KL
APPROVED	AD
OFFICE NO	A21081

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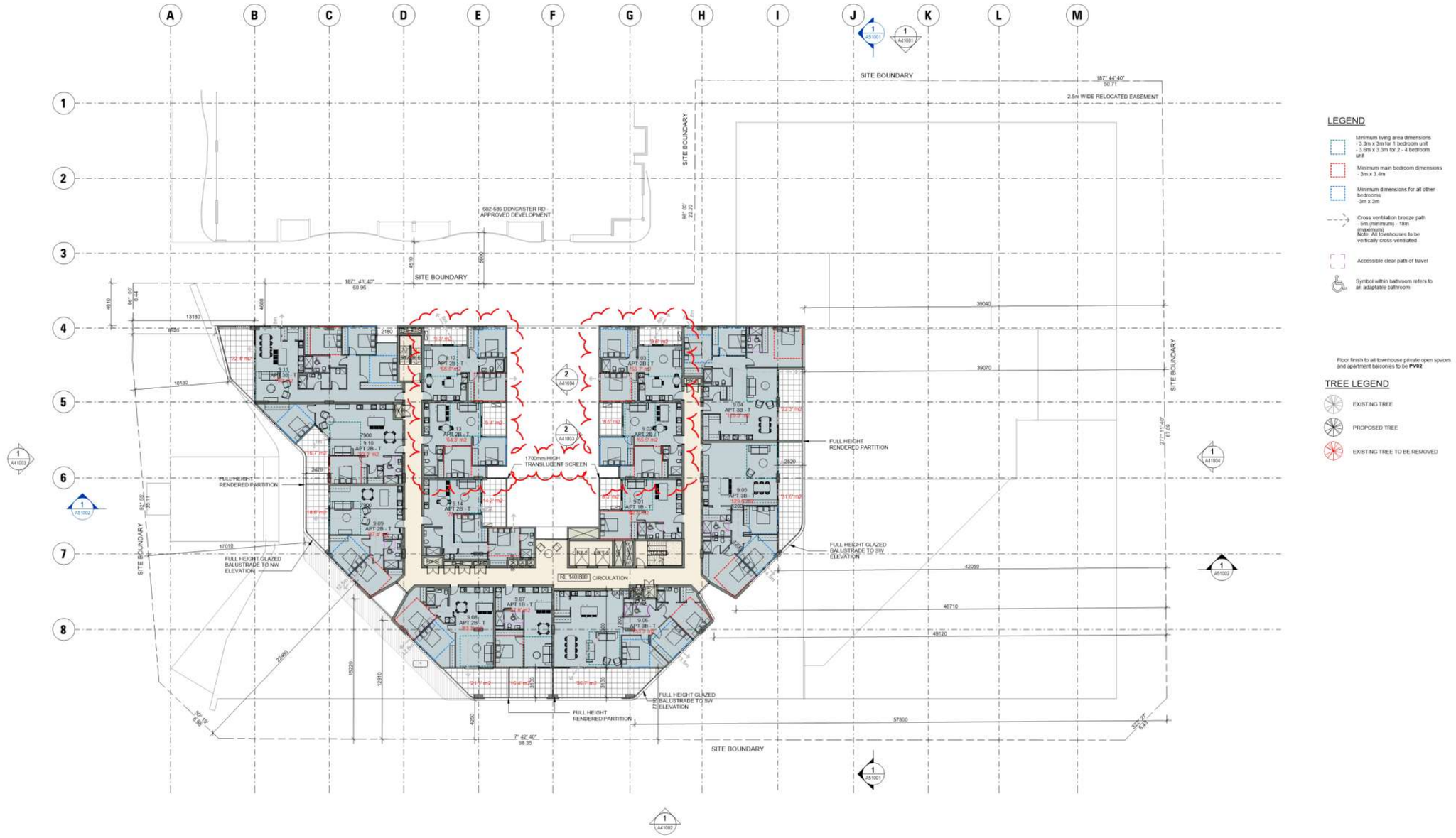

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 09

DRAWING NO.	TP211
REV	TP7
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PROJECT NO.	16040
PROJECT DATE	09.2017
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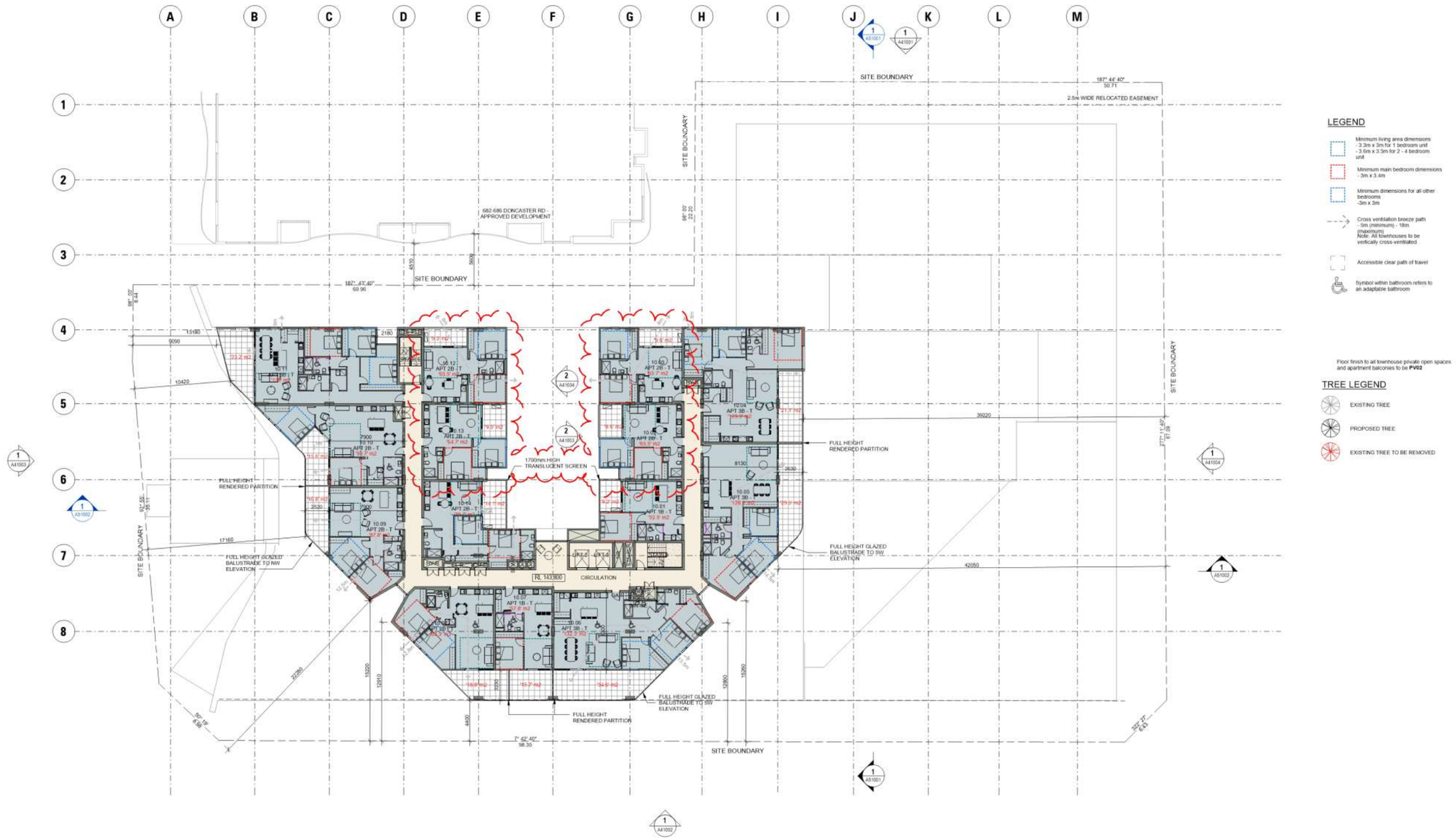

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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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TITLE: BUILDING KEY PLAN - KEY - LEVEL 10

DRAWING NO.	TP212
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
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OFFICE NO	A21101

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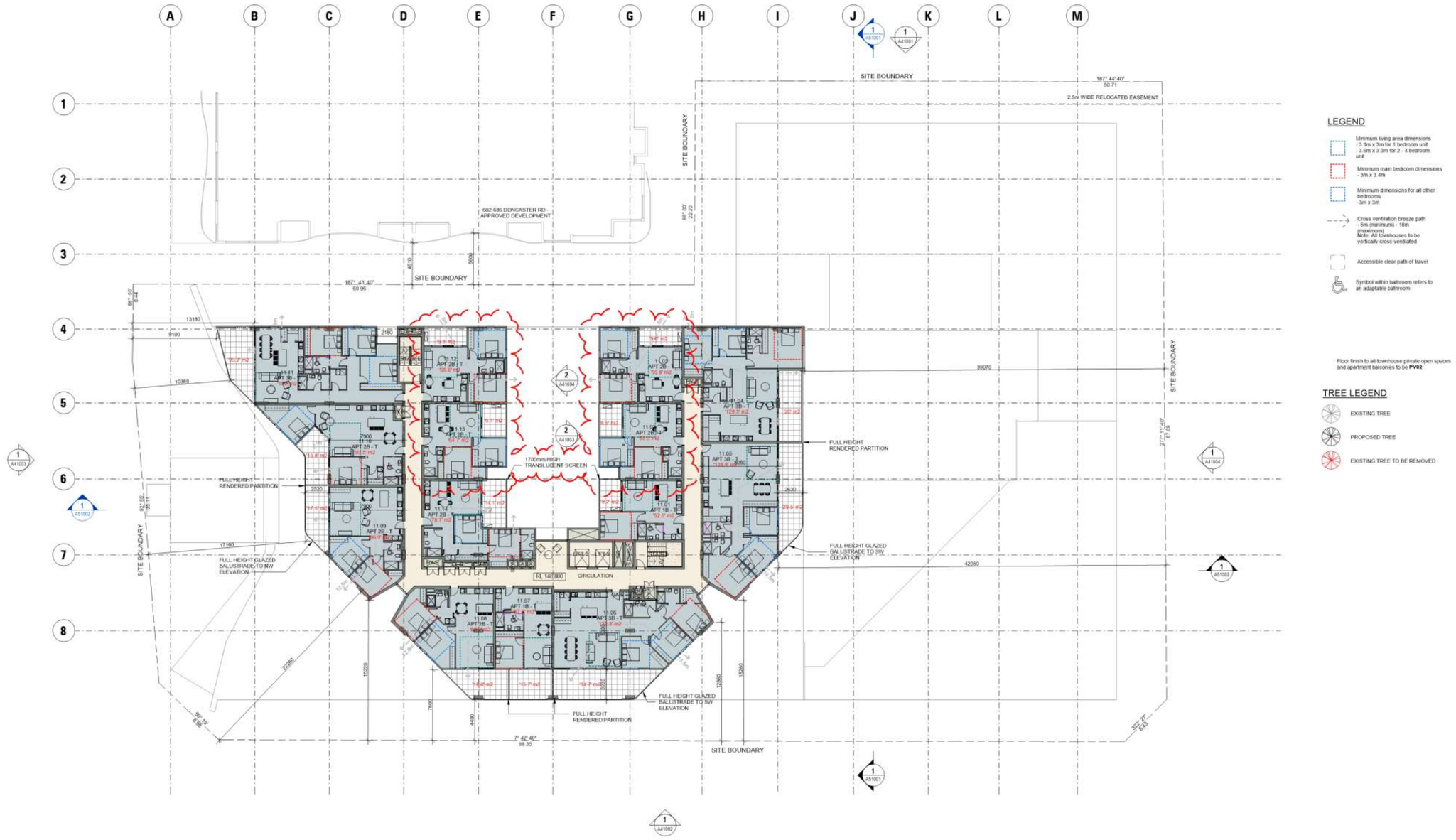

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 11

DRAWING NO.	TP213
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
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APPROVED	AD
OFFICE NO	A21111

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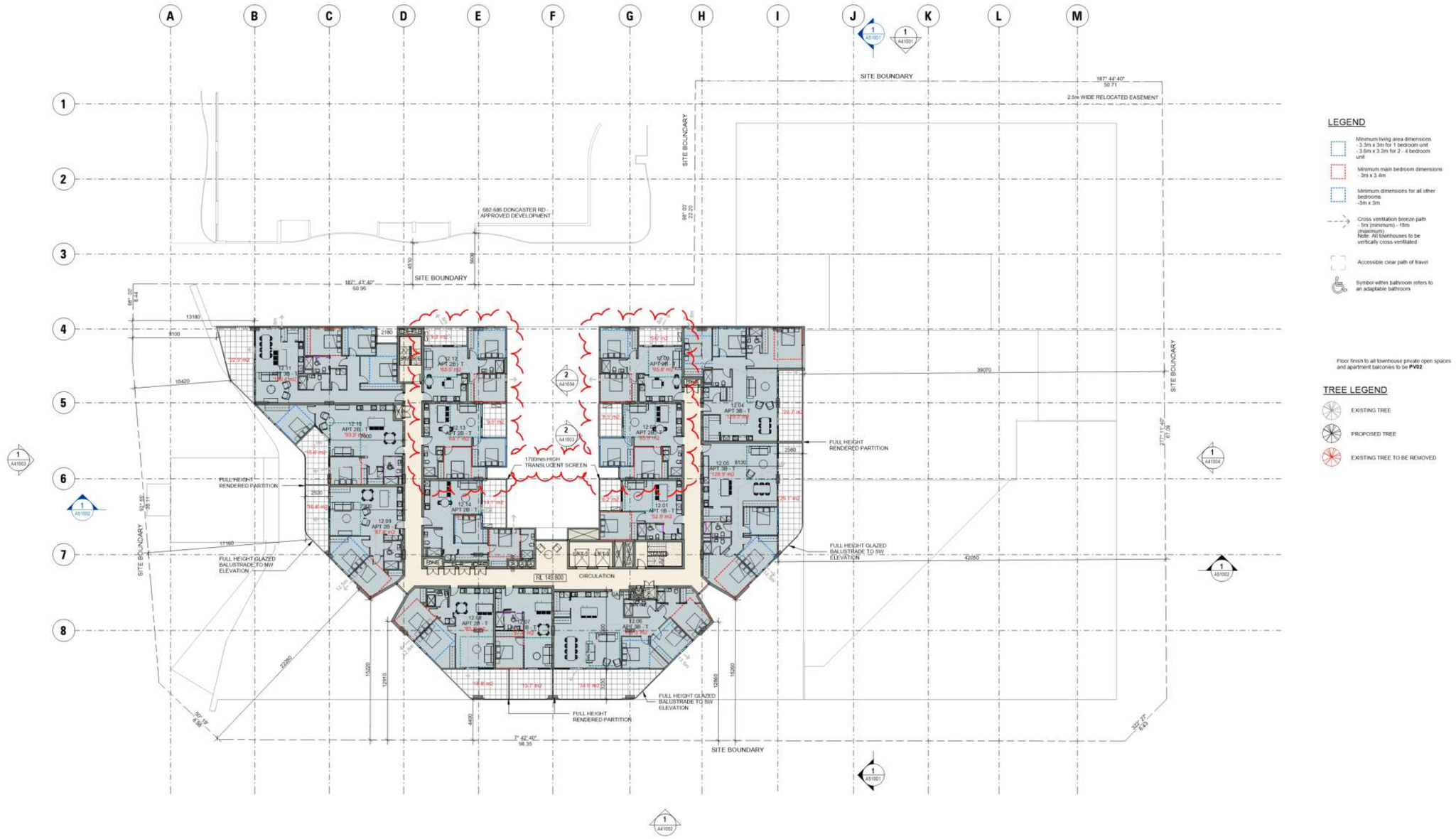

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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TITLE: BUILDING KEY PLAN - KEY - LEVEL 12

DRAWING NO.	TP214
REV	TP7
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PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21121

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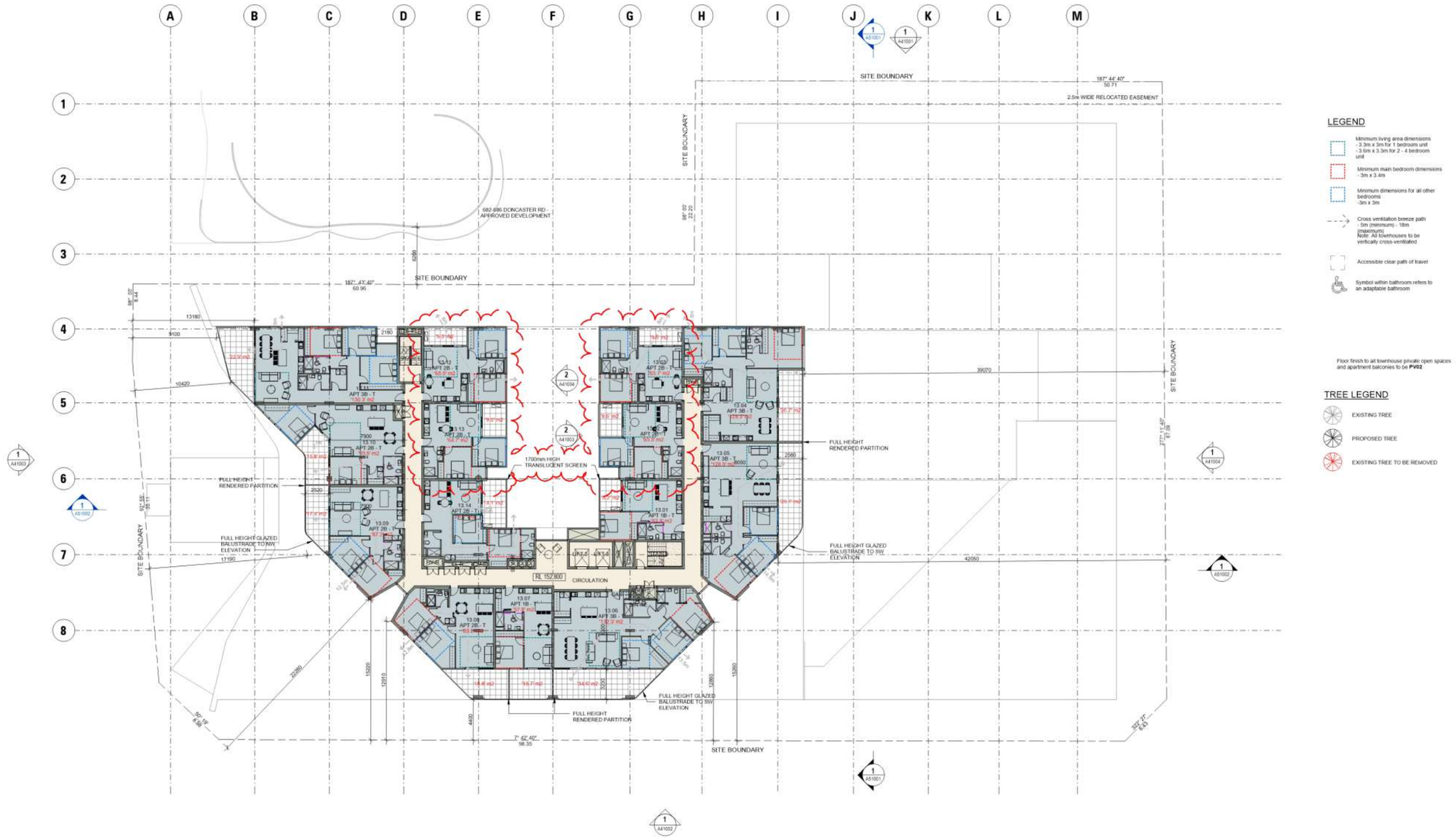

General Notes

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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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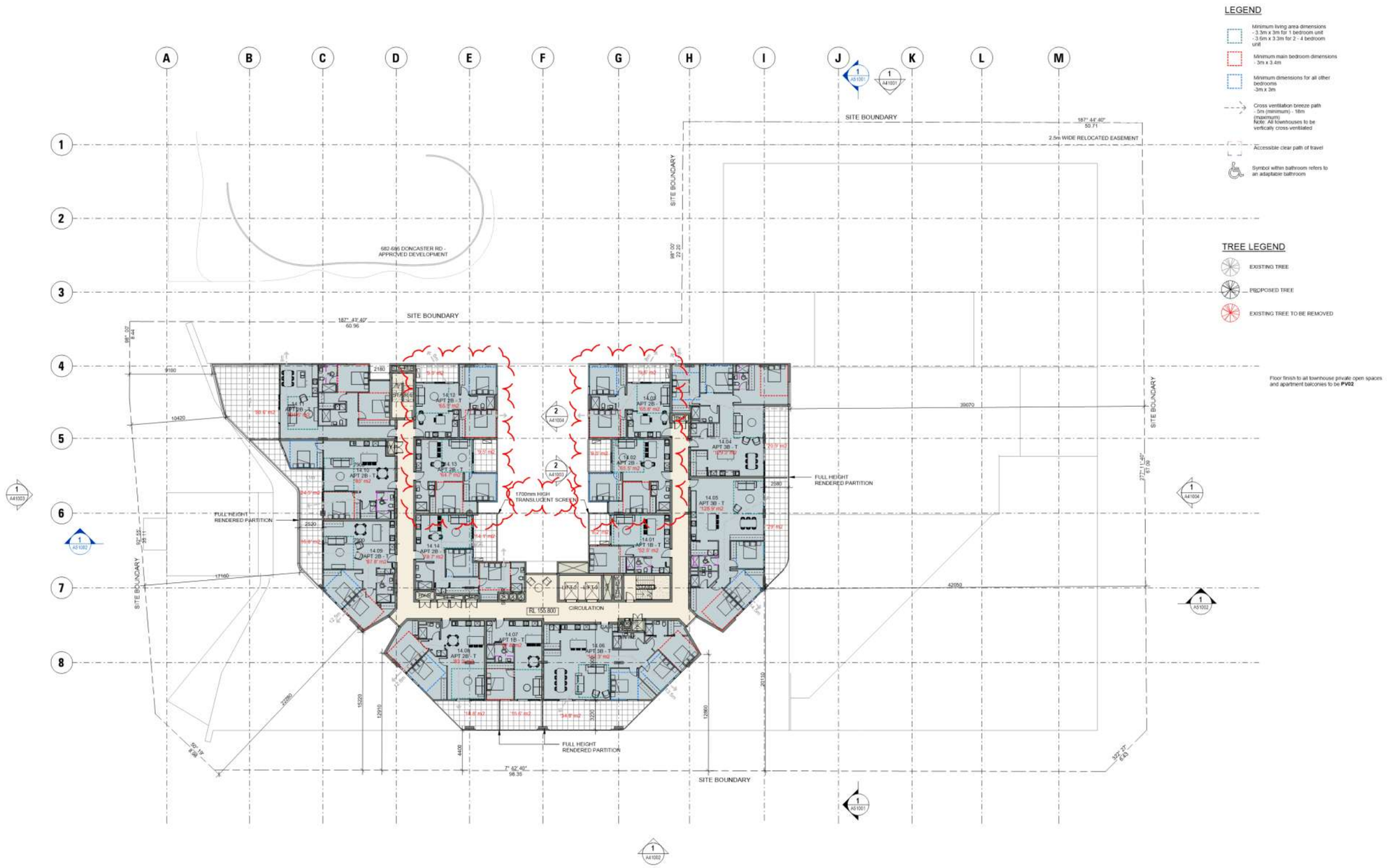
PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 13

DRAWING NO.	TP215
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21131

TOWNPLANNING



General Notes

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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 14

DRAWING NO.	TP216
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21141

TOWNPLANNING

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 15

DRAWING NO. TP217 REV TP7

DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21151

TOWNPLANNING

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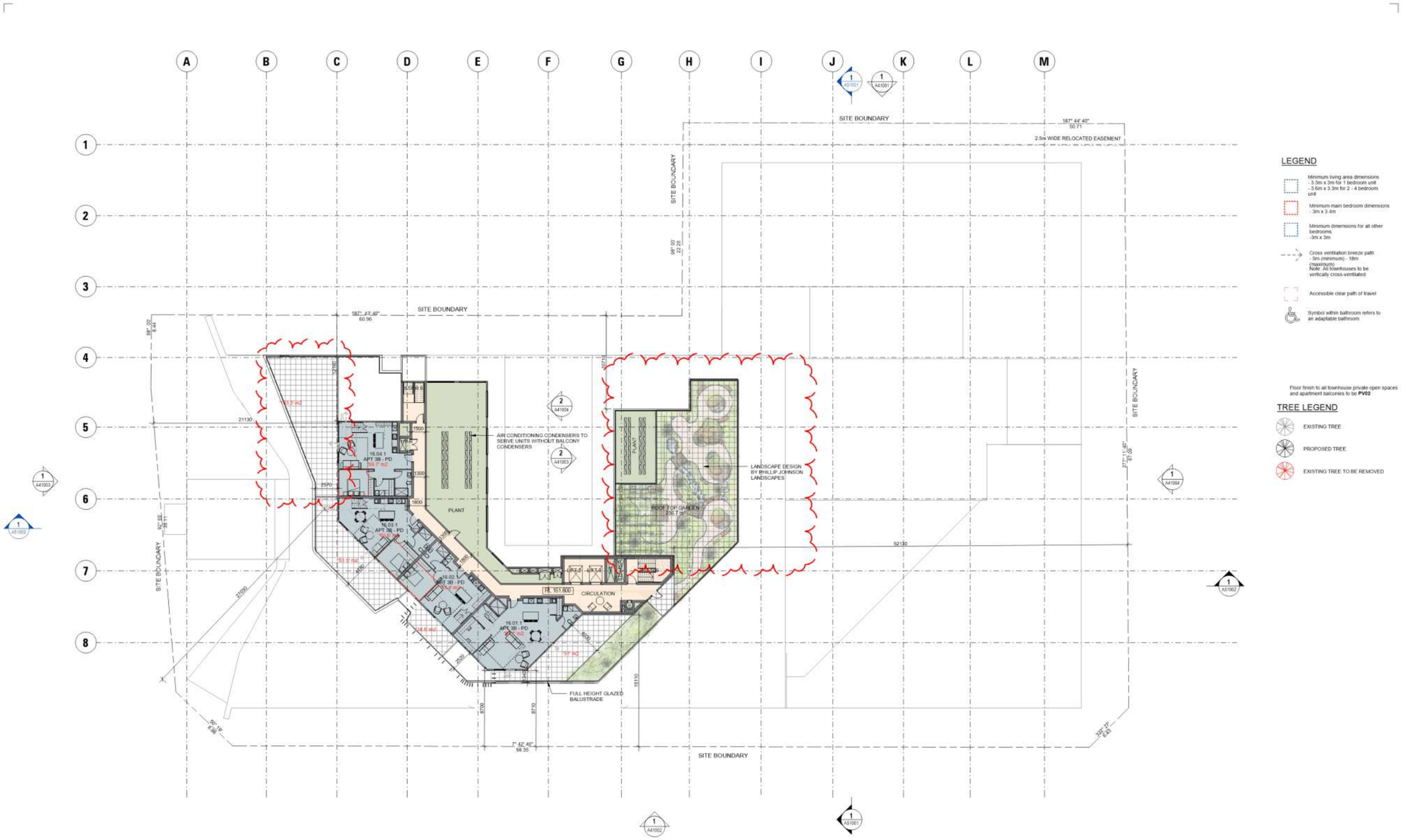

REV	DATE	DESCRIPTION	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

General Notes

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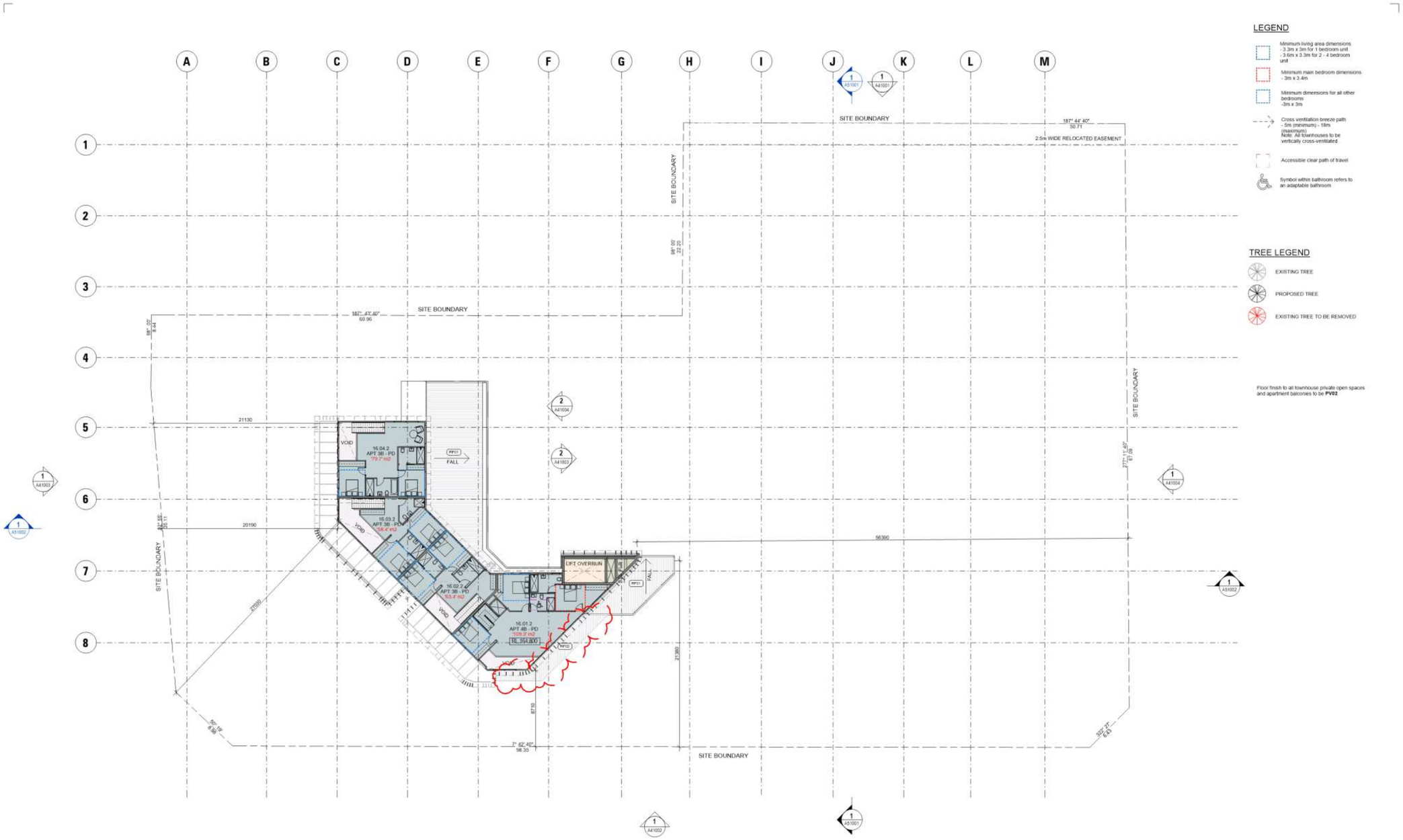
PROJECT: CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 16

DRAWING NO.	TP218
REV	TP6
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21161

TOWNPLANNING



REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

General Notes

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PROJECT: CHAPEL HILL
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EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 17

DRAWING NO.	TP219
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21171

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N

General Notes

All drawings to be read in conjunction with specification and consultants drawings.
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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: BUILDING KEY PLAN - KEY - LEVEL 18 ROOF

DRAWING NO.	TP220
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	15040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A21181

TOWNPLANNING

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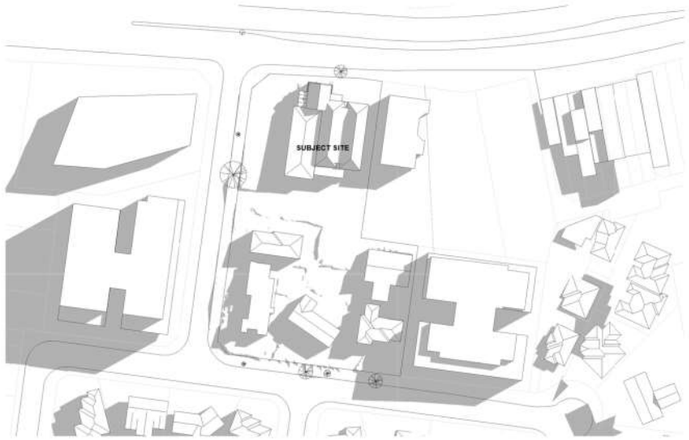
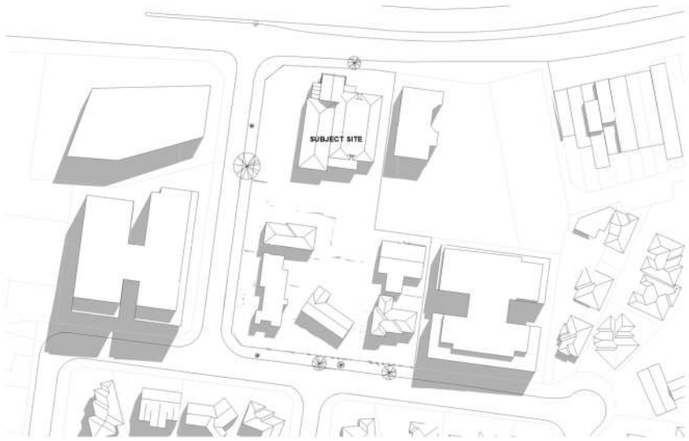
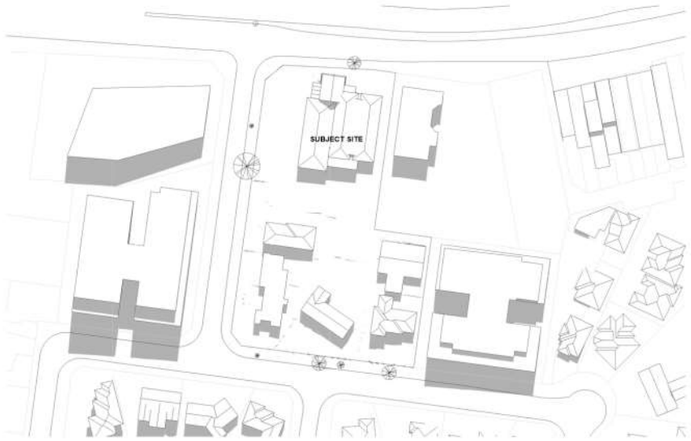


EXISTING SHADOWS 22nd SEPTEMBER 9AM

EXISTING SHADOWS 22nd SEPTEMBER 10AM



EXISTING SHADOWS 22nd SEPTEMBER 11AM



EXISTING SHADOWS 22nd SEPTEMBER 12PM

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

General Notes

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: EXISTING SHADOW ANALYSIS

DRAWING NO. TP301 REV TP7
DWG SCALE 1 : 1000 at A1, half scale at A3
PROJECT NO. 16040
PROJECT DATE 09.2017
BIM FILENAME
DESIGNED SW CHECKED KL APPROVED AD
OFFICE NO A72001

TOWNPLANNING

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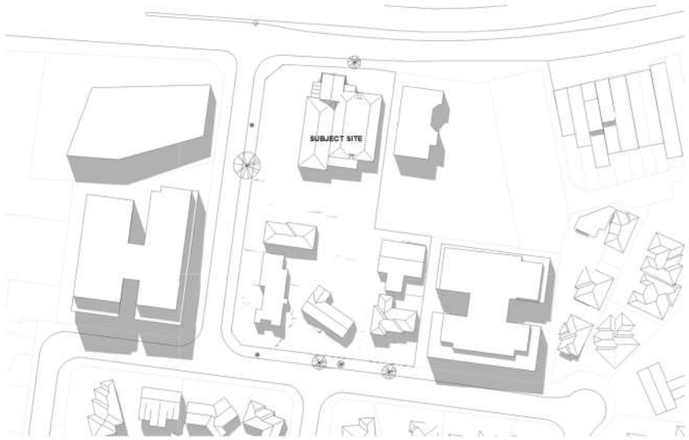
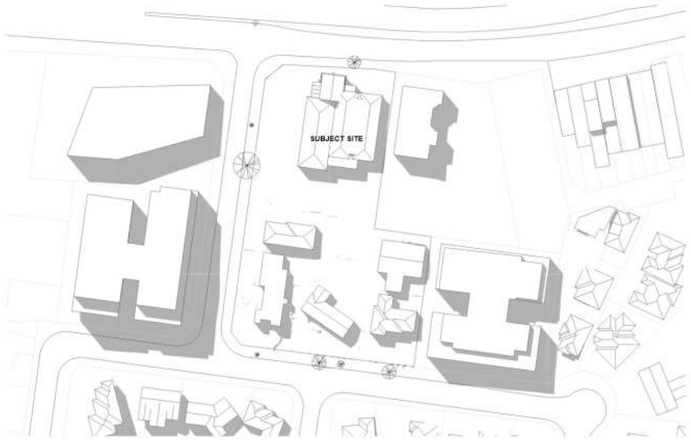


EXISTING SHADOWS 22nd SEPTEMBER 1PM



EXISTING SHADOWS 22nd SEPTEMBER 2PM

EXISTING SHADOWS 22nd SEPTEMBER 3PM

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AO

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PROJECT

CHAPEL HILL
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EXPANDED SCHEME

TITLE

EXISTING SHADOW ANALYSIS

DRAWING NO.	TP302
REV	TP7
DWG SCALE	1 : 1000 at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED	SW
CHECKED	KL
APPROVED	AD
OFFICE NO	A72002

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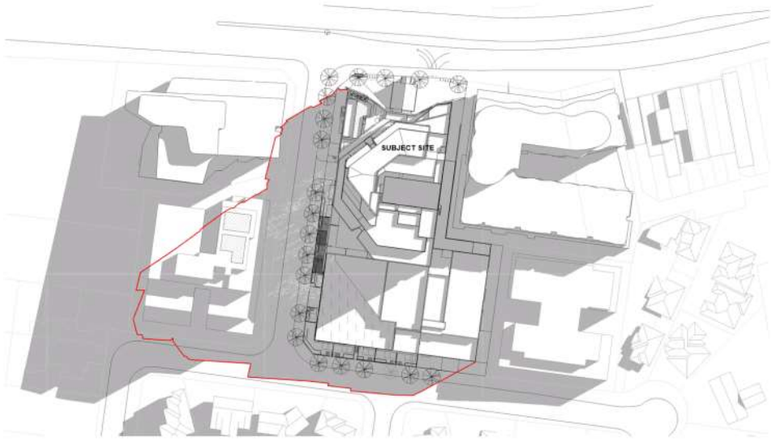
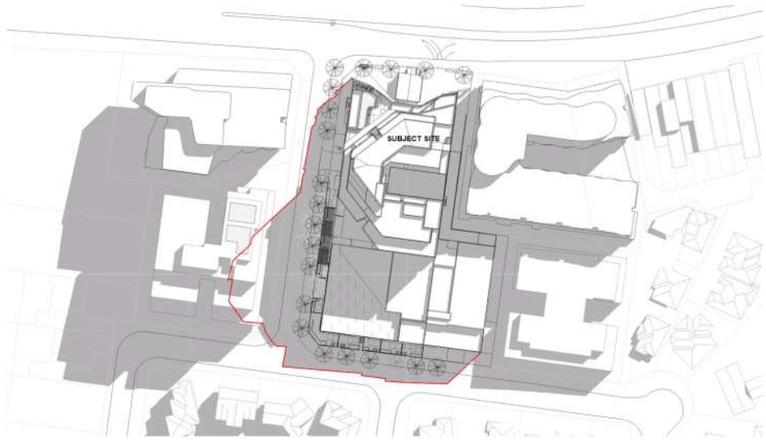
TOWNPLANNING

14.01.2021 5:09:27 PM



PROPOSED SHADOWS 22nd SEPTEMBER 9AM

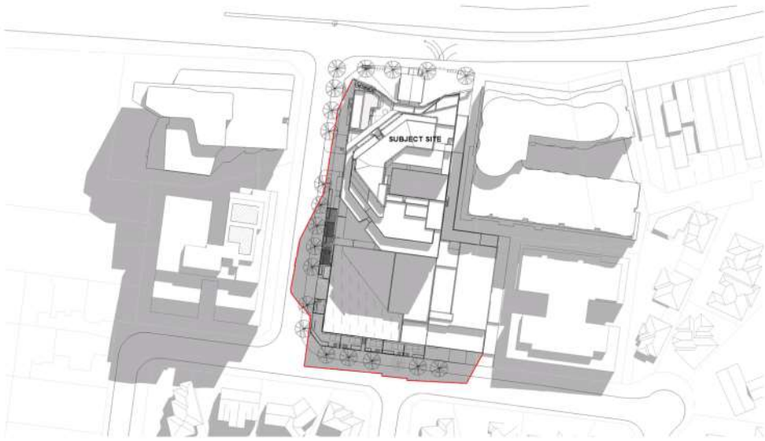


PROPOSED SHADOWS 22nd SEPTEMBER 10AM

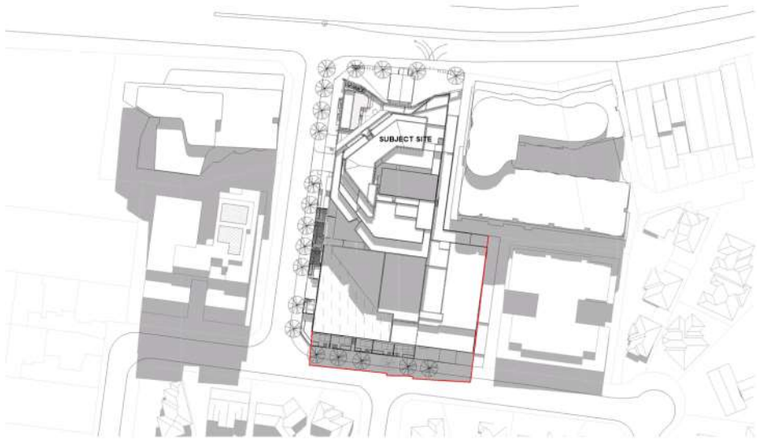
SHADOWS LEGEND

PROPOSED SHADOW OUTLINE WITH DESIGN ELEMENT

PROPOSED SHADOW OUTLINE TO TOP OF LEVEL 14



PROPOSED SHADOWS 22nd SEPTEMBER 11AM



PROPOSED SHADOWS 22nd SEPTEMBER 12PM

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

General Notes

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: PROPOSED SHADOW ANALYSIS

DRAWING NO.	TP303
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A72003

TOWNPLANNING

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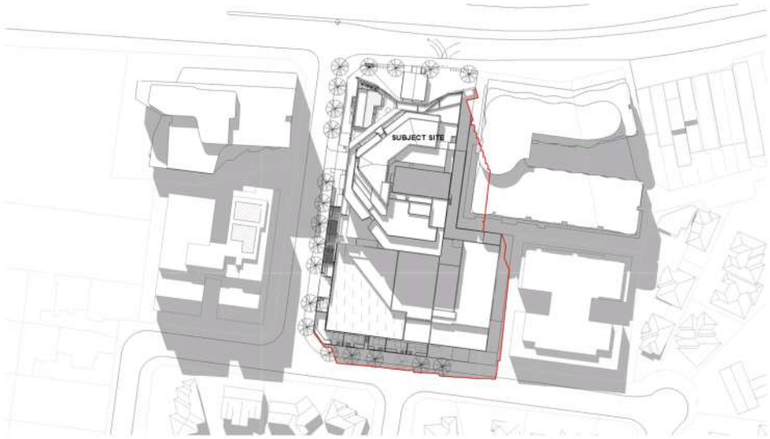
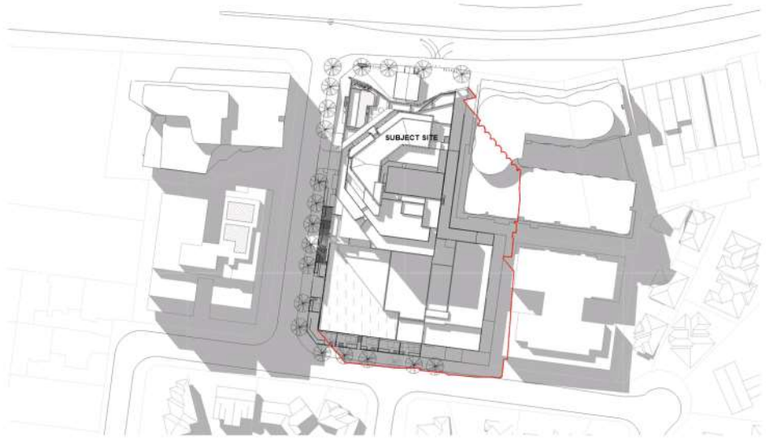
14.07.2021 5:07:19 PM



PROPOSED SHADOWS 22nd SEPTEMBER 1PM



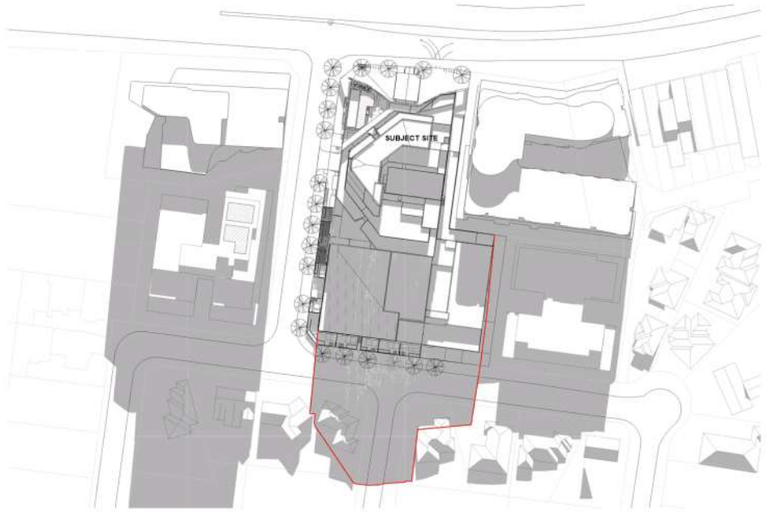
PROPOSED SHADOWS 22nd SEPTEMBER 2PM

SHADOWS LEGEND

PROPOSED SHADOW OUTLINE WITH DESIGN ELEMENT

PROPOSED SHADOW OUTLINE TO TOP OF LEVEL 14

PROPOSED SHADOWS 22nd SEPTEMBER 3PM



PROPOSED SHADOWS 22nd JUNE 12PM

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: PROPOSED SHADOW ANALYSIS

DRAWING NO. TP304 REV TP7

DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DRAWN SW / CHECKED KL / APPROVED AD	
OFFICE NO	A72004

TOWNPLANNING

N

15/01/2021 5:15:28 PM

SHADOWS LEGEND

PROPOSED SHADOW OUTLINE WITH DESIGN ELEMENT

PROPOSED SHADOW OUTLINE TO TOP OF LEVEL 14

PROPOSED SHADOWS 22nd JUNE 12PM

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

General Notes

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PROJECT

CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

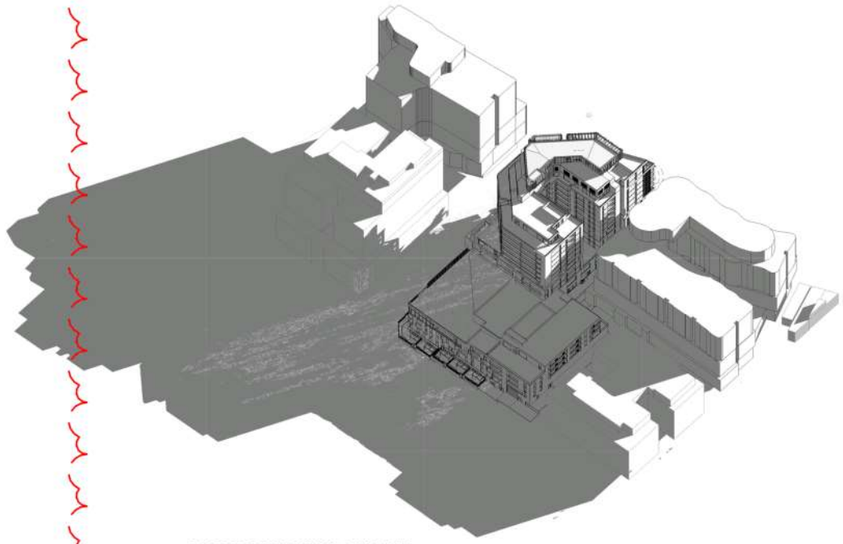
TITLE

PROPOSED SHADOW ANALYSIS (Design Element)

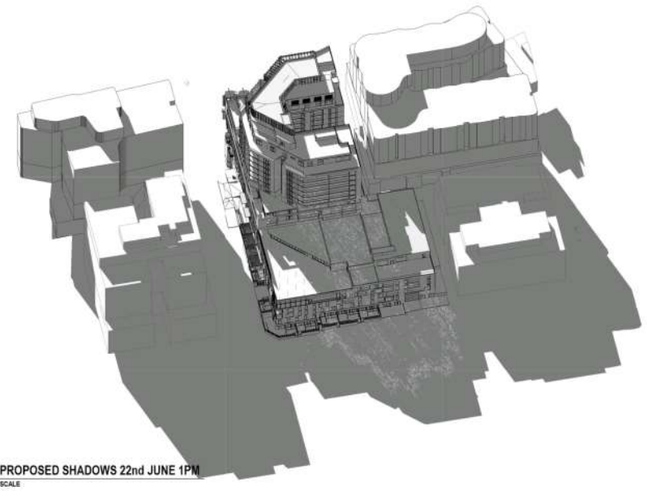
DRAWING NO.	TP305
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A72005

TOWNPLANNING

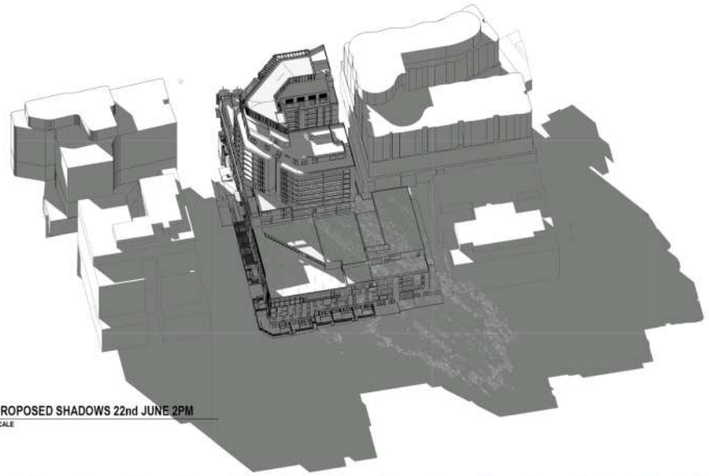
15/01/2021 5:08:11 PM



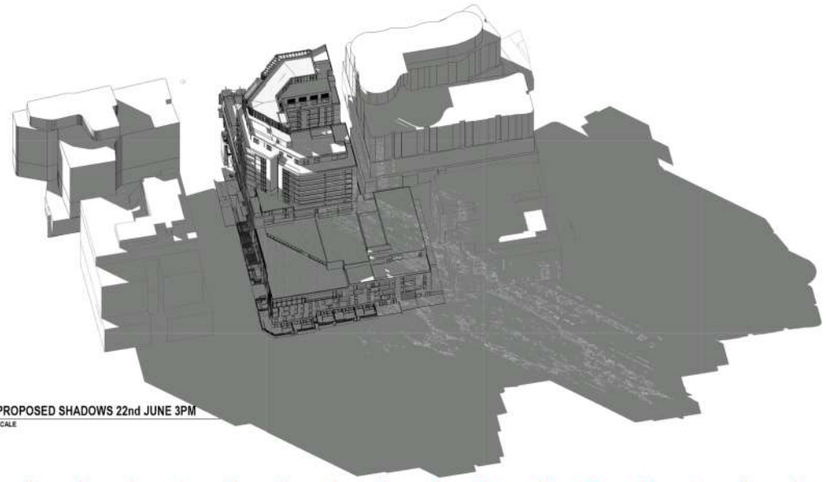
2 | PROPOSED SHADOWS 22nd JUNE 10AM
SCALE



1 | PROPOSED SHADOWS 22nd JUNE 1PM
SCALE



3 | PROPOSED SHADOWS 22nd JUNE 2PM
SCALE



4 | PROPOSED SHADOWS 22nd JUNE 3PM
SCALE

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

General Notes
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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
PROPOSED SHADOW ANALYSIS

DRAWING NO.	TP306
REV	TP7
DWG SCALE	at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
designer	checker approver
OFFICE NO	A72008

TOWNPLANNING

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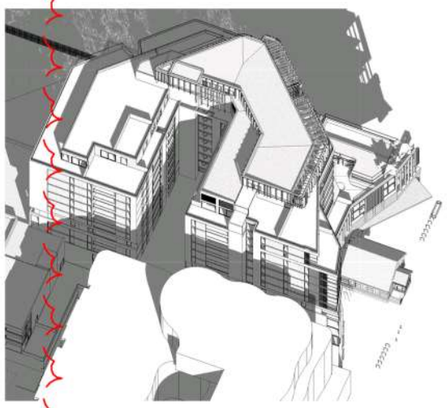
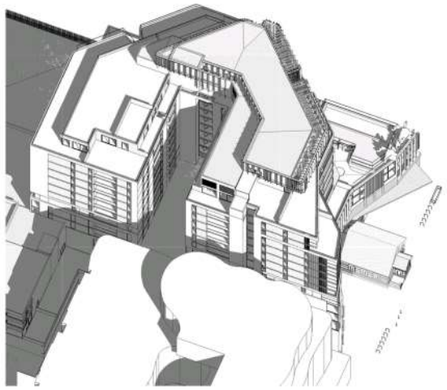
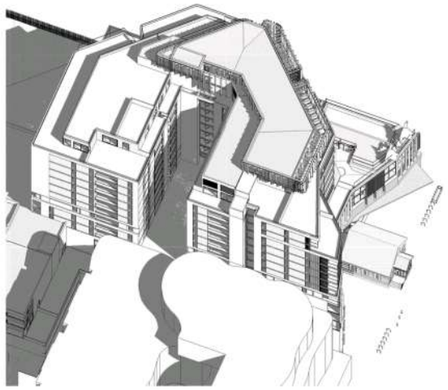


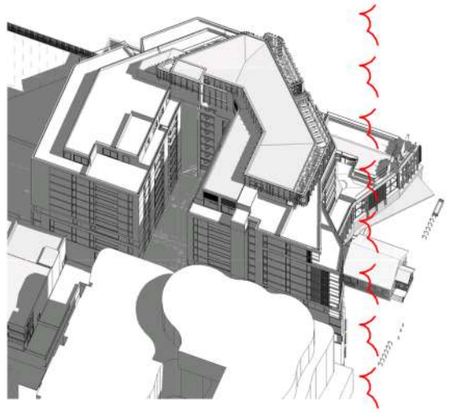
1 | COURTYARD SHADOW 22nd SEPTEMBER 9AM
SCALE



2 | COURTYARD SHADOW 22nd SEPTEMBER 10AM
SCALE



3 | COURTYARD SHADOW 22nd SEPTEMBER 11AM
SCALE



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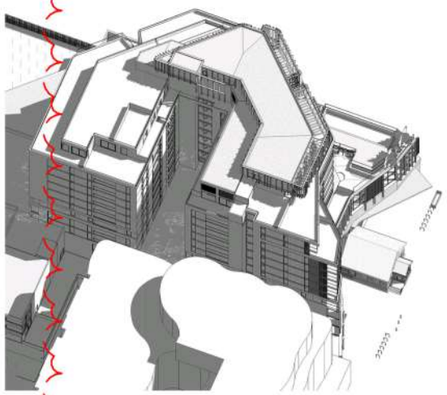
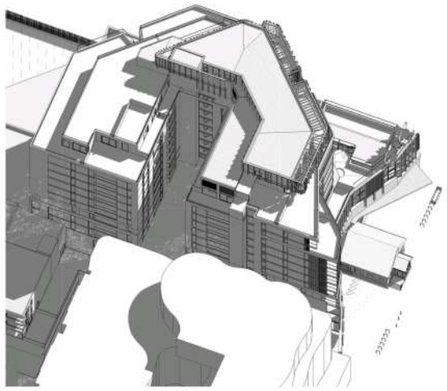


7 | COURTYARD SHADOW 22nd SEPTEMBER 2PM
SCALE



6 | COURTYARD SHADOW 22nd SEPTEMBER 2PM
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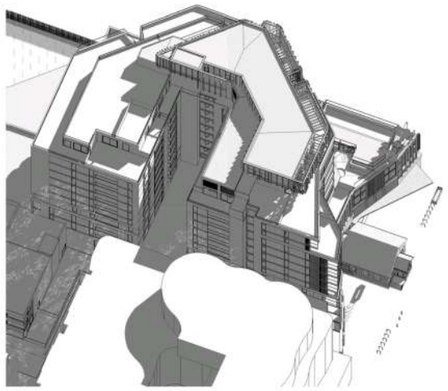

5 | COURTYARD SHADOW 22nd SEPTEMBER 3PM
SCALE

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AO

General Notes

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: PROPOSED SHADOW ANALYSIS

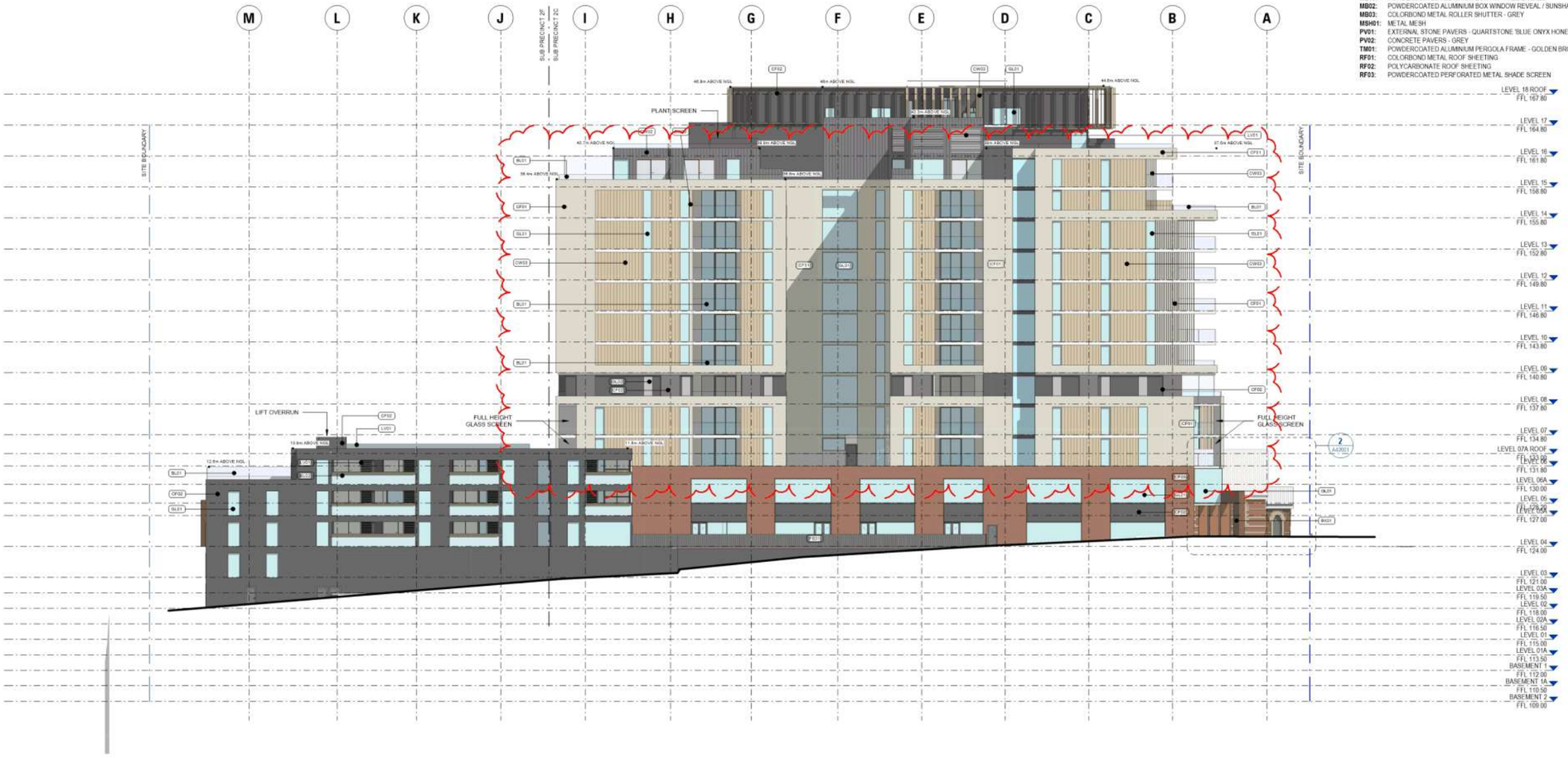
DRAWING NO.	TP307
REV	TP7
DWG SCALE	at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED designer	CHECKED checker APPROVED approver
OFFICE NO	A72009

TOWNPLANNING

14.07.2021 5:14:43 PM

EXTERNAL FINISHES

BK01: BRICKSNAPS ON PRECAST CONCRETE
BL01: GLAZED BALUSTRADE / BALUSTRADE UPSTAND
BL02: GLAZED BALUSTRADE WITH PRIVACY GLASS
BL03: GLAZED 2000 HIGH WIND BARRIER GLASS
CF01: RENDERED & PAINTED FINISH - OFF WHITE
CF02: RENDERED & PAINTED FINISH - MID GREY
CF03: RENDERED & PAINTED FINISH - TO MATCH RED BRICKWORK
CW01: COLORBOND METAL CLAD ENTRY CANOPY - OFF WHITE
CW02: PROFILED COLORBOND METAL CLADDING - MID GREY
CW03: PROFILED COLORBOND METAL CLADDING - PALE BRONZE
CW04: PROFILED COLORBOND METAL CLADDING - PALE GREY
FE01: POWDERCOATED ALUMINIUM BATTEN FENCE
GL01: POWDER COATED ALUMINIUM FRAMED WINDOWS - CLEAR
GL02: POWDER COATED ALUMINIUM FRAMED WINDOWS - GREY TINT
GL03: POWDER COATED ALUMINIUM FRAMED WINDOWS - OPAQUE SPANDREL
LV01: POWDERCOATED ALUMINIUM LOUVRE SCREEN TO PLANT - CHARCOAL GREY
MB01: POWDERCOATED ALUMINIUM BOX FIN - PALE BRONZE
MB02: POWDERCOATED ALUMINIUM BOX WINDOW REVEAL / SUNSHADE
MB03: COLORBOND METAL ROLLER SHUTTER - GREY
MSH01: METAL MESH
PV01: EXTERNAL STONE PAVERS - QUARTSTONE 'BLUE ONYX HONED' 300 x 300 PAVERS
PV02: CONCRETE PAVERS - GREY
TM01: POWDERCOATED ALUMINIUM PERGOLA FRAME - GOLDEN BROWN
RF01: COLORBOND METAL ROOF SHEETING
RF02: POLYCARBONATE ROOF SHEETING
RF03: POWDERCOATED PERFORATED METAL SHADE SCREEN



NOTE: SIGNAGE LOATION AND DETAILS SUBJECT TO FUTURE PLANNING APPLICATIONS IF REQUIRED

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
KEY ELEVATION - EAST

DRAWING NO. TP401 REV TP7
DWG SCALE 1 : 200 at A1, half scale at A3
PROJECT NO. 16040
PROJECT DATE 09.2017
BIM FILENAME
DRAWN SW CHECKED KL APPROVED AD
OFFICE NO A41001
TOWNPLANNING

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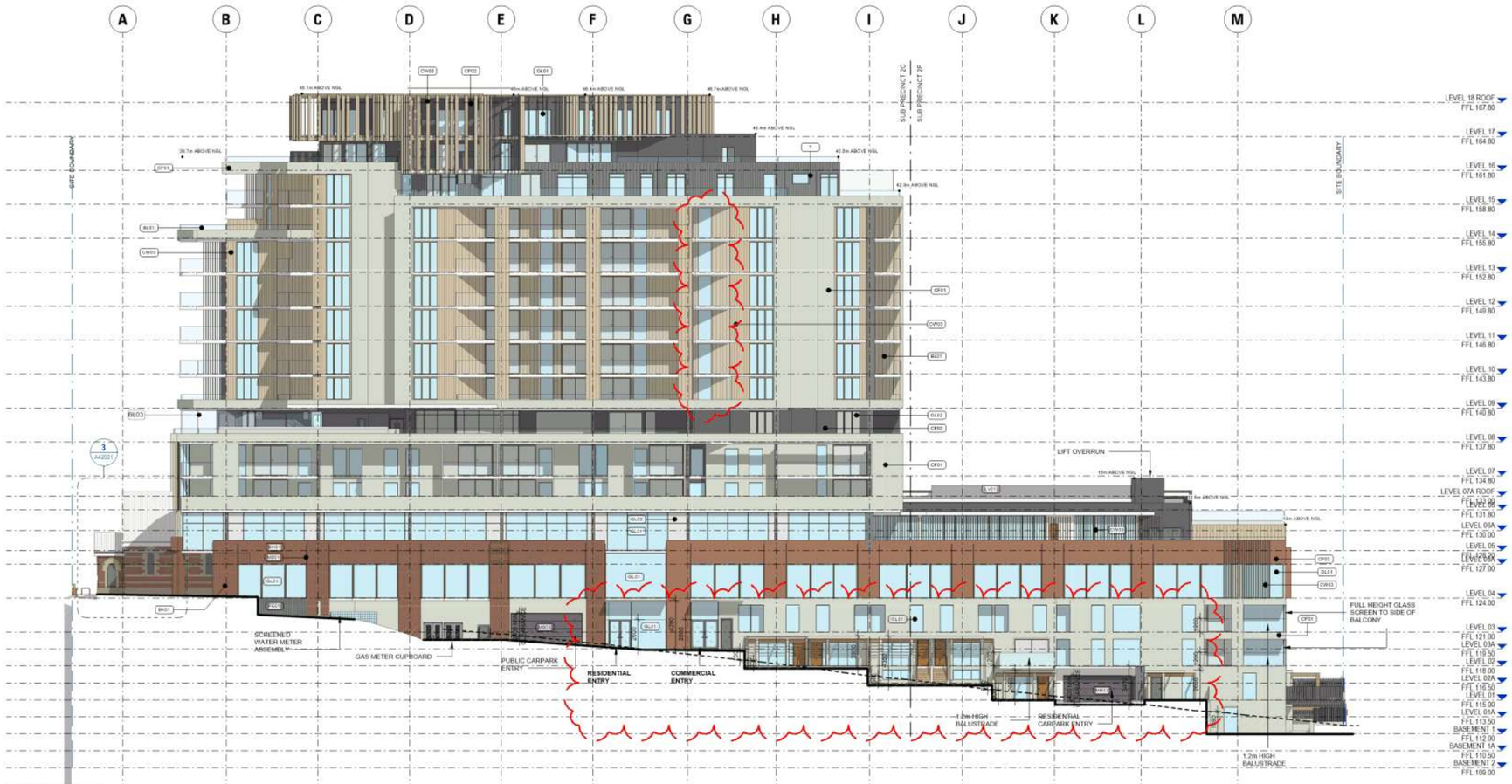
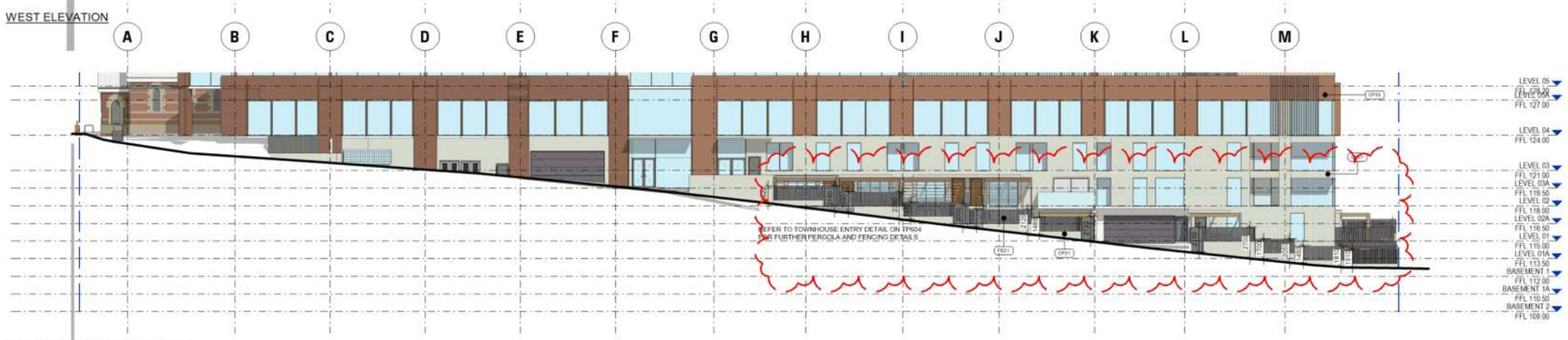


WEST ELEVATION



WEST ELEVATION FENCE DETAIL

EXTERNAL FINISHES

BK01:	BRICKSNAPS ON PRECAST CONCRETE
BL01:	GLAZED BALUSTRADE / BALUSTRADE UPSTAND
BL02:	GLAZED BALUSTRADE WITH PRIVACY GLASS
BL03:	GLAZED 2000 HIGH WIND BARRIER GLASS
CF01:	RENDERED & PAINTED FINISH - OFF WHITE
CF02:	RENDERED & PAINTED FINISH - MID GREY
CF03:	RENDERED & PAINTED FINISH - TO MATCH RED BRICKWORK
CW01:	COLORBOND METAL CLAD ENTRY CANOPY - OFF WHITE
CW02:	PROFILED COLORBOND METAL CLADDING - MID GREY
CW03:	PROFILED COLORBOND METAL CLADDING - PALE BRONZE
CW04:	PROFILED COLORBOND METAL CLADDING - PALE GREY
FE01:	POWDERCOATED ALUMINIUM BATTEN FENCE
GL01:	POWDER COATED ALUMINIUM FRAMED WINDOWS - CLEAR
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MSH01:	METAL MESH
PV01:	EXTERNAL STONE PAVERS - QUARTSTONE 'BLUE ONYX HONED' 300 x 300 PAVERS
PV02:	CONCRETE PAVERS - GREY
TM01:	POWDERCOATED ALUMINIUM PERGOLA FRAME - GOLDEN BROWN
RF01:	COLORBOND METAL ROOF SHEETING
RF02:	POLYCARBONATE ROOF SHEETING
RF03:	POWDERCOATED PERFORATED METAL SHADE SCREEN

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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
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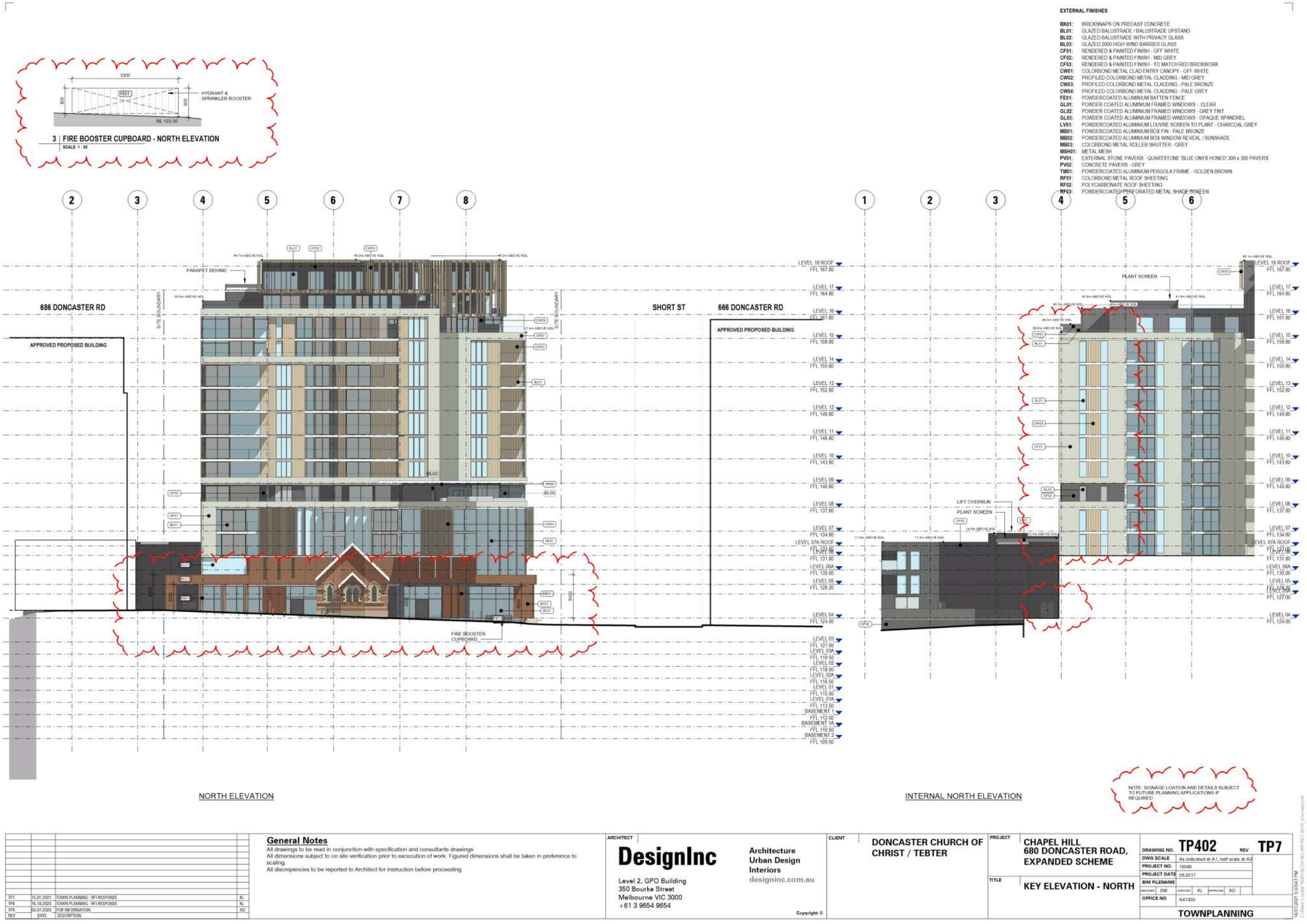
PROJECT: CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE: KEY ELEVATION - WEST

DRAWING NO.	TP404
REV	TP7
DWG SCALE	1 : 200 at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A41002

TOWNPLANNING


3 | FIRE BOOSTER CUPBOARD - NORTH ELEVATION
SCALE 1 : 50
HYDRANT & SPRINKLER BOOSTER
EXTERNAL FINISHES
BK01: BRICKSNAPS ON PRECAST CONCRETE
BL01: GLAZED BALUSTRADE / BALUSTRADE UPSTAND
BL02: GLAZED BALUSTRADE WITH PRIVACY GLASS
BL03: GLAZED 2000 HIGH WIND BARRIER GLASS
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TM01: POWDERCOATED ALUMINIUM PERGOLA FRAME - GOLDEN BROWN
RF01: COLORBOND METAL ROOF SHEETING
RF02: POLYCARBONATE ROOF SHEETING
RF03: POWDERCOATED PERFORATED METAL SHADE SCREEN
686 DONCASTER RD
APPROVED PROPOSED BUILDING
SITE BOUNDARY
PARAPET BEHIND
FIRE BOOSTER CUPBOARD
SHORT ST
666 DONCASTER RD
APPROVED PROPOSED BUILDING
PLANT SCREEN
LIFT OVERRUN
LEVEL 18 ROOF FFL 167.80
LEVEL 17 FFL 164.80
LEVEL 16 FFL 161.80
LEVEL 15 FFL 158.80
LEVEL 14 FFL 155.80
LEVEL 13 FFL 152.80
LEVEL 12 FFL 149.80
LEVEL 11 FFL 146.80
LEVEL 10 FFL 143.80
LEVEL 09 FFL 140.80
LEVEL 08 FFL 137.80
LEVEL 07 FFL 134.80
LEVEL 07A ROOF
LEVEL 06 FFL 131.80
LEVEL 06A FFL 130.00
LEVEL 05 FFL 128.20
LEVEL 04 FFL 124.00
LEVEL 03 FFL 121.80
LEVEL 03A FFL 119.50
LEVEL 02 FFL 118.00
LEVEL 02A FFL 116.50
LEVEL 01 FFL 115.00
LEVEL 01A FFL 113.50
BASEMENT 1 FFL 112.00
BASEMENT 1A FFL 110.50
BASEMENT 2 FFL 109.00
NORTH ELEVATION
INTERNAL NORTH ELEVATION
NOTE: SIGNAGE LOATION AND DETAILS SUBJECT TO FUTURE PLANNING APPLICATIONS IF REQUIRED
General Notes
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TP7 15.01.2021 TOWN PLANNING - RFI RESPONSE KL
TP6 16.10.2020 TOWN PLANNING - RFI RESPONSE KL
TP5 03.07.2020 FOR INFORMATION AD
REV DATE DESCRIPTION
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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME
TITLE
KEY ELEVATION - NORTH
DRAWING NO. TP402
REV TP7
DWG SCALE As indicated at A1, half scale at A3
PROJECT NO. 16040
PROJECT DATE 09.2017
BIM FILENAME
DESIGNED SW CHECKED KL APPROVED AD
OFFICE NO A41003
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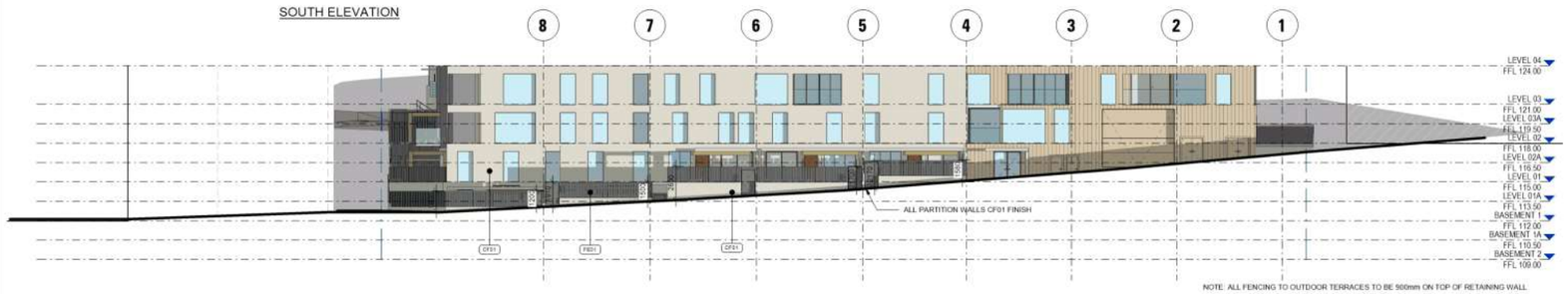
SOUTH ELEVATION



NOTE: ALL FENCING TO OUTDOOR TERRACES TO BE 900mm ON TOP OF RETAINING WALL

INTERNAL SOUTH ELEVATION

EXTERNAL FINISHES

BK01:	BRICKSNAPS ON PRECAST CONCRETE
BL01:	GLAZED BALUSTRADE / BALUSTRADE LIPSTAND
BL02:	GLAZED BALUSTRADE WITH PRIVACY GLASS
BL03:	GLAZED 2000 HIGH WIND BARRIER GLASS
CF01:	RENDERED & PAINTED FINISH - OFF WHITE
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MB03:	COLORBOND METAL ROLLER SHUTTER - GREY
MSH01:	METAL MESH
PV01:	EXTERNAL STONE PAVERS - QUARTSTONE 'BLUE ONYX HONED' 300 x 300 PAVERS
PV02:	CONCRETE PAVERS - GREY
TM01:	POWDERCOATED ALUMINUM PERGOLA FRAME - GOLDEN BROWN
RF01:	COLORBOND METAL ROOF SHEETING
RF02:	POLYCARBONATE ROOF SHEETING
RF03:	POWDERCOATED PERFORATED METAL SHADE SCREEN

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SOUTH ELEVATION FENCE DETAIL

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: KEY ELEVATION - SOUTH

DRAWING NO.	TP403
REV	TP7
DWG SCALE	1 : 200 at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL
APPROVED AD	
OFFICE NO	A41004

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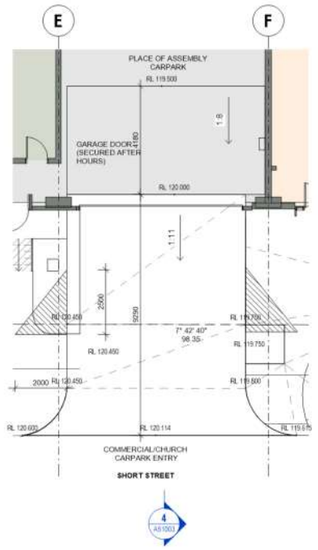
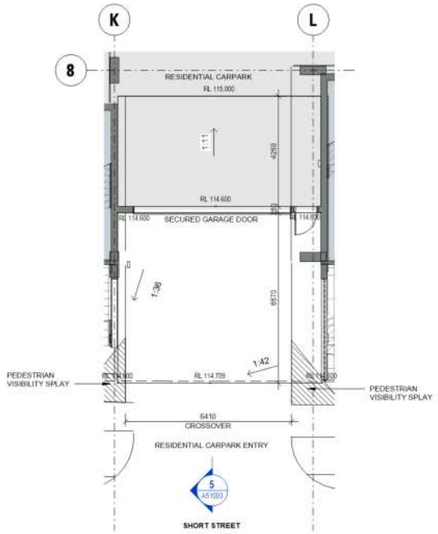


1 | DRIVEWAY PLAN_SHORT STREET_LEVEL 03
A41001



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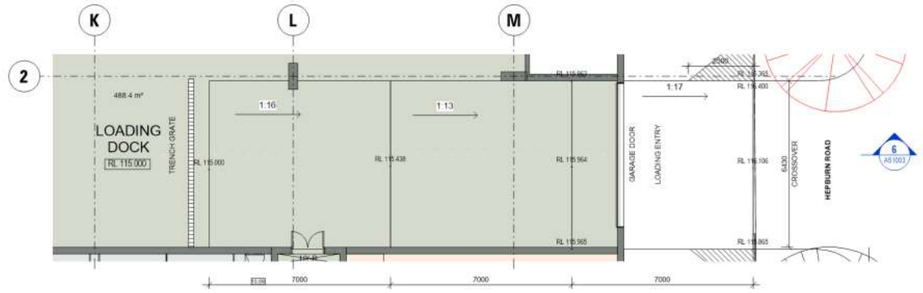
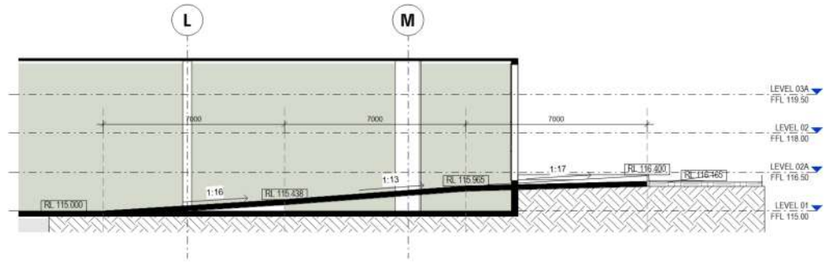
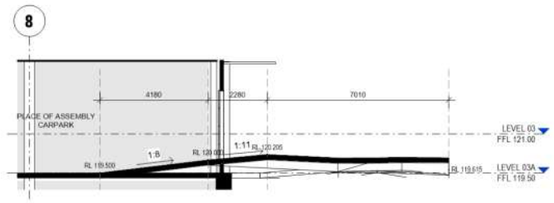


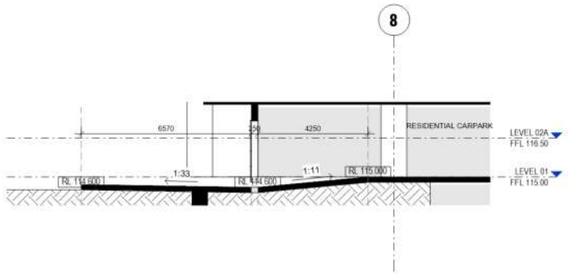
3 | DRIVEWAY PLAN_HEPBURN ROAD_LEVEL 01
A41001



6 | DRIVEWAY SECTION_HEPBURN ROAD_LEVEL 01
A21B11



4 | DRIVEWAY SECTION_SHORT STREET_LEVEL 03
A21021



5 | DRIVEWAY SECTION_SHORT STREET_LEVEL 01
A21B11

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REV	DATE	DESCRIPTION	
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TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AO

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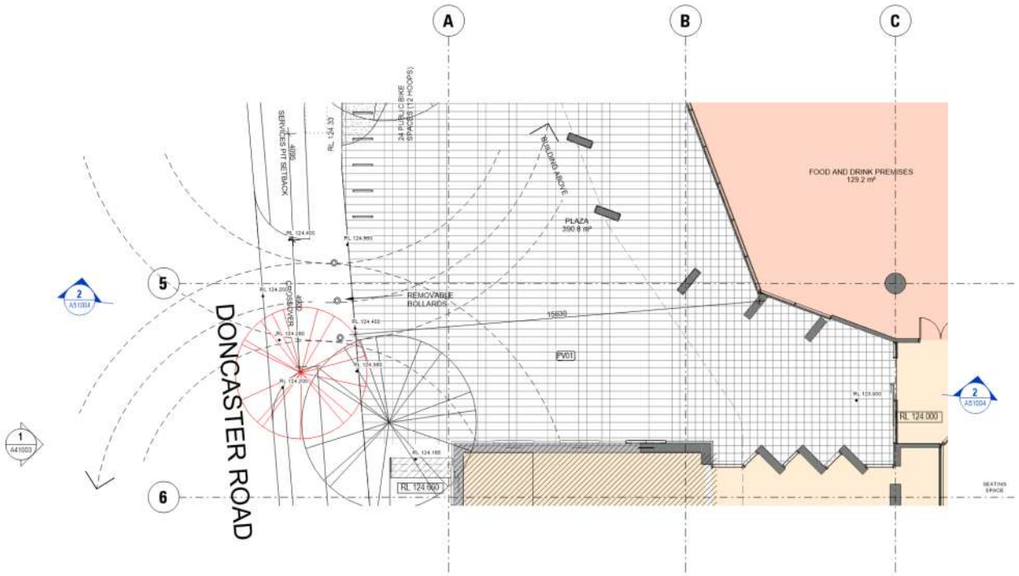
PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
KEY SECTION - DRIVEWAY

DRAWING NO.	TP503
REV	TP7
DWG SCALE	1 : 100 at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED designer	CHECKED checker APPROVED approver
OFFICE NO	A51003

TOWNPLANNING

14.01.2021 5:08:47 PM



1 | PLAZA PLAN_DONCASTER RD_LEVEL 04
SCALE 1 : 100

2 | PLAZA SECTION_DONCASTER RD
SCALE 1 : 100

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AO

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
KEY SECTION - PLAZA

DRAWING NO. TP504 REV TP7
DWG SCALE 1 : 100 at A1, half scale at A3
PROJECT NO. 16040
PROJECT DATE 09.2017
BIM FILENAME
DESIGNED designer CHECKED checker APPROVED approver
OFFICE NO A51004
TOWNPLANNING

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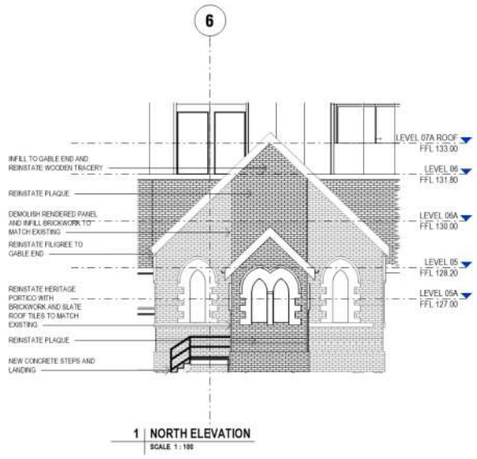
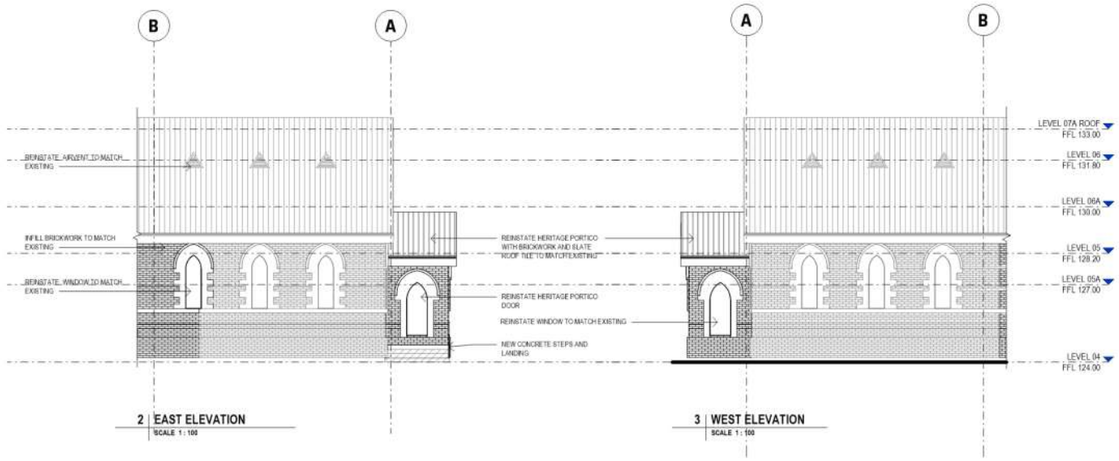
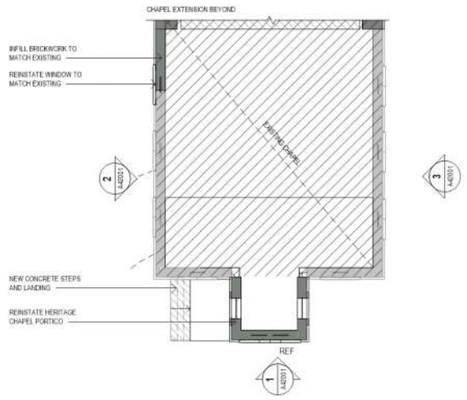


1 | NORTH ELEVATION
SCALE 1 : 100

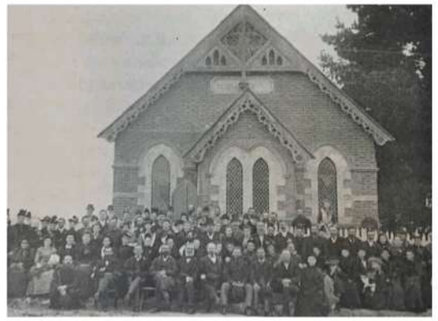


2 | EAST ELEVATION
SCALE 1 : 100

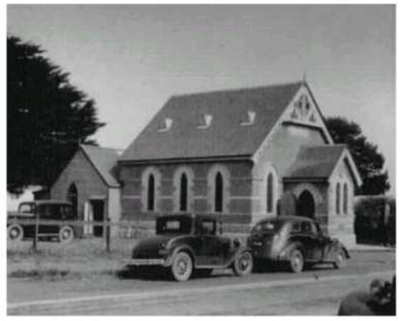
3 | WEST ELEVATION
SCALE 1 : 100



CHAPEL FLOOR PLAN
SCALE 1 : 100



VIEW OF THE HERITAGE CHURCH BUILDING IN 1893



VIEW OF THE HERITAGE CHURCH BUILDING IN 1942

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD, EXPANDED SCHEME

TITLE
CHAPEL ALTERATION DETAILS

DRAWING NO. TP601 REV TP7
DWG SCALE 1 : 100 at A1, half scale at A3
PROJECT NO. 16040
PROJECT DATE 09.2017
BIM FILENAME
DESIGNED SW CHECKED KL APPROVED AD
OFFICE NO A42001
TOWNPLANNING

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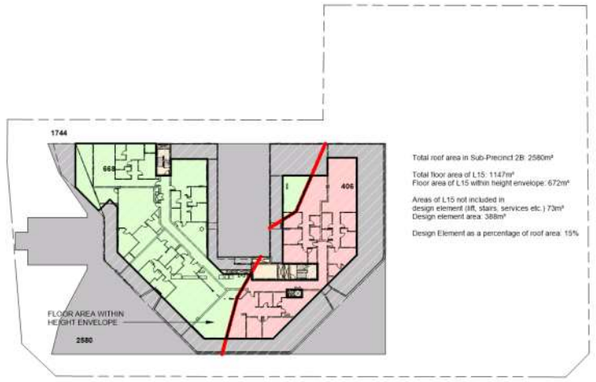
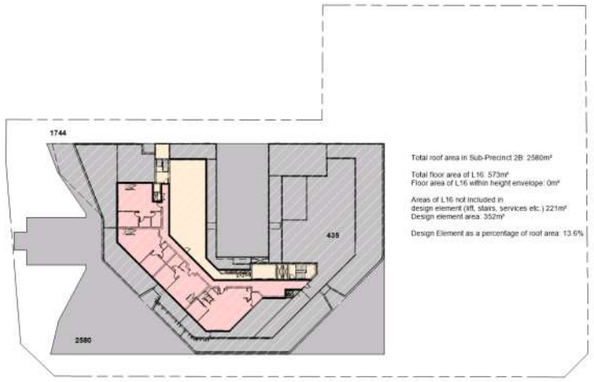
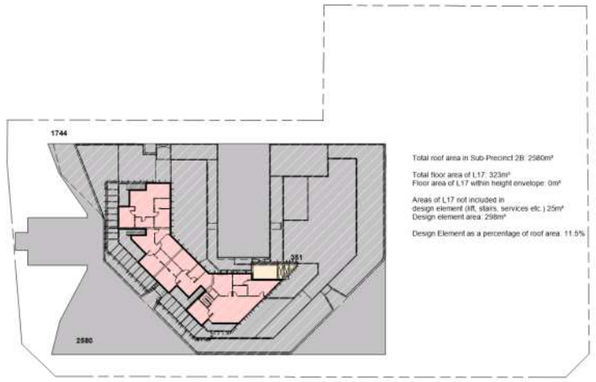


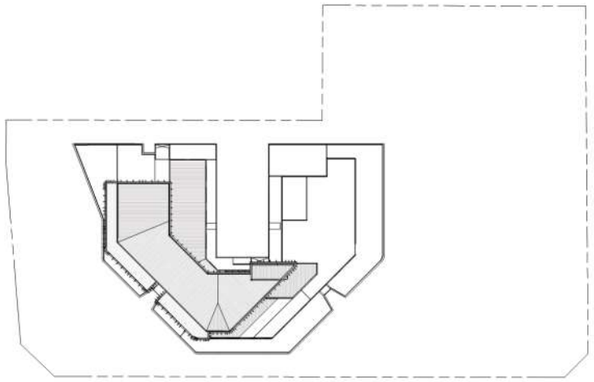
LEVEL 15



LEVEL 16



LEVEL 17



LEVEL 18

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
DESIGN ELEMENT ANALYSIS

DRAWING NO. TP602 REV TP7
DWG SCALE 1 : 500 at A1, half scale at A3
PROJECT NO. 16040
PROJECT DATE 09.2017
BIM FILENAME
DESIGNED SW CHECKED KL APPROVED AD
OFFICE NO A00006
TOWNPLANNING

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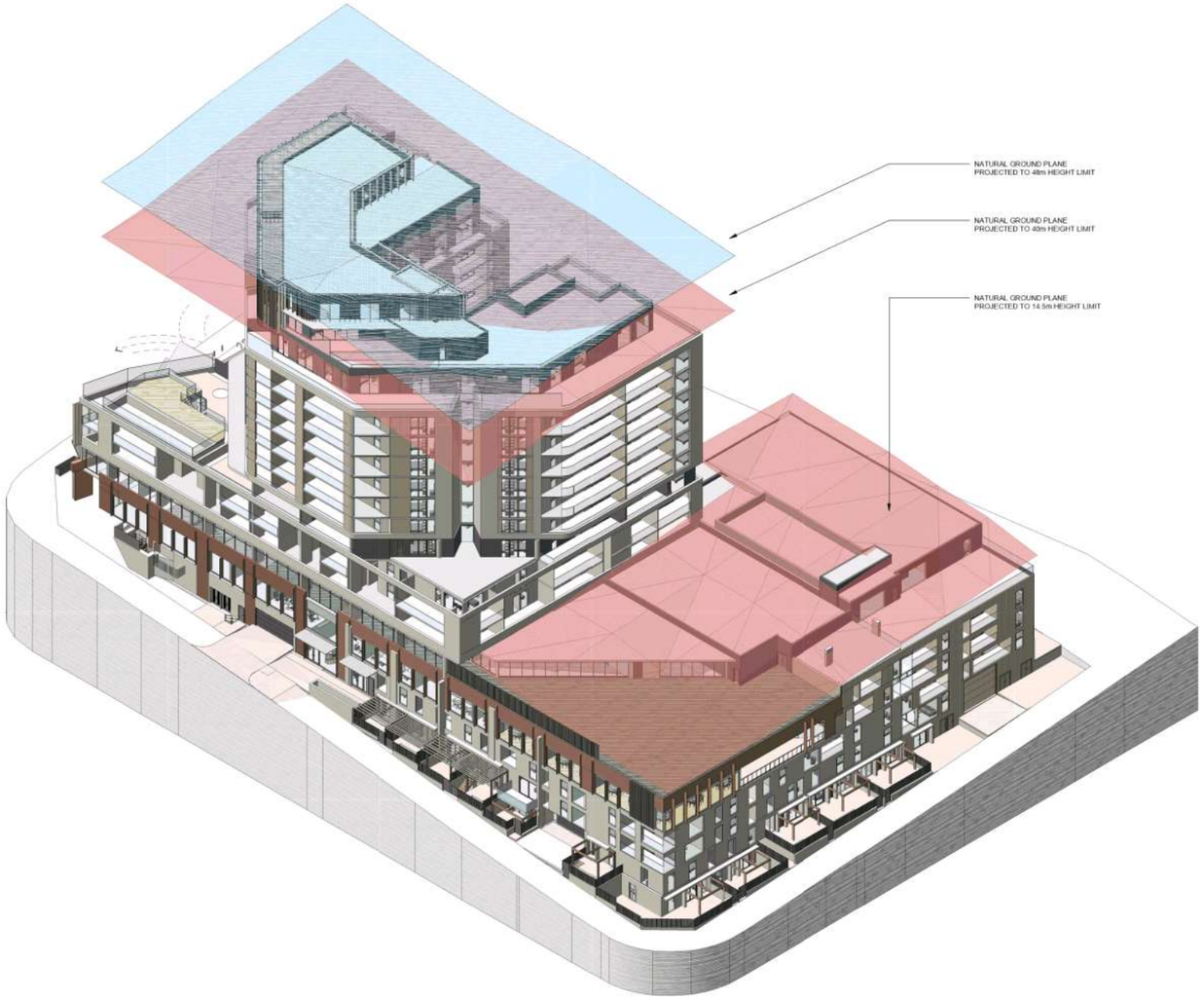

REV	DATE	DESCRIPTION	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE: DESIGN ELEMENT ANAYLYSIS

DRAWING NO.	TP603
REV	TP6
DWG SCALE	at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A00007

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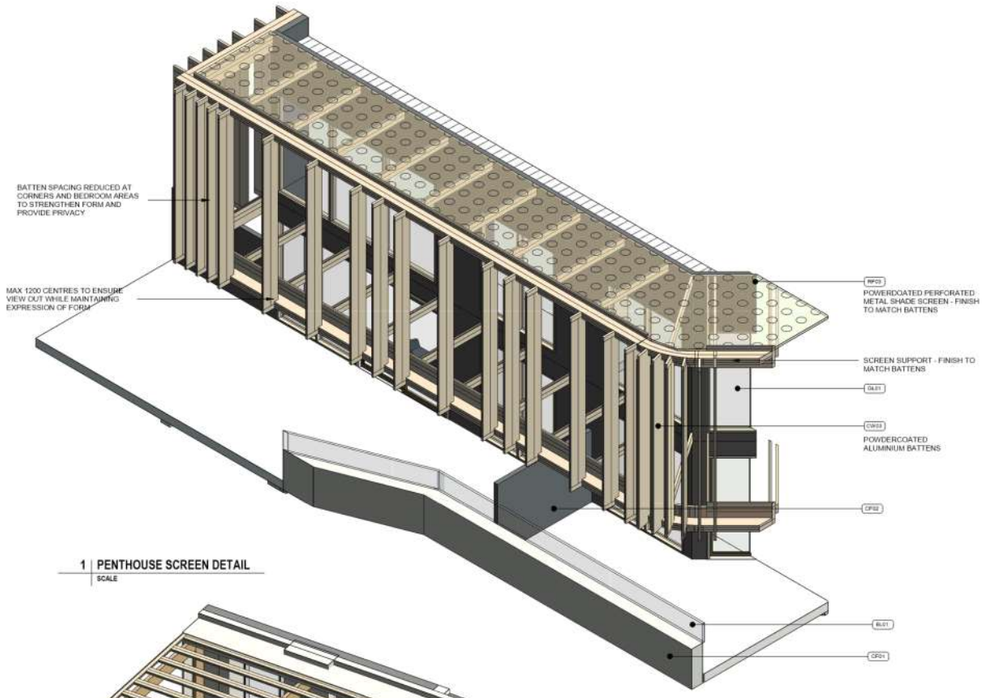
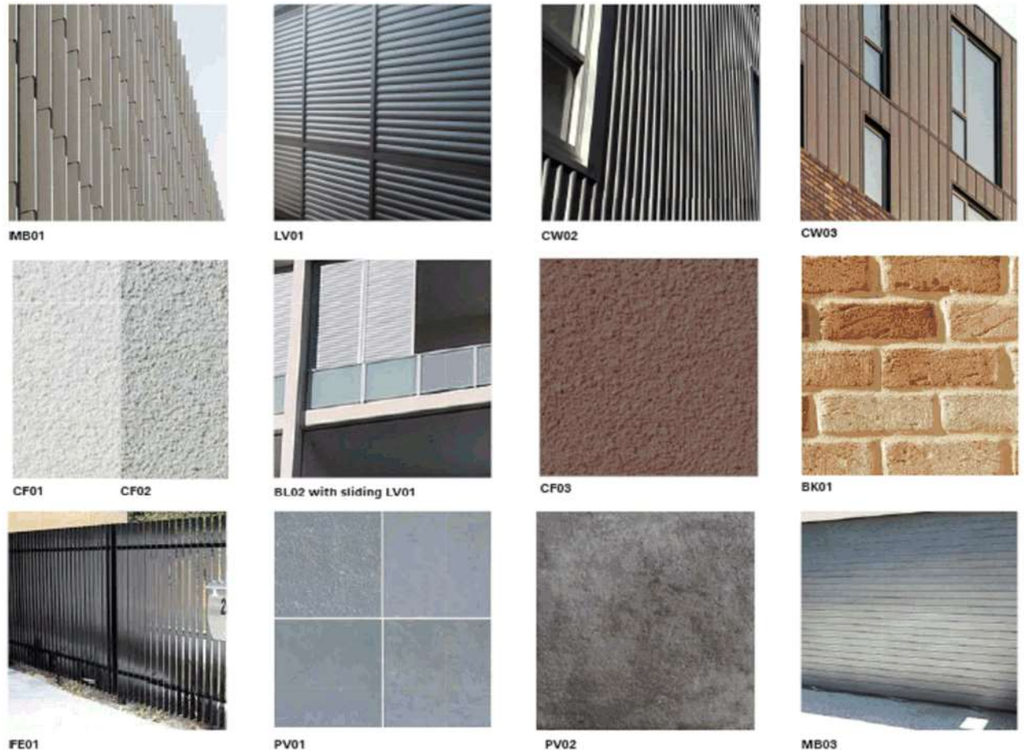
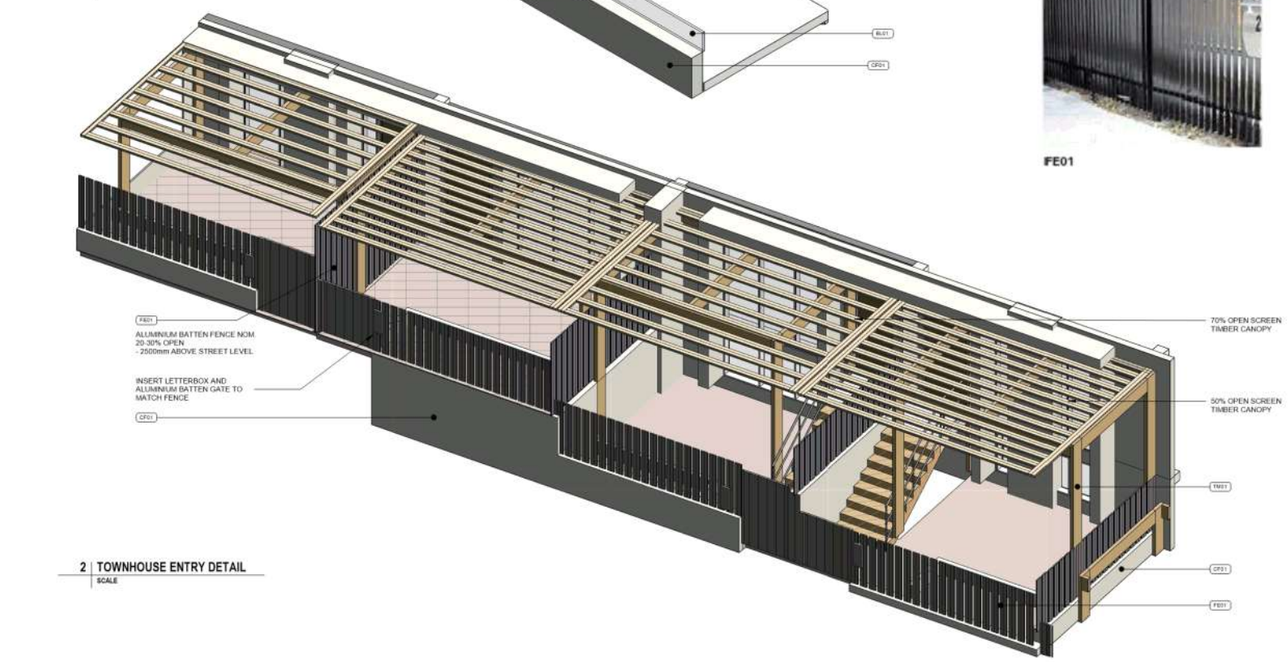


1 | PENTHOUSE SCREEN DETAIL
SCALE





2 | TOWNHOUSE ENTRY DETAIL
SCALE

EXTERNAL FINISHES

BK01:	BRICKSNAPS ON PRECAST CONCRETE
BL01:	GLAZED BALUSTRADE / BALUSTRADE UPSTAND
BL02:	GLAZED BALUSTRADE WITH PRIVACY GLASS
BL03:	GLAZED 2000 HIGH WIND BARRIER GLASS
CF01:	RENDERED & PAINTED FINISH - OFF WHITE
CF02:	RENDERED & PAINTED FINISH - MID GREY
CF03:	RENDERED & PAINTED FINISH - TO MATCH RED BRICKWORK
CW01:	COLORBOND METAL CLAD ENTRY CANOPY - OFF WHITE
CW02:	PROFILED COLORBOND METAL CLADDING - MID GREY
CW03:	PROFILED COLORBOND METAL CLADDING - PALE BRONZE
CW04:	PROFILED COLORBOND METAL CLADDING - PALE GREY
FE01:	POWDERCOATED ALUMINIUM BATTEN FENCE
GL01:	POWDER COATED ALUMINIUM FRAMED WINDOWS - CLEAR
GL02:	POWDER COATED ALUMINIUM FRAMED WINDOWS - GREY TINT
GL03:	POWDER COATED ALUMINIUM FRAMED WINDOWS - OPAQUE SPANDREL
LV01:	POWDERCOATED ALUMINIUM LOUVRE SCREEN TO PLANT - CHARCOAL GREY
MB01:	POWDERCOATED ALUMINIUM BOX FIN - PALE BRONZE
MB02:	POWDERCOATED ALUMINIUM BOX WINDOW REVEAL / SUNSHADE
MB03:	COLORBOND METAL ROLLER SHUTTER - GREY
MSH01:	METAL MESH
PV01:	EXTERNAL STONE PAVERS - QUARTSTONE 'BLUE ONYX HONED' 300 x 300 PAVERS
PV02:	CONCRETE PAVERS - GREY
TM01:	POWDERCOATED ALUMINIUM PERGOLA FRAME - GOLDEN BROWN
RF01:	COLORBOND METAL ROOF SHEETING
RF02:	POLYCARBONATE ROOF SHEETING
RF03:	POWDERCOATED PERFORATED METAL SHADE SCREEN

REV	DATE	DESCRIPTION	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE
FINISHES SCHEDULE & EXTERNAL DETAILS

DRAWING NO.	TP604
REV	TP6
DWG SCALE	1 : 200 at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
designer	checker approver
OFFICE NO	A00008

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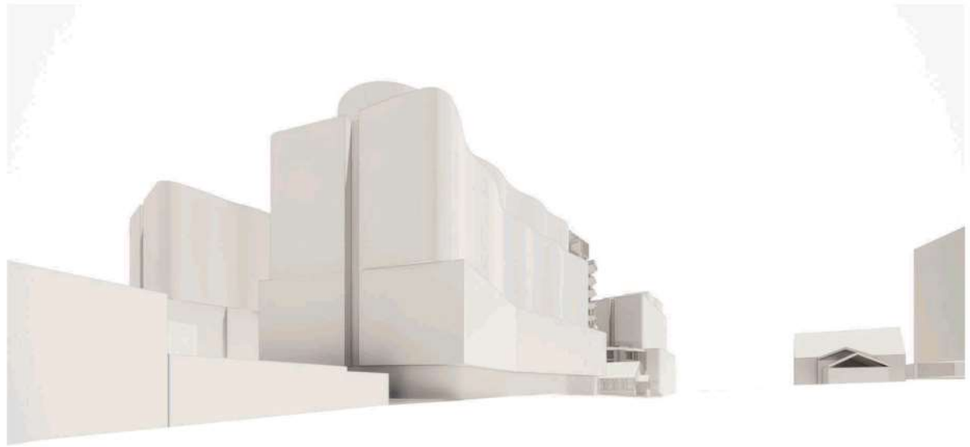

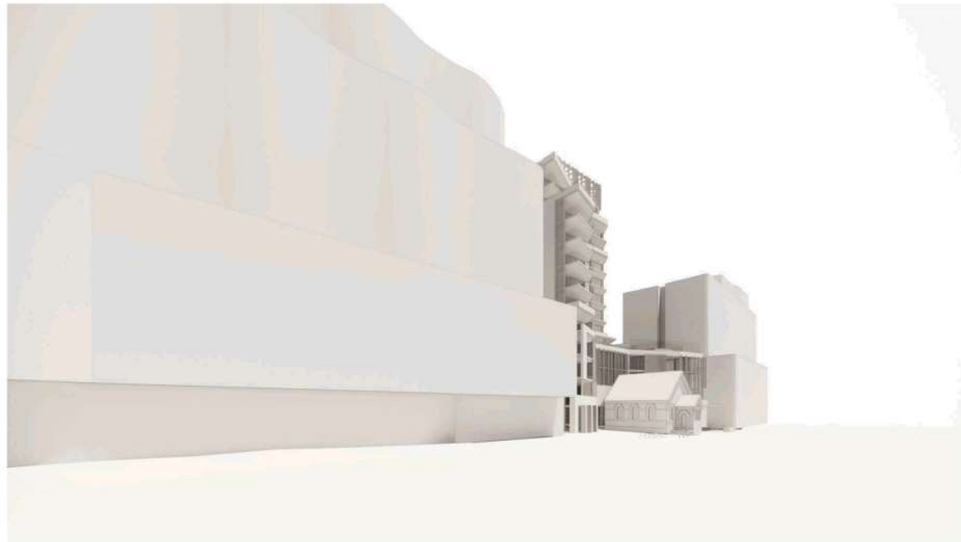

NORTHEAST MASSING PERSPECTIVES

REV	DATE	DESCRIPTION	
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AO

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PROJECT
CHAPEL HILL
680 DONCASTER ROAD,
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TITLE
3D VIEWS

DRAWING NO.	TP605	REV TP6
DWG SCALE	at A1, half scale at A3	
PROJECT NO.	16040	
PROJECT DATE	09.2017	
BIM FILENAME		
DRAWN designer	CHECKED checker	APPROVED approver
OFFICE NO	A00009	

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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL
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EXPANDED SCHEME

TITLE: KEY SECTION - EAST WEST

DRAWING NO.	TP501
REV	TP7
DWG SCALE	1 : 200 at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A51001

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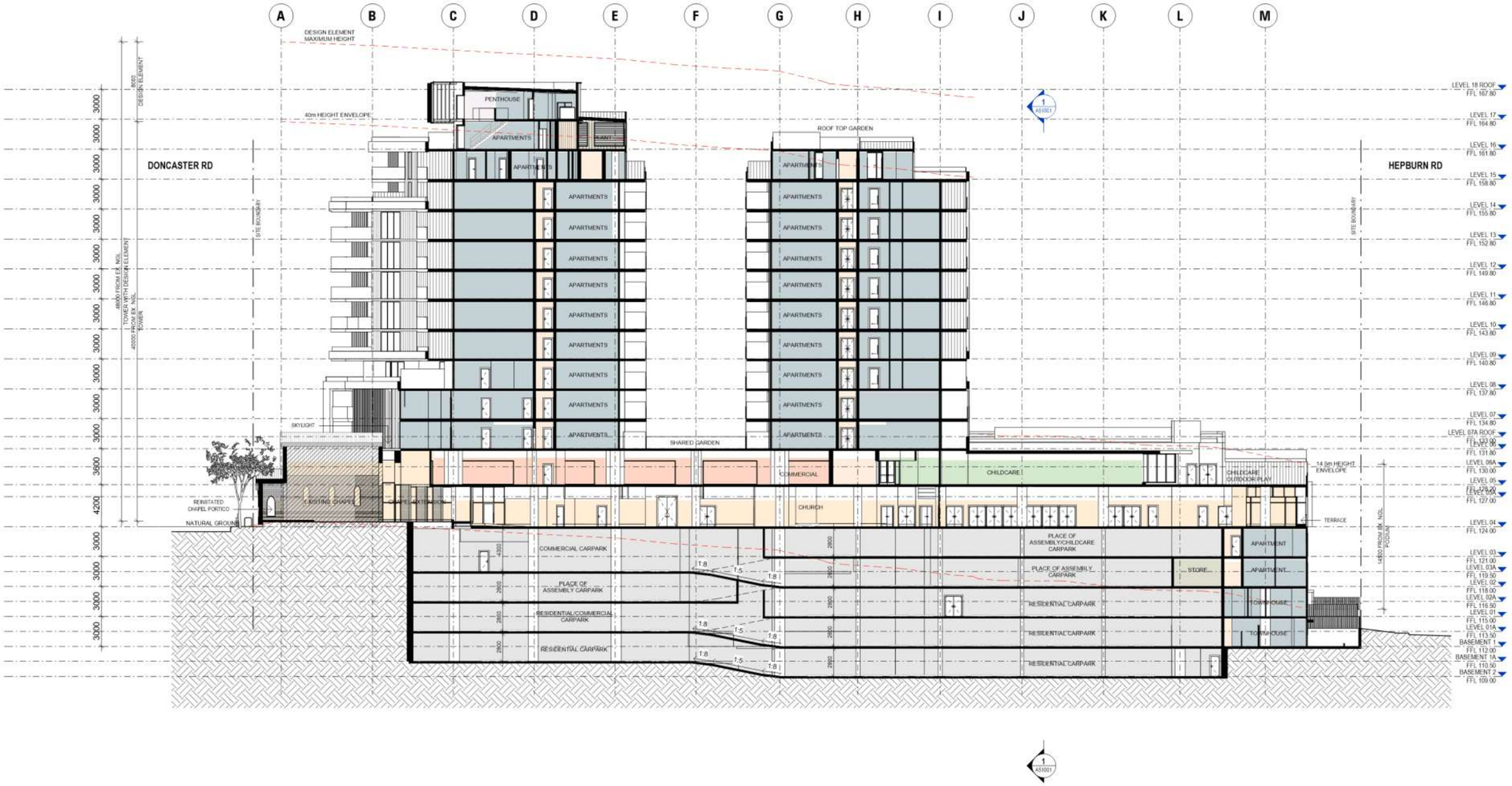

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: KEY SECTION - NORTH SOUTH

DRAWING NO. TP502 REV TP7

DWG SCALE	1 : 200 at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED KL APPROVED AD
OFFICE NO	A51002

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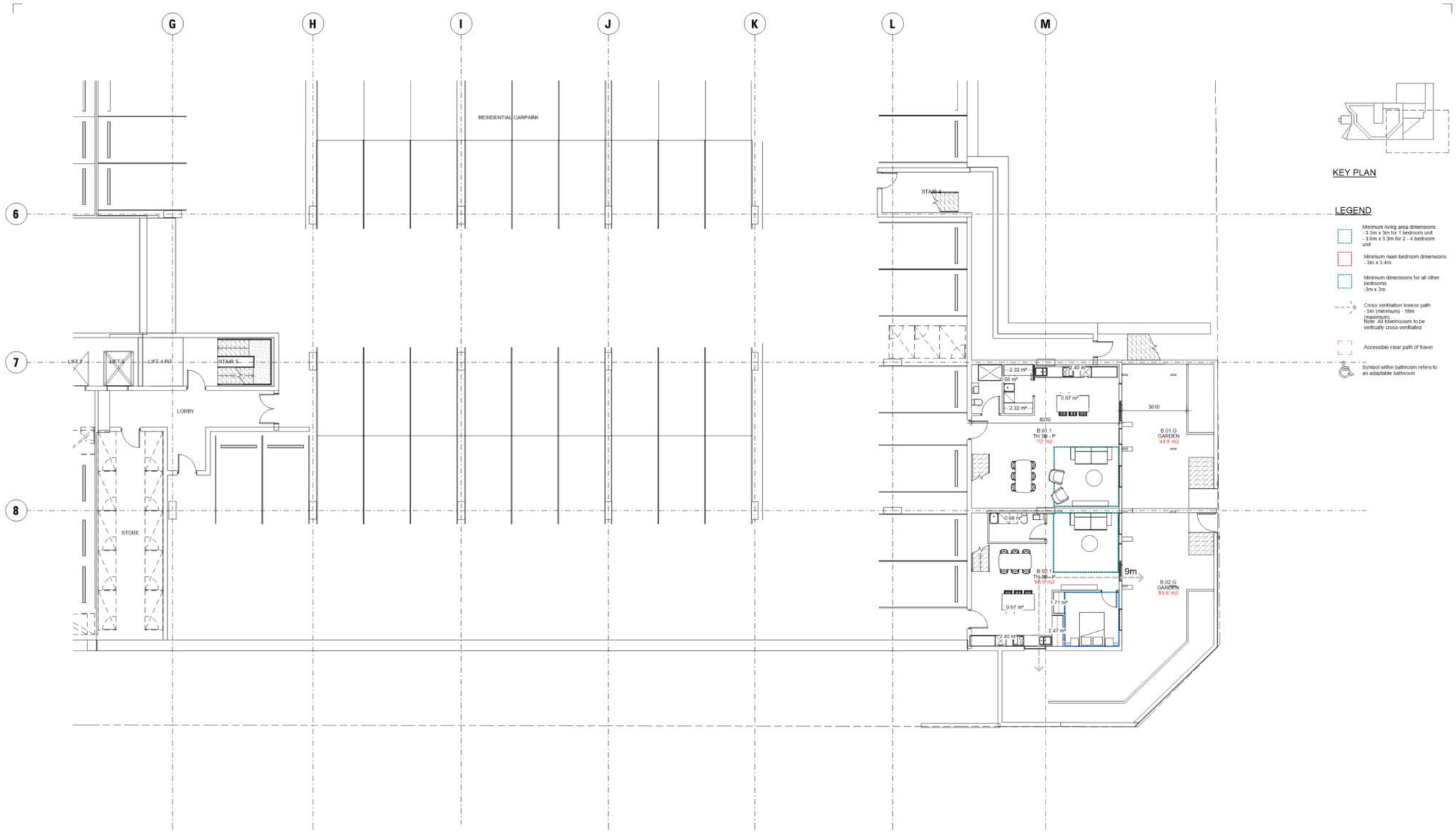

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL
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EXPANDED SCHEME

TITLE: GENERAL ARRANGEMENT PLAN - BASEMENT 1

DRAWING NO.	TP701
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED SC APPROVED AD
OFFICE NO	A22B12

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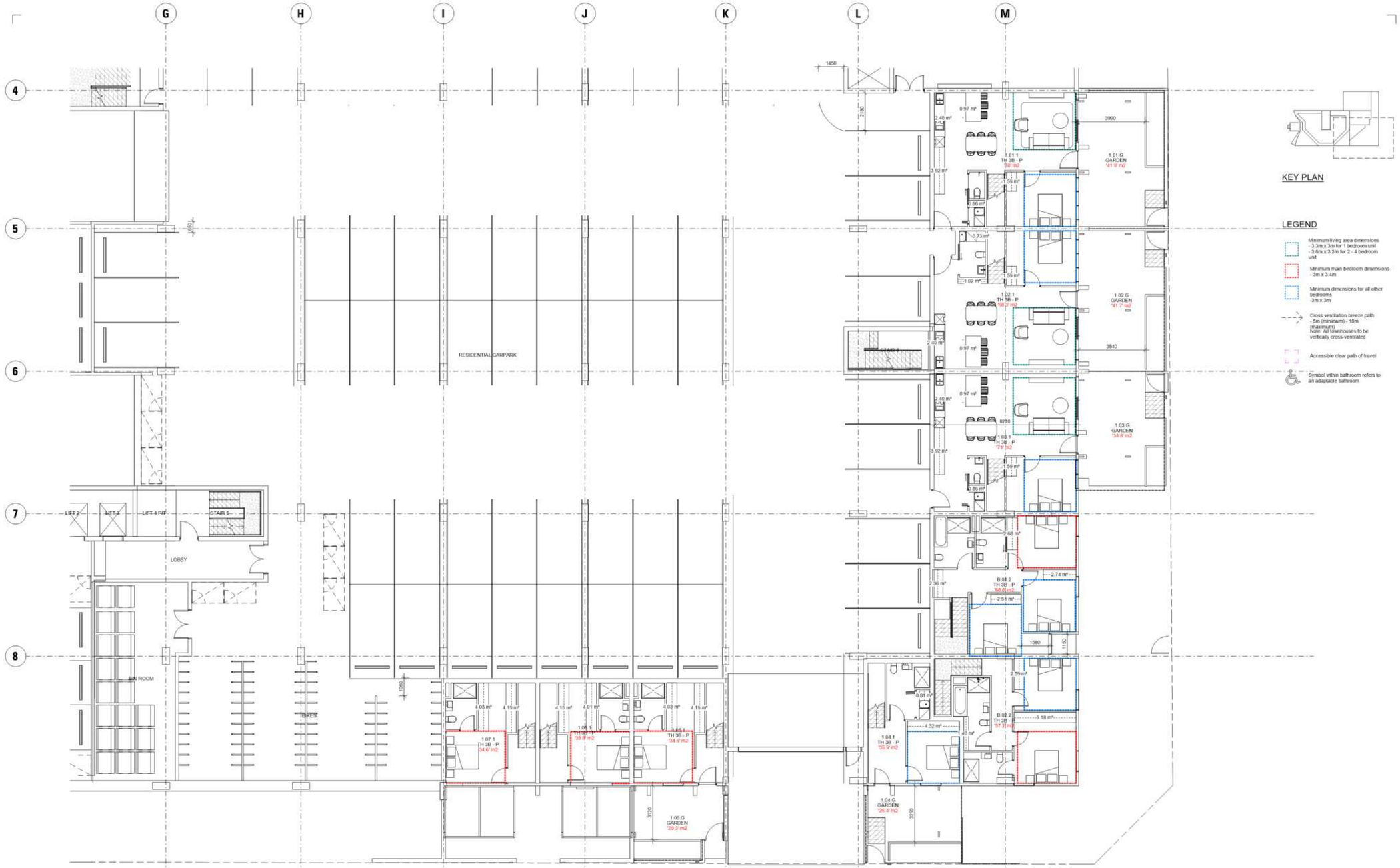

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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EXPANDED SCHEME

TITLE
GENERAL
ARRANGEMENT PLAN -
LEVEL 01

DRAWING NO.	TP702 REV TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
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OFFICE NO	A22012

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REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL
680 DONCASTER ROAD,
EXPANDED SCHEME

TITLE: GENERAL
ARRANGEMENT PLAN
ZONE 1- LEVEL 02

DRAWING NO.	TP703
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED SC APPROVED AD
OFFICE NO	A22022

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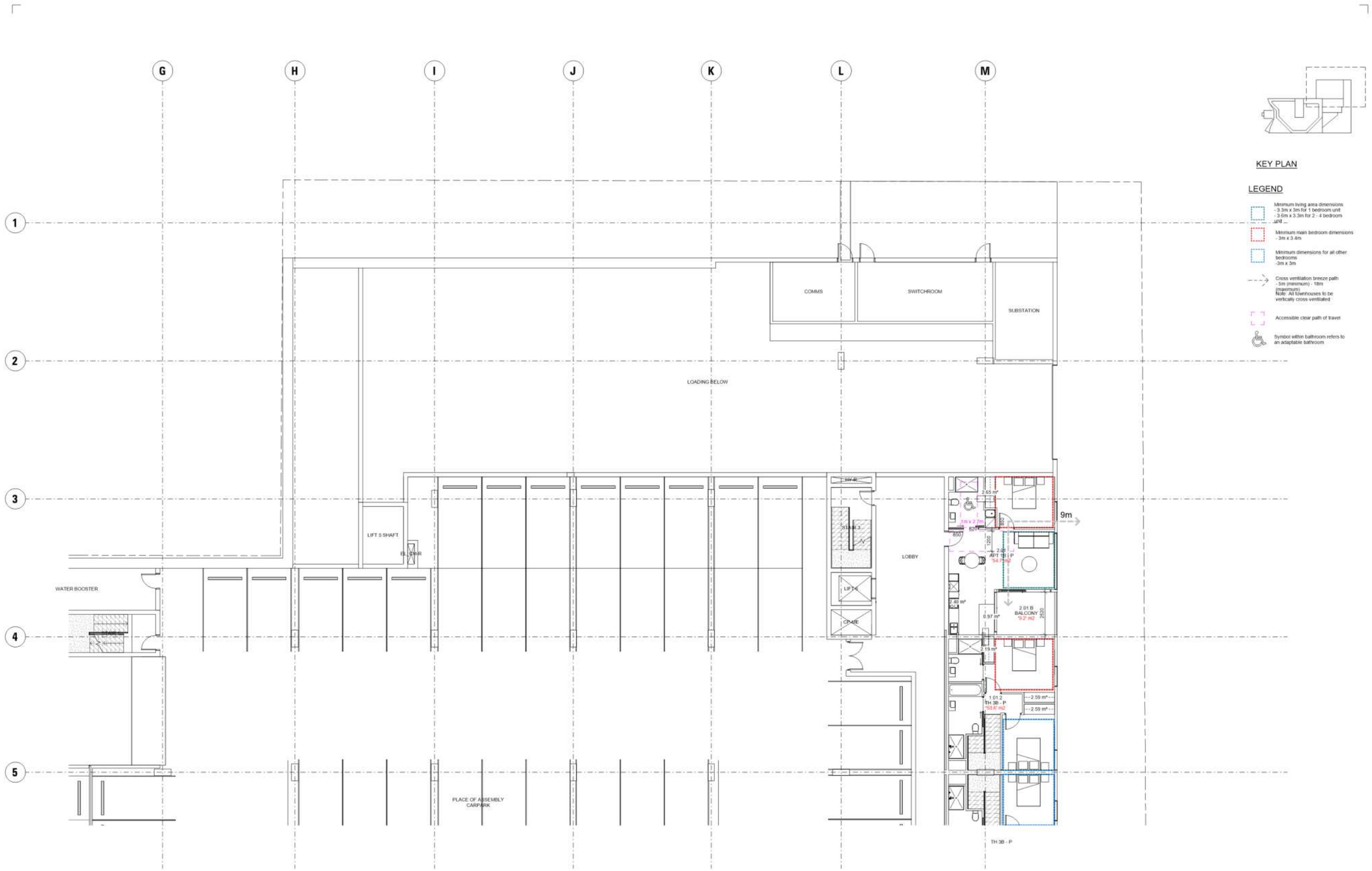

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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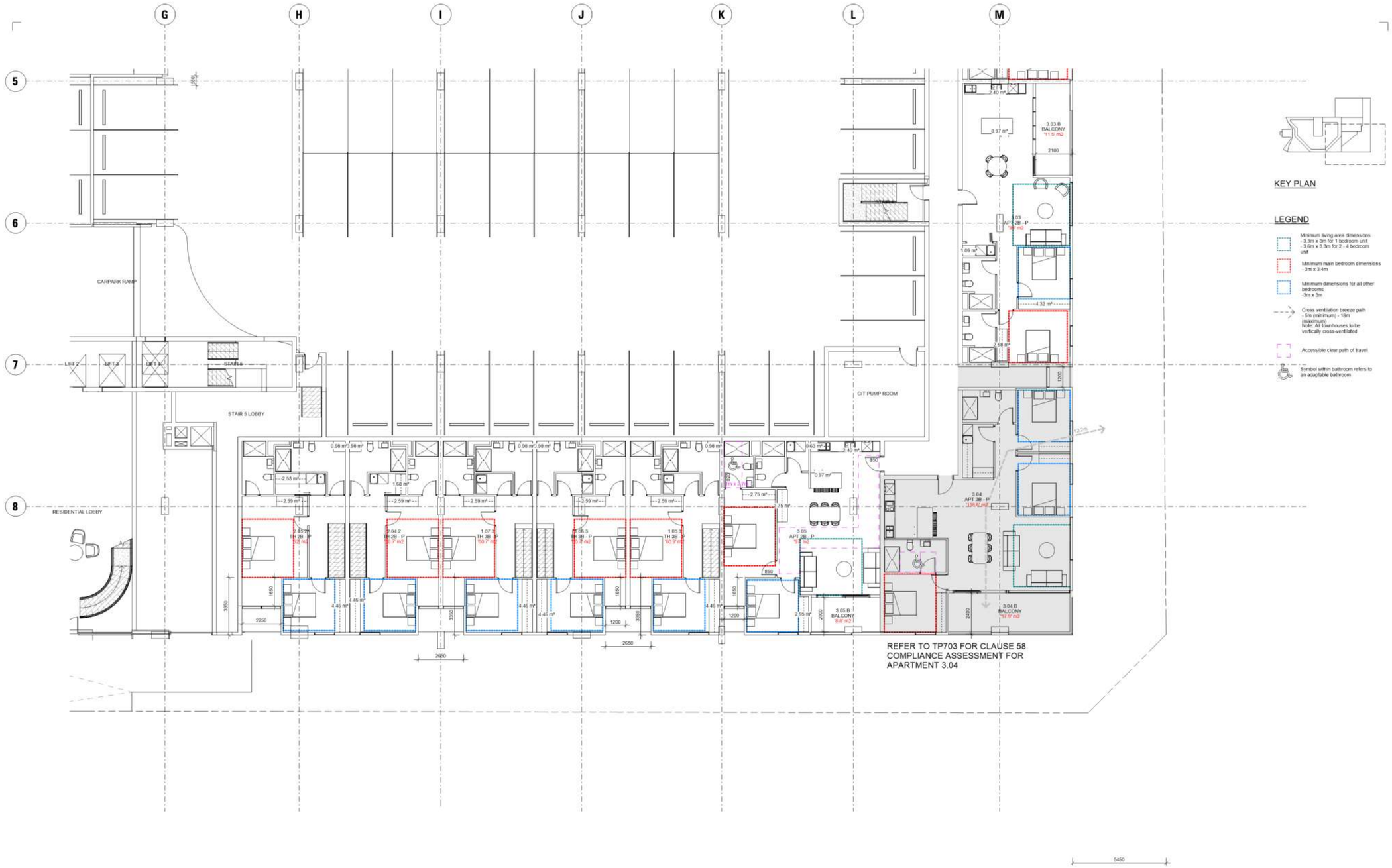
PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: GENERAL ARRANGEMENT PLAN ZONE 2 - LEVEL 02

DRAWING NO.	TP704
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DESIGNED SW	CHECKED SC APPROVED AD
OFFICE NO	A22024
	TOWNPLANNING



REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL
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EXPANDED SCHEME

TITLE: GENERAL
ARRANGEMENT PLAN
ZONE 1- LEVEL 03

DRAWING NO.	TP705
REV	TP7
DWG SCALE	As indicated at A1, half scale at A3
PROJECT NO.	16040
PROJECT DATE	09.2017
BIM FILENAME	
DRAWN/BY	SW
CHECKED	SC
APPROVED	AD
OFFICE NO	A22032

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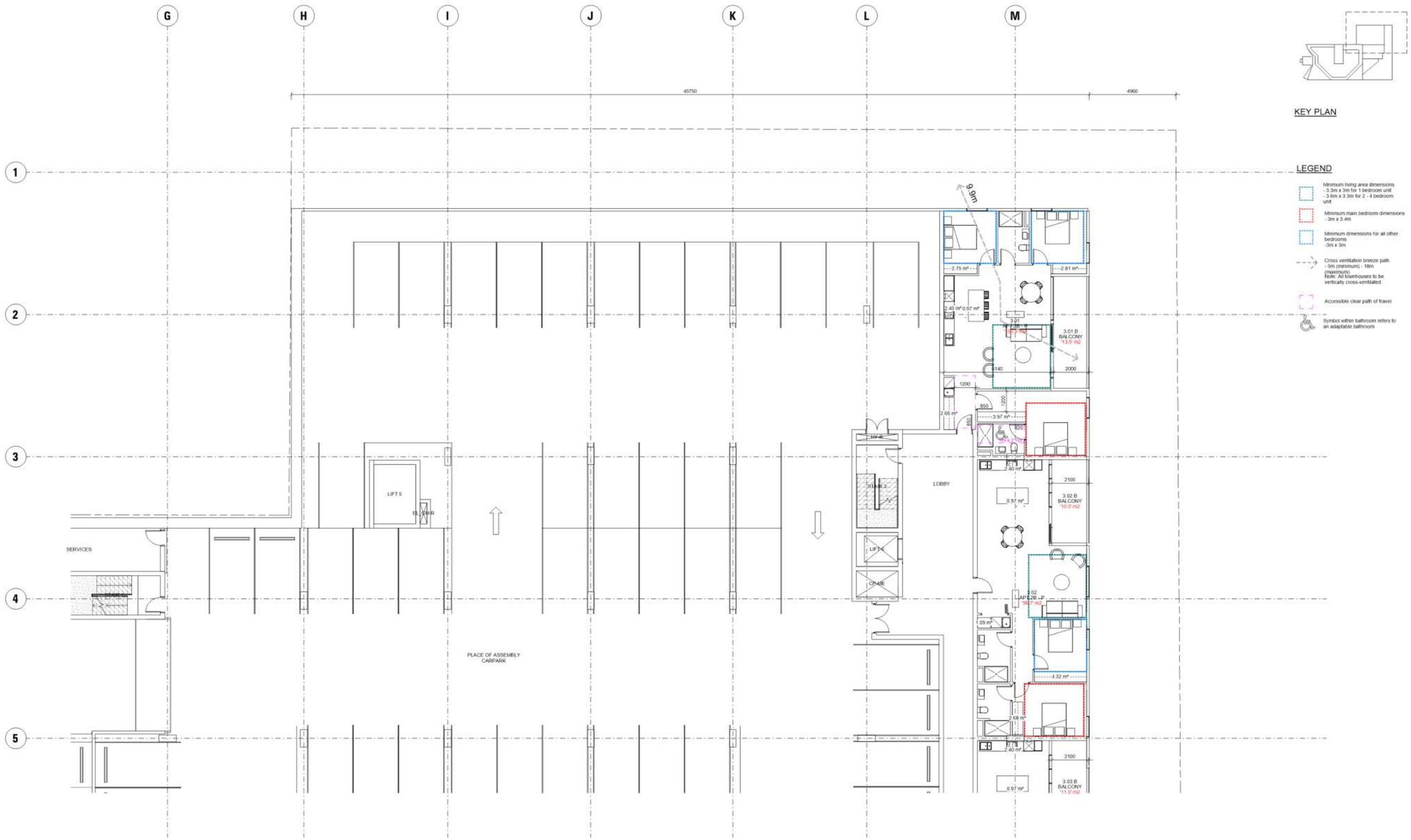

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
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EXPANDED SCHEME

TITLE: GENERAL
ARRANGEMENT PLAN
ZONE 2 - LEVEL 03

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PROJECT NO.	16040
PROJECT DATE	09.2017
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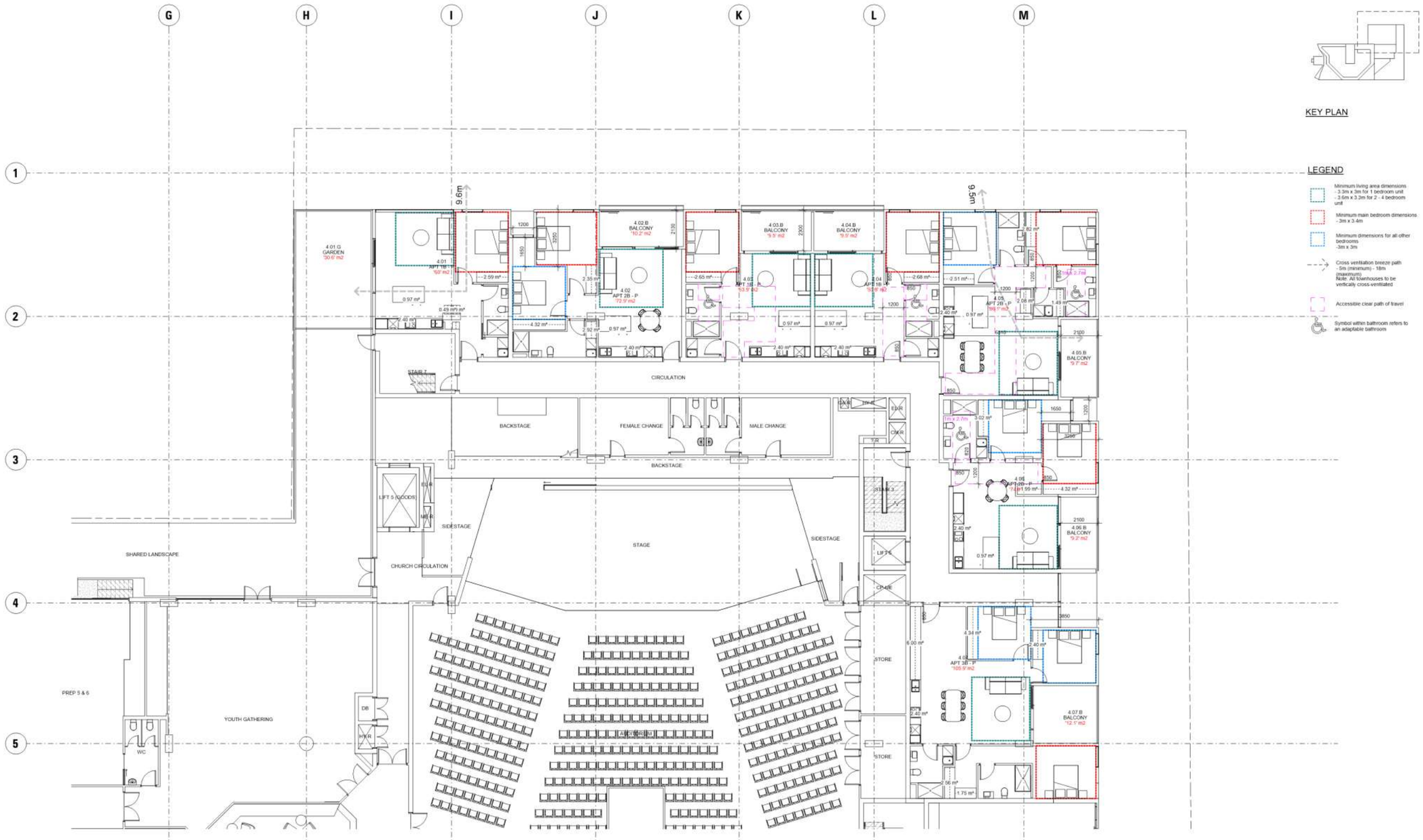

KEY PLAN

LEGEND

- Minimum living area dimensions - 3.3m x 3m for 1 bedroom unit - 3.6m x 3.3m for 2 - 4 bedroom unit
- Minimum main bedroom dimensions - 3m x 3.4m
- Minimum dimensions for all other bedrooms -3m x 3m
- Cross ventilation breeze path - 5m (minimum) - 18m (maximum) Note: All townhouses to be vertically cross-ventilated
- Accessitiie clear path of travel
- Symbol within bathroom refers to an adaptable bathroom

REV	DATE	DESCRIPTION	
TP7	15.01.2021	TOWN PLANNING - RFI RESPONSE	KL
TP6	16.10.2020	TOWN PLANNING - RFI RESPONSE	KL
TP5	03.07.2020	FOR INFORMATION	AD

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PROJECT: CHAPEL HILL 680 DONCASTER ROAD, EXPANDED SCHEME

TITLE: GENERAL ARRANGEMENT PLAN - LEVEL 04

DRAWING NO.	TP707
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TITLE: GENERAL ARRANGEMENT PLAN - LEVEL 05

DRAWING NO.	TP708
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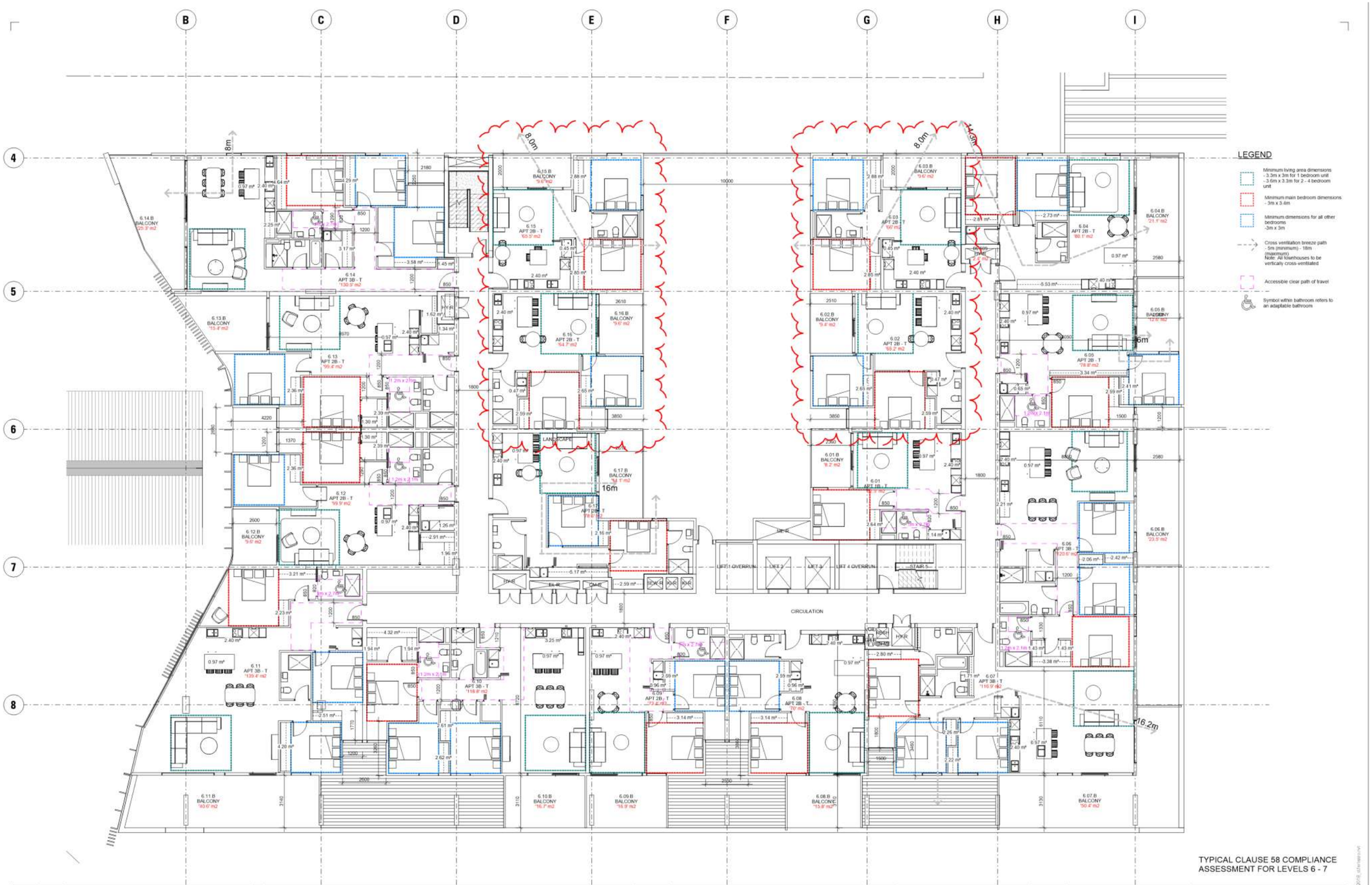

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TP5	03.07.2020	FOR INFORMATION	AD

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TITLE: GENERAL ARRANGEMENT PLAN
ZONE 1 - LEVEL 06

DRAWING NO.	TP709
REV	TP7
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OFFICE NO	A22061a

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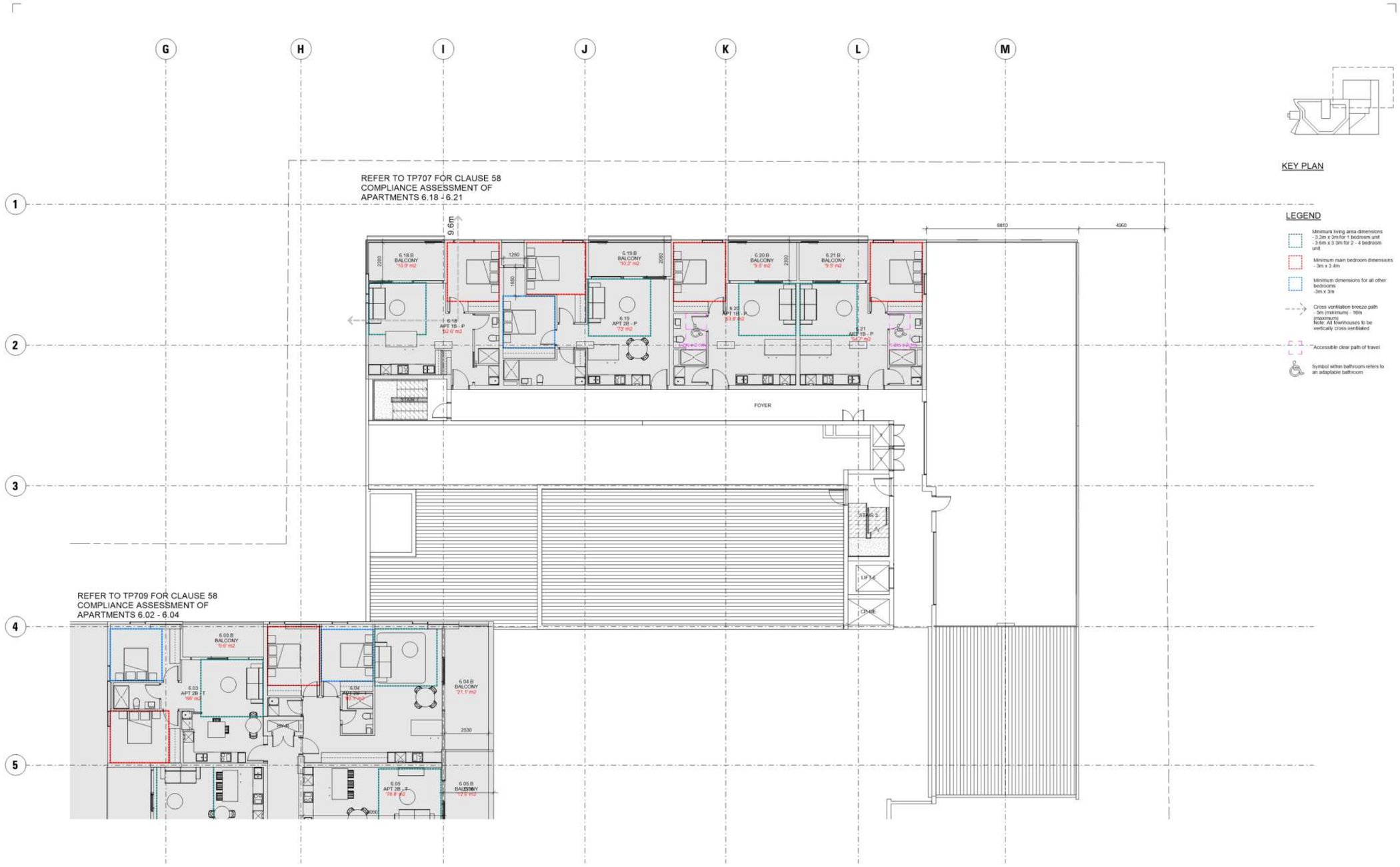

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PROJECT

CHAPEL HILL
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EXPANDED SCHEME

TITLE

GENERAL
ARRANGEMENT PLAN
ZONE 2 - LEVEL 06

DRAWING NO.	TP710 REV TP7
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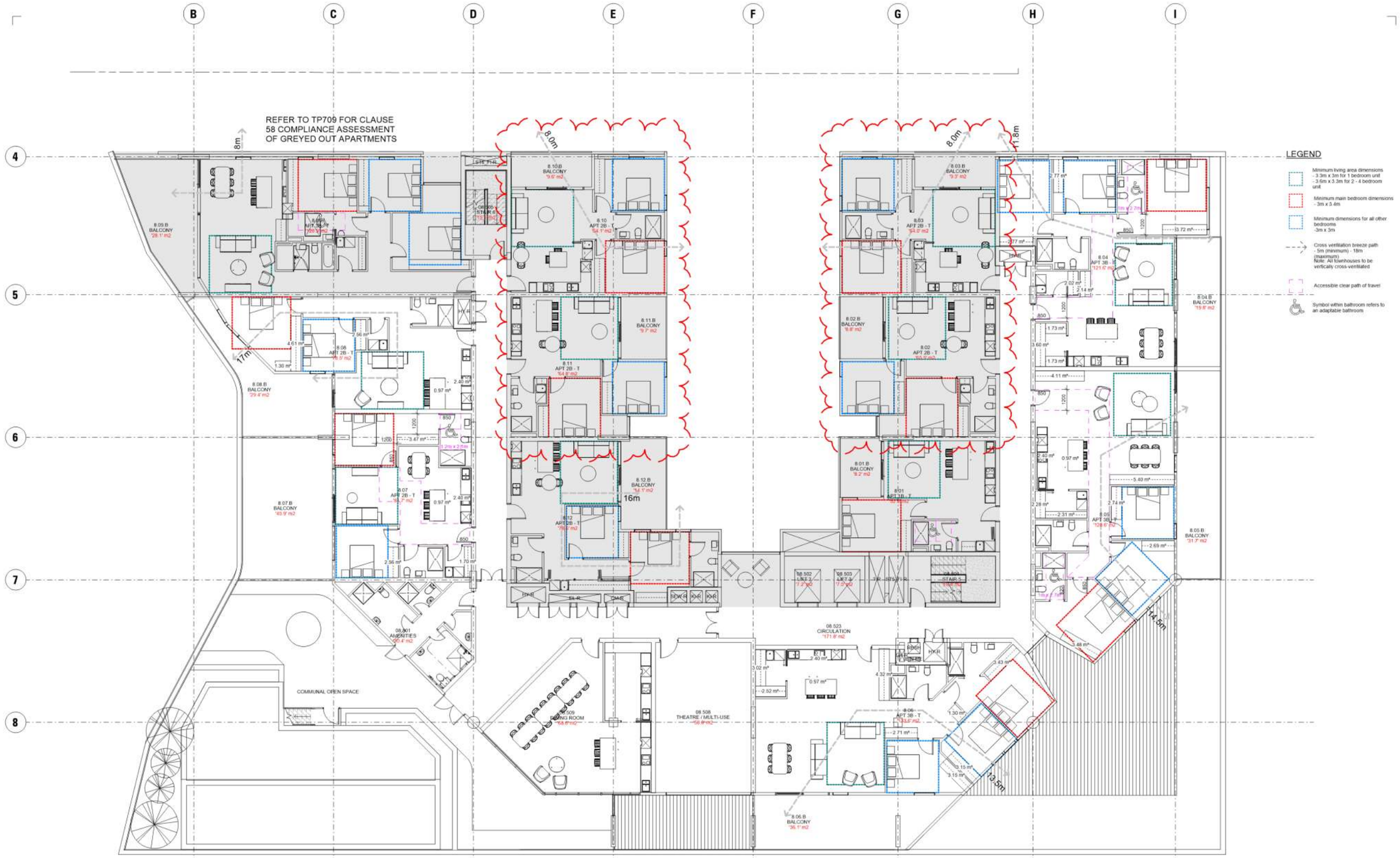

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TITLE: GENERAL ARRANGEMENT PLAN - LEVEL 08

DRAWING NO.	TP711
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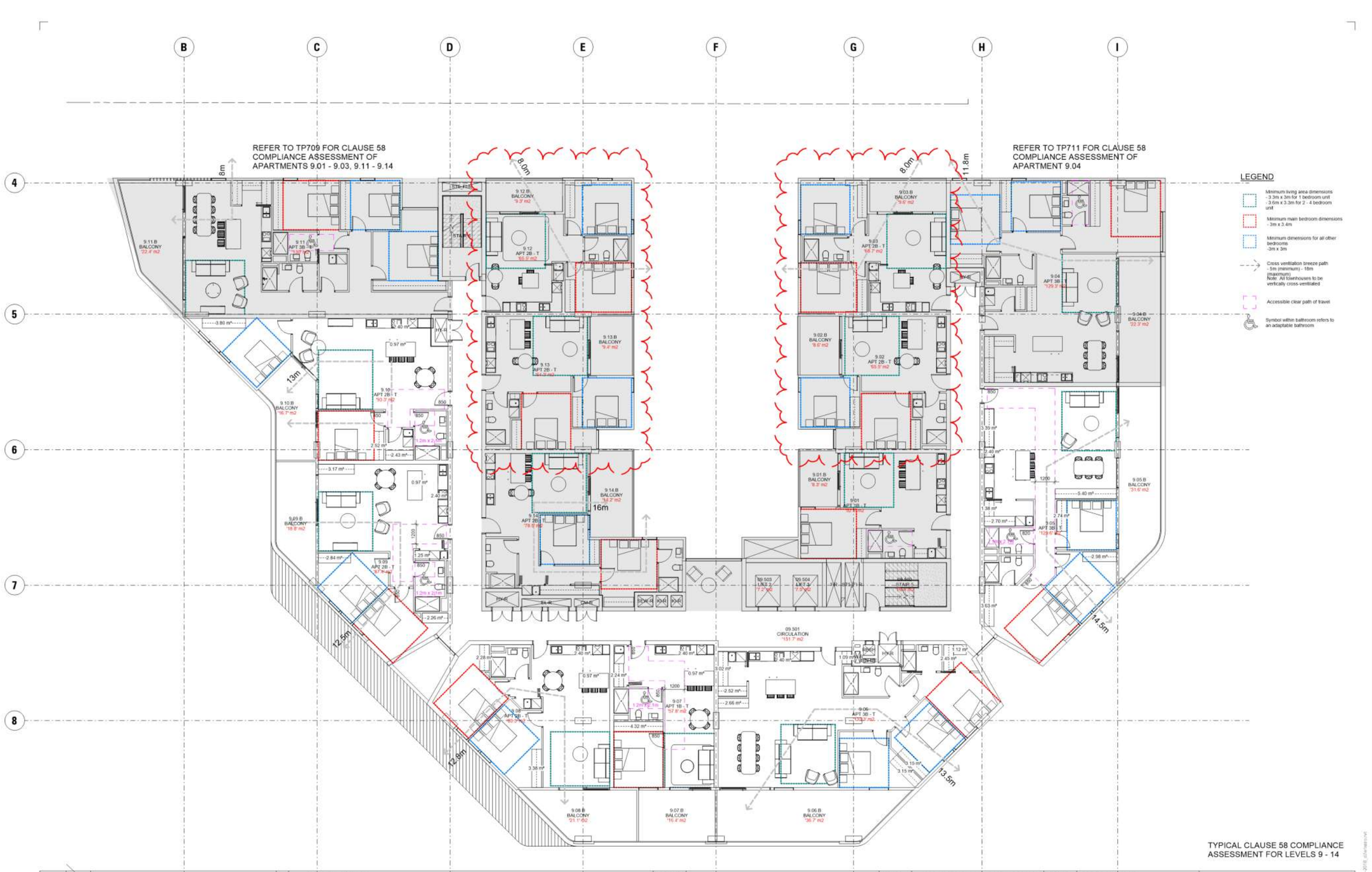

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TITLE: GENERAL ARRANGEMENT PLAN - LEVEL 09

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EXPANDED SCHEME

TITLE: GENERAL
ARRANGEMENT PLAN
ZONE 1 - LEVEL 14

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TITLE: GENERAL ARRANGEMENT PLAN - LEVEL 15

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TITLE: GENERAL ARRANGEMENT PLAN - LEVEL 16

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TITLE: GENERAL ARRANGEMENT PLAN - LEVEL 17

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PROJECT DATE	09.2017
BIM FILENAME	
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APPROVED	AD
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10.2 Manningham Public Toilet Plan - Endorsement of Final Plan

File Number: IN21/62

Responsible Director: Director City Planning and Community

Attachments: 1 Manningham Public Toilet Plan ⇩

EXECUTIVE SUMMARY

Manningham's Public Toilet Plan is a 10 year plan to ensure a network of safe, accessible, well maintained and sustainable toilet facilities across Manningham to support community participation in public life.

This report seeks to endorse the final 'Manningham Public Toilet Plan 2021'.

The Draft Manningham Public Toilet Plan was on public exhibition for 5 weeks in August/September 2020 to invite feedback from the community. Sixty-six (66) comments were received during this time. The community feedback was generally favourable and supportive with the majority of suggestions already addressed in the Draft Plan and its recommendations.

Many comments received requested toilets in various locations (including some already listed and others not listed in the Draft Plan). These requests were considered by officers where they met the criteria and objectives of the Plan. A key change involved the inclusion of a new toilet facility at the Donburn shopping precinct in Doncaster East.

This final Plan proposes 16 new facilities in addition to the current 39 Council facilities over the next 10 financial years. Improvements to current facilities including better accessibility, amenity, safety and publicity are also recommended. The total cost to implement the Plan is $5.283 million over 10 years (based on current costs). This funding will be derived through a mix of funding streams including the Resort and Recreation Reserve fund, through existing park upgrade budgets and external stakeholders.

1. RECOMMENDATION

That Council:

A. endorse the Manningham Public Toilet Plan 2021 (Attachment 1); and

B. note that business cases for the implementation of the Plan will be considered as part of the annual budget process.

2. BACKGROUND

Manningham's Public Toilet Plan is a 10 year plan to ensure a network of safe, accessible, well maintained and sustainable toilet facilities across Manningham to support community participation in public life.

The Draft *Manningham Public Toilet Plan* was prepared in June 2020 and approved by Council for public exhibition for a period of 5 weeks from 3 August to 7 September. The Plan detailed how existing and new public toilet facilities managed by Council will be provided over the next 10 years.

Currently there are 39 Council public toilet facilities in reserves, community and sports buildings and shopping centres. There are also a further 13 public toilets in Manningham provided by others including Parks Victoria, private shopping centres and businesses. Council's facilities range from single cubicle automatic units in shopping centres through to extensive buildings in reserves and community facilities that can include high needs "Changing Places" cubicles. The quality, distribution and suitability is variable without there being a previous plan to guide the provision and upgrade of these facilities.

This Plan has identified the potential to improve our provision of public toilets through a number of actions, including:

- Opening up five (5) existing toilets to provide new public toilet facilities;
- Constructing new public toilet facilities in 11 locations over a 10 year period;
- Upgrading seven (7) older style toilets to improve safety and be to gender inclusive;
- Replace three (3) existing toilet facilities to more modern standards;
- Conduct accessibility audits and upgrade access paths to public toilet facilities;
- Provide Changing Places at major destinations around Manningham;
- Provide public toilets along linear trails at regular intervals as site conditions permit;
- Investigate a program of artworks on blank walls of toilet buildings to raise awareness of our toilet facilities, improve perceptions of safety and activate public spaces.

3. DISCUSSION / ISSUE

A total of 66 comments were received via the online survey and other forms of communication during the consultation process in August/September 2020.

The community feedback was generally favourable and supportive with the majority of suggestions already addressed in the Draft Plan. Additional specific requests included:

- To consider the relocation of proposed new toilets in Park Orchards Reserve to a site closer to the Park Orchard shops. The officer response is that this can be considered at the time of detailed design and consultation.
- For toilets at Donburn Shops and Devon Plaza. The officer response is to revise the Plan to include a future facility at the Donburn shopping precinct. This will increase the number of new toilet facilities to be provided from 10 to 11. The officer response was to not support a new facility at Devon Plaza, as this is a private shopping centre (not Council land), therefore the responsibility of the private land owner.
- Tullamore Estate also had a number of requests due to the three playspaces and extensive open space provision. The officer response is that the reserves are all considered as local catchments and do not meet the criteria set out in the Plan for public toilet provision. There is also a new public toilet nearby in Lawford Reserve that had only opened after the consultation period closed.

- A request from the Kevin Heinze Grow Centre (on Wetherby Road, Doncaster) was received asking for a contribution of $41,000 by early 2021 towards an accessible toilet with hoist and adult change table for use by clients. The officer response is that as this would not be a public toilet facility, it has not been considered within the Public Toilet Plan.

Other comments from respondents included:

- A general dislike of the automated toilets generally due to poor cleanliness, however there were requests for 'touch free' facilities obviously due to the current pandemic.
- There was overall support for gender-neutral cubicles but some requests for female-only which the Plan specifies would be provided if three or more cubicles are available.
- Consideration to be given to provide other complimentary features at new facilities such as water drinking fountains, waste bins and lighting.

The recommended changes to the Draft Plan other than factual corrections include:

- the addition of a new toilet facility at the Donburn Shopping Centre;
- "good natural ventilation" in the Principles of Provision - Section 3.5; and
- changing the reference to the Exeloo brand name to 'automated toilet' as they also supply manually operated toilets.

The Plan recommends a range of actions over the next 10 years that would increase the number of toilets by 16 through provision within existing sports pavilions, new standalone buildings in reserves and shopping centres as well as one new sports complex to be provided by the North East Link Project (NELP) authority. In addition many of the existing facilities will either be renovated or replaced to provide high quality toilets that meet the community's expectations.

A range of other actions are recommended including:

- improved accessibility to existing facilities;
- public artwork on walls;
- increased publicity about locations; and
- design standards to improve safety, cleanliness and sustainability.

4. COUNCIL PLAN / STRATEGY

4.1 The *Manningham Public Toilet Plan* is consistent with the following Council Plan themes and goals:

4.1.1 Healthy Community – 1.2 A connected and inclusive community

4.1.2 Liveable Places and Spaces – 2.1 Inviting places and spaces, 2.4 Well utilised and maintained community infrastructure

4.2 The *Manningham Public Toilet Plan* is consistent with the *Healthy City Strategy 2017-2021* focus areas and priorities.

4.3 The Manningham Public Toilet Plan is consistent with the *Manningham Open Space Strategy 2014* and the service level provisions adopted in the *Parks Improvement Plan 2020.*

5. IMPACTS AND IMPLICATIONS

The Plan aims to improve the distribution, quality, safety and accessibility of all the public toilet facilities within Manningham as they are recognised as an essential service that allows all members of the community to access shops, public spaces and buildings freely. Provision of toilets enables many different users the opportunity to visit community facilities, recreation spaces and shops without the stress of finding suitable toilet facilities. This includes families with children, people with disabilities and medical conditions, the elderly as well as visitors to our attractions.

The provision of toilets is particularly important in high visitation areas such as Warrandyte River Reserve, Ruffey Lake Park, sports reserves, large shopping centres and transport interchanges. The public perception of these facilities is important for the economic benefits of these areas and can be a critical factor in people returning to visit.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

The estimated capital cost of implementing this Plan is $5.283 million over 10 years based on current costs. A further $60,500 per annum for maintenance costs would be required once all the new facilities are operational.

This funding will be derived through a mix of funding streams including the Resort and Recreation Reserve fund, through existing park upgrade budgets and external stakeholders.

A business case has also been prepared for consideration as part of the annual budget process for the capital delivery of the Plan.

6.2 Communication and Engagement

One of the key recommendations of the Plan is improved communication utilising various channels so that users can easily find suitable toilet facilities prior to trips and once on site. This will be achieved through using websites, publications, signage and media.

6.3 Timelines

The Plan proposes actions over the next 10 financial years to achieve all the recommendations subject to business cases being approved for the projects.

The implementation plan for the refurbishment of existing toilets has regard for when other works or master planning of parks / pavilions occur at these locations, so as to ensure the refurbishments are undertaken in coordination with other works on site.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Manningham Public Toilet Plan
Final February 2021

Interpreter service
9840 9355
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MANNINGHAM

Executive Summary

Manningham's Public Toilet Plan is a ten year plan to ensure a network of safe, accessible, well maintained and sustainable toilet facilities across Manningham to support community participation in public life.

The key recommendations of the Plan are:

- Opening up five existing toilets to provide new public toilet facilities
- Constructing new public toilet facilities in eleven locations
- Upgrading older style toilets to improve safety and be gender inclusive
- Conduct accessibility audits and upgrade access paths to public toilet facilities
- Provide Changing Places at major destinations around Manningham
- Provide public toilets along linear trails at regular intervals as site conditions permit
- Investigate a program of artworks on blank walls of toilet buildings to raise awareness of our toilet facilities, improve perceptions of safety and activate public spaces.

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Figure 1 Existing Manningham Public Toilets ..... **Error! Bookmark not defined.**
Figure 2 Proposed Public Toilets in Manningham 23

1 INTRODUCTION

1.1 Purpose

Toilets allow people to spend more time in public spaces to socialise, exercise, recreate, learn, support local businesses and to engage with their community. Where these facilities are not provided, or not welcoming and accessible to all, our residents and visitors are restricted in the places they can visit and the amount of time they can spend there. Equitable access is critical for the health, wellbeing and diversity of a community.

The purpose of the Manningham Public Toilet Plan is to ensure safe, accessible, well maintained and sustainable toilet facilities across Manningham to support community participation in public life.

This Plan focuses on key regional and district open spaces, activity centres and civic spaces.

This Plan determines:

- The current status of public toilet provision across Manningham
- Standards for the provision of toilet infrastructure by location, catchment and usage
- Where additional or upgraded facilities are required
- Other changes to improve the safety, equity, amenity and sustainability of public toilet amenities
- Priority actions

This is Manningham's first Public Toilet Plan.

Ensure a network of safe, accessible, well maintained and sustainable toilet facilities across Manningham to support community participation in public life.

1.2 Definitions and Acronyms

Public Toilet: A toilet which is freely available for use by the general public for the majority of the day. For the purposes of this Plan those which are only available for customers or members of a specific group, or for very limited hours, have not been included.

Non-Council/other public toilets:

Public toilets provided in Manningham by parties other than Council. Typically in Manningham these are provided by Parks Victoria or private shopping centre management.

Changing Places:

These are fully accessible toilets with adult change tables and hoists for people with profound disabilities. They are accessed by a specific key held by those who meet required criteria for access. Their provision allows people with very specific needs to visit, access services, undertake leisure activities and engage with the community. They can also have economic benefits as they are tourism drawcards for this sector.

Automated Toilet:

Fully automated toilet facilities. These have automated doors, flushing, paper, soap, water dispensing and air drying. They clean automatically at programmed times, and after a set number of uses. Currently Council has a number of these supplied by Exeloo.

District Reserve:

Public open spaces that serve a catchment of one or more suburbs and attract visitation beyond walking distance, providing facilities of a broader scale than those with a local focus. Most reserves with sporting fields are district reserves. Each reserve's catchment is determined in Manningham's *Open Space Strategy 2014*.

Regional Reserve:

Public open spaces that cater to a broad Manningham-wide catchment of visitors, as well as the local community. They may also attract visitors from other municipalities to shopping, tourism or sporting destinations and events. Each reserve's catchment is determined in Manningham's *Open Space Strategy 2014*.

AC	Activity Centre
CPTED	Crime Prevention through Environmental Design
DDA	Disability Discrimination Act
NELP	North East Link Project
UDGV	Urban Design Guidelines for Victoria

1.3 Plan Alignment

The provision of public toilets is supported by:

- Australian Human Rights Commission Act 1986
- Disability Discrimination Act, 1992
- National Disability Strategy 2010-2020
- Victorian Disability Act, 2006
- State Disability Plan 2017-2020 – Absolutely Everyone
- The United Nation Global Age Friendly Cities Guide
- Council Plan 2017-2020
- Healthy City Strategy 2017-2021
- Manningham Open Space Strategy 2014
- Age Friendly Declaration with Municipal Association of Victoria
- Access Equity and Diversity Strategy 2014-2017
- Arts and Culture Action Plan 2020-2024
- Active for Life Recreation Strategy 2010-2025
- Management plans, masterplans and structure plans for specific reserves and precincts

Design standards for public toilets are informed by:

- Urban Design Guidelines for Victoria
- Design Standard for Urban Infrastructure: 18 Public Toilets, Australian Government
- Accessibility Design Guide: Universal Design Principles for Australia's Aid Program
- Disability (Access to Premises – Buildings) Standards 2010, Building Code of Australia
- National Construction Code and associated standards

1.4 Consultation

1.4.1 Community views

The 2019 Park Scape Benchmark Park User Satisfaction Survey for Manningham found an overall park satisfaction rating of 8.2/10 with comments on this rating related to dissatisfaction highlighting the lack, or condition, of toilets in parks. Overall satisfaction with park maintenance was rated at 8.1. Of 100 people surveyed who offered specific comments, five requested more toilets, five requested more frequent cleaning of busy facilities, and one requested additional facilities for people with disabilities.

As part of the *Imagine Manningham* 2040 research on community views and values, a workshop were held at the November 2019 Manningham Seniors Forum. Toilets were identified as an important issue for elder citizens, people living with disability and their carers.

Recorded customer service requests to Council from the community identified key issues involving:

- Maintenance and cleanliness
- Facility provision, including specific toileting needs due to ageing, physical or health issues, intellectual ability, babies and toddlers, or other access requirements and need for more cubicles.

Over a third of complaints related to five automated toilets: at Jackson Court AC, Tunstall Square AC, Macedon Square AC, Mullum Mullum Reserve and Thomsons Road/Manningham Road intersection. Complaints about automated toilets relate to poor cleaning, wet floors from the automated cleaning, closure during cleaning, difficulty with use, waiting times for a single toilet and vandalism. Each of these toilets, except Thompsons Road (double) is a single cubicle, meaning if the cubicle is unusable for any reason the whole facility is out of service until attended.

1.4.2 Internal consultation

Many parts of Council have been involved in the preparation of this plan. Areas include:

- Building Maintenance
- Social Planning (health planning, community safety, access and inclusion)
- Business and Events (activity centres, business development, tourism)
- Aged and Disability Services
- Recreation (Sports pavilions)
- Children's Services
- Urban Design
- Parks

Officers have liaised with their networks and provided insight on all aspects of public toilet needs, issues, provision and maintenance.

We have also liaised with Victoria Police and Transgender Victoria to understand any existing issues and recommendations they had in relation to public toilets.

2 EXISTING CONDITIONS

2.1 Existing Council Provision

Manningham City Council owns and maintains 34 public toilet facilities in open spaces and activity centres across the municipality. These toilets fall into four categories:

A. Older-style standalone facilities with separate male and female toilets accessed via a foyer/ablutions space.
B. Standalone facilities with individual self-contained toilets, typically unisex. Manually maintained.
C. Standalone facilities with individual self-contained toilets, typically unisex. Automatically cleaned 'Exeloo' facilities.
D. Facilities attached to a pavilion, but independently and externally accessed. Various arrangements of gendered and unisex toilets.

A full list of existing toilets is provided in **Figure 1.**

2.2 Other Public Toilets

Public toilets are also provided in council buildings such as libraries, in privately managed shopping centres and in open space managed by Parks Victoria. These are only available when the associated facility is open.

Council also has an agreement with Beasley's Nursery that their facilities be available to the general public during opening hours.

A. Older style standalone facility with gender segregated toilets.

B. Standalone facility with unisex self-contained toilets – manually maintained.

1. Manningham Civic Centre, Doncaster
2. MC2 Building, Doncaster
3. Bulleen Library, Bulleen
4. The Pines Library, Doncaster East
5. Warrandyte Library, Warrandyte
6. Bulleen Plaza Shopping Centre, Bulleen
7. Westfield Shopping Centre, Doncaster
8. The Pines Shopping Centre, Doncaster East
9. Beasley's Nursery, Warrandyte
10. Nine toilets provided by Parks Victoria (or on Parks Victoria managed land), all located in the vicinity of the Yarra River corridor:
    a. Westerfolds – Canoe Launch
    b. Westerfolds – Ridge Picnic Area
    c. Westerfolds – Porter Street Picnic Area
    d. Petty's Orchard
    e. Banksia Park
    f. Birrarung Park
    g. Longridge Park (bookings only)
    h. Warrandyte State Park – Pound Bend
    i. Warrandyte State Park – Jumping Creek

The National Public Toilet Map also lists a number of petrol stations that have been registered by their owners as public toilets.

C. Standalone facility with unisex self-contained toilets – automated maintenance.

D. Independently accessed toilet facilities, under same roof as a pavilion or other building. Mix of unisex and gendered toilets.

Existing Manningham Public Toilets

Manningham City Council - Extended Hours	Index	Mannningham City Council - Limited Hours	Index	Private	Index	Parks Victoria	Index
100 Acres Reserve	1	Bulleen Library	32	Beaselys Nursery	37	Pettys Orchard	41
Aquarena	2	Manningham Civic Centre	33	Bulleen Plaza Shopping Centre	38	Banksia Park	42
Bulleen Park	3	MC2 Building	34	The Pines Shopping Centre	39	Birrarung Park	43
Colman Park	4	The Pines Library	35	Westfield Shopping Centre	40	Warrandyte State Park - Pound Bend	44
Currawong Bush Park	5	Warrandyte Library	36			Warrandyte State Park - Jumping Creek	45
Domeney Reserve	6					Westerfolds - Canoe Launch	46
Donvale Reserve	7					Westerfolds - Porter Street Picnic Area	47
Finns Reserve - Changing Places	8					Westerfolds - Ridge Picnic Area	48
Jackson Court Activity Centre	9						
Koonung Park	10						
Lawford Reserve	12						
Macedon Square - Exeloo Single	11						
Mullum Mullum - Carpark	13A						
Mullum Mullum - Stadium - Changing Places	13B						
Petty's Reserve	14						
Rieschiecks Reserve	15						
Ruffey Lake Park - Boulevarde	16A						
Ruffey Lake Park - Church North	16B						
Ruffey Lake Park - Victoria	16C						
Schramms Cottage	17						
Schramms Reserve	18						
Stiggants Reserve	19						
Swanston Reserve	20						
Ted Ajani Reserve	21						
Templestowe Reserve	22						
Thompsons Reserve - Exeloo Double	23						
Timber Ridge Reserve	24						
Tunstall Square Donvale Activity Centre	25						
Warrandyte Bakery	26						
Warrandyte Bridge/Bus Stop	27						
Warrandyte Reserve	28						
Whipstick Gully	29						
Wonga Park	30						
Zerbes Reserve	31						

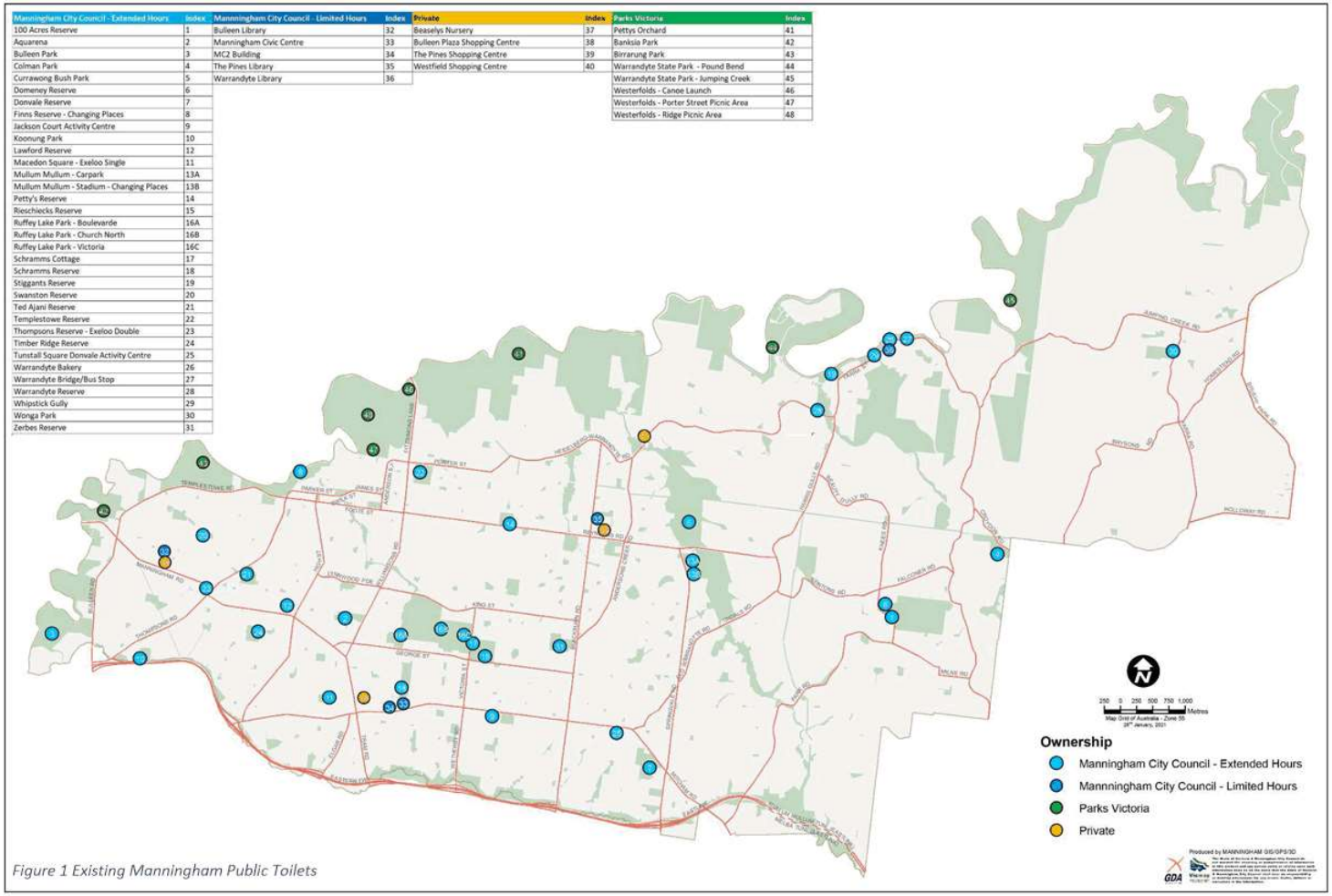

Figure 1 Existing Manningham Public Toilets

2.3 Issues noted

Key issues noted were:

- Information about Manningham's toilet facilities is not always accurate, accessible or easy to use.
- Provision of toilets is limited in Manningham's green wedge, with Donvale and Wonga Park each having only one facility.
- Paths linking carparks or streets to public toilets were sometimes absent or in poor condition, meaning buildings with facilities designed for accessibility were in reality not accessible.
- Many toilets do not meet current urban design standards for Crime Prevention Through Environmental Design (CPTED).
- Gender segregated toilets are common, and unnecessarily limit usage and can exclude our LGBTQI community.
- Provision of public toilets is inconsistent across our open space network. Consistent provision in district and regional reserves would give the community confidence in the availability of toilet facilities.
- Single cubicle facilities are insufficient in moderate or high use areas.
- Automated facilities are unpopular and some users have difficulty with the automated elements.
- Changing Places adult change facilities need to be provided in a range of high profile locations across the municipality.
- Templestowe Village Activity Centre has no public toilet facilities.
- Donburn Shopping Centre has no public toilet facilities.

3 PRINCIPLES FOR PROVISION OF PUBLIC TOILETS

The following principles will inform the future provision of public toilet facilities in Manningham:

3.1 Universal Design Principals

Equitable Use:
The design is useful and marketable to people with diverse abilities.

Flexibility in Use:
The design accommodates a wide range of individual preferences and abilities.

Simple and Intuitive Use:
Use of the design is easy to understand, regardless of the user's experience, knowledge, language skills, or current concentration level.

Perceptible information:
The design communicates necessary information effectively to the user, regardless of ambient conditions or the user's sensory abilities.

Tolerance for Error:
The design minimizes hazards and the adverse consequences of accidental or unintended actions.

Low Physical Effort:
The design can be used efficiently and comfortably and with a minimum of fatigue.

Size and Space for Approach and Use:
Appropriate size and space is provided for approach, reach, manipulation, and use regardless of user's body size, posture, or mobility.

3.2 Location

Public toilets should be provided as follows:

- At all regional open spaces, as designated in the Open Space Strategy 2014
- At all district open spaces, as designated in the Open Space Strategy 2014, that support sports grounds or diverse recreational facilities
- At all Neighbourhood Activity Centres
- On or near Linear Trails at a maximum spacing of every 3.0 km, where site conditions permit
- Changing Places facilities should be provided at major destinations including
    - major activity centres
    - civic centre
    - popular recreational and tourism destinations including Ruffey Lake Park, Finns Reserve and Warrandyte township.
- Where possible facilities will be collocated under the same roof as other buildings in open spaces, but be independently accessible.

3.3 Siting

- In accessible and active areas (UDGV)
- Where there are opportunities for informal surveillance from nearby activities (UDGV)
- Visible from a distance, with clear sightlines to the toilet entries
- Adjacent to busy pedestrian routes (UDGV)
- Cubicles on a single frontage
- Accessible by a clear, open path. In natural settings this may not be sealed but should be sufficiently smooth to be comfortable for wheelchairs and prams

3.4 Layout

- Provide self-contained toilets catering to all genders
- Provide a minimum of two toilets, unless an alternative is available close by
- At least one cubicle to be fully accessible
- Where more than three cubicles are provided, consider providing one female-only toilet
- Provide shelter from wind, rain and sun
- Provide lighting to all sides and avoid creating concealed areas, including sensor lighting as appropriate
- Provide signage in the vicinity directing to the facility

3.5 Features

- Good natural lighting plus internal and external lights. Solar and sensor operated lighting as site conditions permit
- Good natural ventilation
- CCTV/surveillance cameras to entrances/vicinity
- Change tables at all locations
- Soap in all facilities, and hand dryers in highly used locations
- Automated or flick mixer taps to minimise hand contact
- Design doors to be operated with minimum hand contact
- Sanitary napkin disposal units in all female and unisex designated cubicles

- Well placed, clear and inclusive signage to include:
    - toilet symbol instead of gender symbols, except where a gender specific toilet is provided
    - braille and tactile information at accessible heights
    - opening hours
    - nearest alternative toilet location
    - Contact numbers for maintenance issues
- Manually maintained toilets in preference to automated cleaning facilities
- Automatic door locking system for closed hours where required
- Appearance to be:
    - sympathetic to its surrounds
    - clearly communicate the building's function
    - Where possible contribute to and reflect the character of its location, through quality design or art.
- Sharps disposal units at all public toilets
- Drinking fountain nearby, with tap for water bottle refill and dog bowl.
- Facilities at a range of accessible heights
- Provide sitting benches where space permits as additional support for people with disabilities
- Consider providing hand washing facilities outside cubicles, where they are located near playspaces
- Do not provide glass mirrors
- Do not provide urinals. Replace existing urinals with cubicles

3.6 Hours of Operation

- Public toilets should be available 6am-9pm as a minimum. Where appropriate, toilets in prominent locations may be available 24 hours.
- Where toilets are adjacent to bus interchanges, opening hours should match the hours of bus services, as a minimum.

Currently only two toilet facilities automatically lock overnight, while Aquarena and Mullum Mullum Stadium are open extended hours.

3.7 Sustainability

Apply sustainable building design and construction principles including:

- Maximising site potential, including co-locating with existing buildings
- Minimising energy usage
- Responsible water consumption and disposal
- Minimise the life cycle impacts of materials
- Minimise maintenance requirements

4 RECOMMENDATIONS

Opportunities for improved amenity and access to public toilet facilities across Manningham relate to the following key areas:

- **Awareness:** the availability of toilets in some locations is not immediately obvious, even when in an open space or activity centre. For those needing to plan outings and event around toilets, easy access to information is critical.
- **Accessibility:** access can be difficult in Manningham's hilly terrain, but improvements are possible in a number of locations. Many toilets are currently accessed via unsealed paths or multiple doorways.
- **Availability:** Some parts of the municipality have very few public toilets. Some existing facilities only have one toilet: if one is out of service there is no alternative. Single toilets in activity centres can result in queuing outdoors. Our major bus exchanges have limited hours for toilet access, or none at all.
- **Safety:** older style toilet blocks often provide poor surveillance and safety. Co-locating toilets with other buildings provides better visibility in open spaces.
- **Inclusivity:** Welcoming spaces have multiple benefits. In addition to physical accessibility improvements, upgraded signage could include people of diverse genders and those with English as a second language or limited literacy. Attractive buildings are welcoming and can contribute to neighbourhood and landscape character.
- **Consistency:** Currently Manningham has an inconsistent approach to provision and opening hours, with some pavilions supporting public toilets and others not. A consistent approach would give residents confidence and encourage outdoor activity.
- **Linear Trails:** public toilets should be provided at regular intervals (maximum 3.0 km) along or nearby these trails to enable extended use.
- **Changing Places:** These should be provided at major destinations around Manningham taking into consideration nearby services and attractions, and topographical constraints.

The Action Plan lists specific actions related to these areas.

> **"When we talk about liveable cities, and when we talk about accessibility, what we're talking about, in part, is public bathrooms."**
>
> Lezlie Lowe
>
> *No Place to Go: How Public Toilets Fail our Private Needs*

4.1 Action Plan

#	Action	Cost year ($'000)										Ongoing maintenance cost (per annum)	Responsible Council department
		1	2	3	4	5	6	7	8	9	10		
1. Awareness													
1.1	In large sites, provide signage to assist with awareness of and navigation to toilet facilities.		3	3	2							existing operational	CD
1.2	Launch the Public Toilet Plan to improve awareness of facilities.	2										n/a	C&E, CD
1.3	Prepare a brochure listing Manningham's public toilet facilities. Make available in hard copy and online.	8										0.4	C&E, CD
1.4	Update the National Public Toilet Map and Changing Places data to provide clear, accurate information on Manningham's facilities.	3										n/a	SP&CE, CD
2. Accessibility													
2.1	Provide a continuous accessible path of travel from carparks and other major path networks. This should be sealed where possible, though in some locations this may not be appropriate due to surrounding environmental values		20	20	20	20	20					existing operational	CD, R&I
2.2	Upgrade as a priority toilets where wheelchair accessible toilets have poor site access, including:												CP, CD
	- Yarra River Bridge, Warrandyte		40	250								existing operational	
	- Ruffey Lake Park (Church Road North), Doncaster	250										existing operational	
2.3	Undertake accessibility audits of Council's existing older public toilet blocks to determine the priority for upgrade works, including:	8											CP, CD
	- Colman Reserve, Warrandyte												
	- Domeney Reserve, Park Orchards												
	- Donvale Reserve, Donvale												
	- Koonung Park, Bulleen												

#	Action	Cost year ($'000)										Ongoing maintenance cost (per annum)	Responsible Council department
		1	2	3	4	5	6	7	8	9	10		
	- Mullum Mullum Reserve carpark, Donvale												SP&CE
	- Warrandyte Bridge Bus Stop, Warrandyte												
	- Warrandyte River Reserve -(Stiggants), Warrandyte												
	- Warrandyte River Reserve -(Whipstick Gully), Warrandyte												
	- Warrandyte Reserve, Warrandyte												
3. Availability													
3.1	Open externally accessible pavilion toilets at five reserves for use as public toilet facilities, with associated maintenance funding:												BM
	- Templestowe Leisure Centre (Netball pavilion), Templestowe	1										3	
	- Doncaster Reserve, Doncaster	1										5	
	- Wilsons Reserve, Doncaster	1										3	
	- Park Reserve, Doncaster	1										3	
	- Boronia Reserve, Doncaster East	1										3	
3.2	Provide eleven new public toilet facilities across Manningham over ten years, including:												CP, CD
	- Templestowe Activity Centre, Templestowe			350								5	
	- Sheahans Reserve, Bulleen										150	3	
	- Green Gully Linear Park, Jenkins Park, Templestowe		150									3	
	- Serpells Community Reserve, Templestowe	250										3	
	- Anderson Park, Doncaster East				150							3	
	- Cat Jump Park, Doncaster East									150		3	
	- Donburn Shopping Centre, Doncaster East #					250						5	
	- Park Orchards Reserve, Park Orchards							150				3	
	- Wittons Reserve, Wonga Park								250			3	
	- Mullum Mullum Trail at Park Road, Donvale						150					3	
	- Templestowe Soccer Facility (future reserve)	NELP to provide, timing TBC										3	
3.3	Ensure facilities in busy locations provide at least two cubicles, one fully accessible and one ambulant as a minimum, including:												CP, B&E, CD

#	Action	Cost year ($'000)										Ongoing maintenance cost (per annum)	Responsible Council department
		1	2	3	4	5	6	7	8	9	10		
	- Tunstall Square Activity Centre		250									existing operational	CP, B&E, CD
	- Jackson Court Activity Centre			250								existing operational	
	- Macedon Square Activity Centre				250							existing operational	
3.4	Provide information on all toilets advising opening hours and nearby alternative public toilet/s.		20										CD
3.5	Advocate for provision of public toilets at key public transport hubs, to be accessible all hours public transport is available, including:												
	- Park n Ride facility – Doncaster Road (PTV/NELP)												SP, CD
	- Park n Ride facility – Bulleen Road (PTV/NELP)												SP, CD
	- Westfield Doncaster (PTV/Westfield)												B&E, SP&CE
	- The Pines Shopping Centre (PTV/Stockland)												B&E, SP&CE
4. Safety													
4.1	Upgrade or replace older style toilet blocks to provide individual cubicles directly accessible from the outdoors. Note that replacement may at times be more cost effective that retrofitting; both options should be investigated on a site-by-site basis.												CP, CD
	- Colman Park, Warrandyte South										250	existing operational	
	- Domeney Reserve, Park Orchards									150		existing operational	
	- Donvale Reserve, Donvale							250				existing operational	
	- Warrandyte Bridge Bus Stop, Warrandyte		See action 2.2	See action 2.2								existing operational	
	- Warrandyte River Reserve (Whipstick Gully), Warrandyte						250					existing operational	
	- Warrandyte River Reserve -(Stiggants), Warrandyte								250			existing operational	
	- Warrandyte Reserve, Warrandyte					250						existing operational	

#	Action	Cost year ($'000)										Ongoing maintenance cost (per annum)	Responsible Council department
		1	2	3	4	5	6	7	8	9	10		
4.2	Consider colocation of toilets at time of building upgrade to reduce hidden spaces and buildings in public open space.												R, CD, CP
	- Colman Park, Warrandyte South	At time of building upgrade										existing operational	
	- Donvale Reserve, Donvale	At time of building upgrade										existing operational	
	- Koonung Park, Bulleen	At time of building upgrade										existing operational	
	- Warrandyte Reserve, Warrandyte	At time of building upgrade										existing operational	
	- Wonga Park Reserve, Wonga Park	At time of building upgrade										existing operational	
4.3	Establish a program of public art on walls of toilet facilities in prominent locations, to reflect and enhance the surrounding landscape and community character and improve perceptions of safety. (Up to 15 locations)	10	10	10	10	10	10	10	10	10	10	0.5	A&C, CD, BM
5. Inclusivity													
5.1	Replace male and female signage symbols with toilet symbols. Where a toilet is allocated to a specific gender, provide this in addition.	6										Existing operational	CD, BM
5.2	Provide a change table in at least one cubicle at each toilet facility, accessible to all genders.		3	10								Existing operational	BM
5.3	When providing new or upgraded facilities, include additional internal movement space and low benches for adult change where space permits.	ongoing										Existing operational	CP, CD, R
6. Consistency													
6.1	Seek to provide public toilet facilities at all sporting ovals for consistency.*	See actions 3.1, 3.2										See actions 3.1, 3.2	CP, CD, R
7. Linear Trails													
7.1	Provide a toilet on the southern stretch of the Mullum Mullum Trail, near the intersection of Park Road and Conos Court, Donvale					See action 3.2						See action 3.2	CP, CD
8. Changing Places													

#	Action	Cost year ($'000)										Ongoing maintenance cost (per annum)	Responsible Council department
		1	2	3	4	5	6	7	8	9	10		
8.1	Provide Changing Places facilities at key Manningham destinations, including:											2	CP, CD, SP&CE, R
	- Ruffey Lake Park (Boulevard)	120										2	
	- Finns Reserve (Wombat Bend Playspace)	Funds 19/20											
	- Manningham Templestowe Leisure Centre					Part of stadium upgrade						As part of stadium upgrade	
	- Warrandyte (location to be confirmed)									200		2	
8.2	Advocate for changing places facilities at Major Activity Centres, including:												B&E, SP&CE
	- Westfield Shopping Centre												
	- The Pines Shopping Centre												
		662	**496**	**643**	**682**	**530**	**430**	**410**	**510**	**510**	**410**	**60.5**	
	Capital & Operational TOTAL												**$5,283,000**
	Maintenance TOTAL*												**$60,500**
	***(per annum, once all capital actions have been completed)**												

N.B. Some district or regional reserves have not been recommended for toilet facilities:

- Reserves with significant environmental values which would be impacted
- Reserves located close to other existing or proposed facilities
- Reserves with a limited range of recreational opportunities leading to less usage, and as such are a lower priority for toilet provision.

May be as part of any future community building on Council land in the Donburn Shopping Centre

Responsible Council Department – acronyms:

A&C	Arts and Culture	R&I	Roads and Infrastructure
B&E	Business and Events	SP	Strategic Planning
C&E	Communications and Engagement	SP&CE	Social Planning and Community Engagement
CD	City Design		
CP	City Projects		
R	Recreation		

Proposed Public Toilets in Manningham

Provision by MCC	Index	Suburb
Sheahans Reserve	1	Bulleen
Park Reserve	2	Bulleen
Templestowe Soccer Facility (future reserve)	3	Bulleen
Doncaster Reserve	4	Doncaster
Wilsons Reserve	5	Doncaster
Anderson Park	6	Doncaster East
Boronia Reserve	7	Doncaster East
Cat Jump Park	8	Doncaster East
Donburn Shopping Centre	9	Doncaster East
Mullum Mullum Trail at Park Road	10	Donvale
Park Orchards Reserve	11	Park Orchards
Templestowe Leisure Centre (Netball pavilion)	12	Templestowe
Green Gully Linear Park, Jenkins Park	13	Templestowe
Serpells Community Reserve	14	Templestowe
Templestowe Activity Centre	15	Templestowe
Wittons Reserve	16	Wonga Park

Provision by Others	Index	Suburb
Park n Ride facilities - Doncaster Road (PTV/NELP)	17	Doncaster
Park n Ride facilities - Bulleen Road (PTV/NELP)	18	Bulleen
The Pines Shopping Centre bus interchange (PTV/Stockland)	19	Doncaster East
Westfield Doncaster bus interchange (PTV/Westfield)	20	Doncaster

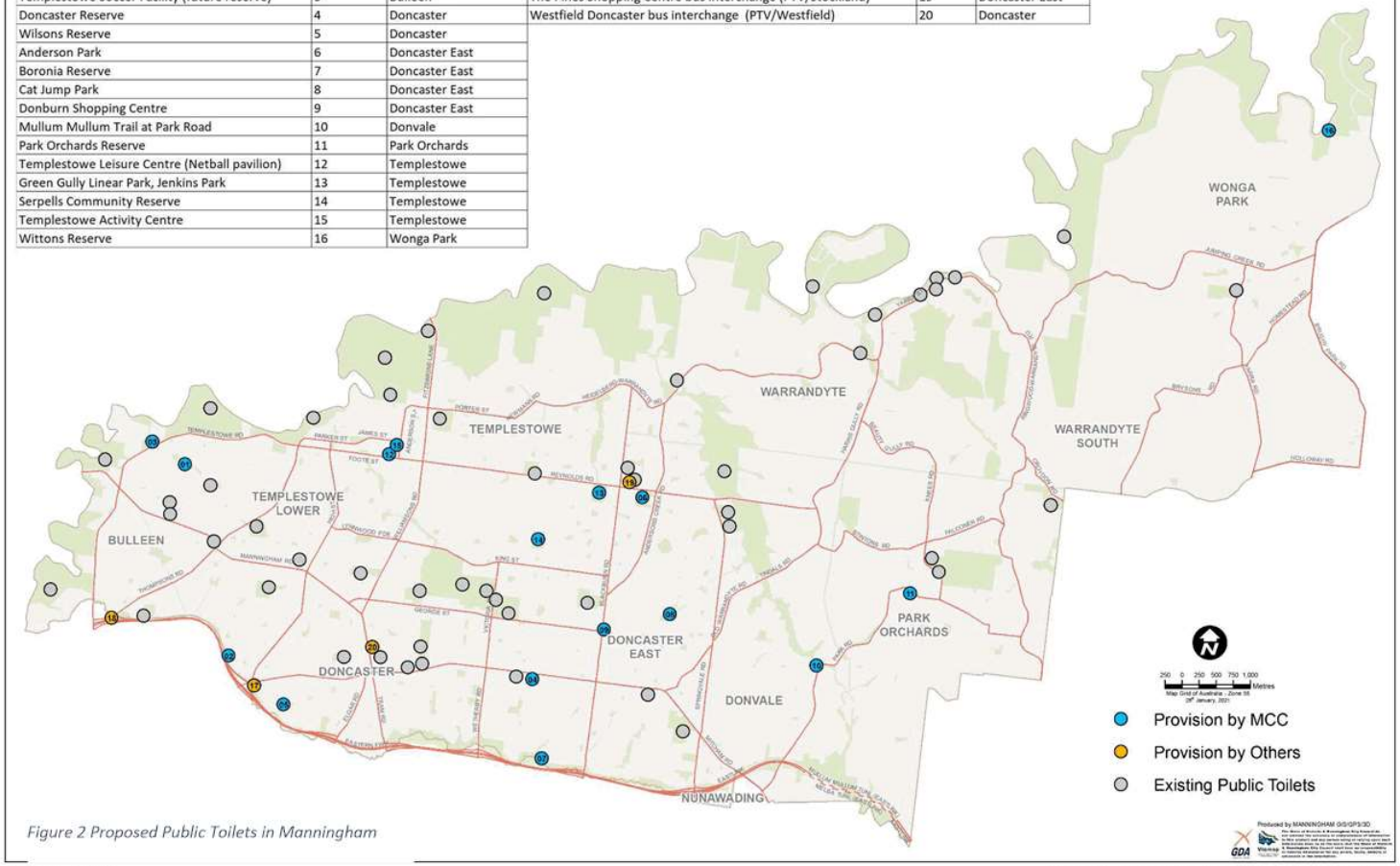

Figure 2 Proposed Public Toilets in Manningham

5 IMPLEMENTATION

5.1 Prioritisation

The action plan and implementation plan have considered the following priorities:

1. Regional Catchment – a site which attracts visitors from across the municipality and beyond. These include stadiums and major attractions such as Ruffey Lake Park and Warrandyte River Reserve.
2. District Catchment – a site which either
   - has facilities or is large enough to attract visitation from across the suburb: reserves which have ovals and pavilions are a typical example, or
   - contains significant environmental values which support the wider ecology and habitat values of Manningham.
   - Recommendation of an adopted Management Plan or Masterplan – larger and more complex reserves may have a management plan which supports their future development and use. These are prepared in consultation with the community and endorsed by Council. If these recommend provision of public toilet facilities this should be implemented.
   - Existing facilities – existing buildings which should also support public toilet facilities to be available when the building is not in use.
   - Building upgrades have typically been prioritised as follows:
     - Safety and/or accessibility issues
     - Standalone buildings with no potential to be upgraded or consolidated as part of a pavilion upgrade.
     - Standalone buildings that could be consolidated to form an independently accessed extension to a nearby building.
     - Facilities which are part of an existing pavilion: upgrade should occur when the pavilion is next upgraded.

5.2 Scheduled works

The following upgrades are already scheduled in the 2020-2024 capital works plan:

- Schramms Cottage Toilets: Demolition of the existing toilets, and replacement as part of a new Visitors' Centre building for Schramms Cottage museum.
- Ruffey Lake Park – Boulevarde toilets: Major upgrade to CPTED standards, to include a space for a future Changing Places facility.
- Ruffey Lake Park – Church Road north: construction of a new toilet facility and decommission of the existing facilities.
- Pettys Reserve - demolition of toilet facilities, to be replaced as part of a new pavilion development.
- Boronia Reserve - new pavilion with external toilet.

6 COST

At the time of writing, costs are estimated as follows:

- New toilet facility (2 cubicles): $150,000
- Upgraded existing toilet facility: $250,000
- Relocated/co-located toilet facility: $150,000

Costs vary significantly according to the site conditions, number of cubicles and the availability of services including electricity, water and sewer.

The cleaning regime for toilets varies according to usage levels. Maintenance (cleaning) costs for additional toilets in reserves is estimated at $3,000-$5,000 per annum, while new toilets at Templestowe Activity Centre would cost some $11,500 per annum. The average cost for cleaning and maintenance for each of Council's Exeloo facilities last financial year was $10,603 each (excl GST).

Other significant costs are associated with paving upgrades to toilet surrounds, and a proposed public art program.

A Business Plan will be prepared following endorsement of the plan, to seek funds for implementation.

10.3 Healthy City and Access and Equity Advisory Committees Options Paper

File Number: IN21/71

Responsible Director: Director City Planning and Community

Attachments: Nil

EXECUTIVE SUMMARY

Two of Manningham Council's advisory structures, the Healthy City Advisory Committee (HCAC) and the Access and Equity Advisory Committee (AEAC) are due to sunset in June 2021.

In addition, a new Disability Advisory Committee (DAC) was endorsed on 23 June 2020. Noted within the Council Report on the DAC was the recommendation to 'explore and report back on alternative models to the current AEAC to ensure other groups, including but not limited to the CALD community, faith groups, women and men in terms of gender equality and the LGBTIQA+ community are well represented at Council'.

Given the imminent commencement of the DAC and the planning underway for the next iteration of Council's Healthy City Strategy (HCS), it is appropriate to review the HCAC and AEAC governance structures to ensure they are fit for purpose and will best serve Council and community interests.

To inform this report and the recommendations, officers conducted benchmarking with other Councils and collated feedback from current committee members and priority groups such as the LGBTIQA+ community on how these committees can be strengthened.

Taking into consideration these elements, three options were developed and are summarised within this report.

Weighing up the findings of the review process, it is officers' recommendation that the development of a new model for these and other committees is postponed until the new Healthy City Strategy is finalised in June 2021.

Given the strategic importance of the next Healthy City Strategy, it is recommended that the existing HCAC be extended by six months until December 2021 to inform the development of the actions arising from the 2021-25 Plan.

In the medium term, our aim is to create a more effective and strategic structure of the specific interest groups feeding into the overarching HCAC as suggested in Option 2 and while that work is being carried out, it is proposed that the AEAC sunset as per that Committee's Terms of Reference.

While the Council Plan and Healthy City Strategy are being finalised, officers shall undertake a holistic review of other Advisory Committees administered by the City Planning and Community directorate and provide advice to Council on the most appropriate structures and purposes for these advisory committees.

1. RECOMMENDATION

That Council:

A. Endorse a six month extension of the current Terms of Reference and membership tenure for the Healthy City Advisory Committee (HCAC);

B. Note that officers will liaise with existing members to confirm their interest and availability to remain on the HCAC until December 2021;

C. Note that the term for the Access and Equity Advisory Committee (AEAC) shall not be extended and that Committee will sunset in June 2021 as per that current AEAC Terms of Reference;

D. Write to members of the Access and Equity Advisory Committee (AEAC) to thank them for their contribution over the term of this Committee; and

E. Note that officers will, following endorsement of the 2021-2025 Healthy City Strategy (HCS), report back to Council on a proposed governance model and its alignment with HCS priority health areas and new Council directions.

2. BACKGROUND

2.1 Two of Manningham Council's advisory bodies, the Healthy City Advisory Committee (HCAC) and the Access and Equity Committee (AEAC) are due to sunset in June 2021.

2.2 In addition, a new Disability Advisory Committee was endorsed on 23 June 2020 and noted within the Council Report was the recommendation to report back on alternative models to the current AEAC.

2.3 Under the *Public Health and Wellbeing Act* (2008) (Act), it is a statutory requirement of Councils to protect, improve and promote public health and wellbeing within the municipal constituency. The Act also requires the Municipal Public Health and Wellbeing Plan "be delivered in partnership with the Department of Health and Human Services and other agencies undertaking public health initiatives, projects and programs."

2.4 As a result of these elements, and with planning underway for the next iteration of the HCS, it is an opportune time to review both committees to consider how they best serve our community and inform Council decision making.

<u>Healthy City Advisory Committee Structure</u>

2.5 In 2017, the HCAC was established to advise on the development, implementation and evaluation of the HCS and action plans.

2.6 The HCAC meet on a quarterly basis and membership is made up of 15 constituents representing Council (one Councillor and relevant officers), state government and not-for-profit organisations as well as two consumer representatives, who over time have ceased their attendance.

2.7 In the last 12 months, members have provided expertise and guidance on a number of Council strategies and plans including the HCS and advice on our approach for Plan Manningham 21+, Macedon Square design and emerging COVID-19 issues.

2.8 In 2018, three collaborative working groups with community, organisational and Council representatives were established to progress health and wellbeing issues identified in the HCS that affect the Manningham community.

2.9 The Youth Resilience, Gender Equity and Community Connectedness Working Groups each developed their own action plans to address priority health issues and updates were provided to the HCAC on an as needs basis.

2.10 Through the working groups a number of activities have been delivered including events to support social connection outcomes and campaigns such as 16 Days of Activism, as well as strengthened partnerships to collectively address public health matters.

2.11 At the time of writing this report, the Gender Equity Working Group remains operational; the Community Connectedness Working Group is on hold as a result of COVID-19; and the Youth Resilience Working Group ceased in 2019.

2.12 Consultation with Advisory Committee members has emphasised the importance of engaging members early in the planning phase, as strategic priorities are being developed. Whilst members and officers acknowledge the value of Working Groups, they can also be resource intensive and influence our ability to deliver.

<u>Access and Equity Advisory Committee Structure</u>

2.13 The purpose of the AEAC is to advise Council to support it in making decisions that consider the interests, values and needs of Manningham's diverse communities as they relate to human rights, access, equity and inclusion.

2.14 Accordingly, representation on the AEAC is described in broader inclusion terms and includes people from culturally and linguistically diverse backgrounds, disability, people who identify as gay, lesbian, bisexual, transgender, intersex and/or queer and, women and men in terms of gender equality.

2.15 The AEAC committee is currently made up of 14 members and there are three vacancies. Whilst some people identified their area of representation as social inclusion of all groups, the majority of interest lies in multicultural issues and this is reflected in meeting discussions and matters raised. The one member who represented LGBTQIA+ from a lived experience, has left the committee.

2.16 In the last 12 months, members have provided feedback on a number of Council strategies and practices including the Healthy City Strategy, Ruffey Lake Masterplan, Council's submission to the State Disability Plan, Welcoming Cities, DAC as well as emerging COVID-19 issues.

<u>Disability Advisory Committee</u>

2.17 On the 23 June 2020, Council resolved to support the establishment of a Disability Advisory Committee (DAC).

2.18 This was in response to the need for authentic representation by people with lived experience of disability as part of Council's inclusive advisory and consultative processes.

2.19 In addition to the DAC, Council also requested officers to explore and report back on alternative models to the current AEAC to ensure other groups, including but not limited to the CALD community, faith groups, women and men in terms of gender equality and the LGBTQIA+ community are well represented at Council.

3. DISCUSSION / ISSUE

3.1 To inform this paper, officers conducted benchmarking with other Councils, as well as sought feedback from members of the HCAC and AEAC on how the committees are performing and can be strengthened. An internal public values workshop was also conducted to inform this paper and the proposed options outlined below.

3.2 In summary, benchmarking against neighbouring councils suggest both models are consistent with other governance structures and that the HCAC is fit for purpose under the Act as we are required to develop and deliver the HCS in partnership with the Department of Health and Human Services and other agencies.

3.3 Through the HCAC research, it was identified that there are a range of different structures in place to oversee public health plans. The other models include:

- One Council does not have a dedicated health and wellbeing committee and is considering future advisory governance structures.
- One Council has an internal advisory committee and four internal working groups with no external representation. Council partners with service providers and neighbouring councils to plan for the Municipal Public Health and Wellbeing Plan and deliver projects.
- Three Councils have advisory committees comprising internal and external stakeholders (including service providers, and in once instance, consumer representatives). There are no formalised working groups to assist implementation of actions and this is resourced internally by each Council.

3.4 Similarly, the benchmarking of 22 councils across Victoria for the AEAC suggests a myriad of ways to structure how community speaks with Council including:

- Four of the 22 councils benchmarked, hosted broad interest 'inclusion' based groups.
- Local government settings that have broad interest groups similar to the AEAC including:
    - City of Moreland which has special interest working groups who have a representative on the Human Rights and Inclusion Committee (broad interests), Multicultural Settlement Services Network and Reconciliation Advisory Committee;
    - City of Casey which utilises an Access and Inclusion Advisory Committee covering broad interest groups;

- City of Hobson's Bay who have a Social Wellbeing and Community Services Portfolio Advisory Committee; and
- City of Warrnambool Health and Wellbeing Advisory Committee - which focuses on disability, LGBTIQA+, multicultural issues, gender equity and Aboriginal inclusion.

- 12 councils hosted a multicultural specific working group, network or advisory structure.
- Seven of these did not appear to have any structure to engage with multicultural communities in an advisory sense.

3.5 Members of both committees acknowledged the strategic and social benefits of multi-disciplinary and intersectional governance structures. However, it was also suggested that broad interest groups alone cannot adequately advocate for the nuanced needs of specific interest groups such as culturally diverse and LGBTIQA+ communities.

3.6 Areas of improvement noted by committee members included:

- the opportunity to utilise member expertise more actively and strategically for Council and community benefit;
- more regular feedback about how their input has been integrated into the development of council policies and plans;
- more time be allowed for detailed feedback to be provided by organisations; and;
- the role of the consumer representative be clarified and strengthened so that they may act as a community connector and conduit between the community and Council.

3.7 It was also identified that there are a diverse range of governance structures within City Planning and Community, and more broadly across Council, that do not currently have a structured mechanism to collaborate. For example, the Reconciliation Action Plan Working Group (RAP WG) and Positive Ageing Alliance Group each contribute towards the successful implementation of the HCS, yet do not currently connect and interact formally with the HCAC. Members of the AEAC also suggested the DAC should 'crossover' and feed into the AEAC and vice versa.

3.8 Taking into consideration the findings of the review process, three options for the Manningham context were developed.

<u>Option 1 – Retain HCAC for a further six (6) months and defer a new advisory committee model until Healthy City Strategy is finalised.</u>

3.9 Postpone the development of a new model for advisory committees until the new Healthy City Strategy 2021 – 2025 and health priorities are finalised in 2021.

3.10 If aligned to the timing of the new HCS, the new governance model and TOR can be designed to deliver on key priorities and new Council directions. This will also support partner organisations and Service Units when giving consideration to priority actions and resourcing requirements.

3.11 Given the strategic importance of the 2021-25 Healthy City Strategy, Council will benefit from extending the existing HCAC for a further six months until December 2021 to inform the development of the actions arising from the 2021-25 Plan.

3.12 It should be noted that Council's Advisory Committee Policy states: "*Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term*."

3.13 On the basis that a quorum is maintained and the membership of the HCAC reflect the respective TOR, existing vacancies can be carried until the new end date, should Council endorse this option.

3.14 Until such time as Council has confirmed its strategic priorities and an overall structure for its advisory committees, it is proposed that the current AEAC sunset in June 2021 as per that Committee's Terms of Reference.

<u>Option 2 –The Healthy City Advisory Committee becomes the 'peak' committee, with several working groups underneath it.</u>

3.15 The HCAC is recognised as the overarching advisory body for relevant committees and working groups, and committee representation is broadened to include a diverse range of disciplines.

3.16 Under this model:

- The strategic alignment of existing committees and working groups (such as the DAC and RAP WG) will be strengthened to achieve optimal health and wellbeing outcomes. For example, member representatives will act as conduits between Council and their respective groups to provide two-way information and seek targeted engagement, and members of these groups will be invited to submit an Expression of Interest for the HCAC.

- The existing HCAC working groups may cease in June 2021 and any new groups would be considered in line with the next iteration of the HCS and resourcing requirements.

- The AEAC in its current structure would cease and could be adapted to become two dedicated networks representing culturally diverse and LGBTIQA+ communities.

3.17 This option provides a systematic and planned approach to the engagement and civic participation of priority groups within Manningham. Further, through broader representation and application of a multi-disciplinary focus, it ensures on our commitment to deliver the HCS in partnership with the DHHS and other agencies undertaking public health initiatives is achieved.

<u>Option 3- Retain HCAC and AEAC with refreshed focus</u>

3.18 The HCAC and the AEAC remain exactly as they are. Officers will seek Council's endorsement of refreshed Committee TOR and approval to conduct an Expressions of Interest process at the April Council meeting.

3.19 The work of both Committees will integrate with the DAC through regular updates and identification of collaborative opportunities.

3.20 The benchmarking findings suggests both models are consistent with other governance structures and that the HCAC fits the purpose for the Act. Further, members of both committees see the benefit of an intersectional approach.

3.21 However, some members also stated broad interest groups alone cannot adequately advocate for the nuanced needs of each interest group and unless the AEAC membership is proactively filled and maintained to represent the diverse aspects of the Manningham community, the AEAC structure no longer meets its TOR, as it is not reflective of the diverse community it was created to represent.

Conclusion

3.22 Weighing up the findings of the review process, the legislative expectations including the role of partners and State Government in the delivery of the HCS, the prevailing attitudes of other municipalities regarding advisory structures, officers' recommendation is to adopt Option 1.

3.23 This six month extension for the HCAC would ensure this committee is in a position to inform the next HCS and new Council directions. It will also enable Council officers and community partners to have consideration of priority actions and resourcing requirements across the new, four-year strategy.

3.24 The extension of the Health City Advisory Committee for a further six months also recognises the valuable contributions made by its members and provides them with certainty around their roles as advisory committee members until a new HCS is endorsed.

3.25 It is recommended that the current Access and Equity Advisory Committee sunsets in June 21 as described in its Terms of Reference. This will enable Council to detail its priorities in the next Council Plan and Healthy City Strategy, and provide an opportunity to revisit its structure for advisory committees.

3.26 In the medium term, the aim is to create a more effective and strategic structure of the specific interest groups and advisory committees.

3.27 An extension of the HCAC until December 2021 will also provide officers with an opportunity to undertake a holistic review of Advisory Committees administered by the City Planning and Community Directorate.

3.28 Following this review, to be completed by July 2021, officers will provide Council with advice on the most appropriate structures and purposes for these advisory committees so as to ensure they provide value to the community and align with the strategic directions contained in the 2021-2025 Council Plan and HCS.

Youth Advisory Committee

3.29 In recognition of the opportunity to strengthen the civic participation of young people, and in line with the *Local Government Act 2020* which emphasises community engagement, Council has requested officers explore and report back on potential youth committee structures for Manningham.

3.30 This research will be conducted separately to the review of the HCAC and AEAC. However, any endorsed model will be integrated into future advisory committee structures to achieve optimal health and wellbeing outcomes as well as consideration to its alignment with the existing Youth Advisory Council.

4. COUNCIL PLAN / STRATEGY

4.1 Council Plan

This action is aligned with the Council Plan theme Healthy Community and Well Governed Council.

4.2 Healthy City Strategy

This action is aligned with the Healthy City Strategy four focus areas: Inclusive and Harmonious, Healthy and Well, Safe and Resilient, and Connected and Vibrant.

5. IMPACTS AND IMPLICATIONS

5.1 Council has the opportunity to reimagine the way it engages with the community and the proposed options outline an informed and considered approach on how Council can establish governance structures that will effectively meet organisational and community needs.

5.2 Formation of the HCAC also meets our obligations the Act which requires the Municipal Public Health and Wellbeing Plan to “be delivered in partnership with the Department of Health and Human Services and other agencies undertaking public health initiatives, projects and programs.”

6. IMPLEMENTATION

6.1 Finance / Resource Implications

6.1.1 Depending on how existing groups are restructured or what new groups are established, resourcing by officers within current parameters will need to be considered.

6.1.2 Options 1 and 3 involve no increase in services and therefore minimal resourcing changes are required to manage the committees.

6.1.3 In contrast, Option 2 will require dedicated resources and the reprioritisation of existing commitments.

6.2 Communication and Engagement

6.2.1 Depending on which option Council chooses, and where relevant, officers will prepare a Communications Plan to support the promotion of this piece of work both internally and to the community.

6.3 Timelines

6.3.1 The current HCAC and AEAC sunset in June 2021.

6.3.2 With regard to Option 1, officers will liaise with existing members to confirm their interest and availability to remain on the HCAC for a further six months until December 2021.

6.3.3 At the completion of the new HCS, officers will report back to Council on a proposed model and its alignment with HCS priority health areas.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

10.4 Disability Advisory Committee Membership Recommendations

File Number: IN21/77

Responsible Director: Director City Planning and Community

Attachments:

1. Disability Advisory Committee Terms of Reference (2020) ⇩
2. Advisory Committee Policy ⇩
3. Draft amended disability Advisory Committee Terms of Reference - Feb 2021 ⇩
4. Attachment 1: Summary of the Disability Advisory Committee applications received (confidential)

EXECUTIVE SUMMARY

The purpose of this report is to consider the nominations and brief Council on the preferred applicants for Council's Disability Advisory Committee (the Committee) for the period 2021 - 2024. The Committee will provide advice to Council on how to understand and respond to the needs of people with disability, build member capacity and support the community to be accessible and inclusive for all Manningham residents.

As per the Disability Advisory Committee Terms of Reference (2020) (Attachment 1) there are ten vacancies for community representatives (80% people with lived experience of disability and 20% carers of people with disability).

In July 2017, Council endorsed an Advisory Committee Policy (Policy) that provides a standardised process for the selection of representatives for advisory committees. This Policy was reviewed and last updated in 2019 (Attachment 2).

Council conducted an Expressions of Interest process in late 2020, and after a four week period, twenty five nominations were received.

In line with the Policy, a Councillor Committee was formed to act as a selection panel. The Councillor Committee comprised Cr Michelle Kleinert (Councillor Representative for the Committee), the Mayor, Cr Andrew Conlon and Cr Deirdre Diamante, and was supported by Council officers.

The selection panel met on two occasions to consider the applications and make recommendations to Council for consideration as community representatives to the Committee. Initially, Council Officers recommended 11 community members (including one support person) as per the Terms of Reference. However, having considered the depth and quality of applications received, the selection panel decided there is broad community value in maximising the knowledge and experience offered by the applicants.

To achieve this benefit and to recognise that Council values inclusivity and diversity of views, it is recommended that the Terms of Reference for the Disability Advisory Committee be amended to enable the appointment of additional members (Attachment 3).

It is recommended that membership of the committee shall include 11 persons with lived experience of disability (up from 8) and 3 persons who are carers for people living with disability and that membership shall formally include one support person.

1. RECOMMENDATION

That Council:

A. Note that, consistent with the Advisory Committee Policy, a Councillor Committee was formed to consider the applicants for the newly established Disability Advisory Committee and made recommendations regarding the preferred applicants to fill the vacant positions on the Committee.

B. Note that, having regards to the quality of applicants and the breadth of experience that the applicants could bring to the committee, that the Terms of Reference to the Disability Advisory Committee are amended to enable appointment of additional members.

C. Having regards to B (above), endorse an amended Terms of Reference to the Disability Advisory Committee (Attachment 3)

D. Consistent with the amended Terms of Reference, endorse the applicants recommended in Table 1 of clause 2.8 of this report as community representatives on the Disability Advisory Committee for a minimum of two, and maximum of three, year term from 2021-2024.

E. Note that, subject to Council's endorsement of the Disability Advisory Committee membership (D, above), officers will write to those unsuccessful applicants to thank them for their nomination and invite them to continue with their interest in supporting inclusive practices in Manningham.

1. BACKGROUND

1.1 On 23 June 2020, Council endorsed the establishment of a new Disability Advisory Committee, and in July 2020, the Terms of Reference (TOR) for the Committee were adopted (Attachment 1).

1.2 The TOR are aligned with Council's Advisory Committee Policy (Attachment 2), which provides a framework for the consistent operation of all of Council's advisory committees.

<u>Membership</u>

1.3 The TOR set out the governance framework for the Committee which states the following:

1.3.1 One Councillor will be appointed annually by Council (Chairperson)

1.3.2 The Committee will comprise up to a maximum of thirteen (13) members including up to 10 community representatives appointed by Council.

1.3.3 Relevant Council officers from Community Programs and other Managers as required, up to three, (3) including the Chair.

<u>Membership Criteria</u>

1.4 In addition to the Committee composition, the following membership criteria would be applied when making appointments to the committee:

1.4.1 Community members will have lived experience of disability, with preferred ratio: 80% people with disability, 20% family or carer of a person/s with disability.

1.4.2 Live, work or study within the municipality or have a connection to the municipality through professional, technical or industry alliances;

1.4.3 Relevant experience in committees and/or demonstrated ability to participate in, and constructively contribute to a group committee or organisation with or without support;

1.4.4 Represent diversity in disability and intersectionality, including: age, gender, sexuality, and cultural backgrounds;

1.4.5 Ability to regularly attend and participate in meetings as scheduled;

1.4.6 A mix of skills and attributes to complement other members of the committee;

1.4.7 Linking continuing tenure to performance and contribution.

1.5 An Expression of Interest (EOI) process commenced in October 2020 and concluded on 3 December.

1.6 The EOI was translated into Auslan, Easy English and our top six community languages to ensure an inclusive reach.

1.7 Nominations to the Committee were promoted in Manningham Matters and the Council website, through the e-newsletter 'Manningham Inclusive', and in writing to relevant local or peak agencies, community organisations and networks.

1.8 The EOI also comprised four ways in which the community could apply. These included:

- An online EOI form;
- Option to record an Auslan video responding to the key questions;
- An Easy English Application From; or
- Support from Council officers to complete the EOI form over the phone.

2. DISCUSSION / ISSUE

2.1 Council received 25 nominations which included a mix of people with lived experience of disability and carers of people with disability. For example:

- 13 nominees are people with lived experience of disability;
- One nominee is to support one person with intellectual disability;
- 10 nominees are people who are carers of people with disability;
- Seven males and 18 females (assumption only – not information gathered);
- There is a mix of cultural backgrounds; and
- There are a number of new nominees not currently engaged in existing Council governance structures.

2.2 As per the Advisory Committee Policy, officers undertook an initial assessment of the applicants to determine whether they comply with the membership criteria and a list of candidates was provided to the Chairperson.

2.3 A Councillor Committee comprising Cr Michelle Kleinert (Councillor Representative for the Committee), the Mayor Cr Andrew Conlon and Cr Deirdre Diamante, along with relevant Council officers, initially met on 22 Dec 2020 to consider the applicants to fill the ten vacant positions for community representatives.

2.4 The selection panel were provided with a comprehensive summary of all nominees, with officers providing advice on whether applicants were either:

- recommended for inclusion as members;
- recommended as 'back up' members (in case the preferred nominees were no longer available);
- not recommended; or
- ineligible.

2.5 The process used to determine the recommended nominee list was closely aligned to the membership criteria in the TOR and included consideration of:

- diversity of lived experience of disability, ensuring an even distribution of members with; mental health issues, sensory disabilities (Deaf/Hard of Hearing and or blind/low vision), physical disabilities, intellectual disability, Autism and ADHD.
- an intersectional approach with consideration of age, gender, sexuality and diverse cultural backgrounds (where information was available).
- a mix of skills and attributes to complement other members of the committee.

Consideration was also given to:

- ensuring where possible there was representation from different Manningham suburbs; and
- the acknowledgement of the many new applicants who had never engaged with Council in an advisory context before.

2.6 The panel noted that all nominations were of a high standard.

2.7 After further consideration, the selection panel determined to meet a second time and at that meeting concluded that, due to the quality of applicants and the value to Council and the community, that membership of the committee should be expanded to be as inclusive as possible and to capture a diverse range of views and experiences.

2.8 The Panel has recommended that proposed membership for the Committee is as shown in Table 1 below:

Recommended applicants with lived experience of disability	Recommended applicants who are carers of people with disability
• Simone Pilens • Carolyn Vimpani • Gary Connor • Asherly Bradac • Francis Chan • Cathy Townsend • Janice O'Connor (support for Cathy Townsend above) • Hayden Heatherington • Trudy Ryall • Christopher Tsiopelakos • Anna Wright • Sophy Galbally	• Aarthi Prakash • Catherine Morris • Nakisa Malakooti

Table 1: Recommended community representatives for the Disability Advisory Committee

2.9 Due to the large number of applications received, several nominees are not recommended and three ineligible: two due to having no connection with Manningham and one due to being a service provider.

2.10 The proposed membership is considered to provide a balance of diversity in disability, connection with different parts of the Manningham municipality, cultural background and gender.

3. COUNCIL PLAN / STRATEGY

3.1 The Disability Advisory Committee will provide advice and perspectives to align to support Council's vision and the relevant goals of the:

Council Plan 2017 – 2021

Goal 1.2 "*A Connected and Inclusive Community*"

Healthy City Strategy 2017 – 2021

Priority 1.1 "*An inclusive, diverse community – A community that values and embraces its diversity*".

3.2 This action relates to Priority Issue 1 within the Manningham Health City Action Plan 2019-2021, which states '*Deliver a range of initiatives that increase the social and economic participation of residents living with a disability' and 'Inclusion and equity at Manningham Council'*.

4. IMPACTS AND IMPLICATIONS

4.1 The Committee and its individual members will serve as advocates for the rights of people with disability, and assist Council to understand and respond to the diverse needs of the Manningham community.

4.2 Through the Committee, Council is increasing the engagement and civic participation of people with disability in Manningham. This aligns with the key tenet of the disability community, “nothing about us without us”, and reinforces the need to develop and implement policies and programs in collaboration.

4.3 In recommending more applicants than the number of vacant positions identified in the 2020 TOR, the selection panel has, as part of this report, recommended to Council that the TOR be amended accordingly. (Attachment 3)

5. IMPLEMENTATION

5.1 Finance / Resource Implications

A council officer from within the Social Planning and Community Development team will develop, support and maintain the Committee with administration support provided.

Ongoing supports are required to ensure members can choose the best method of communication that enables them to carry out their role in full and are able participate in meetings remotely if unable to physically attend.

An increase in the number of members of the DAC is likely to require additional resources and support to ensure that meetings provide all members with the opportunity to contribute equally.

Business cases for programming supports to support the Committee may be developed from time to time in line with the annual Budget Planning Cycle and will be considered by Council as part of the annual process.

5.2 Communication and Engagement

Unsuccessful applicants will be thanked for their nomination and invited to continue their interest in enhancing inclusive practices in Manningham through the many channels for communication and feedback.

5.3 Timelines

Appointed community representatives will be invited to the first scheduled meeting for the Disability Advisory Committee in late March – early April 2021.

6. DECLARATIONS OF CONFLICT OF INTEREST

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

Disability Advisory Committee
Terms of Reference

Short Description:	This Terms of Reference applies to Council's Disability Advisory Committee.
Relevant to:	Councillors, Committee Members and Manningham Council officers
Responsible Officer:	Director City Planning and Community
Approved by Council:	28 July 2020
Review Date:	January 2024
Reference:	IN20/404

MANNINGHAM

1. Purpose	The Manningham Disability Advisory Committee will provide advice to Council on how to understand and respond to the needs of people with disability. By providing advice pertaining to Council policies and practices, the Disability Advisory Committee will strengthen the voice of people with disability, build their capacity, and support the community to be accessible and inclusive for all Manningham residents. The Victorian Disability Act 2006 defines disability as: A sensory, physical or neurological impairment or acquired brain injury or any combination thereof, which is, or is likely to be, permanent; and causes reduced capacity in at least one of the areas of self-care, self-management, mobility or communication; and requires significant ongoing or long term episodic support; and is not related to ageing; or an intellectual disability; or a developmental delay.
2. Roles and Tasks	The role of the Committee is to provide Council with direct access to a group of people who have a diverse understanding of living with a disability in Manningham. In particular the group will: • Build the capacity of Council to understand and respond to the needs of people with disability and their carers by providing an authentic voice of people with lived experience of disability. • Develop the capabilities of Committee members, through an understanding of the environment and processes of local government, so that they can contribute constructively as well as support their employment, education and civic engagement aspirations. • Honour Council's commitment to key Council policies and strategies including the Council Plan and Municipal Public Health and Wellbeing Plan. • Advise on the development and review of key Council strategies, policies and plans. • Assist Council to meet its legislative requirements as it relates to inclusion of people with disability.
3. Chairperson	Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis. • In the event that the Chairperson is absent, the meeting will be chaired by the Chairperson's nominee or representative of Council.
4. Delegated Authority and Decision Making	Advisory committees act in an advisory capacity only and have no delegated authority to make decisions on behalf of Council. Advisory committees provide advice to Council and staff to assist them in their decision making. In accordance with section 76E of the *Local Government Act* 1989, a Councillor must not improperly direct or influence a member of Council staff in the exercise of any power or in any performance of any duty or function.

5. Meeting Procedures	Meetings will be held four times each year. 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 relevant Council delegate. Meetings are closed to the community outside endorsed members and delegates. Guests or subject matter experts may be invited to attend meetings as required. Meetings will: • Commence on time and conclude by the stated completion time; • Be scheduled and confirmed in advance with all relevant papers distributed to each member; • Encourage fair and respectful discussion; • Focus on the relevant issues at hand; and • Provide advice to Council, as far as practicable, on a consensus basis. • Council will ensure that members are supported to choose the best method of communication that enables them to carry out their role in full and are able participate in meetings remotely if unable to physically attend.

6. Committee Management	As per Council's Advisory Committee Policy, Council will provide the necessary support to assist the Committee to function effectively including:
	• Maintaining contact details of members
	• Agendas and meeting papers will be distributed to Committee members one week prior to the meeting.
	• The minutes of a meeting of an Advisory Committee must:
	  ○ contain details of the proceedings and outcomes for action;
	  ○ be clearly expressed;
	  ○ be self-explanatory; and
	  ○ incorporate any relevant reports or a summary of the relevant information considered in forming any recommendations.
	• Draft minutes of the committee meeting will be circulated to members within two weeks of the meeting and be listed on the agenda for the next meeting for endorsement.
	• The supporting officer will ensure timely completion of any actions arising from the meeting and provide an update on the status of any outstanding actions at the next meeting. Circulating other material to committee members as necessary
	• Comments provided by the Committee on Council matters will be considered by the appropriate units of Council and outcomes will be reported back to the Committee in a timely manner.
	• The Committee will have access to Council staff with expertise relevant to the item being advised on by the Committee.
	• Preparation of an Assembly of Councillors record as required under the Local Government Act 1989.
	• At the beginning of each committee term or where there is a change in committee membership, the supporting officer in consultation with the Chairperson will provide a thorough induction program which outlines the various roles and responsibilities of the committee and its members with the new committee or any new members of the committee.
	
	Advisory Committees are required to prepare a report on an annual basis which should directly reflect the Terms of Reference and be in line with their stated objectives. The report may include a self-evaluation of the Committee's operations against the objectives and the performance measures of the committee as set out in the Terms of Reference. The report will be presented to Council for noting under the relevant directorate heading.
	
	Please refer to Council's Advisory Committee Policy for an overview of all requirements.

7. Membership	The Committee will comprise: • One Councillor appointed annually by Council • A maximum of thirteen (13) members including: • Up to 10 community representatives appointed by Council. Community representative membership will be appointed to specific individuals; and; • Relevant Council officers from Community Programs and other Managers as required, up to three, (3) including the Chair. A quorum for an Advisory Committee meeting is 50 percent plus one comprising at least: • One Councillor or delegated representative • Four community representatives • One Council Officer Councillors not formally appointed a committee members may attend committee meetings to observe proceedings. Representatives from peak bodies and service providers will be invited to attend meetings on an as-need basis.
8. Membership Criteria	The following membership criteria will be used in making appointments to the committee: • Community members will have lived experience of disability, with preferred ratio: 80% people with disability, 20% family or carer of a person/s with disability. • Live, work or study within the municipality or have a connection to the municipality through professional, technical or industry alliances. • Relevant experience in committees or demonstrated ability to participate in, and constructively contribute to, a group committee or organisation with or without support. • Represent diversity in disability and intersectionality, including: age, gender, sexuality, cultural backgrounds. • Ability to regularly attend and participate in meetings as scheduled. • A mix of skills and attributes to complement other members of the committee. • Linking continuing tenure to performance and contribution.
9. Nomination Process	The most appropriate mix of membership will be determined by Council. Community representatives are appointed by Council through an expressions of interest and selection process. Expressions of interest will be sought by public notice in the local media and on the Manningham Council's website or by letter to relevant local or peak agencies or community organisations. Nominees shall nominate on the appropriate Council Form within the advertised nomination period. Nominees may be interviewed by Council. Where interviews are required, nominees are given the opportunity to choose the most appropriate form of communication and may participate in interviews remotely should they be unable to physically attend. Appointments will be made by Council and selected based on the criteria above. Membership will be for a three year term for Community Representatives. Members can re-nominate after their term ends in accordance with the nomination process. However, consideration may be given to applicants who express a preference for a two year term.

10. Resignation	A member of the Committee may resign at any time. Notice of resignation is to be provided in writing to the Chairperson and the officer responsible for managing the Committee. If a committee member fails to attend 3 consecutive meetings without prior notice, membership is deemed to have lapsed. 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. Officers, in consultation with the Councillor committee, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to the advisory committee for the remainder of the previous incumbent's term. Where there are no suitable candidates identified, a formal expression of interest and selection process is required. The outcome of a formal expression of interest process will be presented to Council for determination in accordance with the procedures outlined above. Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.
11. Conflicts of Interest	In the event of a conflict of interest arising for any member of the Committee, the member will disclose the interest and clearly state the nature of the interest at the meeting before the matter is considered. Any member who discloses a conflict of interest in a matter, must leave the room while the matter is being discussed. Where a Councillor or officer declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the interest and be recorded in the minutes of the meeting. The Councillor or officer must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter. 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 is likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed. Disclosure must include the nature of the relevant interest or conflict of interest and be recorded in the minutes of the meeting. 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.

12. Code of Conduct	As a minimum, to ensure advisory committees are conducted in a respectful and efficient manner, committee members must: • Act with integrity • Impartially exercise their responsibilities in the interests of the local community • Not improperly seek to confer an advantage or disadvantage on any person, including themselves • Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and Council officers • 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 • Take reasonable care of their own health and safety and that of others • Commit to regular attendance at meetings Committee representatives appointed to advisory committees are expected to abide by the Code of Conduct. Any breach of this Code of Conduct by a community representative may result in termination of membership. Councillors are bound by the Councillor Code of Conduct. Council officers are bound by the Employee Code of Conduct.
13. Media	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.
14. Confidential Information	Committee members must not disclose information that they know, or should reasonably have known is confidential information. 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. Committee members should be mindful of their obligations under the *Privacy and Data Protection Act 2014* regarding the use and disclosure of information1989.
15. Review	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. These terms of reference may be revoked at any time by Council.
16. Sunset Clause	The Disability Advisory Committee will sunset four years from the date of adoption.

Advisory Committee Policy

POLICY NO:	**POL/518**
VERSION:	Version 2
SHORT DESCRIPTION:	This policy applies to the formation, ongoing management and review of Council endorsed advisory committees on which there is Councillor representation.
RELEVANT TO:	Councillors, committee members and Manningham Council officers.
RESPONSIBLE OFFICER:	Senior Governance Advisor
RESPONSIBLE OFFICE:	Governance
APPROVED BY:	Council – 22 October 2019
DATE PUBLISHED:	22 October 2019
NEXT SCHEDULED REVIEW DATE:	31 October 2023
RELATED DOCUMENTS:	*Charter of Human Rights and Responsibilities Act 2006* Conflict of Interest Form Conflict of Interest Guidelines – Department of Planning & Community Development Councillor Appointments to Committees Councillor Code of Conduct Employee Code of Conduct *Equal Opportunity Act 2010* *Local Government Act 1989* Manningham City Council Media Policy *Privacy and Data Protection Act 2014* Record of Assembly of Councillors Form Terms of Reference Template

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1. PURPOSE

This policy has been developed to provide a consistent approach to the establishment, ongoing management and review of Council endorsed advisory committees on which there is Councillor representation.

2. ADVISORY COMMITTEE FRAMEWORK

Advisory committees are an important tool for engaging the community in Council decision making. Participation by interested parties and affected stakeholders assists Council in making decisions that incorporate the interests and concerns of the community.

The Terms of Reference for an advisory committee provide a framework within which it operates. The following sections prescribe the foundations for the establishment, ongoing operation and management of Council endorsed advisory committees.

2.1 Terms of Reference

2.1.1 Terms of Reference (ToR) for advisory committees must be presented to Council for consideration and endorsement at the inception of the committee.

2.1.2 The ToR must include: a clear statement of purpose, clearly defined objectives supported by measurable outcomes and a Code of Conduct in accordance with section 2.8 of this policy.

2.1.3 The ToR of an advisory committee is to be reviewed by Council at least once in any Council term.

2.1.4 Any proposed changes to the ToR resulting from any review must be presented to Council for formal endorsement.

2.1.5 Copies of the current ToR for any advisory committee are to be made available on the intranet and Manningham Council's website.

2.2 Membership, Period of Membership and Method of Appointment

2.2.1 The most appropriate mix of membership will be determined by Council.

2.2.2 The advisory committee may comprise –

- **Councillor(s)** – appointed annually by Council
  - The Mayor is, by virtue of the Office, ex officio a member of any committees which may be established by Council from time to time. It is important that whilst the Mayor may not chair these meetings, appropriate recognition should be given to the presence of the Mayor if in attendance.
  - Councillors not formally appointed as committee members may attend committee meetings to observe proceedings.

- **Community representative(s)** – appointed by Council through an expression of interest and selection process.
  - Expressions of interest will be sought by public notice in the local media and on Manningham Council's website or by letter to relevant local or peak agencies or community organisations.
  - Every effort should be made to ensure a representative cross section of people from the municipality are elected to serve on the committee.
  - Appointments to advisory committees will be based on the membership criteria outlined in its ToR.
  - Membership criteria should consider:
    - the appropriate mix of competencies required to fulfil roles on the committee;
    - diversity in terms of gender, age and culture; and
    - linking continuing tenure to performance and contribution.
  - Officers will undertake an initial assessment of the applicants to determine whether they comply with the membership criteria and provide a long list of candidates to the Chairperson. The recruitment process should consider the implementation of staggered membership appointments to ensure a membership that preserves the balance between old and new.
  - A Councillor committee supported by an officer and comprising the Mayor, committee Chairperson and one other Councillor will rank the applicants and make a recommendation regarding the preferred applicants which will be noted in the officer's report.
  - Council is not bound by the recommendation of the Councillor committee in appointing community representatives.
  - Community representatives are to be appointed for a period of three (3) years and for a maximum of three terms (9 years).
  - Community representative(s) appointed on behalf of an agency/organisation may be replaced or substituted at any time at the agency/organisation's discretion by notifying the chairperson and responsible officer in writing. Due consideration should be given to ensuring the appointee has the appropriate mix of competencies to undertake the role and refreshing membership on a regular basis.
  - 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.
  - Officers, in consultation with the Councillor committee, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to the advisory committee for the remainder of the previous incumbent's term.

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- Where there are no suitable candidates identified, a formal expression of interest and selection process is required. The outcome of a formal expression of interest process will be presented to Council for determination in accordance with the procedures outlined above.
- Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.

2.2.3 A member of an advisory committee may resign at any time.

2.2.4 Notice of resignation is to be provided in writing to the Chairperson and the officer responsible for managing the advisory committee.

2.2.5 If a committee member fails to attend 3 consecutive meetings without prior notice, membership is deemed to have lapsed.

2.3 Chairperson

2.3.1 The Chairperson plays a key leadership role in managing meetings. Meetings will be chaired to promote respectful discussion of the issues with the aim to arrive at a consensus view point that fairly reflects the sense and will of the meeting.

2.3.2 The Chairperson will be supported in their role by the relevant officer who will brief the Chairperson prior to the meeting to ensure its efficient and effective conduct.

2.3.3 The position of Chairperson shall be reviewed annually when Council appoints Councillors to advisory committees.

2.3.4 In the event that the Chairperson is absent, the meeting will be chaired by the Chairperson's nominee or representative of Council.

2.4 Delegated Authority and Decision making

2.4.1 Advisory committees act in an advisory capacity only and have no delegated authority to make decisions on behalf of Council.

2.4.2 Advisory committees provide advice to Council and staff to assist them in their decision making.

2.4.3 In accordance with section 76E of the *Local Government Act 1989*, a Councillor must not improperly direct or influence a member of Council staff in the exercise of any power or in the performance of any duty or function.

2.5 Meeting Procedures

2.5.1 Meetings are to be held at a time, place and frequency determined by the advisory committee.

2.5.2 Advisory committees meetings are closed to the community outside endorsed members and delegates. Guests or subject matter experts may be invited to attend meetings as required.

2.5.3 Meetings will:

- commence on time and conclude by the stated completion time;
- be scheduled and confirmed in advance with all relevant papers distributed to each member;
- encourage fair and respectful discussion;
- focus on the relevant issues at hand; and
- provide advice to Council, as far as practicable, on a consensus basis.

2.6 Committee Management

2.6.1 Agendas and minutes must be prepared for each meeting of an advisory committee by the supporting officer in consultation with the Chairperson.

2.6.2 The agenda will be supported by accurate and timely information to inform discussion of the issues.

2.6.3 The agenda must be provided to members of the committee not less than 7 days before the time fixed for the holding of the meeting.

2.6.4 The Chairperson must arrange for minutes of each meeting of the committee to be kept in consultation with the supporting officer.

2.6.5 The minutes of a meeting of an Advisory Committee must:

- contain details of the proceedings and outcomes for action;
- be clearly expressed;
- be self-explanatory; and
- incorporate any relevant reports or a summary of the relevant information considered in forming any recommendations.

2.6.6 Draft minutes of the committee meeting will be circulated to members within two weeks of the meeting and be listed on the agenda for the next meeting for endorsement.

2.6.7 The supporting officer will ensure timely completion of any actions arising from the meeting and provide an update on the status of any outstanding actions at the next meeting.

2.6.8 From time to time, the Committee may raise matters of strategic significance relevant to the Terms of Reference for the Committee. Such matters will be referred to the relevant Executive Management Team (EMT) member for consideration to determine an appropriate course of action.

2.6.9 The supporting officer will, in consultation with the Chairperson, prepare a briefing memorandum of the Committee's discussion and request to refer the matter, for the benefit of the EMT member.

2.6.10 The relevant EMT member may exercise their discretion as to how to respond to the Committee's request. This may include:

- responding to the Committee in writing (to be included on the agenda of the next meeting), outlining:
  - steps being taken to implement the matter (or part of the relevant matter); or

- reasons why the matter is not supported;
- where appropriate, referring the matter to a Strategic Briefing Session for discussion by Councillors.

2.6.11 The relevant EMT member or their delegate may be invited or choose to attend the next Committee meeting to discuss their response to the matter.

2.6.12 Agendas and minutes are to be made available on the Councillor Hub.

2.6.13 The Council may determine through the ToR whether minutes are to be made available to the public. As a general rule, advisory committees are encouraged to provide this information to the public, with the exception of reports and attachments that are confidential in nature.

2.6.14 Where it is determined that minutes will be made available to the public, a copy should be placed on Manningham Council's website following endorsement by the advisory committee.

2.6.15 Administrative support and advice will be provided by the directorate whose functions are most aligned to the committee's objectives.

2.6.16 At the beginning of each committee term or where there is a change in committee membership, the supporting officer in consultation with the Chairperson will provide a thorough induction program which outlines the various roles and responsibilities of the committee and its members with the new committee or any new members of the committee.

2.6.17 Advisory Committees are required to prepare a report on an annual basis which should directly reflect the Terms of Reference and be in line with their stated objectives. The report may include a self-evaluation of the Committee's operations against the objectives and the performance measures of the committee as set out in the Terms of Reference. The report will be presented to Council for noting under the relevant directorate heading. The committee's Terms of Reference may stipulate more frequent reporting.

2.7 Confidential Information

2.7.1 Committee members must not disclose information that they know, or should reasonably have known is confidential information.

2.7.2 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 Manningham Council.

2.7.3 Committee members should be mindful of their obligations under the Privacy and Data Protection Act 2014 regarding the use and disclosure of information.

2.8 Code of Conduct

2.8.1 Advisory committee Terms of Reference will include a Code of Conduct for community representatives.

2.8.2 As a minimum, to ensure advisory committees are conducted in a respectful and efficient manner, committee members must:

- act with integrity;

- impartially exercise his or her responsibilities in the interests of the local community;
- not improperly seek to confer an advantage or disadvantage on any person, including themselves;
- treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and officers;
- commit to providing a safe, inclusive and productive environment free from discrimination, harassment and bullying by not engaging in behavior that is intimidating or that may constitute discrimination, harassment or bullying;
- take reasonable care of his or her own health and safety and that of others; and
- commit to regular attendance at meetings.

2.8.3 Community representatives appointed to advisory committees are expected to abide by this Code of Conduct.

2.8.4 Any breach of this Code of Conduct by a community representative may result in termination of membership.

2.8.5 Councillors are bound by the Councillor Code of Conduct.

2.8.6 Officers are bound by the Employee Code of Conduct.

2.9 Conflicts of Interest

2.9.1 Meetings of an Advisory Committee may form an Assembly of Councillors. When this occurs, Councillors and officers are required to comply with the conflict of interest provisions as set down in the Local Government Act 1989.

2.9.2 Where a Councillor or officer declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting.

2.9.3 Disclosure must include the nature of the interest and be recorded in the minutes of the meeting. The Councillor or officer must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter.

2.9.4 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 is likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed.

2.9.5 Disclosure must include the nature of the relevant interest or conflict of interest and be recorded in the minutes of the meeting. 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.

2.10 Assembly of Councillors

2.10.1 Where a meeting is identified as an Assembly of Councillors, officers must complete a Record of Assembly of Councillors form.

2.10.2 Where a Conflict of Interest is identified by a Councillor or officer at an Assembly of Councillors, the relevant Conflict of Interest form must be completed.

2.10.3 Forms must be forwarded to the Senior Governance Advisor within 5 working days of the meeting. This information will be included on the Agenda for the next available Council Meeting and published in the minutes.

2.11 Media

2.11.1 Contact with the media by committee members will be conducted in accordance with the Manningham City Council Media Policy.

2.11.2 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.

2.12 Sunset Clause

2.12.1 Advisory committees have a sunset clause of four years.

2.12.2 Council may, by exception, establish an advisory committee for a period of less than four years.

2.12.3 If an advisory committee has a relevant function at the end of the standard four year term, a report must be presented to Council prior to that period ending that includes a review of the committee's Terms of Reference and seeking endorsement from Council to continue to act in an advisory capacity for a further period.

2.13 Administrative Updates

2.13.1 From time to time, circumstances may change leading to the need for minor administrative changes to this policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples of minor administrative changes include changes to names of Manningham Council departments or a minor amendment to legislation that does not have material impact. Where any change or update may materially change the intent of this policy, it must be considered by Council.

1. DEFINITIONS

Advisory Committee	The *Local Government Act 1989* defines an advisory committee as: Any committee established by the Council, other than a special committee, that provides advice to – (a) the Council; or (b) a special committee; or (c) a member of Council staff who has been delegated a power, duty or function of the Council under section 98. The main function of an Advisory Committee is to enable stakeholder engagement that provides input and guidance to support quality decision making and in turn, the achievements of Council's goals and objectives under the Council Plan. Advisory Committees facilitate access to independent advice from external stakeholders and collaboration with the community on a range of matters. Advisory committees generally have a lifespan beyond one year and are aligned with a Council plan or strategy. Committees established under the *Local Government Act 1989*, such as the Audit Committee, will operate generally in accordance with the Act and any Ministerial guidelines.
Assembly of Councillors	The *Local Government Act 1989* defines an Assembly of Councillors as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers matters that are intended or likely to be – (a) the subject of a decision of the Council; or (b) 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.
Council	means Councillors participating in decision making at a formally constituted Council meeting
Councillor	means a Councillor of Manningham City Council
Officer/Manningham Council Officer	means an employee of Manningham City Council

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Disability Advisory Committee
Terms of Reference

Short Description:	This Terms of Reference applies to Council's Disability Advisory Committee.
Relevant to:	Councillors, Committee Members and Manningham Council officers
Responsible Officer:	Director City Planning and Community
Approved by Council:	24 February 2021
Review Date:	January 2024
Reference:	

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1. Purpose	The Manningham Disability Advisory Committee will provide advice to Council on how to understand and respond to the needs of people with disability. By providing advice pertaining to Council policies and practices, the Disability Advisory Committee will strengthen the voice of people with disability, build their capacity, and support the community to be accessible and inclusive for all Manningham residents. The Victorian Disability Act 2006 defines disability as: A sensory, physical or neurological impairment or acquired brain injury or any combination thereof, which is, or is likely to be, permanent; and causes reduced capacity in at least one of the areas of self-care, self-management, mobility or communication; and requires significant ongoing or long term episodic support; and is not related to ageing; or an intellectual disability; or a developmental delay.
2. Roles and Tasks	The role of the Committee is to provide Council with direct access to a group of people who have a diverse understanding of living with a disability in Manningham. In particular the group will: • Build the capacity of Council to understand and respond to the needs of people with disability and their carers by providing an authentic voice of people with lived experience of disability. • Develop the capabilities of Committee members, through an understanding of the environment and processes of local government, so that they can contribute constructively as well as support their employment, education and civic engagement aspirations. • Honour Council's commitment to key Council policies and strategies including the Council Plan and Municipal Public Health and Wellbeing Plan. • Advise on the development and review of key Council strategies, policies and plans. • Assist Council to meet its legislative requirements as it relates to inclusion of people with disability.
3. Chairperson	Meetings will be chaired by a Manningham Councillor, nominated by Council on an annual basis. • In the event that the Chairperson is absent, the meeting will be chaired by the Chairperson's nominee or representative of Council.
4. Delegated Authority and Decision Making	Advisory committees act in an advisory capacity only and have no delegated authority to make decisions on behalf of Council. Advisory committees provide advice to Council and staff to assist them in their decision making. In accordance with section 76E of the *Local Government Act* 1989, a Councillor must not improperly direct or influence a member of Council staff in the exercise of any power or in any performance of any duty or function.

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5. Meeting Procedures	Meetings will be held four times each year. 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 relevant Council delegate. Meetings are closed to the community outside endorsed members and delegates. Guests or subject matter experts may be invited to attend meetings as required. Meetings will: • Commence on time and conclude by the stated completion time; • Be scheduled and confirmed in advance with all relevant papers distributed to each member; • Encourage fair and respectful discussion; • Focus on the relevant issues at hand; and • Provide advice to Council, as far as practicable, on a consensus basis. • Council will ensure that members are supported to choose the best method of communication that enables them to carry out their role in full and are able participate in meetings remotely if unable to physically attend.

6. Committee Management	As per Council's Advisory Committee Policy, Council will provide the necessary support to assist the Committee to function effectively including:
	• Maintaining contact details of members
	• Agendas and meeting papers will be distributed to Committee members one week prior to the meeting.
	• The minutes of a meeting of an Advisory Committee must:
	  ○ contain details of the proceedings and outcomes for action;
	  ○ be clearly expressed;
	  ○ be self-explanatory; and
	  ○ incorporate any relevant reports or a summary of the relevant information considered in forming any recommendations.
	• Draft minutes of the committee meeting will be circulated to members within two weeks of the meeting and be listed on the agenda for the next meeting for endorsement.
	• The supporting officer will ensure timely completion of any actions arising from the meeting and provide an update on the status of any outstanding actions at the next meeting. Circulating other material to committee members as necessary
	• Comments provided by the Committee on Council matters will be considered by the appropriate units of Council and outcomes will be reported back to the Committee in a timely manner.
	• The Committee will have access to Council staff with expertise relevant to the item being advised on by the Committee.
	• Preparation of an Assembly of Councillors record as required under the Local Government Act 1989.
	• At the beginning of each committee term or where there is a change in committee membership, the supporting officer in consultation with the Chairperson will provide a thorough induction program which outlines the various roles and responsibilities of the committee and its members with the new committee or any new members of the committee.
	
	Advisory Committees are required to prepare a report on an annual basis which should directly reflect the Terms of Reference and be in line with their stated objectives. The report may include a self-evaluation of the Committee's operations against the objectives and the performance measures of the committee as set out in the Terms of Reference. The report will be presented to Council for noting under the relevant directorate heading.
	
	Please refer to Council's Advisory Committee Policy for an overview of all requirements.

7. Membership	The Committee will comprise: • One Councillor appointed annually by Council • A maximum of 18 members including: • Up to 15 community representatives appointed by Council. Community representative membership will be appointed to specific individuals; and; • Relevant Council officers from Community Programs and other Managers as required, up to three, (3) including the Chair. A quorum for an Advisory Committee meeting is 50 percent plus one comprising at least: • One Councillor or delegated representative • Four community representatives • One Council Officer Councillors not formally appointed a committee members may attend committee meetings to observe proceedings. Representatives from peak bodies and service providers will be invited to attend meetings on an as-need basis. Where a community representative is appointed to the panel and nominates a support person, that support person will be formally recognised as a member of the Committee and shall be included in the 15 community representatives.
8. Membership Criteria	The following membership criteria will be used in making appointments to the committee: • Community members will have lived experience of disability, with preferred ratio: 75% people with disability, 25% family or carer of a person/s with disability. • Live, work or study within the municipality or have a connection to the municipality through professional, technical or industry alliances. • Relevant experience in committees or demonstrated ability to participate in, and constructively contribute to, a group committee or organisation with or without support. • Represent diversity in disability and intersectionality, including: age, gender, sexuality, cultural backgrounds. • Ability to regularly attend and participate in meetings as scheduled. • A mix of skills and attributes to complement other members of the committee. • Linking continuing tenure to performance and contribution.
9. Nomination Process	The most appropriate mix of membership will be determined by Council. Community representatives are appointed by Council through an expressions of interest and selection process. Expressions of interest will be sought by public notice in the local media and on the Manningham Council's website or by letter to relevant local or peak agencies or community organisations. Nominees shall nominate on the appropriate Council Form within the advertised nomination period. Nominees may be interviewed by Council. Where interviews are required, nominees are given the opportunity to choose the most appropriate form of communication and may participate in interviews remotely should they be unable to physically attend. Appointments will be made by Council and selected based on the criteria above. Membership will be for a three year term for Community Representatives. Members can re-nominate after their term ends in accordance with the nomination process. However, consideration may be given to applicants who express a preference for a two year term.

10. Resignation	A member of the Committee may resign at any time. Notice of resignation is to be provided in writing to the Chairperson and the officer responsible for managing the Committee. If a committee member fails to attend 3 consecutive meetings without prior notice, membership is deemed to have lapsed. 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. Officers, in consultation with the Councillor committee, will make a recommendation to the Chief Executive Officer to appoint a suitable candidate to the advisory committee for the remainder of the previous incumbent's term. Where there are no suitable candidates identified, a formal expression of interest and selection process is required. The outcome of a formal expression of interest process will be presented to Council for determination in accordance with the procedures outlined above. Where a vacancy occurs within 6 months of the current membership expiring and providing that a quorum is maintained, there is no requirement to fill the vacancy for the remainder of the term.
11. Conflicts of Interest	In the event of a conflict of interest arising for any member of the Committee, the member will disclose the interest and clearly state the nature of the interest at the meeting before the matter is considered. Any member who discloses a conflict of interest in a matter, must leave the room while the matter is being discussed. Where a Councillor or officer declares a conflict of interest in relation to a matter in which the committee is concerned, they must disclose the interest to the committee before the matter is considered or discussed at the meeting. Disclosure must include the nature of the interest and be recorded in the minutes of the meeting. The Councillor or officer must leave the room while the matter is being considered and may return only after consideration of the matter and all votes on the matter. 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 is likely to be considered or discussed, the community member must disclose the matter to the group before the matter is considered or discussed. Disclosure must include the nature of the relevant interest or conflict of interest and be recorded in the minutes of the meeting. 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.

12. Code of Conduct	As a minimum, to ensure advisory committees are conducted in a respectful and efficient manner, committee members must: • Act with integrity • Impartially exercise their responsibilities in the interests of the local community • Not improperly seek to confer an advantage or disadvantage on any person, including themselves • Treat all persons with respect and have due regard to the opinions, beliefs, rights and responsibilities of Councillors, committee members and Council officers • 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 • Take reasonable care of their own health and safety and that of others • Commit to regular attendance at meetings Committee representatives appointed to advisory committees are expected to abide by the Code of Conduct. Any breach of this Code of Conduct by a community representative may result in termination of membership. Councillors are bound by the Councillor Code of Conduct. Council officers are bound by the Employee Code of Conduct.
13. Media	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.
14. Confidential Information	Committee members must not disclose information that they know, or should reasonably have known is confidential information. 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. Committee members should be mindful of their obligations under the *Privacy and Data Protection Act 2014* regarding the use and disclosure of information1989.
15. Review	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. These terms of reference may be revoked at any time by Council.
16. Sunset Clause	The Disability Advisory Committee will sunset four years from the date of adoption.

11 CITY SERVICES

11.1 Reformed Municipal Emergency Management Planning Committee

File Number: IN21/78

Responsible Director: Director City Services

Attachments:

1. Manningham Council and MEMPC Reform Status Report V1 ⇩
2. EMV Letter to Incoming MEMPC Chairs ⇩
3. Fact Sheet #3 EMPR Municipal Level Planning March 2020 ⇩
4. Manningham MEMPC Revised Terms of Reference For Approval by MEMPC ⇩

EXECUTIVE SUMMARY

The purpose of this report is for Council to note and support that the Emergency Management Legislation Amendment Act 2018 (EMLA ACT) transfers the responsibility for municipal emergency management planning from the council, to the reformed, multi-agency Municipal Emergency Management Planning Committee (MEMPC).

In a letter to the CEO, Andrew Day, from Emergency Management Commissioner, Andrew Crisp, on 5 October 2020, it was advised that "In line with section 59(1) of the Local Government Act 2020, CEOs are able to acquit this responsibility [to establish a MEMPC] through a council resolution; that ensures a MEMPC is established in accordance with the legislation, including recognising that the MEMPC promotes shared responsibility for planning by requiring relevant agencies to participate in the planning process, and that the MEMPC reports directly to the Regional Emergency Management Planning Committee, not to council.

1. RECOMMENDATION

That Council:

A. Authorises the disestablishment of the existing Municipal Emergency Management Planning Committee (MEMPC) established under s21(3)-(5) of the Emergency Management Act 1986, in recognition that on 1 December 2020 these provisions were repealed by s82(2) of the *Emergency Management Legislation Amendment Act* 2018 and replaced by the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018;*

B. Authorises the CEO to facilitate the establishment of the MEMPC in accordance with the provisions of s68 of the *Emergency Management Legislation Amendment Act 2018*;

C. Notes that, under the Emergency Management Legislation Amendment Act 2018 (which inserts s59 and 59F into the Emergency Management Act 2013 on 1 December 2020), Council's role is to establish the committee. Once established, the committee exists separately to Council and is not a committee of Council;

D. Notes that the MEMPC now reports to and is accountable to the Eastern Metropolitan, Regional Emergency Management Planning Committee and not to municipal Council;

E. Confirms that it is aware that responsibility for municipal level planning is to transfer to the MEMPC; and

F. Following the Council resolution, the Director City Services (as nominated Chair of MEMPC) establish the reformed MEMPC committee on Friday 12 February 2021.

2. BACKGROUND

2.1 The State of Victoria has experienced a number of natural disasters and emergencies over recent years. This has seen the state to carry out a number of reports, inquiries and Royal Commissions to identify lessons learnt. The 2009 Victorian Bushfire Royal Commission was clear – sector change was essential.

2.2 Although significant gains were being made in the fire services, Victorians continued to feel the impact of other extreme weather events such as flood, storms and heat. Victoria's arrangements were further transformed following the recommendations of the 2010-11 Review of Flood Warnings and Response, leading to better coordination of an all hazards and emergencies approach, not just a focus on fires.

2.3 The White Paper on Victorian Emergency Management Reform in 2012 continued to drive transformation of the system, underpinned by the principle of resilience - that the capacity of a community to respond to, recover from, rebuild and revitalise from emergencies is more important than the cause of it. A White Paper, produced in December 2012, concluded the need for reform the Emergency Management Sector.

2.4 Victoria's framework for emergency management has not been comprehensively amended since the 1983 Ash Wednesday bushfire event. There have been a number changes in the community since then, including demographics and technology, it is timely that the state lead the changes to this framework in order to improve protections for Victorians.

2.5 Governments and agencies must work together more cooperatively to enable flexible and networked responses that better support the community and place greater emphasis on mitigating hazards and building community resilience.

2.6 Until 1 December 2020, Victoria's emergency management arrangements were set out in the Emergency Management Act 1986 and Emergency Management Act 2013, supported by the Emergency Management Manual Victoria (EMMV). These documents set out the all-hazards all-agencies approach that underpins current arrangements

2.7 The 1st December 2020 marked an important milestone for Victoria's new integrated, comprehensive and coordinated emergency management planning framework. All parts of the *Emergency Management Legislation Amendment Act 2018* (EMLA Act) are now in effect, completing the transition to a new way of planning in Victoria.

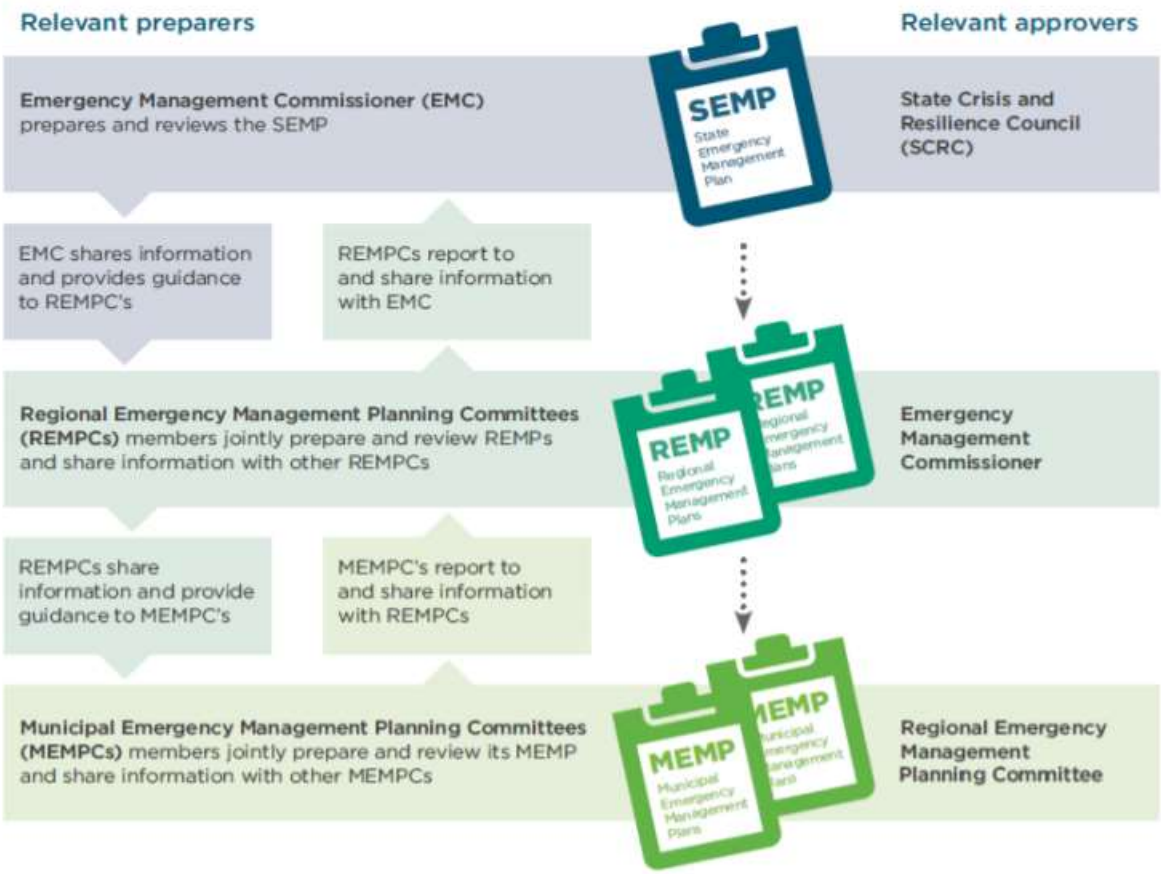
3. DISCUSSION / ISSUE

3.1 Overview of Changes to Victorian Emergency Management Legislation

3.1.1 Emergency management in Victoria is underpinned by legislation, structures and plans which are established to bring together the endeavours of government, voluntary and private organisations and communities. A comprehensive approach is used, which includes management arrangements for prevention (mitigation), response and recovery. These arrangements deal with emergencies of all sizes, from small to very large. In particular, they deal with emergencies where more than one organisation is involved.

3.1.2 Previously, the Emergency Management Manual Victoria (EMMV), in particular Part 3, the State Emergency Response Plan and Part 4, the State Emergency Relief and Recovery Plan, set out these arrangements in detail. From 1 December 2020, all EMMV chapters and appendices have been discontinued as they are now superseded by the planning reforms in the Emergency Management Legislation Amendment Act 2018.

3.1.3 1 December 2020 marked an important milestone for Victoria's new integrated, comprehensive and coordinated emergency management planning framework. All parts of the *Emergency Management Legislation Amendment Act 2018* (EMLA Act) are now in effect, completing the transition to a new way of planning in Victoria.



3.2 Municipal Emergency Management Planning Reform

3.2.1 The EMLA Act outlines a consistent approach for MEMPCs across the state. From 1 December 2020, the legislation transfers the responsibility for municipal emergency management planning from the council to the reformed, multi-agency MEMPC – the peak emergency management planning body in the municipal district. This shift of responsibility highlights the intent of the reform, which supports emergency management planning as an integrated, multi-agency and collaborative effort.
Attachment 3 - Fact Sheet #3 Emergency Management Planning Reform (EMPR) Municipal Level Planning March 2020, is a document developed by Emergency Management Victoria (EMV) that details changes for Councils, MEMPCs and associated timings.

3.2.2 On 1 December, section 82 of EMLA Act was repealed as the legislative backing for the existing MEMPCs in s21(3)-(4) of the EM Act 1986, and inserts sections 59 and 59F into the Emergency Management Act 2013 under which the council is required to establish a new MEMPC with more specific membership and functions.

3.2.3 In a letter to CEO Andrew Day, on 5 October 2020, it was advised that "In line with section 59(1) of the Local Government Act 2020, CEOs are able to acquit this responsibility [to establish a MEMPC] through a council resolution that ensures a MEMPC is established in accordance with the legislation, including recognising that the MEMPC promotes shared responsibility for planning by requiring relevant agencies to participate in the planning process, and that the MEMPC reports directly to the Regional Emergency Management Planning Committee, not to council.

3.2.4 There are a number of administrative changes within documentation and discussion that have and will take place. These changes were initially discussed in two out of session MEMPC committees, with the core legislated membership as outlined in the EMLA Act 2018. These meetings took place on:

- 13 August 2020 at 3:00pm
- 5 October 2020 at 2:00pm

3.2.5 It is expected that that full compliance with the reformed emergency management legislation will be achieved by 30 April 2021. Update on progress Manningham's compliance will be provided to the chair of Regional Emergency Management Planning Committee (REMPC).

3.2.6 The latest version of the Manningham MEMPC transition to reform status report can be found in Attachment 1. This is to be issued upon request to the REMPC. The status of all actions within the report are expected to be complete by 30 April 2021.

4. COUNCIL PLAN / STRATEGY

4.1 Aspiring towards "a resilient community where people feel safe" falls within the Healthy City strategy 2017-21 under the Manningham Council Plan 2017/21.

- Theme 1 – Healthy Community and Goal 1.1- A Healthy, Resilient and Safe Community.

5. IMPACTS AND IMPLICATIONS

5.1 Transition Details for Manningham MEMPC

5.1.1 The Manningham Council Emergency Management Team (EM Team) have led, and will continue to lead the transition of Manningham's Municipal Emergency Management Planning Reform. The EM Team continue to engage with municipal, regional and state partners on the transition to achieve full compliance with EMLA Act 2018 by 30 April 2021.

5.1.2 Manningham MEMPC held its last MEMPC under the s21 (3)-(4) of the EM Act 1986 on Friday 6 November 2020.

5.1.3 The newly reformed MEMPC will be held on Friday 12th February 2021.

5.2 New Chair of Manningham MEMPC

5.2.1 Section 59B of the EM Act 2013 details that either the CEO, or a member of the municipal council staff nominated by the CEO, is to be the chairperson of the MEMPC. Under s59B, the designated municipal council's staff member on the MEMPC will always be the chair of the MEMPC. The nominated representative will remain as chair until such time that the municipal council chooses to replace their representative, as chair of the committee.

5.2.2 On 14 September 2020, CEO Andrew Day wrote to Emergency Management Commissioner confirming that Rachelle Quattrocchi, Director City Services, was the nominated Chair of Manningham MEMPC. Helen Napier, Manager City Amenity, was the nominated proxy for Rachelle Quattrocchi.

5.2.3 Previously, Manningham MEMPC was chaired by an elected Councillor. The EM Act 2013 stipulated that the chair must be the CEO, or a member of the municipal council staff. It was then further clarified that, it is not the intent of the legislation that elected Councillors chair the MEMPC as this role is to be undertaken by the CEO or nominated municipal council staff member.

5.2.4 Manningham was advised by Emergency Management Victoria (EMV) that MEMPC may choose to invite an elected Councillor onto its committee as an additional non-voting member. More information can be found in section 5.6 – MEMPC position on the involvement of Elected Councillors.

A letter sent to Rachelle Quattrocchi on 20 October 2020, as chair of Manningham MEMPC is attached to this report. See Attachment 2 – EMV Letter to Incoming MEMPC Chairs.

5.3 New MEMPC Terms of Reference

5.3.1 A revised Terms of Reference (ToR) has been developed, this can viewed in Attachment 4 - Manningham MEMPC Revised Terms of Reference – For approval by MEMPC. The new version of the MEMPC (ToR) whas followed the guidance provided by Emergency Management Victoria (EMV), and is planned to disseminated to committee members prior to the 12 February 2021 MEMPC meeting. It is anticipated that the committee, at that meeting, will endorse the finalised ToRs.

5.4 Manningham MEMPC – Regional Emergency Management Planning Committee (REMPC) Representative

5.4.1 On 5 December 2019, The Emergency Management Commissioner sent a letter to the CEO Andrew Day. Within the letter, was an action to advise the commissioner of the REMPC representative for Manningham.

5.4.2 On 13 March 2020, The CEO, Andrew Day, responded announcing that "in accordance with section 54(1) of the *Emergency Management Legislation Amendment Act 2018*", Ben Middleton, Emergency Management Coordinator, to be nominated as REMPC Representative.

5.5 Changes to MEMPC Ownership

5.5.1 While there are similarities in membership and function between the previous and the reformed MEMPCs, there are also differences, for example the reformed committees are no longer a Council committee. While Council is required to formally establish the committee through a resolution, once established the committee's ownership passes to the multiagency committee itself, which is subordinate to the REMPC, not to Council.

5.6 MEMPC Position on Involvement of a Councillor in Committee Meetings

5.6.1 At the Monday 5 October 2020, Out of session MEMPC Meeting of Core MEMPC Representatives, there was a unanimous vote in favour of having one member of Manningham Councillors to remain as a non-voting member of committee.

5.6.2 Councillors will be required to vote amongst themselves on the preferred attendee. A recommendation would be that a councillor member is voted in by councillor's each year.

5.7 Update of the Manningham Municipal Emergency Management Plan (MEMP)

5.7.1 The reform has brought a number of changes at a Municipal Level, which must be replicated in associate doctrine. From 1 December 2020, existing MEMPs are also considered to be the new MEMPs. All existing sub-plans and MEMPs will remain in force in their current form until their next update, at which point they will be assured and approved in accordance with the EM Act 2013, as amended.

5.7.2 On 10 November 2020, the Minister for Police and Emergency Services approved the third and final iteration of the Guidelines for Preparing State, Regional and Municipal Emergency Management Plans (the Guidelines). This final iteration is expanded to include considerations for municipal emergency management plans.

5.7.3 In early 2021, Manningham Council Emergency Management Team will lead Manningham MEMPC through changes to the MEMP as per version 3 of "The Guidelines". It is anticipated that an updated version of MEMP will be approved at the 5 February 2021, MEMPC Meeting.

5.8 Revised Community Emergency Risk Assessment (CERA)

5.8.1 CERA is an all hazards risk assessment tool which aims to identify, mitigate and reduce risk within a community that is delivered by VICSES, and is now migrated to its new online platform – CERA Online. This online risk assessment tool will support Manningham MEMPC during the MEMP review.

5.8.2 On 19 February 2020, Manningham initiated a review into the risks outlined on the Manningham CERA register. Due to the activation of a pandemic, the introduction of restrictions, advise was sought by the State Emergency Service (SES – as the lead CERA agency) to postpone the review into the remaining risks until following the reform and an update into the CERA Package.

5.8.3 It is expected that Manningham will continue the review of their CERA risks, utilising the updated online programme in mid to late 2021, under the guidance of State Emergency Services (SES).

5.9 Changes to Membership of the Committee

5.9.1 The EMLA Act (Section 59A) sets out a legislated core membership for MEMPCs.

1) A member of municipal council, who is also the nominated chair person

2) Victoria Police

3) Fire Rescue Victoria

4) Country Fire Authority

5) Ambulance Victoria

6) Victoria State Emergency Service

7) Australian Red Cross

8) Department of Health and Human Services

5.9.2 The EMLA Act also requires a MEMPC to invite at least one additional member for each of the following three categories:

1) At least one community representative

2) At least one recovery representative

3) At least one other representative (such as an industry, business or additional agency)

5.9.3 Any members of MEMPC that are not reflected in the core membership of the reformed MEMPC remain eligible to sit on your committee as an additional member after 1 December 2020, with the approval of the committee. There are no legislative limits on the number of additional members. Ultimately, this decision on committee membership lies with the committee.

5.10 Discontinuation of Emergency Management Manual Victoria

5.10.1 From 1 December 2020, all EMMV chapters and appendices have been discontinued as they are now superseded by the planning reforms in the Emergency Management Legislation Amendment Act 2018

5.10.2 The EMMV has been published since 1997 as a multi-part manual for emergency management in Victoria. The EMMV has no legislative basis, however some of its parts satisfied legislative requirements under the Emergency Management Act 1986 and Emergency Management Act 2013

5.10.3 The State Emergency Management Plan (SEMP) came into effect on 30 September 2020 and replaced the following parts of the EMMV:

1) Part 3: State Emergency Response Plan

2) Part 4: State Emergency Relief and Recovery Plan

3) Part 7: Emergency Management Agency Roles

4) Part 8: Appendices and Glossary

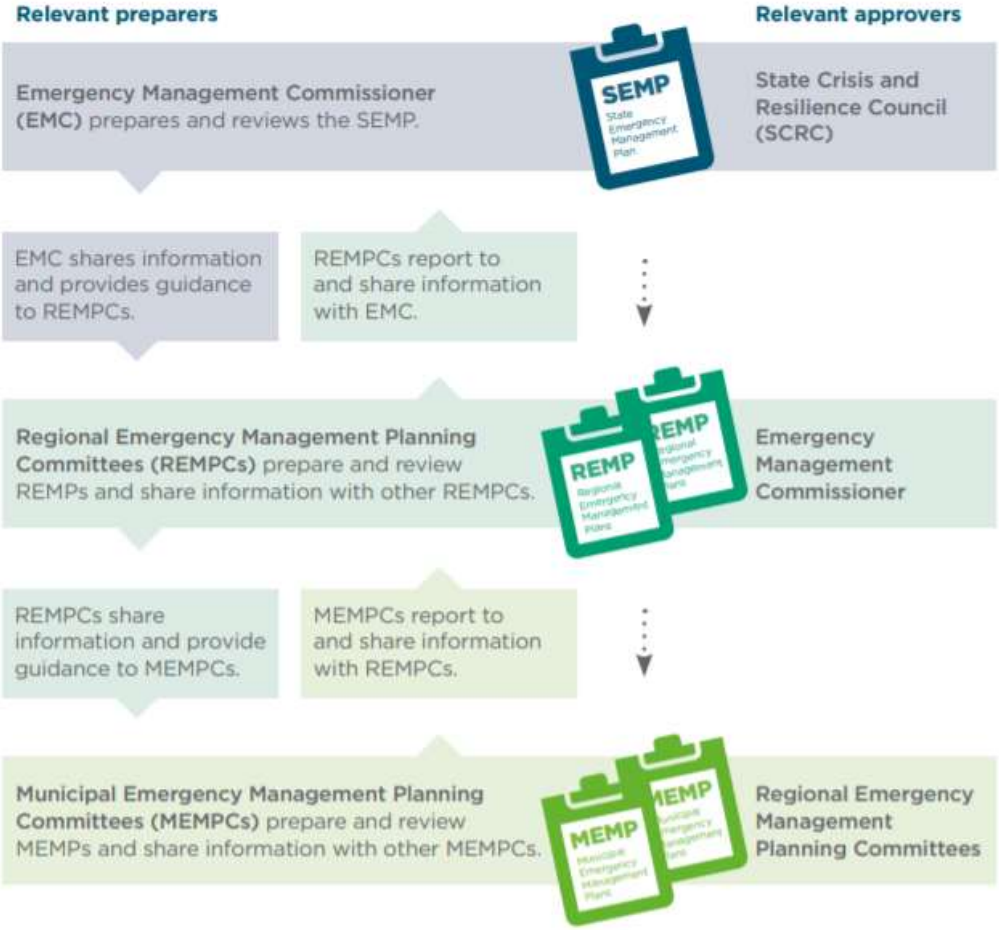
5.10.4 The remaining EMMV chapters and appendices are discontinued from 1 December 2020 as they are published elsewhere or superseded by the regional and municipal level reforms in the EMLA Act, including the Guidelines for Preparing State, Regional and Municipal Emergency Management Plans, and existing doctrine, policy and procedures.

5.11 The Development of New State, Regional and Municipal Emergency Management Plans

5.11.1 The Act requires the preparation of regional emergency management plans (REMPs) and municipal emergency management plans (MEMPs), following guidelines issued by the Minister for Police and Emergency Services.

5.11.2 At the local level, a MEMP contextualises its REMP and is informed by local and municipal risks. It also considers any community EM plans that may be in place.

5.11.3 Likewise, a REMP contextualises the SEMP for its region. It also considers MEMPs within its region and any region-specific issues and opportunities. The SEMP is not an aggregation of the REMPs: rather, it sets out the state-level arrangements for EM in Victoria including the roles and responsibilities of agencies.



6. IMPLEMENTATION

6.1 Finance

6.1.1 There will be no additional costs to council. A significant amount of time will be provided by the Emergency Management Team officers, to oversee the changes as part of the reform.

6.2 Administration of Changes

6.2.1 The Emergency Management Team will administer the changes required. Where possible, the Emergency Management Team will provide guidance to committee members.

7. DECLARATIONS OF CONFLICT OF INTEREST

7.1 No officers involved in the preparation of this report have any general or material conflict of interest in this matter.

8. REFERENCES

8.1 EMV – Emergency Management Planning Reform Factsheet – Discontinuation of EMMV https://www.emv.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2020/10/10/5df21d387/Fact%20sheet%20-%20Future%20of%20the%20EMMV.pdf

8.2 EMV – Creating safer and More Resilient Communities https://files-em.em.vic.gov.au/public/EMV-web/OurStory.PDF

8.3 EMV – Factsheet – Future of EMMV https://www.emv.vic.gov.au/how-we-help/emergency-management-planning-reform-program/resource-library/fact-sheet-future-of-the?utm_medium=email&utm_campaign=Emergency+Management+Manual+Victoria+-+Final+Update+-+December+2020&utm_content=emv.vic.gov.au%2Fhow-we-help%2Femergency-management-planning-reform-program%2Fresource-library%2Ffact-sheet-future-of-the&utm_source=www.vision6.com.au

8.4 Minister for Police and Emergency Services – Guidelines for State, Regional and Municipal Emergency Plans https://www.emv.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2020/12/63/a7803fbae/Guidelines%20for%20Preparing%20State%2C%20Regional%20and%20Municipal%20Emergency%20Management%20Plans.pdf

8.5 State Crisis and Resilience Council (SCRC) – Emergency Risks in Victoria https://www.emv.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2020/12/8c/b6de5937a/Emergency%20Risks%20in%20Victoria%20%28July%202020%29.pdf

8.6 EMV – State Emergency Management Plan https://www.emv.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2020/09/78/c1b7be551/Victorian%20State%20Emergency%20Management%20Plan%20%28SEMP%29.pdf

Manningham Council & MEMPC Reform Status Report (Jan 2021)

		Action	RAG STATUS (Red, Amber, Green)	Status Comment
1.	☐	**By 30 April 2021*:** Confirm that your municipal district is compliant with the reformed emergency management legislation and its intent by providing your REMPC Chair with an update on your progress through the steps outlined in this document. *MEMPCs with MEMPs due for approval prior to 30 April 2021 will need to ensure compliance prior to submitting the MEMP for approval.		On Track – This status sheet to provide REMPC an Update on Progress. (Last Sent Fri 27/11/2020 to Chair and Admin)
2.	☐	Note that the Emergency Management Planning Resource Library is your primary resource for answering questions relating to emergency management planning.		Noted & Completed - Documented in Nov MEMPC minutes
3.	☐	Note the discontinuation of the Emergency Management Manual Victoria from 1 December 2020.		Noted & Completed – Documented in Aug and Nov MEMPC minutes
4.	☐	Note that any questions relating to the implementation of planning reform can be directed to your REMPC in the first instance via the REMPC Chair or an agency's REMPC representative (each legislated member agency on a MEMPC has a representative on the REMPC).		Noted & Completed – Informed MEMPC at Aug & Nov meetings that Ben Middleton (EM Coordinator at Manningham Council) is their representative. Documented in meeting minutes
5.	☐	Note that any interested stakeholder (including MEMPC members) can be added to the planning reform newsletter by emailing emergencyplanning@emv.vic.gov.au.		All Planning Reform Newsletters were added to incoming section of MEMPC agenda and minutes. Overview were verbally shared in May, Aug and Nov MEMPC. MEMPC reps advised to sign up for newsletters using email addres at Nov MEMPC.
6.	☐	Confirm that council has passed a resolution to establish the MEMPC in accordance with the reformed legislation. *s59 and 59F(a) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020*		In Plan for January.
7.	☐	Note that the MEMPC now reports to and is accountable to the relevant Regional Emergency Management Planning Committee and not to municipal council. *s59AD(c)-(d) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020*		To be noted at February 2021 MEMPC
8.	☐	Confirm that the MEMPC and municipal council are aware that responsibility for municipal level planning is to transfer from the municipal council to the MEMPC.		To be noted at February 2021 MEMPC

Manningham Council & MEMPC Reform Status Report (Jan 2021)

9.	☐ Following the council resolution to establish the committee, note that your MEMPC must hold its first meeting as soon as practicable after 1 December 2020. *s59A(3) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020*		To be held in February 2021 MEMPC
10.	☐ Confirm that representatives from the following agencies are identified as the ongoing core membership of your reformed committee: • Municipal council or alpine resort management board • Victoria Police* • Country Fire Authority (if in your municipal district)* • Fire Rescue Victoria (if in your municipal district) • Ambulance Victoria* • Victoria State Emergency Service • Australian Red Cross • Department of Health and Human Services* *s59A(1) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020* *Representatives for the agencies marked are provided.		Confirmed in out of session MEMPC Minuted in Nov MEMPC
11.	☐ Note that each agency on this core membership for the MEMPC is also represented on the REMPC. *s54(1) of the EM Act*		To be discussed at February MEMPC
12.	☐ Confirm that as soon as practicable following 1 December, the committee identifies the following additional members for invitation onto the committee: • at least one community representative • at least one recovery representative • at least one other representative (for example, industry, business or additional agency). *s59A(1)(b) of the EM Act, which will be inserted by the EMLA Act on 1 December 2020*		In Plan – process to be confirmed and announced at February 2021 MEMPC
13.	☐ For each additional member, the Chair should send a letter to formally request their inclusion on the committee (see optional suggested wording at Attachment B). Note: If any of your nominations are for an agency that you suspect multiple MEMPCs will nominate, you are welcome to send a joint letter.		Complete Letters sent – AMBER TO INCLUDE DATE All Responses received by – AMBER TO INCLUDE DATE

Manningham Council & MEMPC Reform Status Report (Jan 2021)

14.	☐ Confirm that you have shared the link to the Emergency Management Planning Resource Library with all MEMPC members.		Is included in November MEMPC Minutes and body of email for the November minutes.
15.	☐ Note that the municipal fire management planning committee is no longer required by legislation from 1 December 2020, however where fire is identified as a high risk in your municipality, it is recommended it be retained and transitioned to a sub-committee of the MEMPC..		Discussed at Nov 2020 MFMPC, Decision made to continue operating an MFMPC by committee – decision was unanimous. Outcome and decision shared with MEMPC at Nov MEMPC.
16.	☐ Note that each municipal district is required to have a MEMP that is consistent with the State Emergency Management Plan and relevant regional emergency management plan (REMP; s59D(b) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020). A MEMP should not replicate the state or regional plan. Rather, it should provide specific information tailored to the municipal district's context and risk.		To be noted at MEMPC in February 2021, with an outline of the process to update documentation, starting with the MEMP.
17.	☐ Note that your current MEMP does not need to be updated to align with the new legislated requirements until the end of its current review period.		To be noted at MEMPC February 2021.
18.	☐ Note that EMV will prepare advisory material for you to consider at the point of your next MEMP review (to be available on the Emergency Management Planning Resource Library).		Awaiting advisory material
19.	☐ Note that MEMPs are required to be developed by your MEMPC (not the council) *s59D(a) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.*		To be noted at MEMPC February 2021.
20.	☐ Note that while not the plan's preparer, the Municipal Council is required to continue publishing the MEMP on its website on behalf of the MEMPC. *s75(2)(ab) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.*		A Public version of the MEMP is displayed on the council website ( ). Future updated editions of the plan will remain on that site.
21.	☐ Note that on 1 December 2020 the VICSES audit process of your MEMP will be replaced with a new self-assurance process conducted by your MEMPC. *s60AG(4) of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020*		Noted in August & November MEMPC – Documented in the minutes
22.	☐ Note that after the MEMPC's self-assurance, your MEMP will progress to the relevant Regional Emergency Management Planning Committee (REMPC) for approval. Council is no longer the MEMP approver.		Noted in August & November MEMPC – documented in minutes

Manningham Council & MEMPC Reform Status Report (Jan 2021)

23.	☐ Note that MEMP sub-plans are required to progress through the same assurance and approval process as your MEMP.		Discussed and Noted in out of session MEMPC meetings Sub-plans and complimentary plans are to be announced at February MEMPC
24.	☐ Note that MEMP sub-plans do not need to be updated to align with the new legislated requirements until the end of their individual review periods (i.e. MEMP sub-plans do not need to progress through the approval process at the same time as the MEMP if the sub-plan isn't due for review)		To be noted at February 2021 MEMPC
25	☐ Note that from 1 December 2020, the municipal emergency resource officer (MERO) no longer has legislative backing.		Noted at November MEMPC
26	☐ Confirm that council has appointed one or more officers to the new role of municipal emergency management officer (MEMO) in line with the responsibilities outlined in the State Emergency Management Plan (page 64) and s59G of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.		To be confirmed to MEMPC in February 2021
27	☐ Confirm that council has appointed one or more officers to the role of municipal recovery manager (MRM) in line with the responsibilities outlined in the State Emergency Management Plan (page 67) and s59H of the EM Act 2013, to be inserted by the EMLA Act on 1 December 2020.		MRM have already been chosen. To be confirmed to the MEMPC in February 2021.
28	☐ Advise Local Government Victoria via lgv.emergencies@ecodev.vic.gov.au (and where applicable, the Municipal Association of Victoria via emergencymgt@mav.asn.au) of the contact name and contact details of the MEMO and MRM.		Completed

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Our ref: 20094648

Ms Rachelle Quattrochi
Chair, reformed Municipal Emergency Management Planning Committee

By email: rachelle.quattrochi@manningham.vic.gov.au

Dear Ms Quattrochi

RESOURCES TO GUIDE IMPLEMENTATION OF EMERGENCY MANAGEMENT PLANNING REFORM AT MUNICIPAL LEVEL

As you may be aware, Emergency Management Victoria (EMV) is implementing emergency management planning reform as outlined in the *Emergency Management Legislation Amendment Act 2018* (EMLA Act). The implementation of reform at the municipal level will align municipal emergency management planning with changes that have already occurred at the state and regional levels. The new municipal arrangements apply from 1 December 2020.

Firstly, I would like to thank you for accepting the nomination to chair your municipal district's Municipal Emergency Management Planning Committee (MEMPC). There are new specific legislative requirements for all MEMPCs and this letter provides an overview of the resources that will support you to oversee the required changes. I recognise that your municipality already has a MEMPC and I encourage you to engage with the current committee throughout this transition process.

1. Steps for the transition to reformed municipal emergency management planning arrangements

As chair of the MEMPC as well as the municipal council's representative to the MEMPC, you will play a key role in ensuring your MEMPC and council transition to the new emergency management planning arrangements.

EMV's planning reform team has prepared a transition guide to support your work through this process. This resource will be a vital resource to guide your work over the coming months to ensure that your MEMPC and council are aligned with the new planning framework and satisfy the legislative requirements that will be in place from 1 December 2020.

I recognise that council elections may have an impact on implementing these changes and request you make what changes you can as soon as practicable.

As part of the steps of transition to a reformed MEMPC, you are required to ensure the committee has representation from all legislated agencies. The following agencies have already provided nominations for your MEMPC. The remaining agency representatives, as detailed in the transition guide, are for you to confirm.

Victoria Police	Senior Sergeant Russell Langley	russell.langley@police.vic.gov.au
Department of Health and Human Services	Christy Jackson	christy.jackson@dhhs.vic.gov.au
Country Fire Authority	Matt Hirst	m.hirst@cfa.vic.gov.au
Ambulance Victoria	Samantha Ross	Whitehorse.STM@ambulance.vic.gov.au

RESOURCES TO GUIDE IMPLEMENTATION OF EMERGENCY MANAGEMENT PLANNING REFORM AT MUNICIPAL LEVEL

2. Emergency Management Planning Resource Library (EM Planning Resource Library)

The EM Planning Resource Library is a progressively expanding database of resources to inform emergency management planning at state, regional and municipal level. It includes all resources that EMV's planning reform team have created to support your transition to the new emergency management planning framework. The library is your primary resource for all topics relating to emergency management planning, including the topics covered in the transition guide.

I encourage you to familiarise yourself with the resources currently on the EM Planning Resource Library, particularly the resources for municipal level planning. Please note that further resources will be uploaded by 1 December 2020.

Your feedback on the resources available on the Planning Resource Library is welcome via email to emergencyplanning@emv.vic.gov.au.

3. Coordination with your Regional Emergency Management Planning Committee (REMPC)

Under the reformed planning reform framework, your MEMPC will report direct to your region's REMPC. A strong working relationship with the REMPC is encouraged under the new framework and will encourage the collaboration, integration and consistency in Victoria's emergency management planning that the EMLA Act aims to achieve.

The REMPC will be your primary point of contact for assistance, should you be unable to find your answer in the EM Planning Resource Library.

Bernard Barbetti is the current chair of the REMPC and may be contacted by email at Bernard.Barbetti@delwp.vic.gov.au. Please note that the REMPC will be electing new office holders shortly.

Again, thank you for undertaking this important role in municipal emergency management planning. For further information on emergency management planning reform, please refer to the EM Planning Resource Library or contact your REMPC chair. EMV's planning reform team can also be contacted at emergencyplanning@emv.vic.gov.au.

Yours sincerely

Andrew Crisp
Emergency Management Commissioner
29/10/2020

cc: Ben Middleton, Manningham City REMPC representative
(ben.middleton@manningham.vic.gov.au)

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FACT SHEET #3
UPDATED MARCH 2020

Emergency Management Planning Reform

Municipal level planning

Councils and alpine resort management boards

Throughout the second half of 2020, EMV's Emergency Management Planning Reform team will provide existing municipal emergency management planning committees (MEMPCs) with advice to prepare committees for the municipal level amendments which take effect on 1 December 2020.

Changes for councils

When the municipal level amendments take effect on 1 December 2020:

- Responsibility for municipal level planning is transferred from councils to new multi-agency municipal emergency management planning committees (MEMPCs).
- From 1 December 2020, the municipal emergency resource officer (MERO) will no longer have legislative backing. Instead there will be a new role of municipal emergency management officer (MEMO) and the role of municipal recovery manager (MRM) will be formalised. Until this point, the functions of the MERO continue.
- The role of the municipal fire prevention officer (MFPO) will continue under the planning reform but will no longer include a legislated planning function. Instead, fire planning will fall under the new integrated planning arrangements.
- VICSES audits will be replaced with a new assurance framework that applies at all planning levels.
- Municipal emergency management plans (MEMPs) will be required to cover mitigation, response and recovery, and address the roles and responsibilities of agencies in relation to emergency management. Plans are also intended to be integrated and comprehensive.
- The roll out of the new arrangements is beginning first at the state level, and then the regional and municipal levels. Once all three levels are in place, the arrangements promote a top-down and bottom-up approach so that information from the municipal level informs planning at the regional and state level, and vice versa.

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Responsibility for municipal level planning is transferred from councils to new multi-agency municipal emergency management planning committees (MEMPCs)

For more information, please visit www.emv.vic.gov.au/how-we-help/emergency-management-planning or email emergencyplanning@emv.vic.gov.au

Changes for alpine resort management boards

- As with the current arrangements, alpine resort management boards will have the same emergency management planning responsibilities as councils. This means an alpine resort management board is required to facilitate emergency management planning for its alpine resort/s.
- However, an alpine resort management board will be able to appoint a council or another alpine resort board to undertake its planning functions on its behalf. This arrangement recognises the smaller size and capacity of some alpine resort boards.

Municipal emergency management planning committee (MEMPC)

- The *Emergency Management Act 2013* (as amended by the *Emergency Management Legislation Amendment Act 2018* (EMLA Act)) transfers responsibility for municipal level planning from councils to new MEMPCs. This reflects significant feedback from councils that councils should not own the plans, but they should be multi-agency plans.
- Importantly, it is the responsibility of the committee as a whole to deliver the emergency management plan and not that of the chair. Councils will convene and chair the committees which recognises their expertise, networks, and ability to coordinate across agencies at this level. However, planning is a shared responsibility of the MEMPC.
- Core membership for MEMPCs includes the council or alpine resort management board, Victoria Police, Country Fire Authority and/or Fire Rescue Victoria (to be established by the 1 July 2020), Ambulance Victoria, Victoria State Emergency Service, Australian Red Cross and the Department of Health and Human Services. The MEMPCs also require at least one additional recovery representative, one community representative, and one other representative (for example, industry).
- The new MEMPCs will be responsible for integrated EM planning for its municipal district or alpine resort, including mitigation for fires and other emergencies.

Guidelines for preparing State, Regional and Municipal Emergency Management Plans

- The Minister for Police and Emergency Services can issue guidelines to facilitate and support the planning process. A set of planning guidelines for the preparation of emergency management plans will be updated in phases to provide further detail and practical guidance on the planning process, supported by a Resource Library on the EMV website. Guidelines for preparing State, Regional and Municipal Emergency Management Plans will be formally released after 1 December 2020.

Municipal emergency management plans (MEMPs)

- Each municipal district or alpine resort management board is required to have a MEMP that is consistent with the relevant regional emergency management plan (REMP) and the State Emergency Management Plan (SEMP). Municipal plans should not replicate the regional plan. Rather, they should provide specific information tailored to the municipality's context and risk.
- MEMPs are required to be developed by the MEMPCs and approved by the relevant regional emergency management planning committee (REMPC).

For more information, please visit www.emv.vic.gov.au/how-we-help/emergency-management-planning or email emergencyplanning@emv.vic.gov.au

Timing

- The new municipal emergency management planning arrangements will take effect on 1 December 2020. Until then, existing arrangements continue to apply. In particular, VICSES audits continue.
- Once the municipal planning arrangements take effect, each current municipal plan will continue as a transitional measure until its next natural review period, at which point the plan will be prepared under the new framework. A rolling schedule to prepare and undertake assurance of new MEMPs will be established based on the current three-year schedule.
- A selection of councils have been included in a proof of concept phase to test the development and assurance of municipal plans throughout 2020.

Collaboration

- The new arrangements establish an enabling environment that supports collaborative planning and gives flexibility to accommodate the different approaches across Victoria.
- MEMPCs may work jointly or in municipal cluster groups to develop common elements of their plans, however, each MEMPC is required to produce an individual plan which addresses their particular circumstances, needs and risks. It is expected that MEMPs prepared under the new planning arrangements do not replicate the state, regional or other municipal plans.

Consultation

- Consultation is required for emergency management plans produced at state, regional and municipal levels. MEMPCs are required to consult the community in developing their MEMPs.

Assurance of municipal emergency management plans

- EMV has developed an assurance framework for state, regional and municipal levels under the changes made through the EMLA Act.
- The municipal planning and audit process will continue as normal until the municipal phase of the EMLA Act commences on 1 December 2020. EMV will work with VICSES to transition from the current audit requirements to the new assurance framework.
- Once the municipal phase commences, the relevant REMPC will be responsible for providing assurance and approving the MEMP.
- Refer to the Assurance of Emergency Management Plans fact sheet for more information.

...each MEMPC is required to produce an individual plan which addresses their particular circumstances, needs and risks

For more information, please visit www.emv.vic.gov.au/how-we-help/emergency-management-planning or email emergencyplanning@emv.vic.gov.au

Municipal Emergency Management Planning

Municipal District of Manningham

EMBLEMS OF CORE AGENCIES

TO BE ADDED HERE

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Manningham Municipal Emergency Management Planning Committee (Manningham MEMPC)

Terms of Reference - Endorsed On _____

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1. Introduction

The *Emergency Management Legislation Amendment Act 2018* (EMLA Act) amended the *Emergency Management Act 2013* (EM Act 2013) and various other acts to establish a new integrated and coordinated framework for emergency management planning at state, region and municipal levels.

At the municipal level, the EM Act 2013 as amended creates an obligation for a reformed Municipal Emergency Management Planning Committee (MEMPC) to be established in each of Victoria's municipal districts, including Alpine Resort Management Boards which, for the purposes of the Act, are considered as municipal districts.

Each MEMPC is a multi-agency collaboration group whose members bring organisation, industry or personal expertise to the task of developing a comprehensive emergency management plan for the municipality.

The Municipal Emergency Management Plan (MEMP) covers arrangements for mitigation, response and recovery, and identify the roles and responsibilities of agencies in relation to emergency management.

2. Scope

The MEMPC operates strategically to ensure comprehensive, collaborative and integrated planning occurs at all levels.

With a focus on preparedness and resilience, municipal planning applies risk-based analysis to mitigate or reduce the consequences of emergencies on the built, economic, social and natural environments and improve community outcomes.

Planning considerations include the full spectrum of prevention, preparedness, response and recovery and apply to all hazards and all communities.

The MEMPC maintains an awareness of existing municipal capability and capacity to support the effective conduct of mitigation, response and recovery activities. Where appropriate the committee may facilitate or assist with activities that support capability and capacity uplift. This may include, but is not limited to, community engagement activities or multi-agency exercises and training that provide for continuous learning and improvement.

3. Governance

Under section 59F of the EM Act, the municipal council establishes a MEMPC which transfers responsibility for municipal emergency management planning from the council to the multi-agency MEMPC. This shift of responsibility highlights the intent of the reform which supports emergency management planning as an integrated, multi-

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agency and collaborative effort. This means that all participating agencies are required to contribute their expertise and resource to municipal emergency management planning.

As per section 59E of the EM Act 2013, the MEMPC can regulate its own procedure.

4. MEMPC Functions

The MEMPC is the peak planning body for emergency management within the municipal district. It is the forum for government and non-government agencies to develop policies, procedures, strategies and frameworks to support coordinated emergency management planning for the municipality.

In line with section 59D of the EM Act 2013 the functions of the MEMPC are to:

a) be responsible for the preparation and review of its MEMP
b) ensure that its MEMP is consistent with the state emergency management plan and the relevant REMP
c) provide reports of recommendation to its REMPC in relation to any matter that affects, or may affect, emergency management planning in the municipality
d) share information with the REMPC and other MEMPCs to assist effective emergency management planning
e) collaborate (having regard to the Guidelines) with any other MEMPC that the MEMPC considerers appropriate in relation to emergency management planning, including preparing MEMPs
f) perform any other function conferred on the MEMPC by the EM Act 2013, or any other act.

The MEMPC has the power to do all things necessary or convenient in connection with the performance of its functions, however it cannot direct any member agency or other group.

The MEMPC may establish ongoing sub-committees or time-limited working groups to investigate or address specific issues or undertake key tasks.

4.1 Context

The MEMPC reports to the REMPC, and the REMPC is the key link between municipal and state level emergency planning and response activities. All legislated member agencies of the MEMPC are also represented on the REMPC.

Figure 1 – Relationship of the MEMPC to the REMPC and the EMC

5. Membership

Section 59A of the EM Act 2013 specifies the minimum membership requirements of the MEMPC. The committee may invite additional people with key skills or knowledge to join the MEMPC, as necessary.

When deciding whether to invite new members to the MEMPC, consideration should be given to the reason for the invitation; for example, a potential member may be needed to add subject matter expertise to a specific project or body of work and therefore an invitation to participate in a sub-committee or working group may be a more appropriate strategy.

The committee will review its membership on a yearly basis, or more frequently if needed.

Refer to Annexure A for a current list of members of the MEMPC.

5.1 Change of Representative

The relevant agency will advise the MEMPC chair in writing of any formal changes to their nominated representative. This relates to a permanent change of membership and does not relate to attendance as a proxy (refer to section 7.8).

As required by Section 59A of the EM Act 2013, a representative requires confirmation from within the relevant agency, as outlined in the table below.

AGENCY	AGENCY NOMINATIONS CONFIRMED BY
Municipal council/ Alpine Resort Management Board	CONFIDENTIAL
Victoria Police	CONFIDENTIAL
Fire Rescue Victoria	CONFIDENTIAL
Country Fire Authority	CONFIDENTIAL
Ambulance Victoria	CONFIDENTIAL
Victoria State Emergency Service	CONFIDENTIAL
Australian Red Cross	CONFIDENTIAL
Department of Health and Human Services	CONFIDENTIAL

6. Roles and responsibilities

6.1 Chair

Section 59B(1) of the EM Act 2013 specifies that the municipal council must nominate either its Chief Executive Officer or a member of the municipal council staff by the Chief Executive Officer as the chairperson.

6.2 Chair responsibilities

The chair has the following functions (s59B(2) of the EM Act 2013):

- chairing MEMPC meetings
- facilitating the MEMPC to perform its functions
- On behalf of MEMPC provide information and recommendations to the REMPC

Additionally, the chair will:

- Ensure the MEMPC operates in accordance with the requirements of this Terms of Reference
- Preside at and manage all meetings
- Confirm the agenda for each meeting
- Manage acceptance/advice of last-minute papers or agenda items prior to MEMPC meetings.
- Ensure that the MEMPC meets according to its schedule
- Ensure that MEMPC meetings are efficient and effective
- Provide leadership to the committee in its deliberations
- Facilitate frank and open discussion
- Ensure that all members can participate equally
- Refer issues or matters of concern identified by the MEMPC, or members of the MEMPC, to the REMPC
- Sign correspondence on behalf of the MEMPC
- Represent the MEMPC in other forums where appropriate
- Coordinate out of session matters

6.3 Election of a deputy chair

To ensure consistency and redundancy the MEMPC will elect a deputy chair. This appointment may be a certain period of time, as agreed by the MEMPC.

The CEO of Manningham Council, nominated the Manager for City Amenity as Deputy Chair.

6.4 Deputy chair responsibilities

- Undertake the role of the chair if the elected chair is absent
- Receive delegated responsibilities of the chair as agreed with the chair

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6.5 Member responsibilities

The agencies prescribed in the EM Act 2013 and additional invited committee members will provide representation at the appropriate level and with the authority to commit resources and make decisions on behalf of their organisation or community.

Members are asked to participate in the MEMPC as a partnership and provide advice or make decisions in the best interest of the citizens of Victoria. The MEMPC acknowledges and respects members existing responsibilities, accountabilities and associated levels of resourcing.

All MEMPC members will:

- Prepare for, prioritise and attend scheduled meetings
- Proactively contribute to the work of the MEMPC
- Provide meeting papers to the chair at least one week prior to a meeting
- Respect confidential and privileged information
- Represent all areas of their agencies and associated entities
- Report on recent relevant agency activity relating to emergency management mitigation, response or recovery activities, with a focus on emerging risks or opportunities
- Where a decision or action is outside the authority of the member, engage with relevant personnel within their agency to obtain approval to commit resources and undertake tasks
- Identify and liaise with subject matter experts or key representatives from within their agencies to participate in the MEMPC, its sub-committees or working groups
- Advocate for and report back to their agencies on MEMPC outcomes and decisions.

7. Administrative Arrangements

This section outlines the frequency of meetings and committee management arrangements.

7.1 Meeting frequency

To align with seasonal requirements and operational tempo, the MEMPC will meet a minimum of four times each year, on a date that will fall on the 1st Friday in February, May, August and November. Generally, the MEMPC meeting will take place for 2 hours between 10:00am and 12:00pm on the above dates.

The REMPC meets a minimum of four times a year in February, May, August and November.

The MEMPC chair may schedule additional meetings as required.

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7.2 Meeting venue

Manningham MEMPC has adopted a hybrid approach to meeting. This enables flexibility for attendees to attend in person or via online video conferencing facility through Microsoft Teams.

The physical meeting will be held at Manningham Council Chambers, located at 699 Doncaster Road, Doncaster, Vic 3108.

The Virtual Meeting will use the Manningham Council hosted Microsoft Teams Facility. The details and invitation will be sent out with the agenda

7.3 Meeting papers and documentation

Any member can submit items to be included on the agenda. The chair will confirm the agenda prior to each meeting.

Meetings will be conducted on a formal basis, with proceedings recorded and action items documented in the MEMPC Actions Register.

All proceedings and documentation of the MEMPC are confidential until the MEMPC agrees otherwise, or where the provider of the information advises that it is publicly available, and no restrictions apply to its release. Noting this, MEMPC records remain discoverable under the Freedom of Information Act 1982.

MEMPC documentation will be stored on Microsoft Teams platforms, under Manningham MEMPC Team name and on Council's internal file management system – TRIM (under folder EF17/4157). The agenda and associated minutes will be emailed directly to the MEMPC membership.

7.4 Secretariat

The role of Secretariat is a shared duty between the Manningham Council Emergency Management Coordinator and the Manningham Council Emergency Management Officer..

Secretariat duties may include:

- Scheduling meetings
- Providing committee members with the meeting agenda
- Record agreed actions in the MEMPC Actions Register
- Induction of new committee members
- Develop/send correspondence for the MEMPC
- Maintain the contact list of MEMPC members.

7.5 Quorum

Committee activities may be conducted without a quorum present; however, a quorum must be present for the purpose of decision making.

Where an agency will have responsibility or accountabilities as a result of a

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motion/resolution, that agency must be part of the quorum for that item.

A quorum is greater than 50% of the current voting members and includes the chair or deputy chair (*Annexure A*).

7.6 Decision making

In general, the Committee will adopt a consensus approach to decision-making, where a majority of members agree, with the remainder content to give way. The chair will seek further advice from the members and attendees or through external subject matter experts to support decision making.

Where consensus cannot be achieved, decisions will be made by majority vote. In the event of a tie the MEMPC, through the chair, will escalate issues to the REMPC for decision.

The chair will ensure that all members are provided with the opportunity to participate in discussions and decision making.

Each MEMPC member has one (1) vote on any matter decided by the committee, unless that member is identified as a non-voting member. To vote, a MEMPC member must be present at the meeting or represented by a proxy.

Where the MEMPC must reach a decision between committee meetings, this can be undertaken via circular resolution. All members will be notified of the proposed resolution, with a collective decision reached where the majority of respondents vote in the affirmative. Decisions made by circular resolution will be confirmed by committee at the next MEMPC meeting.

All decisions made will be regarded as collective decisions of the MEMPC.

7.7 Conflict of interest

If a MEMPC member or their proxy has a direct or indirect interest in a matter to be decided by the committee, they must declare their conflict or perceived conflict and must not vote on the issue. The MEMPC will determine if the member should be excluded from all or part of the proceedings related to the matter.

7.8 Proxies

In accordance with the intent of the legislation members should prioritise MEMPC meetings wherever possible. In the event a member is unable to personally attend a specific meeting, they are encouraged to identify a suitably skilled and authorised proxy. The proxy is considered to have the same voting rights as the substantive MEMPC member, unless the chair is advised otherwise.

Members may choose to identify a standing proxy who is empowered to represent the member at any time. The member will notify the chair of the details of this person and the duration of the appointment as a standing proxy.

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Where a standing proxy is not recorded, or is unavailable, a member will advise the chair of the name, role and contact details of their nominated proxy, as early as possible before a meeting. This advice should be in writing for the purpose of record keeping and will include any limitations to the voting rights of the proxy for that meeting.

If the committee member is unable to provide advice to the chair of the details of a proxy and their voting rights before the meeting, the attendee will be considered an observer for the meeting.

7.9 Observers

An observer may attend a meeting for any number of reasons. MEMPC members will advise the chair of the attendance of an observer before a meeting, where possible.

Observers must respect all confidentialities and operating protocols of the MEMPC, and must not:

- propose or vote on motions
- intrude on the procedures of the MEMPC
- take part in the meeting proceedings without the invitation of the chair.

7.10 Non-voting members

If deemed necessary for transparency and equity, the committee can invite additional standing members who may not have voting rights. Where this is the case, the membership list at *Appendix A* will reflect the voting status.

Members of sub-committees or working groups do not have voting rights unless they are also members of the MEMPC.

7.11 Issue Escalation

The Chair may escalate any matters of significance to the REMPC for advice or decision.

Members of the committee may also seek to escalate items to the REMPC, through the chair, where efforts to resolve a matter at the local level have not been successful, or where the consequences of a decision will unduly impact the member agency.

Issues requiring escalation should be well documented and include:

- A description of the issue or advice sought and the consequences if it remains unresolved.
- Actions taken to resolve the issue.
- Recommended actions or options that may assist resolution.

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8. Financial Management

The MEMPC does not have a financial delegation and does not hold a budget. The MEMPC cannot expend or receive monies.

Member agencies may agree to commit funds to a MEMPC activity or event, in which instance the expenditure is considered expenditure of the agency and not the MEMPC. The member agency is responsible for all aspects of financial management within their existing governance arrangements. The MEMPC does not accept liability for any agency-led initiatives.

9. Acronyms

Acronym	Description
EM Act 2013	Emergency Management Act 2013
EMC	Emergency Management Commissioner
EMCOP	Emergency Management Common Operating Picture (EMV system)
EMLA Act	Emergency Management Legislation Amendment Act 2018
EMV	Emergency Management Victoria
MEMP	Municipal Emergency Management Plan
MEMPC	Municipal Emergency Management Planning Committee
MEMP	Municipal Emergency Management Plan
MEMPC	Municipal Emergency Management Planning Committee

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10. Document information

Document details

Criteria	Details
Document ID	TRIM: D12 /8374
Document title:	Terms of Reference
Document owner:	MEMPC

Version control

Version	Date	Description	Author
0.1	30 September 2020	Adapted from REMPC Terms of Reference	CONFIDENTIAL
0.2	19 January 2021	First Draft Adapted from EMV Template for Manningham MEMPC Approval	CONFIDENTIAL
0.3	29 January 2021	2nd Draft following comments	CONFIDENTIAL

Document approval

This document requires the approval of the MEMPC:

Name	Title	Organisation
CONFIDENTIAL	Chair	On behalf of the MEMPC

Audience

The audience for this document is the MEMPC

Terms	Description
12 months	This document will be reviewed every 12 months or more frequently as required.
Review Date	February 2022

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Appendix A – MEMPC Membership

Organisation	Name	Role	Email Address	Contact No.
VOTING MEMBERS				
Municipal Council (Secretary & MRM)		Emergency Management Coordinator		
Municipal Council (MEMO)		Municipal Emergency Management Officer (MEMO)		
Victoria Police (MERC)		Senior Sergeant		
Victoria Police (Deputy MERC)		Sergeant		
Country Fire Authority		Commander- District 13		
Fire Rescue Victoria		Commander, Community Safety and Engagement – Eastern district.		
Ambulance Victoria		Senior Team Manager – clinical Operations		
Victoria State Emergency		Operations Officer – Emergency		

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Organisation	Name	Role	Email Address	Contact No.
Service		Management		
Australian Red Cross		Divisional Operations Officer		
Department of Health and Human Services		Senior Emergency Management Coordinator		
Community representative/s - CALD - YOUTH - AGED - DISABILITY				
Recovery representative/s				
Other persons as nominated				
Municipal Council (Chair)		Director City Services		
Municipal Council (Deputy Chair)		Manager City Amenity		
Municipal Council (MEMO)		Emergency Management Officer		
Municipal Council (MRM)		Municipal Recovery Manager		

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Organisation	Name	Role	Email Address	Contact No.
Municipal Council		Environmental Health Coordinator		
Elected Councillor		Elected Councillor – Yarra Ward		
Doncare		Manager social Support for Seniors and Community Visitors Scheme		
Westfields Doncaster Victorian Council of Churches (VCC) Dept of Education and Training EACH Dept for Environment, Land, Water and Planning (DELWP) St Johns Ambulance United Energy Melbourne Water		Risk & Security Manager Area Coordinator Senior Emergency Management Support Officer Team Leader Youth Services District Manager Divisional Manager Manager Emergency Planning and Security		

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Organisation	Name	Role	Email Address	Contact No.
Yarra Valley Water		Risk Manager		
Ausnet Services		Customer and Support Manager		
Telstra		Team Manager and Deputy State ESLO		
Manningham Rotary				
Connect East		Traffic Control		

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11.2 Delegated Authority to CEO - Contract for a Renewable Energy Power Purchase Agreement

File Number: IN21/56

Responsible Director: Director City Services

Attachments: Nil

EXECUTIVE SUMMARY

Manningham is a member of the Local Government buyers group which has been formed for the purpose of joint procurement of renewable energy through a power purchase agreement (PPA) with a term of up to 10 years.

The buyers group, led by Darebin Council, consists of 48 Victorian Councils. A renewable energy PPA provides participating councils with clean energy at a competitive price and demonstrates their commitment to climate emergency action.

Manningham has committed Council's large building electricity accounts to the PPA – MC^2, Civic Office, Depot and Pines Learning and Activity Centre.

At its 28 January 2020 meeting, Council declared a climate emergency in support of urgent, strong climate action. Powering four of Council owned buildings using emissions-free renewable electricity will result in a 2,243 tCO2e reduction of greenhouse gas emissions which amounts to 25% of Council's 2008/09 baseline.

Since mid-2020, the joint procurement tender for a PPA was undertaken, a preferred supplier was selected and contract negotiations are underway. The PPA contract should be ready to sign in March 2021.

It is recommended that Council delegate authority to the CEO to determine whether to proceed with signing the renewable energy PPA contract.

1. RECOMMENDATION

That Council:

A. Notes the July 2019 Council decision to commit Manningham's large buildings to the tender stage of a renewable energy Power Purchasing Agreement (PPA); and

B. Delegates authority to the CEO to determine whether to proceed with signing the renewable energy PPA contract.

2. BACKGROUND

Council Resolutions

2.1 In November 2018, Manningham joined a group of Victorian Local Governments to investigate the viability of joint procurement of a renewable energy power purchase agreement (PPA).

2.2 Darebin Council is the lead organisation of this Local Government buyers group and the Northern Alliance for Greenhouse Action (NAGA), along with other Greenhouse Alliances, are collaborating.

2.3 The business case for this project forecast that a PPA with a term of up to 10 years had the potential to provide participating councils with clean energy at a competitive price.

2.4 At its 28 May 2019 meeting, Council resolved as follows:

That Council:

A. Note the participation in the Local Government Purchasing Power Agreement (LG PPA) Business Case, which has the potential to deliver competitively priced wind and/or solar generated electricity to Manningham Council and that the Business Case will be assessed by independent consultants.

B. Note the intention to present a report to the 23 July 2019 Council meeting on the Business Case findings and recommendations, to consider whether or not to proceed to the next stage of participating in the joint tendering and procurement of a renewable energy PPA.

C. For the purpose of progressing discussions on Council's participation in the proposed LG PPA, delegate authority to the Chief Executive Officer to determine the percentage of Council's electricity that may be purchased through this scheme if Council chooses to proceed.

2.5 At that time, the Chief Executive Officer determined to commit Council's larger buildings to the tender stage of the LG PPA project. These buildings are MC^2, Civic Offices, Depot and Pines Learning and Activity Centre and currently consume approximately 40% of Council's total electricity.

2.6 At the meeting of the 23 July 2019, Council endorsed the following recommendations:

A. Endorse the decision to commit Manningham to the Tender Stage of the project by signing the LG PPA Participation Agreement; and

B. Note that Manningham's financial contribution to the next stage of the LG PPA project will be sourced from existing funds within the environmental budget.

2.7 At the meeting of the 23 June 2020, Council considered a report titled Procurement Options Update - Renewable Energy Power Purchase Agreement (RE PPA). The following recommendations were endorsed.

That Council:

A. Notes the July 2019 Council decision to commit Manningham's large buildings to the tender stage of a renewable energy Power Purchasing Agreement (PPA).

B. Notes there are two procurement options - the Darebin Council led LG PPA project and the Procurement Australia PPA project.

C. Approves delegated authority for the CEO to determine which procurement option to proceed with to the tender stage.

2.8 Consequently, the CEO decided to continue with the Darebin Council led project.

3. DISCUSSION / ISSUE

3.1 From June 2020, the joint procurement tender for a PPA has been underway, led by Darebin Council. Confidentially, a preferred supplier was selected and contract negotiations are in progress. It is anticipated that the PPA contract will be ready to sign in March 2021.

3.2 Guided by previous Council resolutions on the PPA project and a climate emergency and guided by the ideal of competitively priced renewable energy supply, it is recommended that Council delegate authority to the CEO to determine whether or not to proceed with signing the renewable energy PPA contract.

Climate Emergency – Pathway to Zero Emissions – a Renewable Energy PPA for Large Buildings

3.3 Switching to renewable electricity is the single biggest climate mitigation action that Council can undertake.

3.4 Council has indicated it seeks stronger and urgent climate action with its January 2020 climate emergency resolution.

3.5 Large buildings, which constitute approximately 40% of Council's electricity consumption, are to be included in the PPA.

3.6 Relative to the 2008/09 baseline, the renewable energy PPA would result in an emissions reduction of 2,243 tCO2e or 25% of the baseline. Combined with the 50% reductions already achieved to date, the remaining emissions (from electricity used to power small buildings, vehicle fuels and gas) amount to 25% of 2008/09 baseline. These greenhouse reductions and history of Council's emissions are summarised in the following table.

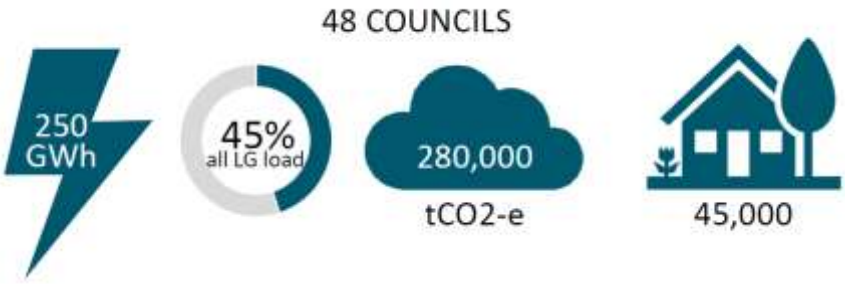
Council Greenhouse Gas Emissions	
2008/09 baseline (100%)	8,939
Reduction achieved by 2018/19 (25%)	(- 2,277)
Public Lighting - Green Electricity contract to 31 Dec 2024 (25%)	(- 2,238)
Proposed reduction from renewable energy PPA (25%)	(- 2,243)
Remaining emissions (small buildings, vehicle fuel, gas) (25%)	2,181

3.7 Darebin Council Led Renewable Energy PPA

3.7.1 Manningham is one of 48 Victorian Councils that make up the Local Government buyers group, led by Darebin Council.

3.7.2 A Business Case funded by the group forecast that joint procurement of renewable energy through a PPA with a term of up to 10 years had the potential to provide participating councils with clean energy at a competitive price.

3.7.3 The renewable energy PPA for the 48 Councils is equivalent to about 45% of total electricity use across Victorian Local Governments. This equates to the greenhouse gas emissions of about 45,000 homes for a year.



3.8 Other Examples of Local Government PPAs

3.8.1 Melbourne Renewable Energy Project (MREP): Renewable electricity commenced flowing to MREP members from the January 2019. The MREP consortium entered into a PPA to buy a total of 88 megawatt-hours (MWh) of electricity annually for 10 years from Pacific Hydro's wind farm at Crowlands located near Ararat, north-west of Melbourne.

Led by Melbourne City Council, the MREP consortium includes a diverse range of organisations:

- Port Phillip, Yarra and Moreland Councils
- University of Melbourne, RMIT
- National Australia Bank, Bank Australia
- Federation Square, Melbourne Convention and Exhibition Centre
- Australia Post, Zoos Victoria, Citywide
- NEXTDC

3.8.2 Alinta Energy and Procurement Australasia, in June 2020, signed an agreement to facilitate the execution of 10-year power purchase agreements (PPAs) with 13 Victorian councils and 1 State Government Authority. Under the agreements, the Bald Hills Wind Farm in Gippsland, an accredited GreenPower generator, will supply large-scale generation certificates to meet the specific renewable energy requirements of each signatory.

4. COUNCIL PLAN / STRATEGY

4.1 Purchasing renewable energy through a PPA and reducing greenhouse gas emissions relates to the following *Council Plan 2017-2021* goals and action areas under the Resilient Environment theme:

4.1.1 Goal 3.1 – Protect and enhance our environment and biodiversity.

4.1.2 Goal 3.2 – Reduce our environmental impact and adapt to climate change.

4.1.3 Action area – Optimise the management of our energy, waste and water.

4.1.4 Action area – Demonstrate leadership in sustainable and innovative environmental practices.

4.2 The 25% emissions reduction and the support that the PPA provides to new renewable energy generation in Victoria would be a clear demonstration of our commitment to deliver urgent, strong climate action following Council's climate emergency declaration in early 2020.

5. IMPACTS AND IMPLICATIONS

5.1 Using zero emissions renewable electricity for Council's large buildings will reduce Council's emissions by 25%. In a relatively short time-frame, signing up for a renewable energy PPA would be a significant step forward in delivering the urgent action that Council has committed to with the January 2020 climate emergency resolution.

5.2 Along with the renewable energy PPA, other Council energy and emissions savings initiatives will continue to be investigated and considered. This includes Council building rooftop solar, building and public lighting energy efficiency improvements and electric vehicles.

5.3 The additional benefit of a renewable energy PPA is that it provides an emissions-free source of electricity for electric vehicle charge points at the Civic Centre and Depot that are due to be installed this year.

5.4 Sourced through MAV Procurement, a new GreenPower electricity contract for public lighting (about 40% of Council's electricity use) commenced on 1 January 2021 and will run through to 31 December 2024.

5.5 GreenPower is the indirect purchase of government accredited emissions-free electricity that shifts grid electricity generation away from coal towards renewables including wind and solar. The PPA will be a more direct renewable electricity purchase from identifiable wind and solar generators.

5.6 Using a PPA and GreenPower in parallel diversifies Council's renewable energy purchasing portfolio. Not having all council electricity supply committed to a single contract or procurement approach mitigates against the price risk of either option because we have not 'put all our eggs in one basket'. At the end of the MAV GreenPower contract, consideration can be given to shifting public lighting to a PPA if it is preferable to do so.

5.7 The remaining 20% of Council electricity use is consumed by small buildings. The electricity accounts of small buildings are generally not suitable for a long term PPA or GreenPower as they typically do not attract an affordable price. A new electricity contract, for small buildings without GreenPower, was sourced through MAV Procurement and is running from 1 July 2020 to 30 June 2023.

5.8 The table below provides a summary of Council's Electricity Procurement Portfolio.

Asset	%Elec	$/pa	GHG**	Current Contract
Public Lighting	40%	$400k	0	Jan 2021 to Dec 2024
Large Buildings	40%	$470k	0	Jan to Dec 2021 from Jan 2022 - RE PPA for up to 10 yrs
Small Buildings	20%	$230k	1200	Jul 2020 to Jun 2023
Totals	100%	$1.1M	1200	

GHG** = tCO2e

6. IMPLEMENTATION

6.1 Finance / Resource Implications

6.1.1 It is anticipated that the costs associated with contracting for renewable electricity via a PPA will be no greater than Council's current electricity costs and compare very favourably with the previous contract (refer Table below).

6.1.2 The table below shows the forecast price of PPA electricity per megawatt-hour ($/MWh) compared to standard grid electricity (coal power) and GreenPower electricity.

6.1.3 The figures show that all of the prices compare very well to previous contract price of $132 /MWh. More specifically, the forecast price of PPA electricity is on par with standard grid electricity and represents a cost saving from the previous $132 /MWh contract price.

6.1.4 The improved cost forecast of a PPA comes with the additional benefit of 25% reduction in Council's greenhouse emissions.

Description*	2021	2022	2023	2024	4 yr average
Large Buildings - Standard Grid Electricity**	$93	$85	$83	$87	$87
Large Buildings - incl GreenPower	$126	$108	$94	$98	$106
Large Buildings - renewable energy PPA***	$88	$88	$88	$88	$88

* All values in table are $/MWh ie the cost per MWh of electricity

** Compare the current price of $93 per MWh with previous contract price for standard grid electricity of $132 per MWh

*** Based on a recent forecasts from Procurement Australia for PPA projects

6.1.5 If we sign the PPA contract – which will have up to a 10 year term – we will not be able to withdraw for the term of the contract.

6.1.6 Based on current forecasts, a renewable energy PPA contract for Council's four buildings – MC^2, Civic Office, Depot and Pines Learning and Activity Centre – will be approximately $4.7 million dollars over a ten year contract (refer Item 5.8).

6.1.7 To participate in the tender stage of a renewable energy PPA, a contribution of $25,000 was funded from Council's environment budget allocation.

6.1.8 The ongoing in-kind support of Council's Senior Sustainability Planner is required for the PPA project.

6.2 Communication and Engagement

6.2.1 Engagement for this project has included an internal working group with officers from Procurement, Finance, Property and City Services.

6.2.2 If the PPA contract is signed, communications will be developed to promote the benefits of the PPA.

6.3 Timelines

6.3.1 PPA contract negotiations are underway with the preferred supplier and should be complete February 2021. A final tender report and contracts will then be forwarded to each Council. The signed contract is to be returned by 26 March 2021. Then PPA electricity supply would start on 1 January 2022.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

11.3 Metropolitan Waste & Resource Recovery Group and Participating Councils Tender Evaluation and Contract Award Report for Landfill Services (Collaborative Procurement for Residual Waste Disposal Tender)

File Number: IN21/86

Responsible Director: Director City Services

Attachments: 1 Impact on Manningham Council (confidential)

EXECUTIVE SUMMARY

At its June 2019 meeting, Council considered the landfill disposal arrangements for Manningham and metropolitan Melbourne, and it was determined that Council participate in the Metropolitan Waste and Resource Recovery Group (MWRRG) collaborative joint tender process for landfill services.

This tender process facilitated by the MWRRG on behalf of participating councils aims to enhance competition amongst the existing licensed landfill operators. Under the circumstances described above, the metropolitan wide process is targeted to offer 'best value' outcomes for those councils participating in the process.

The contract structure, and all legal drafting of tender/contract documentation are consistent with existing commercial principles adopted by the MWRRG – which Council has been a part of for the past 10 years.

The structure comprises a suite of deeds and agreements to be entered into between the MWRRG, the participating councils and each successful tenderer, in order to establish the necessary contractual arrangements and obligations of each party.

Participating councils have independently chosen to engage the services of one or more of the panel of contractors, based on supply and pricing options.

To that end, the purpose of this report is to detail the tender process conducted by the MWRRG for a collective procurement for the provision of landfill services (MWRRG Contract 2020-23), provide a summary of tender bids received, cost implications and make recommendations on preferred landfill operators.

The report recommends to award a guaranteed contractual arrangement for the supply of landfill services to Cleanaway Pty Ltd and Suez Recycling and Recovery Pty Ltd and a non-guaranteed contractual arrangement for the supply of landfill services to Hanson Landfill Services Ltd as a contingency arrangement should the guaranteed contract suppliers not be able to provide landfill services for the life of the contract due to capacity restrictions forcing early cessation of operations.

The report recommends to authorise the Chief Executive Officer to formalise and execute contract agreements with the above contractors and the MWRRG, as well as to authorise the Chief Executive Officer and / or Director City Services to negotiate and execute further extensions as required.

The report also recommends to authorise the Director City Services, or an appropriate Council officer delegate, to represent Council and participate in any User Group established to assist the MWRRG in contract management activity for the term of the contract.

1. RECOMMENDATION

That Council:

A. Awards MWRRG Contract 2020-23 to the following contractors:

- **Cleanaway Pty Ltd and**
- **Suez Recycling and Recovery Pty Ltd**

a guaranteed contractual arrangement for the supply of landfill services as a schedule of rates contract for the period from 1 April 2021 to 31 March 2025 with the option of a further two (2) x two (2) years extensions subject to all contractors being appointed by the MWRRG as members of a 'Panel of Preferred Contractors';

B. Awards MWRRG Contract 2020-23 to the following contractor:

- **Hanson Landfill Services Ltd**

a non-guaranteed contractual arrangement for the supply of landfill services as a schedule of rates contract for the period from 1 April 2021 to 31 March 2025 with the option of a further two (2) x two (2) years extensions subject to the contractor being appointed by the MWRRG as members of a 'Panel of Preferred Contractors';

C. Authorises the Chief Executive Officer to formalise and execute contract agreements with the above contractors and the MWRRG;

D. Authorises the Chief Executive Officer and / or Director City Services to negotiate and execute further extensions to the MWRRG Contract 2020-23 to the maximum eight-year contract term;

E. Authorises the Director City Services, or their delegate, to represent Council and participate in any User Group established to assist the MWRRG in contract management activity for the term of the contract; and

F. Declares that all attachments remain permanently confidential.

2. BACKGROUND

Introduction

2.1 In 2010 MWRRG conducted a collective procurement process for landfill services and contracts were awarded to each of the major putrescible landfill sites across Melbourne:

a) City of Wyndham – Werribee;

b) Melbourne Regional Landfill (Cleanaway formerly Boral) – Ravenhall;

c) Hanson Landfill Services Limited – Wollert;

d) Suez Recycling and Recovery Pty Ltd – Hallam;

e) Suez Recycling and Recovery Pty Ltd – Dandenong South (contingency site); and

f) Cleanaway Pty Ltd - Clayton (now closed).

2.2 All available contract extensions have now been exercised; the final contract extension expires on 31 March 2021.

2.3 26 of the 31 metropolitan councils are currently a party to one or more of the MWRRG contracts delivering approximately 865,000 tonnes of waste to the landfill operators per year.

2.4 Currently Manningham's kerbside waste collection contractor collects the residential and commercial waste on a daily basis and transports it to the Suez landfill site located in Hampton Park.

Requirement to Tender

2.5 For this procurement process, metropolitan councils have requested the MWRRG to facilitate a tender process for waste management services on their behalf ('Participating Councils'). In response to this request, the MWRRG has facilitated and managed the tender process with all Participating Councils to this stage.

2.6 The MWRRG will provide ongoing contract management services, for the term of the contract(s).

Previous Advice to Council

2.7 At its June 2019 meeting, Council considered the landfill disposal arrangements for Manningham and metropolitan Melbourne, and it was determined that Council will join the MWRRG collective procurement of residual waste disposal services.

2.8 MWRRG had facilitated extensions to existing contracts, to enable the tendering process to be concluded for a new contract commencement on 1 April 2021.

Scope of Tender

2.9 The invitation to tender for landfill services on a metropolitan wide basis is not a new concept for Councils.

2.10 This tender process, facilitated by the MWRRG on behalf of Participating Councils, aims to enhance competition amongst the existing licensed landfill operators. Extensions to major road networks in recent years have also provided councils with transport logistics options that were not available under previous contract arrangements.

2.11 Under the circumstances described above, the metropolitan wide process is targeted to offer 'best value' outcomes for those councils participating in the process.

Procurement Objectives

2.12 The overall objective of this procurement is to enable metropolitan councils to access services for the disposal and transfer of waste that cannot be recovered or reused through other means.

2.13 In order to achieve this objective, the collective procurement has been structured to:

2.13.1 Provide a bridging period for the disposal of waste until an Alternative Waste Processing (AWP) contract is available;

2.13.2 Enable the appointment of more than one provider;

2.13.3 Ensure consistency across the metropolitan area;

2.13.4 Integrate with other household waste services;

2.13.5 Achieve a robust contact model that is based on:

- Best Value;
- Pricing transparency;
- Appropriate risk allocation;
- Flexible contract terms;
- Reduced tender costs; and
- Ensure workable contingency arrangements.

Contract Framework

2.14 Prior to the commencement of this procurement, all metropolitan Councils were invited to participate in the procurement process. Thirty councils executed MOUs recognising that MWRRG and Council would benefit in MWRRG:

2.14.1 Working with clusters of Councils that have common needs to be met;

2.14.2 Seeking the provision of Landfill Services for the benefit of Council clusters; and

2.14.3 Partially administering and facilitating, on behalf of Council, the contractual arrangements in relation to the provision of these Landfill Services.

2.15 This tender has seen the specification requirements strengthened to:

2.15.1 Promote better communication between parties, i.e. council, collector and landfill operator;

2.15.2 Encourage councils, collection companies and landfill operators to work to the same standards;

2.15.3 Require collection contractors to adhere to on site safety requirements, i.e. reflective tape on vests, use of two-radios;

2.15.4 Include protocols for notifications of closures, overweight vehicles and delay times;

2.15.5 Include access to landfill sites 365 days per year (Christmas Day and Good Friday). Rates to be sought for 24-hour access, Sundays and public holidays;

2.15.6 Penalties for non-compliance including delays greater than specified;

2.15.7 Priority access for guaranteed councils if future capacity is constrained;

2.15.8 Allow for all municipal waste (recycling and organics) and council commercial waste;

2.15.9 Stricter provisions for wheel wash;

2.15.10 Vehicle recovery guidelines and clarification of liability for damage caused to bogged vehicles;

2.15.11 Overweight management;

2.15.12 Continuous improvement clause for operational performance;

2.15.13 Requirement to ensure invoices are reports are forwarded within a specified period;

2.15.14 Procedures for advising of a landfill closure, including SMS alerts; and

2.15.15 The ability to respond to legislative changes i.e. carbon price.

Contingency Arrangements

2.16 Through the initial consultation of this procurement process, all parties agreed that the contract needs to take into consideration contingency arrangements (landfill and future AWP) and emergency events (i.e. fire and flood).

2.17 Landfill operators believe that the current contract requirement, whereby a landfill operator is liable for alternative disposal arrangements if a landfill is closed at short notice, is unworkable, as they would be required to negotiate with a competitor in the event of a landfill closure.

2.18 A more practical model would be for each council to have contracts with multiple site operators, and for the disposal facility operators to meet the additional cost incurred by a council in transporting waste to an alternative facility.

Contract Documents & Administration

2.19 The following documents will need to be executed at the conclusion of the tender process:

2.19.1 Participation Agreement between MWRRG and Council;

2.19.2 Landfill Services Deed for the provision of Landfill Services to be executed by successful tenderers and the MWRRG; and

2.19.3 Direct Deed to be executed by successful tenderers and councils.

2.20 MWRRG will administer the contracts on behalf of councils in line with Participation Agreements, Direct Deeds and Landfill Services Deeds.

The Tender Process

2.21 The *Environment Protection Act 1970*, formalises MWRRG's role in collective procurement to:

2.21.1 Facilitate waste and resource recovery infrastructure and services by councils;

2.21.2 Facilitate the development of joint procurement contracts for waste and resource recovery facilities and services;

2.21.3 Manage contracts in the performance of these objectives and functions;

2.21.4 Ensure consistency across the metropolitan area;

2.21.5 Integrate with other household waste services; and

2.21.6 Ensure workable contingency arrangements.

2.22 The tender process has been resourced by MWRRG on behalf of Participating Councils using the support of the municipalities/shires as well as external legal, probity, negotiation and financial advisors.

2.23 This collaborative procurement is consistent with the requirements of s186 and with the future requirements of s108/109 of the LGA2020.

2.24 The contract documents allow Participating Councils to enter into contracts with providers on either a 4-year guaranteed basis or a 12-month guaranteed basis and/or one or more contractors on a non-guaranteed basis. A guaranteed contract commits the Council's municipal solid waste to that landfill operator for a particular specified time period i.e. in this instance 4-years. While a non-guaranteed contract does not commitment any supply of municipal solid waste to a landfill operator – rather provides Council with contingency options if a problem was encountered at a facility i.e. fire event, etc. Guaranteed contract gate fee prices are relatively cheaper when compared to non-guaranteed prices. Penalties will apply for the early termination of a guaranteed agreement.

2.25 This report recommends that Council execute agreements with more than one provider to ensure that contingency arrangements are in place if a landfill site is not available during the contract term.

Transfer

2.26 Participating Councils previously advised MWRRG that it wished it to seek prices for waste transfer as part of the landfill services contract as an alternative to direct hauling to a disposal facility.

Contract Term

2.27 Council will continue to rely on some form of landfilling in the future, however should Council transition to alternative waste technology for the treatment of residual waste, the volume of material sent to landfill may reduce significantly.

2.28 The initial contract term is for a four-year period commencing on the 1 April 2021. There is an option to extend the contract for two further terms of 2 years. Any extension will need to be agreed by Council and the landfill service provider.

2.29 Contractors will be invited to resubmit pricing in 2023, for the 1 April 2025 extension, to enable Council to determine if it wishes to exercise an extension option or commence a new procurement. A similar process will be conducted in 2025.

2.30 The initial cost of the contract for the initial four (4) years is $5,000,000 (ex GST and ex State Government landfill levy). The overall cost inclusive of the contract inclusive of the initial four (4) years as well as the two (2) x two (2) years extensions is $10,000,000 (ex GST and ex State Government landfill levy).

3. RESPONSES RECEIVED

A total of 8 responses were received to MWRRG's Invitation to Supply:

3.1 Landfill

3.1.1 Cleanaway Pty Ltd - a national company, owns and operates the Melbourne Regional Landfill (MRL) at Ravenhall. Cleanaway takes waste from 9 metropolitan councils under the current MWRRG Landfill Services contract.

3.1.2 Suez Recycling and Recovery Pty Ltd – a multi-national company, owns and operates a landfill in Hampton Park that currently provides services for 9 metropolitan councils under an MWRRG contract.

3.1.3 Hanson Landfill Services Limited - has been providing landfilling services to councils at their Wollert Landfill for two decades. Hanson's Wollert landfill currently provides services to 5 metropolitan Councils under an MWRRG contract.

3.1.4 SBI Landfill Pty Ltd – the offer is for a solid inert landfill in Botanic Ridge, the site is unable accept residual municipal waste.

3.2 Transfer

3.2.1 Cleanaway Pty Ltd – a national company, operates a network of transfer stations that provides councils with potential collection efficiencies and transport cost savings. Cleanaway has provided pricing for three sites; the South East Melbourne Transfer Station (SEMTS) and Lysterfield Transfer Stations are established facilities. Cleanaway has indicated that the Northern Transfer Station in Coolaroo will be available at the commencement of the contract.

3.2.2 KTS Recycling – has managed and operated waste transfer stations since 2007. KTS proposes two sites:

- Coldstream - for putrescible waste transfer.
- Knox - limited to the transfer of inert waste.

3.2.3 Citywide Service Solutions – has 25 years' experience in providing transfer services from its Dynon Road facility in West Melbourne.

3.3 Alternative Offers

3.3.1 Wyndham City Council – submitted an offer based on; receiving waste in an enclosed facility, mechanical separation to recover metals, baling of waste and anaerobic digestion of recovered organics.

3.3.2 Recovered Energy Australia (REA) and Solo Resource Recovery (Solo) – propose to jointly provide a service based on the high temperature destruction of waste to generate energy (gasification) at a facility to be constructed at Laverton North.

4. EVALUATION CRITERIA

4.1 A Tender Evaluation Panel comprising two council representatives and an MWRRG Procurement Team member has assessed tender responses, the panel was supported by:

4.1.1 Probity Advisor – is responsible for ensuring that the evaluation process is conducted in accordance with probity principles and adherence to the approved evaluation plan;

4.1.2 MWRRG Subject Matter Experts and Project Managers – responsible for providing expert advice as required to confirm tenderer's submissions compliance to the specification and compliance with procurement policies; and

4.1.3 Legal Advice - provide legal advice and support throughout the tender process on an 'as needs' basis.

4.2 The Evaluation Panel assessed against the following evaluation key criteria:

4.2.1 Mandatory requirements;

4.2.2 Professional competence;

4.2.3 Quality Systems for Deliverables;

4.2.4 Commercial;

4.2.5 Social Procurement; and

4.2.6 Local Jobs First Policy

Mandatory Requirements

4.3 Responses which did not comply with a Mandatory Criteria were not considered.

Professional Competence

4.4 Professional capability, capacity to process waste and scope of services was based on evidence supplied in the tender documents.

4.5 The technical capability of the tenderer is critical to the final value for money score provided by the Tender Evaluation Team. Technical capability was assessed through consideration of the solution proposed, combined with verifiable evidence of current/past performance in providing services of a similar nature.

Quality Systems for Deliverables

4.6 The Quality Systems for Deliverables assessment was based on the level of best practice accreditations Tenderers hold or able to demonstrate progress towards achieving certifications in OHS, QMS and Risk Management and any Strategic Innovations that could add value or continuous improvement strategy.

Commercial

4.7 The commercial assessment focused on each Tenderer's risk, degree of compliance with the proposed contract, demonstrated financial viability, levels of insurance cover offered, and a comparison of the prices offered

Social Procurement Framework (SPF)

4.8 The Social Procurement Framework is a 'whole of government' procurement policy that embodies the Victorian Government's commitment to social procurement. Social and sustainable procurement are defined as a key value-for-money component. Tenderers were required to demonstrate how they can make a difference to our communities.

Local Jobs First Policy Scoring

4.9 Under the Local Jobs First Act 2003 the Minister for Industry and Employment is responsible for setting local content requirements for government procurements. This criterion assessed the level of local job content proposed for each proposal.

5. COUNCIL PLAN / STRATEGY

5.1 The project aligns with the Council Plan goals 3.1 to 'protect and enhance our environment and diversity' and 3.2 to 'reduce our environmental impact and adapt to climate change', as well as goal 5.1 to be 'a financially sustainable council that manages resources effectively and efficiently'.

6. IMPACTS AND IMPLICATIONS

6.1 The impacts on Council are detailed in the Confidential Attachment to this report.

7. IMPLEMENTATION

7.1 Finance / Resource Implications

7.1.1 Further to the financial implications detailed in the Confidential Attachment, Council also pays the State Government landfill levy of $65.90/t.

7.1.2 The landfill levy will increase to $105/t on 1 July 2021, and will further increase at the commencement of the following financial year by an additional $20/t.

7.2 Timelines

7.2.1 The landfill contracts expire on 31 March 2021.

7.2.2 The new landfill disposal contracts will be in place from 1 April 2021.

8. CONCLUSIONS

8.1 The MWRRG has invited the following tenderers to be members of 'Panel of Preferred Contractors' (The Panel) for the provision of landfill services.

8.2 The Panel consists of the following tenderers (relevant to Manningham):

8.2.1 Cleanaway Pty Ltd;

8.2.2 Suez Recycling and Recovery Pty Ltd; and

8.2.3 Hanson Landfill Services Limited.

8.3 Even though the contractors forming The Panel may be appointment to The Panel, it does not guarantee a commitment of any party to supply (municipal solid waste) MSW to their respective landfill facilities.

8.4 Council Officers have independently assessed all available contract payment structure options and costing models, and are proposing to engage the services of Cleanaway and Suez as Councils' preferred landfill operator to be administered by the MWRRG.

8.5 Council Officers are also proposing to engage the services of Hanson Landfill Services Limited as Council's contingency landfill operators (non-guaranteed supply).

8.6 It is proposed that Council participate in the MWRRG model for contract procurement of the landfill contracts for an initial four (4) year term with options to extend as required.

8.7 Contractors forming The Panel will only be provided supply of MSW for the contract term under a guaranteed or non-guaranteed basis when:

8.7.1 A Participating Council independently elects to enter into a supply arrangement with a Panel contractor through an instrument of Direct Deed facilitated by the MWRRG, under any of the options and associated conditions tendered (including any subsequent clarifications) by the contractor;

8.7.2 A Participating Council enters into a Participation Agreement with MWRRG; and

8.7.3 The Contractor enters into a Landfill Services Deed with the MWRRG.

9. DECLARATIONS OF CONFLICT OF INTEREST

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

11.4 December 2020 Capital Works Status Report

File Number: IN21/76

Responsible Director: Manager City Amenity

Attachments: 1 Capital Works Program Status Report December 2020 ⇩

EXECUTIVE SUMMARY

The purpose of the report is to provide Council with a progress update for the second quarter of the 2020-21. Delivery the Capital Works Program within budget is essential to ensure that Council is financially sustainable and that Council's assets are maintained and developed to meet the needs of the Manningham Community.

The total Capital Works expenditure to the end of December was $14.05 million, which is 69.7% of the end of December cash flow target. This represents 30 % of expenditure against the $46.85 million for 20/21 financial year Capital Works Program.

During December $5.03 million of the capital program was expended, whilst less than the forecasted expenditure, December was the best performing month for the financial year. If this can be replicated in the second half of the financial year this will result in the KPI being easily met.

An additional $1.2 million in funding has been reallocated across the program in December ensuring that projects needing funding are properly resourced and reducing the risk of significant funds needing to be carried forward to 21/22.

1. RECOMMENDATION

That Council:

A. Notes the Capital Works Program Monthly Status Report for December 2020;

B. Notes Mullum Mullum Bowls project has been delayed for completion in Financial Year 21/22 to minimise the disruption of construction works on the community groups season;

C. Endorses Pettys Reserve project budget to be revised from $8.054m to $11.2m (multiyear budget) to include contingency for the project;

D. Endorses $600,000 funding to be transferred to Pettys Reserve for financial year 20/21 from the Mullum Mullum Bowls project;

E. Endorses $2,815,793 be allocated to Pettys Reserve in the forthcoming 21/22 financial year Capital Works Program; and

F. Endorses on completion of the Pettys Reserve project that the balance of funding allocation be reallocated to prioritised capital works building projects.

2. BACKGROUND

2.1 The Capital Works Program Monthly Status Report details how well the capital program is performing and expenditure forecasts. With the intention to keep Council informed of both the overall health of the program, and to identify with any specific issues that have arisen that may affect program delivery, and how these issues are to be managed.

3. DISCUSSION / ISSUE

3.1 The capital works program KPI for the 2020/21 program is to complete 90-95% of the program on time and on budget. The current year to date spend of $14.05 million is approximately 30% of the overall capital budget of $46.85 million. This is a healthy position compared to this time last financial year. At this time last year only 19% of the budget had been expended.

Major Sporting and Recreation Projects

3.2 A number of tenders - primarily those associated with major sporting and recreation projects such as Riechiecks Reserve Management Plan, Pettys Reserve Sporting Development Stage 2 and Domeney Reserve Management Plan have come in at a higher value than initially anticipated, necessitating that these projects be value managed and/or the reallocation of funds from the capital works program.

Pettys Reserve

3.3 The scope of the project is for the upgrade of the two grass training soccer fields at Pettys Reserve to synthetic surfaces providing associated floodlighting, new sports pavilion and social space, covered spectator viewing areas, increased car parking and associated reserve improvements.

3.4 The project was funded as a multi-year project with of $8.054 million.

3.5 During initial earthworks a significant latent and contaminated ground condition were identified that resulted in additional costs to the project.

3.6 It is prudent to provide further allowance for the balance of the projects work packages (individual contracts) to de-risk the project and avoid compromising the project scope and external funding requirements.

3.7 The project budget revised from $8.054 million to $11.2 million inclusive of additional contingency amounts appropriate to the level of risk to the remaining work packages.

3.8 To fund the addition budget amount from the 2020/21 program to fund the project worst case scenario, officers propose that:

3.8.1 $600,000 be transferred to Pettys Reserve for FY 20/21 from Mullum Mullum Bowls project which has been delayed for completion in FY 21/22 to meet minimise the disruption of construction works on the community groups season. The Mullum Mullum Bowls project to be funded from the 21/22 Capital Works Program.

3.8.2 $2,815,793 be allocated to Pettys Reserve in the forthcoming FY 21/22 Capital works program.

3.9 On completion of the Pettys Reserve project any funding allocation not spent will be reallocated to prioritised capital works building projects.

MC²

3.10 A number of other projects most notably 'MC² Exterior' have been delayed by circumstances beyond the control of project managers and have been pushed back either fully or in part to next financial year. Rather than carrying forward the funding for these delayed projects, part or all of their budgets have been transferred to those projects requiring additional funding in 20/21.

Mullum Mullum Bowls

3.11 The contract will be ready for award mid February, but works cannot commence till April 21 due to user group requirements. This will mean that approximately $600k of this budget is likely to be unspent this financial year.

Key Performance Indicator (KPI)

3.12 Despite the issues detailed above project managers are reporting confidence in delivering the vast majority of projects on time. As a result the Capital Works KPI is expected to be met if appropriate strategies are implemented to avoid carry forward of funding in to the following year.

Contingencies

3.13 As a result of recent experiences and learnings the business cases for 2021/22 and beyond have been reviewed to increase project contingencies particularly on major projects to minimize the frequency and impact of significant budget issues in the future.

4. COUNCIL PLAN / STRATEGY

4.1 The Capital Works status report and performance discussed in this report are consistent with Council's strategic Well Governed Council and Liveable Places and Spaces and objectives under the Council Plan. The delivery of capital works projects within the program is essential for the provision of:

4.1.1 inviting places and spaces;

4.1.2 enhanced parks and open space and streetscapes;

4.1.3 well connected safe and accessible travel options; and

4.1.4 well utilised and maintained community infrastructure.

5. IMPACTS AND IMPLICATIONS

5.1 At this point in time given we believe the program is largely on track it is not anticipated that there will be any significant impacts or implications for the community as a whole.

5.2 Changes are recommended as part of the report to address selected project budget and timing issues. Overall there is some delay to a few projects, however are in line with communications and discussions with key stakeholders.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

6.1.1 It is anticipated that we will have sufficient budget and resources to deliver at least 90% to 95% of the program as per the KPI.

6.1.2 Pettys Reserve project budget is required to be revised from $8.054 million to $11.2 million to ensure delivery of the non-negotiable items scoped for the facility.

6.1.3 The $11.2 million is inclusive of additional allowance to de-risk the project should further latent ground conditions be encountered.

6.1.4 Council's 2020/21 program currently has $5.745 million remaining within the program allocated to Pettys Reserve. To fund the project worst case scenario, officers propose that:

i. $600,000 be transferred to Pettys Reserve for FY 20/21 from Mullum Mullum Bowls project.

ii. $2,815,793 be allocated to Pettys Reserve in the forthcoming FY 21/22 Capital works program.

6.1.5 Business cases for 2021/22 and beyond have been reviewed to increase project contingencies particularly on major projects to minimize the frequency and impact of significant budget issues in the future.

6.1.6 Upon completion of the Pettys Reserve project, any funding remaining will be reallocated to prioritised capital works building projects.

6.2 Communication and Engagement

6.2.1 Monthly meetings are held with each service unit manager responsible for delivery with the annual program. These meetings focus on performance to date, upcoming milestones, project management process, governance of the program and identify risks and providing support to the delivery teams.

6.2.2 The Capital Works Steering Committee meets on a monthly basis to review how the program is progressing. The next Steering Committee Meeting is scheduled for 18 February.

6.3 Timelines

6.3.1 Quarterly Performance Reports are provided to Council and the community.

6.3.2 The Pettys reserve Project will be delayed completion unto late 2021.

6.3.3 Mullum Mullum Bowls has been delayed at the clubs request and will not commence until April 2021 and as a result will likely be delivered by end of 2021 or early 2022.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

Capital Works

December Status Report

Wayne Eddy

Interpreter service **9840 9355**
普通话 | 廣東話 | Ελληνικά | Italiano | عربي | فارسی

MANNINGHAM

Overview

Total Capex expenditure to the end of December was $14.05 million which is 69.7% of the adjusted end of December cash flow target.

During December $5.03 million was spent against an expected spend of $5.80 million. Whilst still less than the forecasted spend it is still the best monthly result for the year, and if replicated in the second half of the financial year this rate of spending would result in our KPIs being easily met.

$14.05 million is almost exactly 30% of the overall capital budget of $46.85 million. This time last year we had only 19% of our budget, so we are in a much better position this year.

An additional $1.2 million in funding has been transferred across the program in December (see page 18) ensuring that projects needing funding are properly resourced and reducing the risk of significant funds needing to be carried forward to 21/22.

Resurfacing Works - Clontarf Crescent, Templestowe

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MANNINGHAM

Key Performance Indicators

Progress	Target	Action
34.6%	47.3%	Capital Works Program was spent against the adopted budget. *
8.3%	21.1%	Capital Works Program Projects Completed

- Both Capital Works KPIs (budget spent and projects completed) are lagging the target by about 13%.
- * The adopted 20/21 budget of $49.9 million was reduced by $3.2 million to $46.7 million as a result of an over expenditure in 19/20 and a number of income adjustments. The 34.6% figure above includes that $3.2 million.

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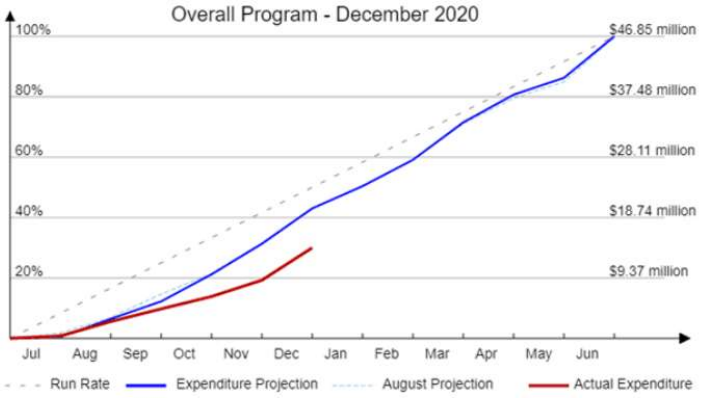
MANNINGHAM

Overall Financial Performance



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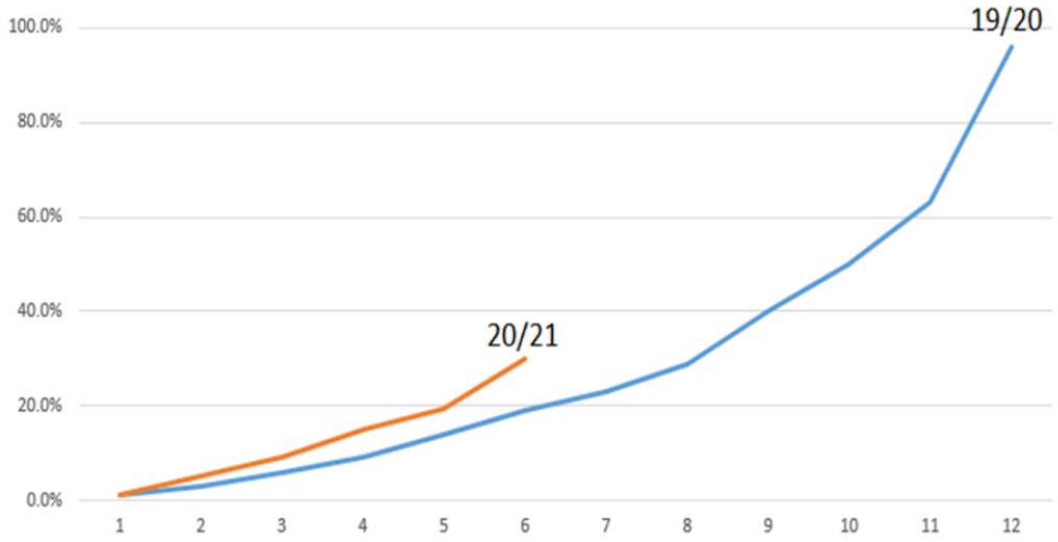
2019/20 vs 2020/21

With respect to overall YTD capital expenditure we are in a considerably better position than at this time last financial year at which time we had spent less than 20% of our budget.



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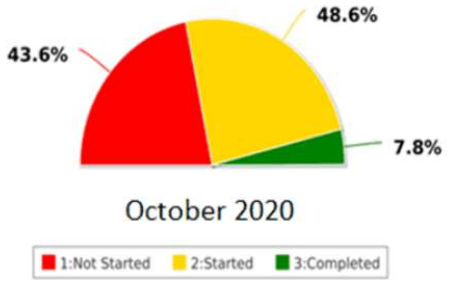
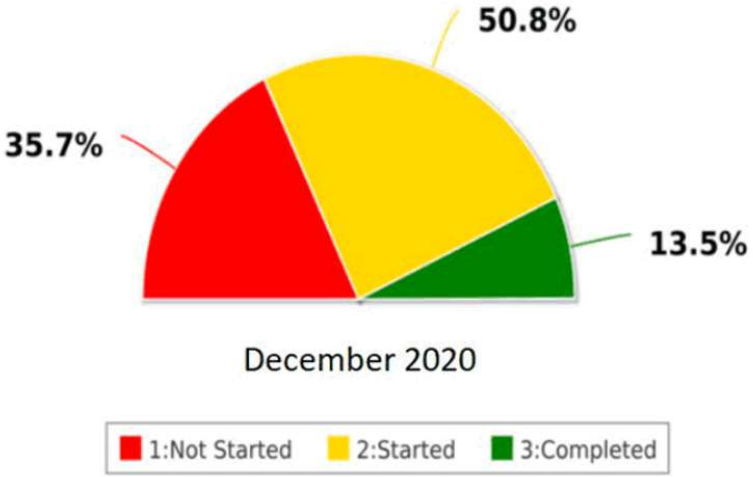
Project Progress Update





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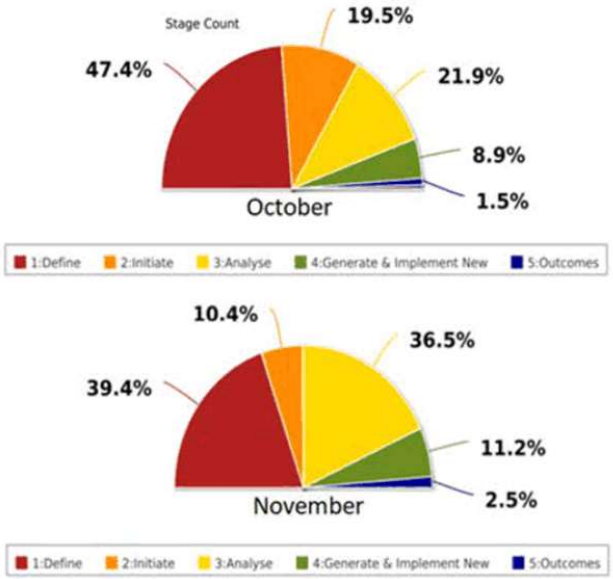
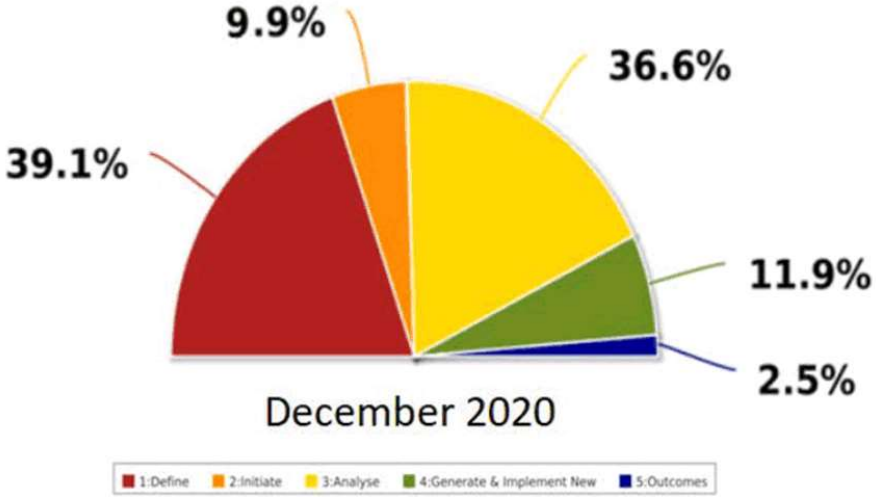
Project Stage Status





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Income

We are anticipating we will receive just under $8.5 million in income derived from grants, club contributions and asset sales this financial year.

Overall this has been a mixed result. Some anticipated grants were not received, but this however has been counterbalanced by new unanticipated grants associated with the Local Roads and Community Infrastructure Program and North East Link.

PRJ	Account Number	CA PPM Project Name	Asset Sales	Asset Sales Received	To be received	
			$360,000.00	**$208,000.00**	**$152,000.00**	
PRJ-00152	C95008	Plant Replacement Program (Master)	$360,000.00	$208,000.00	$152,000.00	
PRJ	**Account Number**	**CA PPM Project Name**	**Probable Contributions**	**Probable Grants**	**Income Received**	**To be received**
			$497,625.00	**$8,546,097.00**	**$3,029,748.50**	**$6,013,973.50**
PRJ-00666	C62089	Boronia Reserve Floodlight Design AMS Floodlighting	$ -	$125,000.00	$0.00	$125,000.00
PRJ-00668	C62092	Rieschiecks Reserve Athletic Track Floodlight Design	$ -	$375,000.00	$225,000.00	$150,000.00
PRJ-00671	C62083	Warrandyte Reserve AFL Floodlight Design - AMS Floodlighting	$25,000.00	$100,000.00	0	$125,000.00
PRJ-00355	C25045	Doncaster Tennis		$25,093.00	$25,093.00	$0.00
PRJ-00663	C62085	Wonga Park Reserve Floodlight AMS Floodlighting	$125,000.00	$ -	$0.00	$125,000.00
PRJ-00645	C51154	Domeney Reserve Management Plan Implementation	$286,000.00	$ -	$200,000.00	$86,000.00
PRJ-00156	C51008	Pettys Reserve Sporting Development Stage 2	$ -	$280,000.00	$0.00	$280,000.00
PRJ-01030	C66327	Fitzsimons Lane and Main Road Corridor	$ -	$3,500,000.00	$0.00	$3,500,000.00
PRJ-00282	C66279	Tram / Merlin Traffic Signals	$ -	$412,000.00	$0.00	$412,000.00
PRJ-00182	C25531	Arterial Road Pavements (Link & Collector)	$ -	$131,000.00	$0.00	$131,000.00
PRJ-00202	C23515	Road Restoration	$ -	$405,000.00	$0.00	$405,000.00
PRJ-00085	C97155	Smart Cities - Reinventing Neighbourhoods	$ -	$64,602.00	$64,602.00	$0.00
PRJ-00258	C23059	Church Rd (Queens Ave to Doncaster Rd) Shared Path	$ -	$25,660.00	$0.00	$25,660.00
PRJ-00205	C23514	Road Surfacing (Reseals)	$ -	$416,340.00	$100,390.00	$315,950.00
PRJ-01098	C27055	Jackson road parklet	$ -	$100,000.00	$40,000.00	$60,000.00
PRJ-00792	C62069	Doncaster cricket	$61,625.00	$0.00	$56,462.50	$5,162.50
IDEA-0884	C62096	LCRIP - Rieschiecks Reserve Athletics Carpark Construction		$395,000.00	$197,500.00	$197,500.00
IDEA-0756	C23096	LCRIP - Ruffey Lake Park Access Improvements		$141,402.00	$70,701.00	$70,701.00
TBA		Banksia Park Shared Path Bridge		$2,050,000.00	$2,050,000.00	$0.00

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At Risk Projects

The projects listed below are at risk of not being completed on schedule. They will be carefully monitored and managed to try to ensure that they are delivered, but where this is not possible funds may be diverted to other projects to ensure the expenditure KPI of 90% is met.

CA PPM Ref	Project	Budget	Reason
PRJ-00333	Macedon Square	$150,000	Delay due to letters not being received by all the residents. This will be resumed after the caretaker period. Possible risk to the project to be monitored.
PRJ-00165	Mullum Mullum Bowls	$1,050,000	Project is currently out to tender following the unsuccessful procurement of modular contractor. Additional project delay due to changing club requirements regarding design and access. Potential cost escalation.
PRJ-00156	Pettys Reserve Sporting Development	$5,745,000	Delays have been identified due to COVID which may have potential deferrals of completing the project. Cost escalation to be finalised.
PRJ-00310	Taroona Avenue Shared Path	$110,000	Project to commence this FY and be complete across two FY, Additional funding allocated in 21/22.
PRJ-00282	Tram/Merlin Traffic Signals	$412,000	Ongoing delays with DOT regarding approval.
PRJ-01096	Ruffey Lake Master Plan	$225,000	Possible $100,000 underspend.

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New Projects with Grant Funding

PROJECT	GRANT
Jackson Court Parklet	$100,000
Rieschiecks Reserve Athletics Track Carpark Construction	$395,000
Ruffey Lake Park Access Improvements	$141,402
Banksia Park Shared Path Bridge	$2,050,000
Total	$2,686,402

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New Funds Transfers

9 new fund transfer requests were received in December. Three additional requests dated November were also processed in December.

Recipient Project	Donating Project	Amount	TRIM	Date
PRJ-00285 - Hepburn Road Extension	PRJ-00282 - Tram/Merlin	$200,000	D21/482	2 Nov
PRJ-00992 - Warrandyte Scout Hall	PRJ-01024 - Civic Centre Sewer	$45,000	D20/138807	2 Nov
PRJ-00898 - Major - Celeste Roundabout	PRJ-00282 - Tram/Merlin	$85,000	TBC	13 Nov
PRJ-00686 - Church Road Shared Path	PRJ-00252 - Heidelberg Warrandyte Pathway	$140,000	D20/138812	2 Dec
PRJ-00598 - Park Road Footpath	PRJ-00252 - Heidelberg Warrandyte Pathway	$150,000	D20/135574	8 Dec
PRJ-00596 - Oliver Road Footpath	PRJ-00252 - Heidelberg Warrandyte Pathway	$100,000	D20/141250	14 Dec
PRJ-00596 - Oliver Road Footpath	PRJ-00570 - Thompsons Road S/R Footpath	$85,000	D20/141250	14 Dec
PRJ-00596 - Oliver Road Footpath	PRJ-00749 - Beverley Street Bicycle Strategy	$15,000	D20/141250	14 Dec
PRJ-00191 - Basketball & Netball Facilities	PRJ-00671 - Warrandyte Reserve Floodlighting	$60,000	TBC	15 Dec
PRJ-01021 – 175 Blackburn Road Bus Shelter	PRJ-00282 - Tram/Merlin	$79,000	D21/597	15 Dec
PRJ-00724 – Doncaster Playhouse DDA Works	PRJ-00795 - MC2 Exterior	$93,000	D20/138681	18 Dec
PRJ-00668 – Rieschiecks Athletics Floodlighting	PRJ-00795 - MC2 Exterior	$146,000	D20/141252	23 Dec

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Projects Requiring Additional Funding

The projects listed below will or may need additional funding for a variety of reasons. They are currently being assessed and prioritized and if appropriate will be added to the transfer list if funding is available.

Project	Current Budget	Additional Funding Required
PRJ-00428 – Harold Link Development Plan	$200,000	$28,000
PRJ-00332 – Tunstall Square Stage 5	$65,000	$35,000
PRJ-00792 – Doncaster Reserve Cricket Net Facility	$0	$41,625
PRJ-00169 - MC2	$50,000	$45,000
7 Lucia Court Drainage	$0	$200,000

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Major Projects – Sport & Recreation

- Riechiecks Reserve Management Plan
- Pettys Reserve Sporting Development Stage 2
- Domeney Reserve Management Plan
- Mullum Mullum Bowls

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Riechiecks Reserve Management Plan

- The approved budget for the Riechiecks Reserve Management Plan project (PRJ-00480) was $1,239,000.
- The tender process which concluded recently, resulted in an overall project cost of $1.5 million or $261,000 more than the approved budget.
- Value management options were considered, however it was concluded that there was minimal scope to modify the project to reduce the cost of the project identified without significantly comprising the project objectives.
- The shortfall of $261,000 was funded from the MC2 Exterior project.
- A transfer form (D20/134491) was been completed and referred to the November Steering Committee Meeting for approval.

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Pettys Reserve Sporting Development Stage 2

In 2011, the Petty's Reserve development plan was endorsed with the project objectives being to deliver on the plan by creating a premier soccer venue in Manningham to assist with the growing sport within the municipality. The scope of the project is for the upgrade of the two grass training soccer fields at Petty's Reserve to synthetic surfaces providing associated floodlighting, new sports pavilion and social space, covered spectator viewing areas, increased car parking and associated reserve improvements.

The project was funded as a multi-year project with funding allocated between FY 2017/18 and FY 2020/21 for a total sum of $8.054m, however, officers have advised council previously that the cost estimate for the project was in the order of $10.3m.

Works commenced on site in May 20 with the sportsfield construction. During initial earthworks a significant latent and contaminated ground condition was identified and has cost council and additional $1.5m to rectify. Following a process of value management the final anticipated project budget is required to be revised from $8.054m to $11.2m. This figure is inclusive of $1m worth of contingency should further latent ground conditions be encountered.

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Pettys Reserve Sporting Development Stage 2

Councils 2020/21 program currently has $5.745m allocated to Petty's Reserve.

To fund the over-expenditure it is proposed that:

- $600,000 be transferred to Pettys Reserve for FY 20/21 from Mullum Mullum Bowls project which has been delayed for completion in FY21/22 to meet minimise the disruption of construction works on the community groups season.
- $2,815,793 be allocated to Pettys Reserve in the forthcoming FY 21/22 Capital works program.

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Domeney Reserve Management Plan

- The approved budget for the Domeney Reserve Management Plan project (PRJ-00645) is $1,276,100.
- The tender process which concluded in October resulted in an overall project cost of $1.7 million or $424,000 more than the approved budget.
- The shortfall of $424,000 was funded from the MC2 Exterior project. A transfer form (D20/134486) has been completed.

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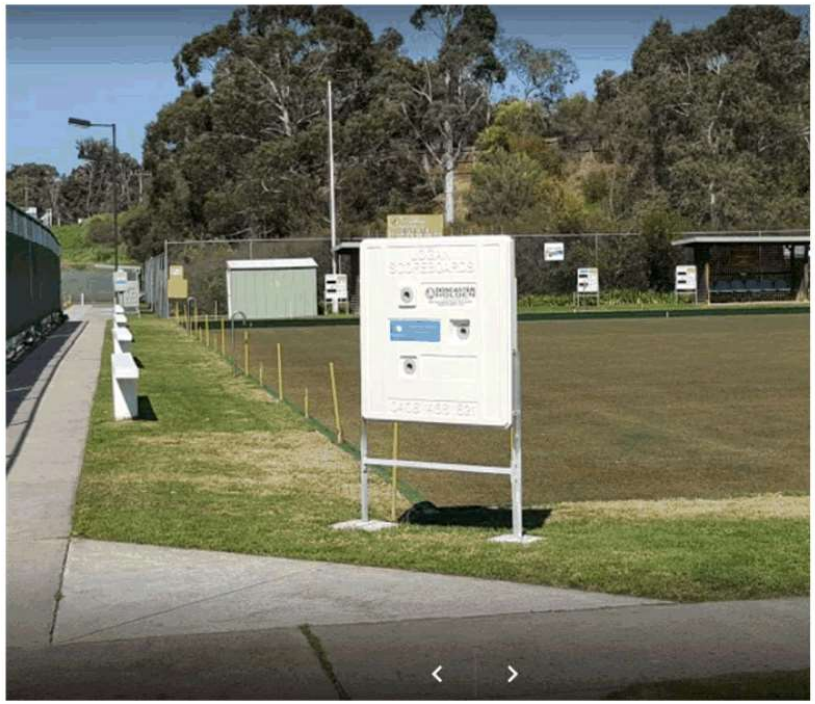
Mullum Mullum Bowls

- The approved budget for the Mullum Mullum Bowls project (PRJ-00165) is $1,050,100.
- The original contract for a modular construction was not executed by the preferred tenderer and as such council will need to re-tender the project as an in-situ build.
- This is likely to lead to an increase in prices.



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Development Contributions Plan

Andrew Allan who had been co-ordinating work on the Development Contributions Plan resigned from Council recently.

Andrew provided detailed handover notes and had entered details of the projects with a DCP component into CA PPM prior to leaving.

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Expenditure on Unbudgeted Projects

Just over $194,000 in expenditure against projects not funded in this year's budget has been identified, but only $6,000 of this expenditure has occurred in December, all associated with the Civic Centre Fitout.

Account number	Project	Expenditure
C24092	MagiQ	$209.00
C97071	Additonal Desktop Hardware	$53,585.00
C97073	Cherwell Change Module Implementation	$2,578.00
C97083	Minor Asset CMDB config in Cherwell	$309.00
C20046	Tikalara Park Development	$31,871.00
C24062	Mullum Mullum Highball Facility	$2,191.00
C66120	Montgomery St Laneway Improvements	$7,835.00
C23001	**Civic Centre Fitout**	**$28,937.00** ↑
C23002	Advanced Design Fees	$1,172.00
C27502	Ted Ajani Buildings	$4,675.00
C28092	Blanche Court Doncaster East Local Footpath	$17,142.00
C62088	Templestowe Reserve Floodlighting	$2,913.00
C66301	6 Strand Drainage Improvements	$1,900.00
C67025	Tunstall Maternal Child Health Centre	$9,550.00
C67070	Depot Accomodation	$4,321.00
C96071	Bus Bay Construction	$18,800.00
	TOTAL	**$194,389.00**

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Financial Status Report

The **CWP EMT Financial Status Report** is a table based report that lists key financial information such as; FY Adopted Capital Budget, the CWSC Endorsed Forecast and Planned Cost against individual projects grouped by Service Unit Manager Responsible for Delivery.

The CWP EMT Financial Status Report can be accessed via the Advanced Reporting area in CA PPM.

https://cppm6154.ondemand.ca.com/niku/nu#action:nmc.advancedReporting

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MANNINGHAM

Departments Planned January Expenditure

It is expected that about $4.34 million in expenditure will occur in January 2021. This estimate is based on the cost plans provided by project managers. As changes to the program are necessitated by a range of factors these cost plans should be updated to reflect the changes.

Service Unit	Planned January Expenditure
City Amenity	$76,000
City Projects	$2,566,000
Information Technology	$34,000
Infrastructure Services	$516,000
Integrated Planning	$368,000
Other	$78,000
Transformation	$697,000
TOTAL	**$4,335,000**

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Projects with Significant January Expenditure

Service Unit	Planned Expenditure
PRJ-00156 - Pettys Reserve	$500,000
PRJ-00205 - Road Surfacing	$400,000
PRJ-00285 – Hepburn Road	$400,000
PRJ-00631 – Knees Road	$200,000
PRJ-00725 – Manningham Function Centre	$200,000
PRJ-00070 – Contract Management System	$113,000
PRJ-00165 – Mullum Mullum Bowls	$200,000
PRJ-00261 – Domeney Reserver Management Plan	$117,000
PRJ-00405 – 12-12A Hamal Street Drainage	$150,000
PRJ-00417 – PC Refresh & MS Office Upgrade	$106,000

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MANNINGHAM

12 SHARED SERVICES

12.1 COVID-19 Community Financial Relief

File Number: IN21/73

Responsible Director: Director Shared Services

Attachments: Nil

EXECUTIVE SUMMARY

COVID-19 has highlighted the important role Council plays in our community, to keep people connected, support local businesses, to deliver health and wellbeing programs and to protect our local environment and natural resources.

In response to the impacts on our community resulting from the COVID-19 pandemic, on 28 April 2020, Council approved an extensive $3.8 million COVID-19 Community Financial Relief Package over two financial years (2019/20 and 2020/21).

In addition to the above, Council also provided $250,000 of commercial lease relief for Council's commercial tenants six months (March to August 2020).

On 15 September 2020, Council approved the extension of a range of community financial relief measures until the end of February 2021 at an estimated additional cost to Council of $570,000.

This included a six month extension of rent and outgoings relief for community groups, sporting clubs and commercial tenants until February 2021. This was in addition to the initial six months' of rent and outgoings relief which ran until August 2020. The aim was to continue assisting those most in need while maintaining Council's financial sustainability.

To date, Council's total commitment to COVID-19 targeted community financial relief is $4.62 million. This equates to approximately 5% of Council's general rate revenue for the year.

At the Council Meeting on 15 September 2020, Council, via a subsequent motion, authorised the Chief Executive Officer to plan further support for the Manningham community as metropolitan Melbourne emerges from the COVID-19 stage 4 lockdown.

This included supporting activity within shopping precincts by enabling trading to occur outdoors where practicable and safe.

Council also requested the preparation of a report which sets out financial relief and initiatives that may further support small business and community sport, for the consideration of the new Council after the 2020 election.

This report responds to that request, with officers recommending new relief measures and initiatives to support small business and community sport as we move into the recovery phase.

This report also provides a summary of the current relief measures along with an update on the financial impacts on Council services that have been impacted by the COVID-19 pandemic.

1. RECOMMENDATION

That Council:

A. Notes the current COVID-19 community financial relief measures and the financial impact of COVID-19 on Council's services;

B. Endorses the proposed dedicated Business Grant Program to support businesses to recover; and

C. Endorses the provision of the opportunity for winter clubs to apply for rent/fee relief for the upcoming 2021 winter season in cases of demonstrated financial hardship.

2. BACKGROUND

2.1 The coronavirus pandemic was confirmed to have reached Australia in January 2020. On 15 March 2020, the Victorian Premier declared a State of Emergency in Victoria in response to the COVID-19 outbreak. The State of Emergency is still in operation in Victoria.

2.2 The State Government introduced several restrictions in response to the COVID-19 outbreak.

2.3 These restrictions required the closure or restriction in operations of many non-essential businesses in Australia which has resulted in many people losing their jobs and business owners being financially impacted.

2.4 The State Government restrictions in response to the COVID-19 outbreak have also impacted on the delivery of a range of services that Council offers our Community.

2.5 In March 2020, Councillors requested that Officers present a range of options to support and assist the Manningham community during this challenging time.

2.6 On 28 April 2020, Council approved an extensive $3.8 million COVID-19 community financial relief package over two financial years (2019/20 and 2020/21).

2.7 In addition to the above, Council also provided $250,000 of commercial lease relief for Council's commercial tenants for a six month period (March to August 2020).

2.8 On 15 September 2020, Council approved an extension of the rent/outgoings relief to community groups and sporting clubs for a further six months (September 2020 to February 2021). Council also approved a further extension of rent relief to commercial tenants on a month to month basis while restrictions are in place (September 2020 up until February 2021). The cost to Council of the extended rent and outgoings relief is estimated to be $520,000.

2.9 Council also supported the continuation of offering rate repayment arrangements (and a hold on interest charges) for ratepayers that formally apply for and are approved on financial hardship grounds (estimated to be $50,000).

3. DISCUSSION / ISSUE

3.1 Each level of Australia's governments are providing financial assistance to the individuals and businesses impacted by this outbreak.

COUNCIL'S RESPONSE

A. Current COVID-19 Community Financial Relief Measures

3.2 On 28 April 2020, Council approved an extensive $3.8 million COVID-19 Community Financial Relief Package (the Package) over two financial years (2019/20 and 2020/21). The package was based on the following high-level principles:

- Targeted relief with a focus on assisting those most in need;
- Balance short term relief with longer term revenue stability; and
- Maintain Council's financial sustainability.

3.3 The $3.8 million package endorsed by Council in April 2020 included financial relief/support for the following segments of the community:

- Ratepayers (residential and commercial) – up to $1.6 million relief:
  - No increase in the Waste Service charge;
  - Fourth quarter rates instalment extension; and
  - Repayment arrangements (interest charges relief);
- COVID-19 Community Relief Fund – up to $1 million;
- Local businesses – up to $330,000:
  - $100,000 Business Development Fund;
  - $230,000 for 50% discounts on Food/Health Registrations, Footpath Trading Permits and Trader Parking Permits; and
- Sporting clubs and community groups – up to $450,000:
  - Rent/lease/outgoings waivers for six months; and
- Support for older residents – up to $380,000.

3.4 3.4 Council has also provided $250,000 of commercial lease relief for Council's commercial tenants for a six month period (March to August 2020). This was in addition to the $3.8 million of COVID-19 community relief measures.

3.5 3.5 On 15 September 2020, Council approved an extension of the rent/outgoings relief to community groups and sporting clubs for a further six months (September 2020 to February 2021). Council also approved a further extension of rent relief to commercial tenants on a month to month basis while restrictions are in place (September 2020 up until February 2021). The cost to Council of the extended rent and outgoings relief is estimated to be $520,000.

3.6 3.6 Council also supported the continuation of offering rate repayment arrangements (and a hold on interest charges) for ratepayers that formally apply for and are approved on financial hardship grounds (estimated to be $50,000).

3.7 Council supported a range of activities within shopping precincts by enabling trading to occur outdoors where practicable and safe when a number of State Government restrictions were lifted over the latter part of 2020. This included the following initiatives:

- The establishment of a procedure for a free extension of tradable areas beyond the businesses shopfront;

- Direct support was offered to businesses to establish and renew footpath trading permits. This included Business Liaison Officers working with businesses to complete permit applications;

- Establishment of a streamlined Statutory Planning approval process for use of private land for additional dining. This included private car parks and courtyards;

- A State Government grant of $500,000 was obtained to support outdoor dining. This has been used to create pop-up dining spaces at Tunstall Square, Templestowe Village and Macedon Plaza. These spaces include additional non-exclusive COVID-safe seating options for customer and visitor use;

- Activation of these spaces pre-Christmas with local and other entertainers encouraged customers and visitors to rediscover these locations;

- In addition, the grant will be used to fund business lead activation and place making. Requests are open and being assessed;

- An additional grant was obtained to support the creation and activation of a Pop-up Plaza/Park at Jackson Court for additional non-exclusive COVID-Safe seating options for customer and visitor use; and

- A Place Coordinator role has been established which will oversee the activation of public space throughout the city, including Activity Centres and Parks.

3.8 The current fee discount of 50% has been increased to 100% of fees associated with footpath trading permits, trader parking permits, food premises registrations, and health premises registrations for the 2020/21 financial year to small business operators in cases of demonstrated hardship, in accordance with Council's financial hardship criteria.

3.9 In addition to the above, financial hardship relief was extended to include Business Permits. Businesses that can demonstrate financial hardship are offered a full 100% waiver of fees.

B. Current Financial Impact on Council's Services

3.10 COVID-19 has significantly impacted the economic environment. Council's operating budget has been significantly impacted as a result of reduced or closed services and the general economic environment. At this stage, the total financial impact is estimated to be $8 million over 2019/20 and 2020/21. This is in addition to the $4.62 million of COVID-19 targeted community financial relief.

3.11 The major contributors to the financial impacts on Council include:

- Contract variation payments and loss of revenue from Council's Aquatic and Leisure facilities (Aquarena and indoor stadiums) due to their closure or reduced operations (refer to Confidential Attachment (SBS Report only) for more details);

- Loss of function centre and community venues revenue due to their closures;
- Decreased volumes of other fees and fines resulting in lower revenue due to lower participation numbers, programs and activities; and
- Additional cleaning costs, personal protective equipment and other COVID-19 related costs.

C. Proposed further financial relief and initiatives

At the Council Meeting on 15 September 2020, Council, via a subsequent motion, requested the preparation of a report which sets out financial relief and initiatives that may further support small business and community sport.

In response to this, officers are recommending the following further financial relief and initiatives:

SMALL BUSINESS

3.12 In addition to the range of initiatives and financial relief delivered to date for businesses in Manningham, officers recommend offering a dedicated Business Grant program to support businesses to recover.

3.13 Council's dedicated Business Team has directly connected with over 600 of Manningham's businesses. Feedback from this direct contact has shown that the emerging issues are around cash flow and access to funds.

3.14 State and Federal grants and initiatives are winding down soon and meaningful cash support through schemes such as JobKeeper will be ending soon. Local businesses still require support to help them recover.

3.15 A Business Grant program would augment Council's Business Development Program to assist businesses to make improvements and acquire new tools to be competitive online. The grant may be utilised to develop E-commerce through the establishment of a subscription-based platform (Shopify, Square Space) or partially fund a bespoke site and/or to engage with digital promotional campaigns to attract customers and extend their reach.

3.16 The cost of the proposed Business Grant program would be $140,000 in 2020/21 and could be offset by residual funds of $140,000 that are available from Council's $1 million COVID-19 Community Financial Relief Fund budget allocation.

3.17 Further support for business in Manningham beyond the current financial year will be considered as part of the development of the 2021/22 Budget.

SPORTING CLUBS

3.18 In addition to the range of initiatives and financial relief delivered to date for community sporting clubs in Manningham, officers recommend offering an opportunity for winter clubs to apply for rent/fee relief for the upcoming 2021 winter season in cases of demonstrated financial hardship in accordance with Council's financial hardship criteria. This is in response to the impact of COVID-19 on their 2020 winter season.

3.19 Winter season sporting clubs were impacted during 2020 due to the cancellation of winter season activities during the State Government Stage 4 restrictions. Although Council waived rent, fees and utility costs for the winter 2020 season, some winter clubs still endured losses with significantly reduced income.

3.20 The cost to Council of the above proposal would be funded within the existing 2020/21 adopted budget footprint and would be dependent on the number of cases of demonstrated financial hardship in accordance with Council's financial hardship criteria.

4. IMPLEMENTATION

Finance / Resource Implications

4.1 The further relief measures proposed in this report will be funded within the existing 2020/21 adopted budget footprint by reprioritising other expenditure and delaying the timing of delivery of some other operational projects where possible.

4.2 Due to the financial impact of COVID-19 on Council, Council's original 2020/21 adopted budget showed that two of the seven Victorian Auditor-General Office (VAGO) financial sustainability risk indicators have moved from the "Low Risk" category to the "Medium Risk" category.

4.3 Council Officers are continuously monitoring and managing the financial impact of COVID-19 on the organisation in this extremely dynamic environment. The ongoing financial impacts of COVID-19 on Council's 2020/21 forecast position has moved two of the VAGO Financial Sustainability Risk Indicators into the "High Risk" category. These indicators are an important measure of ongoing financial sustainability.

4.4 As Council commences preparation of the 2021/22 Budget and 10 Year Financial Plan, long term financial sustainability and a low risk rating over the range of VAGO Financial Sustainability Risk Indicators over the longer term will continue to be guiding principles for Council.

5. DECLARATIONS OF CONFLICT OF INTEREST

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

13 CHIEF EXECUTIVE OFFICER

13.1 Community Engagement Policy

File Number: IN21/59

Responsible Director: Chief Executive Officer

Attachments: 1 Community Engagement Policy - March 2021 ⇩

EXECUTIVE SUMMARY

The Community Engagement Policy (attached) frames Council's approach to best practice in community engagement and ensures Council is compliant with the Local Government Act 2020. This policy must be in place by 1 March 2021 to ensure we are compliant with the legislation.

The Community Engagement Policy includes minor refinements to the previous Community Engagement and Public Participation Policy. It incorporates feedback from the community gathered through the Your Say Manningham project page and an online community engagement forum in January 2021. Refinements include a clearer definition of 'inclusion'', more detail on how Council supports groups in the community to participate in engagement activities and past examples of community engagement.

Following endorsement, we will report to the community and share the final Community Engagement Policy via Your Say Manningham and our website.

The Community Engagement Policy will encourage us to engage more effectively with the diverse Manningham community. The policy will help build community trust, support partnerships, and improve customer and stakeholder experience with Council.

Furthermore, the Community Engagement Policy will position Council well for the changes to the Victorian Local Government Act 2020, which legislates for increased public participation in local government and greater accountability for Councils in reporting on their community engagement strategies and outcomes.

1. RECOMMENDATION

That Council endorse the Community Engagement Policy shown at Attachment 1..

2. BACKGROUND

2.1 The Community Engagement Policy frames Council's approach to best practice in community engagement and aligns with the principles of the new Local Government Act 2020.

2.2 While the previous Community Engagement and Public Participation Policy already incorporated the principles of the new Local Government Act 2020, we have clarified definitions and have undertaken community engagement to inform the final version.

2.3 The community engagement aims for this policy were threefold:

- to inform the community about changes to the new Local Government Act 2020 and the implications for our Community Engagement Policy;
- to hear the community's feedback on the policy;
- to better understand ways and methods by which the community want to be engaged.

We gathered feedback through a community engagement forum and a Your Say Manningham page throughout December 2020 – January 2021.

2.4 Some refinements have been included in this final version of the policy as a consequence of feedback received from the community.

2.5 To ensure Council is compliant with the Local Government Act 2020, the Community Engagement Policy must be in place by 1 March 2021.

3. DISCUSSION / ISSUE

3.1 There are several updates to the Community Engagement Policy arising from feedback from the community received throughout December 2020 - January 2021.

3.2 The updated policy includes:

- specific references to 'inclusion' and what this means for our engagement processes;
- specific references to supports and methods that Council provides to support inclusive community engagement practices, with the aim of reducing barriers to participate;
- a case study about the planning and engagement process used during a previous project to make the process more tangible for the community audience.

3.3 The next steps will be to report to the community and share the final Community Engagement Policy via Your Say Manningham and our website.

4. COUNCIL PLAN / STRATEGY

4.1 The Community Engagement Policy aligns to Council's current Council Plan goals of:

- 1.2 – A connected and inclusive community; and
- 5.2 – A Council that values citizens in all that we do.

4.2 Council is required to demonstrate our results against the governance and management checklist as prescribed by the Local Government Performance Reporting Framework (LGPRF) in our annual report. This checklist requires Council to have both a community engagement policy and community engagement guidelines (internal use only).

5. IMPACTS AND IMPLICATIONS

5.1 The Community Engagement Policy, particularly the updated definitions and examples, provides clarity and builds confidence in the projects that are undertaken.

5.2 The Community Engagement Policy will allow Council to engage more effectively with the diverse Manningham community. The policy will help to build community trust, support partnerships, and improve customer and stakeholder experience with Council.

5.3 The Community Engagement Policy will position Council well for the changes to the Victorian Local Government Act 2020, which legislates for increased public participation in local government and greater accountability for Councils in reporting on their community engagement strategies and outcomes.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

Implementation of the Community Engagement Policy is included in the existing Community Engagement and Research budget (Communications).

6.2 Communication and Engagement

Implementation will be supported by a communications strategy (to build awareness and support implementation).

6.3 Timelines

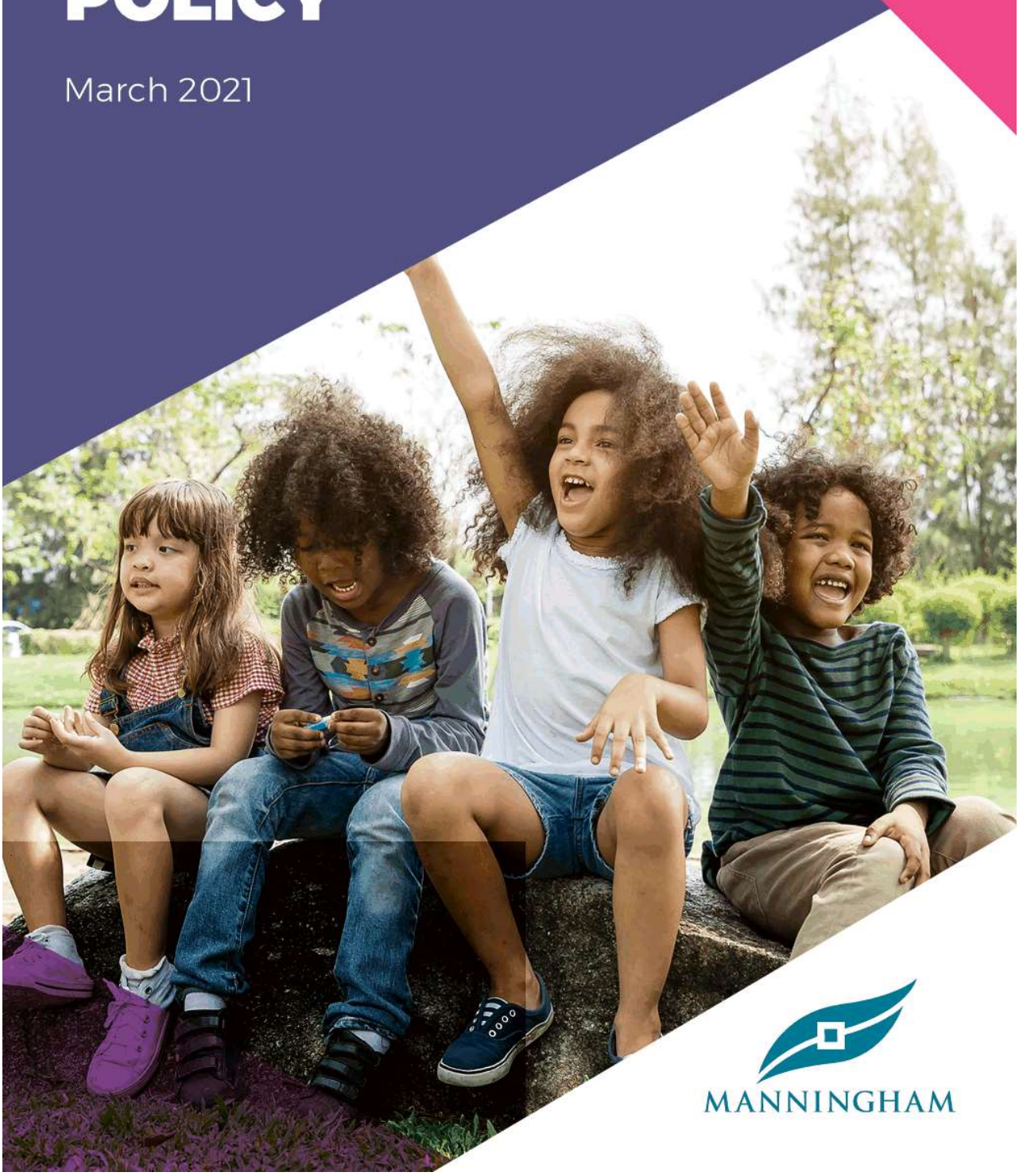
The Community Engagement Policy must be in place by 1 March 2021.

7. DECLARATIONS OF CONFLICT OF INTEREST

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

COMMUNITY ENGAGEMENT POLICY

March 2021



MANNINGHAM

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Acknowledgement

Manningham Council acknowledges the Wurundjeri people as the traditional custodians of the land now known as Manningham. We pay our respects to Wurundjeri Elders past and present, and value their ongoing contribution to our heritage and our community.

INTRODUCTION

Manningham Council is committed to listening to and understanding our community. We consider community engagement to be an essential component of good governance and leadership.

Our mission is to be a financially sustainable Council that listens, consults and acts with integrity, value and transparency.

At Manningham we live our values in all aspects of our engagement work:

- Working Together
- Excellence
- Accountable
- Respectful
- Empowered.

Community engagement is an important element of the democratic process. An empowered community is one that actively participates to influence decisions that affect their lives. In particular, community engagement.

- offers opportunities for residents and key stakeholders to contribute to and influence decisions that directly affect their community;
- enhances accountability by creating direct links between Council and residents and key stakeholders;
- assists us to deliver better services and meet the principles of Best Value (as outlined in the *Local Government Act 2020*).
- assists us to deliver public value in all that we do
- helps form our advocacy agenda

We are committed to understanding the many different views, experiences and expertise of our diverse and rich community. Strengthening relationships and listening to our community ensures that we can make better, more informed decisions and therefore deliver value to the public in all aspects of our work.

This policy document provides the community engagement framework for engagement activities undertaken by Council.

This policy helps us to meet our legislative requirements and underpins sound planning and project development.

Engagement: listen, consult, act and report

What is community engagement?

Community engagement is about having conversations with people who are potentially impacted by Council decisions. It can also involve discerning issues that are important to the community, or to groups within the community, in order to advocate to state and federal government and other bodies that have influence in our area. In our engagement we listen, we consult, we act and report back to our community.

Community engagement is a planned process with the specific purpose of working with identified groups of people, whether they are connected by geographic location, special interest, or affiliation, or connected through issues affecting their wellbeing. The scope is broad with the focus on the collective, rather than on the individual. Engagement must be inclusive and accessible, reflecting the diversity that exists within our community.

Definitions

MANNINGHAM COUNCIL

Manningham Council, including the Mayor, Councillors, Executive Officers and staff.

COMMUNITY

All residents, interested groups, community organisations, business persons and workers, and those with a vested interest in the municipality.

BEST VALUE

The Best Value approach enables councils to determine the most effective means of providing a service to the community. The *Local Government Act 2020* sets out the principles that councils must observe.

ENGAGEMENT

Connections and conversations between governments, citizens and communities on a range of policy, program and service issues. Engagement using Council's framework ranges from the provision of information through to participation in decision making and empowerment of the community through deliberative.

STAKEHOLDER

An individual or a group who may be affected by or have a specific interest in a decision or issue under consideration.

OUR APPROACH AND PRINCIPLES

Community engagement enables the public to participate in decisions that impact on their lives. Councillors will make decisions based on legislative requirements, the expert advice of Council officers and community inputs gathered through formal and informal engagement.

Deliberative engagement

Deliberative engagement is a legislated requirement for our major strategic documents including the Council Plan, Asset Plan, Ten Year Financial Plan, Community Vision and new or changing local laws. Development of these plans will also be complemented by a broader community engagement process.

Council's approach to deliberative engagement is consistent with the *Local Government Act 2020*.

The key characteristics of deliberative engagement include authentic engagement with the community; good representation of the community in engagement activities; clear demonstration of how all views have been considered; accessible and relevant information available to the community to ensure the decision-making process and the community's level of influence is clear in each instance and that participants are fully informed. Transparency is key to an effective process.

At Manningham we define deliberative engagement as:

- A form of community engagement that requires participants to critically consider information, community needs and perspectives, and weigh-up competing demands in order to determine preferences for resolving public policy questions.
- Council will supply adequate information in a transparent way and the engagement participants will be broadly representative of the impacted community.
- Council will report back to the community on the outcome and influence of the deliberative processes.
- **The Mayor will lead the engagement** for Council's major strategic documents: The Council Plan, The Community Vision, The Asset Plan and the Financial Plan. This means that the Mayor will have a role in championing major engagement events, including participation in engagement forums and discussions, as appropriate.

Our principles

The following are our community engagement principles as detailed in the *Local Government Act 2020*

- a community engagement process must have a clearly defined objective and scope
- participants in community engagement must have access to objective, relevant and timely information to inform their participation
- participants in community engagement must be representative of the persons and groups affected by the matter the subject of the community engagement
- participants in community engagement are entitled to support to enable meaningful and informed engagement
- participants in community engagement are informed of the ways in which the community engagement process will influence Council decision making.

Our engagement vision

Manningham is a liveable and harmonious city because the community participates in decisions that impact on their quality of life. We respect diversity and engage in a variety of ways across the organisation. Our values are evident in all our public interactions. We listen, we consult, we act and report back to our community.

Our engagement is considered and coordinated and our Council officers have the tools they need to engage effectively.

We measure the outcomes and effectiveness of our public participation.

Engagement context

Our community engagement activities can be categorised according to the following:

1. Legislative requirements

The Victorian Local Government Act 2020 states the core roles of local government being:

- Acting as a representative government by taking into account the diverse needs of the local community in decision making
- Providing leadership by establishing strategic objectives and monitoring their achievement
- Maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner
- Advocating the interests of the local community to other communities and governments
- Acting as a responsible partner in government by taking into account the needs of other communities
- Fostering community cohesion and encouraging active participation in civic life.

The primary objective of a Council is to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions.

2. Engagement around major strategic and policy issues

Deliberative engagement is a legislated requirement for our major strategic documents including the Council Plan, Asset Plan, Ten Year Financial Plan, Community Vision and new or changing local laws. Development of these plans will also be complemented by a broad community engagement process.

3. Engagement concerning local issues

Local issues including site specific master plans, local area structure plans and policies, or specific issues such as emergency awareness may require specific engagement plans. We will be flexible according to the scale of the project, this may include community forums, working groups, surveys or other engagement tools.

4. Engagement linked to day to day council business

We will identify and manage community engagement activities associated with core business and projects approved in Council's budget. We will only consult on those aspects of core business that are negotiable and where the community can have meaningful input. Examples of projects include: upgrades to a local park, streetscape, infrastructure or facilities, where we would use a variety of engagement tools to hear from the community (e.g. surveys and forums). We commit to ensuring that those who are affected by a decision will be given the opportunity to inform that decision.

OUR COMMUNITY ENGAGEMENT FRAMEWORK

Our framework for determining the level of involvement in the decision and the methods we use is the International Association of Public Participation (IAP2) Spectrum.

The objectives of the Community Engagement Framework are to:

- Ensure Councillors and Council staff (including external contractors and consultants) engage with the community in a meaningful way about decisions that affect them
- Provide a consistent approach to community engagement
- Assist in selecting the method and level to engage the community in projects or the decision to be made
- Increase trust and community confidence by fostering positive relationships between Council and communities of interest.

The IAP2 Spectrum identifies and defines each of the five levels of engagement. It details our promise to the public for each level of engagement ensuring that both Council and the community have shared expectations. Decisions on the level of engagement will be made according to the scale and importance of projects.

Our framework is supported internally by the Community Engagement Guideline and a suite of tools available to Council officers for engaging with the public.

IAP2's Public Participation Spectrum

(IAP2 International Association for Public Participation)

Increasing level of public participation

	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions	To obtain public feedback on analysis alternatives and/or decisions	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	To place final decision making in the hands of the public
	We will keep you informed	We will keep you informed, listen to and acknowledge concerns, and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decision to the maximum extent possible	We will implement what you decide
Example techniques	· Fact sheets · Websites · Open houses	· Public comment · Focus groups · Surveys · Public meetings	· Workshops · Deliberative polling	· Citizen advisory committees · Consensus-building · Participatory decision-making	· Citizen juries · Ballots · Delegated decision

We listen, we consult, we act and we report back to our community | 11

Why we engage

Community engagement provides decision makers with better opportunities to make informed decisions. By engaging the expertise and experience of the community, Council is better able to understand local issues and needs.

Community engagement can help decision makers by:

- Gathering information, meaningful feedback and diverse points of view prior to making decisions
- Fostering community partnerships
- Increasing trust and community confidence
- Gathering inputs from stakeholders who are impacted by Council decisions
- Identifying risks and gathering workable inputs on mitigations
- Building understanding of, and commitment to, projects and strategic decisions
- Enhancing accountability and transparency through open and genuine consultation and feedback on public participation outcomes.

Who we engage

We engage with a broad range of people, all with differing interests. For the purpose of this framework we identify the community as anyone affected by the specific Council decision resulting from the engagement .

This could include individuals or groups such as residents, ratepayers, business owners, customers, community groups, sporting groups, youth, agencies, funding bodies, developers, internal stakeholders and culturally and linguistically diverse groups.

We recognise that some groups may face barriers to engaging with us and we aim to use methods that enable and support their participation. For instance, there may be a special focus on people hardly reached or from culturally diverse communities.

When we engage

If there is a decision to be made by Council that will impact and affect the community and other key stakeholders then community engagement is usually required.

We will plan for community engagement early in our project planning process.

We are committed to informing the community and key stakeholders during the early stages of project development to provide real opportunities for the community to influence decisions. Doing this gives the community the opportunity to participate in a meaningful way and allows us to discern opportunities and constraints early in the planning process.

We will provide the community with sufficient time to participate in any engagement activity. We will set the engagement at suitable times for stakeholders; for example not over significant holiday periods or at times of the day when participants will find it difficult to be involved.

What constitutes sufficient time will depend on the scale and/or complexity of the project and the number of people who will participate in the engagement activity. As a general rule, two to four weeks should be allowed from the time of notification until the close of time for comment by any stakeholder group. For some projects there are legislative requirements that will need to be considered.

How we engage

When planning engagement methods we reference our framework, the IAP2 Spectrum, and the internal Community Engagement Guideline that supports this policy. We are also careful to adhere to our engagement principles, set clear engagement objectives, and to consider statutory processes, community interest, political sensitivity, time, resources and budget constraints.

Successful community engagement is well planned, inclusive and accessible to those people that may be affected by the decision. Effective engagement relies on Council being clear about the purpose of the engagement, key stages and timelines and the respective roles, responsibilities and expectations throughout the engagement process.

To ensure the engagement is well planned, we have a robust engagement process featuring a three stage approach:

- Plan (developing the engagement plan)
- Do (implementing engagement activities and receiving input)
- Report (providing feedback on level of engagement and participation outcomes).

Our engagement will respect the rich diversity of our local community. We will recognise the long Indigenous heritage of our area and respect the insights of the original owners across all engagement areas. We will make sure that, where possible, our engagement is community driven and responsive to the hopes and needs of our community.

We will value accessibility and engage in a manner that is inclusive of the cultures and language groups that make up our municipality as well as being aware of the diversity in ages, gender, abilities and the range of socio-economic perspectives and aspirations. We will take special care with the young and the vulnerable, including their voice and engaging in safe and respectful ways. We will adhere to the Victorian Government's policy on conducting research in schools. To support inclusive community engagement, we provide reasonable support and adjustments to reduce barriers to participation affecting different segments of our community.

One example of engagement is when we ask our community about their ideas for the local park and the features, changes or upgrades they would like to see in a draft masterplan. First, we ensure that we clearly define the objective of the engagement and explain how community feedback can influence decision-making.

To inform participation, we provide objective, relevant information for the community to consider. This may include mock-ups of the draft masterplan, summary reports, or flyers that describe the proposed changes and what this means for visitors.

We want to make sure that all persons and groups affected by the matter are included in the engagement opportunity. We also consider where we can provide reasonable support for different segments of our community to enable their participation. An example of how we may reduce barriers to participation is by providing information in accessible formats and in plain language.

We consider different engagement methods and aim to use those that make it easy for the community to participate. For example, we may provide an online survey and develop print copies for the community, hold a forum with the community to hear ideas and provide updates, or use an ideas board for people to leave feedback on the masterplan.

At the end of the engagement process we aim to report back to participants about what we heard. This may be an infographic or summary report of feedback from the community, and when reporting back we explain how feedback has informed development of the masterplan and the decision-making process.

Engagement evaluation

We measure our engagement performance in order to test that we are delivering public value to our community.

We measure the level of engagement or number of interactions, submissions made, surveys completed, participants in a workshop, letters distributed, calls taken and more.

We also measure participation outcomes. How were the decisions that we made influenced by community inputs? When we listened and consulted, did we act on what we heard and understood?

Effective evaluation of community engagement activities can provide considerable benefits including:

- Improving community engagement practice by identifying achievements and providing evidence of how effective engagement works
- Identifying and articulating lessons learned and improving current practices
- Assisting in developing an evidence base for community vision, concerns and aspirations
- Meeting our requirements for the Victorian Auditor-General's Office.

RUFFEY LAKE PARK
Tell us what you love and what could be improved
Walking paths
Heritage values
Playgrounds
Public art

RESOURCES AND TOOLS

Resources and tools to support our Community Engagement Framework

1. Independent research

Community satisfaction and preferred methods of engagement are captured in regular independent research. This is based on a randomly selected sample of citizens and delivers statistically reliable results that can be compared across years and in some years across Councils. Our two benchmark research projects are:

- The Local Government Community Satisfaction Survey facilitated by the Local Government Performance Reporting, Analysis and Support Team, Department of Environment, Land, Water and Planning (DELWP). We are able to compare our customer satisfaction ratings with other Victorian councils and benchmark our performance from year to year.
- The Citizen Connect Research Survey measures our performance with customers who have contacted Council. We gather reliable data on satisfaction, preferred channels and the general customer engagement experience. We are able to benchmark our performance across years.

2. Our communication channels

To encourage and invite our community and stakeholders to participate in community engagement activities, we may promote the opportunities in a range of different ways. All communications will be in line with the Manningham brand guide and interpreter and translations services are also available.

Some of the communications channels and tools that can be used to support our engagement activities include:

- Your Say Manningham website, yoursay.manningham.vic.gov.au
- Manningham Council website, manningham.vic.gov.au
- Manningham Matters
- eNewsletters
- Social media including Facebook and Twitter
- Print promotions such as letters, posters or flyers
- Drop in sessions, site visits and open days
- Focus groups, workshops and stakeholder briefing sessions
- Media promotion including media releases and/or advertising

3. Training

Training will be provided to staff to increase understanding of our Community Engagement Framework, processes and tools, and to build capacity in order for staff to deliver sound engagement activities across the organisation.

4. Integrated community engagement

Council has several legislative requirements to engage. Council is committed to being respectful of the community's time in our engagement activities. We will coordinate and integrate our large scale community engagement where possible in the interests of efficiency.

Related legislation

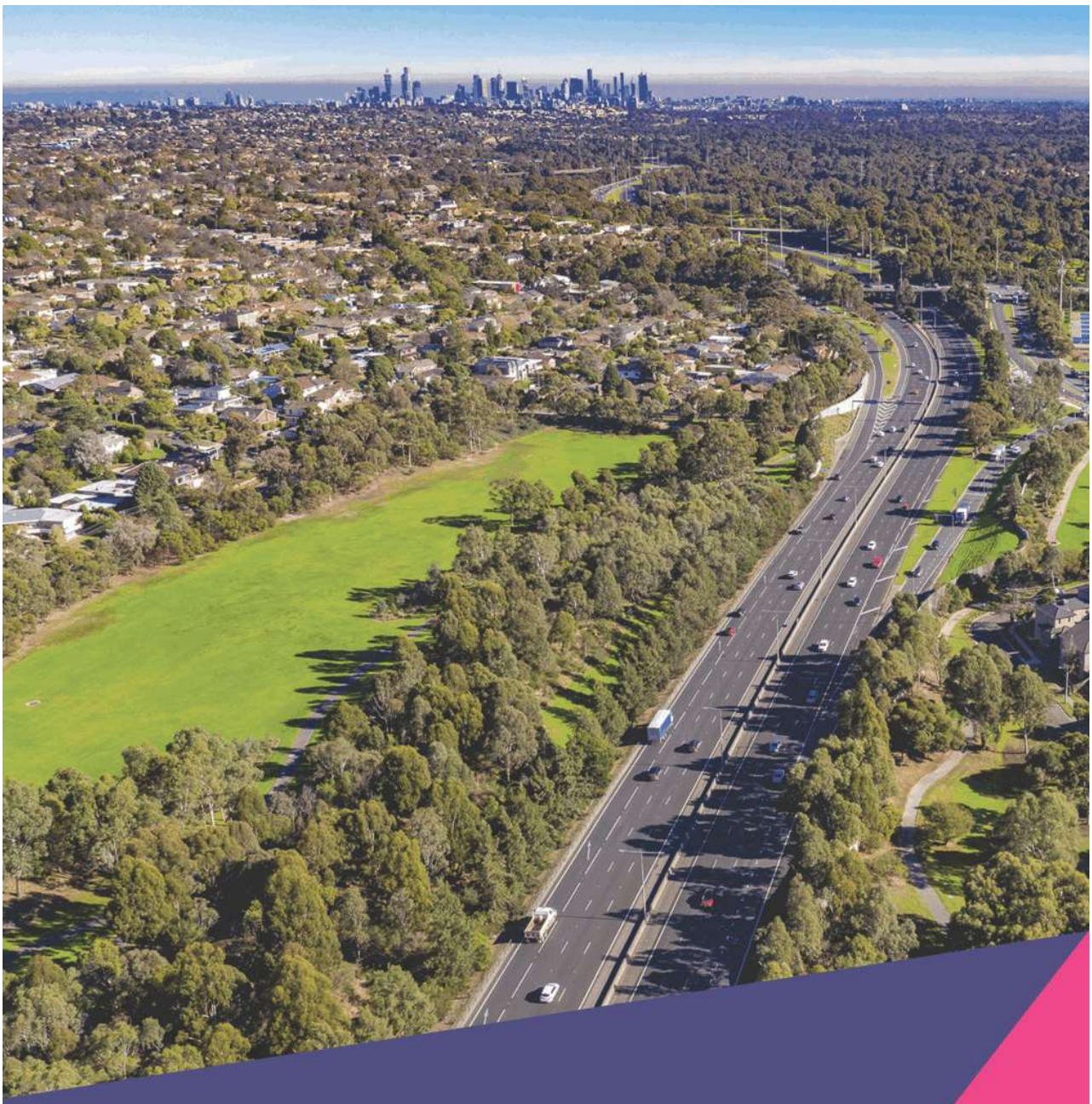
The Charter of Human Rights and Responsibilities Act 2006

Local Government Act 2020

The Subordinate Legislation Act 1994

The Public Administration Act 2004

The Equal Opportunity Act 2010



Manningham Council

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13.2 Manningham Quarterly Report, Quarter 2, Oct - Dec 2020

File Number: IN21/68

Responsible Director: Chief Executive Officer

Attachments: 1 Manningham Quarterly Report, Quarter 2 (1 Oct - 31 Dec 2020) ⇩

EXECUTIVE SUMMARY

The Manningham Quarterly Report outlines key organisational indicators and many of the reporting requirements under the Local Government Performance Reporting Framework (LGPRF). The Report also enables greater transparency to monitor and track key aspects of Council's performance for continuous improvement purposes.

1. RECOMMENDATION

That Council note the Manningham Quarterly Report for 1 October – 31 December 2020.

2. BACKGROUND

2.1 The Manningham Quarterly Report is designed to be accessible and easy to read. It aims to promote transparency and meet legislative requirements under the Local Government Act (2020) and Planning and Reporting Regulations (2008) with key capital works, finance, governance and corporate performance information for the quarter.

3. DISCUSSION / ISSUE

3.1 Capital Works

3.1.1 The adopted 2020/21 capital budget of $49.91m, includes a budget adjustment of $3.06m which recognises the additional expenditure in 2019/20 and income adjustments. The updated forecast for the 2020/21 Capital Works Budget is $46.85m.

3.1.2 Total capital expenditure to the end of December 2020 was $14.05m which was 69.7% of the end of December cash flow target. This is still significantly ahead of 2019/20 expenditure levels, despite some impact from Covid-19 on some projects. We are confident of meeting this year's expenditure KPIs.

3.1.3 13.5% of the 262 projects in the 2020/21 program have already been completed. A number of large contracts were awarded this quarter, and it is anticipated this will enable and ensure strong expenditure next quarter.

3.1.4 The Report recognises six of the 262 projects at risk for delivery by the end of the financial year. This is due to a delay in planning, approval or consultation for these projects. The proposed MC^2 Exterior project will

not be delivered this financial year, due to external factors. In the meantime, funding from this project is being diverted to other new and existing projects in Council's capital works program.

3.2 Finance

3.2.1 At the end of December 2020, Council was $1.22m or 2.1% favourable compared to the year-to-date (YTD) adopted budget.

3.2.2 Grants and Subsidies income was $2.70m favourable. This relates to unbudgeted funding received for the Working for Victoria Program from the State Government and unbudgeted Commonwealth Government funding for the Covid-19 Meals Program under the Commonwealth Home Support Program (CHSP). The funding for these two programs will be expended by Council during the 2020/21 financial year. Also, $500k was received from the Local Councils Outdoor Eating & Entertainment Package funding agreement. This is partially offset by Fees & Charges income being $1.33m unfavourable due to the impact of Covid-19 on Council's services.

3.2.3 The Full Year Forecast Surplus is currently anticipated to be $9.58m which is $3.05m lower than the Full Year Adopted Budget Surplus of $12.63m. This is due to the significant ongoing financial impact on Council services due to the State Government's continuation of a State of Emergency and restrictions relating to Covid-19. The Full Year forecast also accounts for the Council decision on 15 Sept 2020 to extend rental relief to community groups and sporting clubs for a further 6 months to Feb 2021 and commercial tenants up to Feb 2021.

3.2.4 Revised Budget. Under the Local Government Act 2020, the Chief Executive Officer is required to consider Council’s half year financial position and include a statement as to whether a revised budget is, or may be, required. Despite the financial impact of COVID-19 on Council, the Chief Executive Officer Andrew Day, is of the opinion a revised budget is not required. This is in accordance with Section 95 and Section 97 of the Local Government Act 2020.

3.3 Statutory Planning

3.3.1 There has been a slight increase in the number of planning application received for Quarter 2 due to the easing of COVID-19 restrictions. Despite lockdown, planning applications have continued to be processed in a timely manner.

3.4 Corporate Planning

For 2020/2021 there are 14 Major Initiatives to progress our 2017-2021 Council Plan goals. 12 Major Initiatives are either on track or ahead of schedule. Two initiatives remain behind schedule:

3.4.1 'Grow the visitor economy, destinations and events' as local tourism has been significantly impacted by the Covid-19 social distancing protocol and

3.4.2 Local planning is responsive to need and planning laws' has one out of three components deferred; the Municipal Development Contributions Plan, which is now scheduled for completion in 2021, utilising data in the Community Infrastructure Plan.

No	Goal	2020/21 Initiative	20/21 Measure of Success
Healthy Community			
1	1.1	Community Health and Wellbeing	Delivery of activities in the Healthy City Action Plan 2019-2021
2	1.2	Promote a connected and inclusive community	Delivery at least 3 activities by 30 June 2021 including Delivery including endorsement and commencement of Council's new Reconciliation Action Plan.
Liveable Places and Spaces			
3	2.1	Responsive Local Planning	Local planning is responsive to community need and aligned with local planning laws by facilitating planning scheme amendments that are considered high priority of the 2018 Planning Scheme Review recommendations. Progress 2 additional major recommendations by June 2021.
4	2.2	Parks Improvement Program:	Implementation of Parks Improvement Program works as scheduled: Petty's Reserve, design of Hepburn Road Park and completion of the design for Main Yarra River Trail to Warrandyte by 30 June 2021
5	2.2	North East Link Planning	Successfully collaborate with the NEL project and proponent to pursue environmental, recreation, open space and construction outcomes for Manningham.
6	2.3	Road Improvement Program	Complete Program as scheduled including: - Design for Jumping Creek Road reconstruction from Ringwood Warrandyte road to Homestead Road. - Improve safety through installation of traffic signals on Tram Road and Merlin Street. - Design and construction of the new Hepburn Road extension to provide new road and pedestrian connections.
7	2.3	Integrated Transport	Deliver short term actions in the Transport Action Plan and the Bus Action Plan including contributing to planning of the Suburban Rail Loop and Doncaster Busway.
8	2.4	Community Infrastructure Plan	Develop a long term Community Infrastructure Plan. Draft completed by 30 June 2021
Resilient Environment			
9	3.1	Environmental education and awareness	Deliver a minimum of 50 environmental education programs/initiatives for the community, reaching at least 3000 participants.
10	3.2	Drainage infrastructure	Continue to upgrade Council drainage infrastructure to protect habitable floor levels and improve community safety through implementation of priority actions of the Municipal Drainage Plan
11	3.1	Lead environmental practices	Demonstrate leadership in sustainable and innovative environmental practices in waste management and climate change Develop and commence implementation of a Council Environment Strategy and an Climate Emergency Response Plan

Vibrant and Prosperous Economy			
12	4.1	Grow the visitor economy	Grow the visitor economy and create opportunities for visitor destinations and events within Manningham that engage both residents and external visitors by partnering with regional tourism on events and activities to promote Manningham as a visitor destination
Well Governed Council			
13	5.1	Long term sustainability	Prepare a 10 Year Long Term Financial Plan incorporating key strategies to address the long term sustainability of Council through adopting a Long Term Financial Plan and Annual Budget by 30 June 2021
14	5.2	Make it easy for citizens to interact with us	Implement a suite of customer focused improvements to increase Contact Centre First Contact Resolution (FCR) and improve Customer Satisfaction by 30 June 2021.

3.5 Councillor and Chief Executive expenses

3.5.1 Councillors were sworn in on 10 November. An allocation of $12,770 for each Councillor and $15,375 for the Mayor is budgeted each financial year to reimburse Councillors for expenses incurred while carrying out their official roles. Allowances are on a pro-rata basis

3.5.2 Significant demands are placed on Councillors in carrying out their civic and statutory roles attending community meetings and events, capacity building and advocacy meetings in pursuit of the best outcomes for the municipality. The Mayor has a slightly higher allowance as they are required to carry out additional civic and ceremonial duties.

3.5.3 The Councillor Allowance and Support Policy guides the reimbursement of Councillor Expenses. This budget is all inclusive and covers conferences and training, travel, child minding and information and communications technology expenses. As part of Council's commitment to remaining accountable and transparent, these expenses will be presented to the community each quarter.

3.5.4 Categories include: Travel (including accommodation, cab charges), Car Mileage, Childcare, Information and Communication Technology, Conferences and Training (including professional development, workshops), General Office Expenses (including meeting incidentals), Formal Attendances (including community events and functions) and Other (publications).

3.6 CEO Key Performance Indicators

3.6.1 Following the election of Council, a set of interim Performance Indicators will be developed for the Chief Executive in areas identified to require particular attention from the Chief Executive Officer. These will then be closely monitored and reported in the Quarterly Report.

4. DECLARATIONS OF CONFLICT OF INTEREST

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

Manningham

Quarterly Report 2020/21

Quarter 2: October - December 2020

Key information on Manningham Council's performance and governance for the Quarter

1. Capital Works

$49.91m	Adopted Budget
-$3.06m	Adjusted Budget
$46.85m	Updated Forecast

262 Projects **Total**

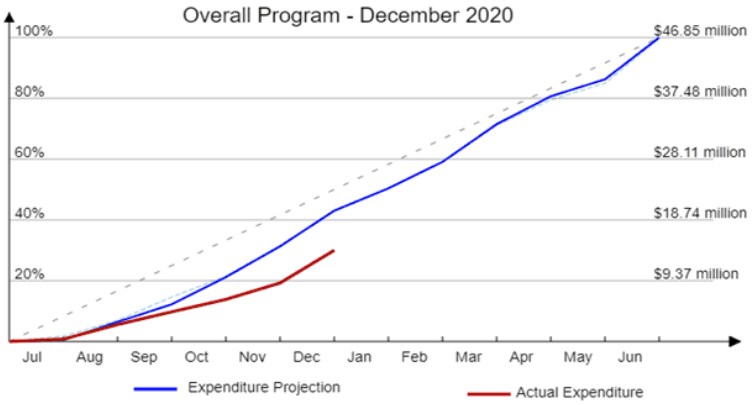
35 Projects **Completed**

6 Projects **Delayed / Incomplete**

128 Projects **On Schedule**

93 Projects **To Start**

30.0% Program **Completed**



VALUE OF CAPITAL WORKS

$14.05m

CAPITAL INCOME & GRANTS

$3.03

↓ 30.3%

CAPITAL WORKS VARIANCE

$6.11m

Spotlight

- The adopted 2020/21 capital budget of $49.91m, includes a budget adjustment of $3.06m which recognizes the additional expenditure in 2019/20 and income adjustments. The updated forecast for the 2020/21 Capital Works Budget is $46.85m.
- Total capital expenditure to the end of December 2020 was $14.05m which was 69.7% of the end of December cash flow target. This is still significantly ahead of 2019/20 expenditure levels, despite some impact from Covid-19 on some projects. We are confident of meeting this year's expenditure KPIs.
- 13.5% of the 262 projects in the 2020/21 program have already been completed. A number of large contracts were awarded this quarter, and it is anticipated this will enable and ensure strong expenditure in the next quarter.
- The Report recognises six of the 262 projects are at risk for delivery by the end of the financial year. This is due to a delay in planning, approval or consultation for these projects. The proposed MC² Exterior project will not be delivered this financial year, due to external factors. In the meantime, funding from this project is being diverted to other new and existing projects in Council's capital works program.

2. Finance

	Quarter ending 31 December 2020		
	Revenue	Expenses	Surplus
YTD Budgeted	124.4m	65.6m	58.8m
YTD Actual	126.3m	66.3m	60.0m
FY Forecast	144.9m	135.3m	9.6m

Revenue Variation

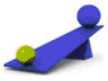
FEES & CHARGES
↓26.2%
$1.3m

GRANTS & CONTRIBUTIONS
↑38.3%
$2.8m

Expense Variation

EMPLOYEE COSTS
↑2.2%
$0.6m

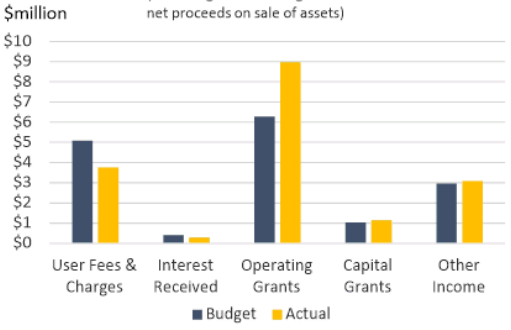
MATERIALS & CONTRACTS
↑4%
$0.5m



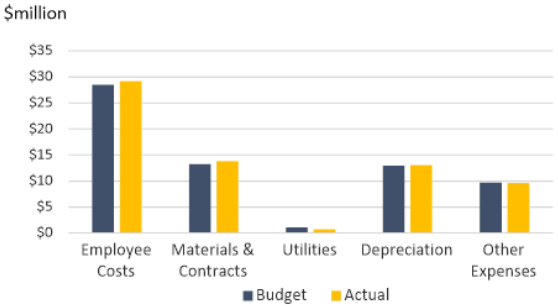
OTHER EXPENSES
↓2.1%
$0.5m

Year to Date Revenue

(excluding rates & charges and net proceeds on sale of assets)

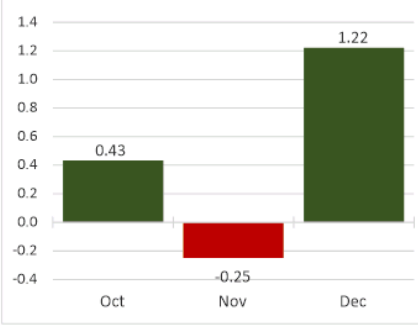


Year to Date Expenditure



Operating Result (Quarter)

Year to date variance to Budget

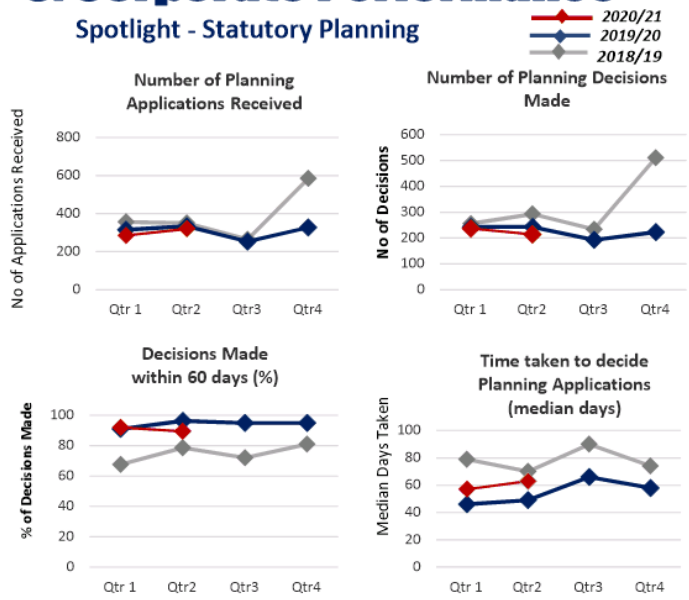


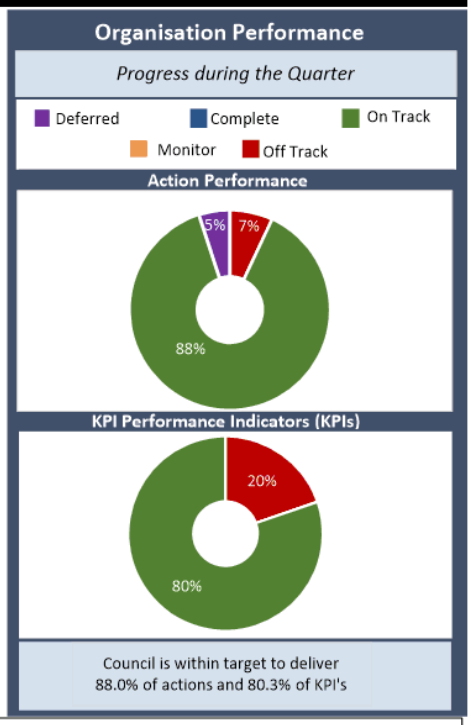
Spotlight

- At the end of December 2020, Council was $1.22m or 2.1% favourable compared to the year-to-date (YTD) adopted budget.
- Grants and Subsidies income was $2.70m favourable. This relates to unbudgeted funding received for the Working for Victoria Program from the State Government and unbudgeted Commonwealth Government funding for the Covid-19 Meals Program under the Commonwealth Home Support Program (CHSP). The funding for these two programs will be expended by Council during the 2020/21 financial year. Also, $500k was received from the Local Councils Outdoor Eating & Entertainment Package funding agreement. This is partially offset by Fees & Charges income being $1.33m unfavourable due to the impact of Covid-19 on Council's services.
- The Full Year Forecast Surplus is currently anticipated to be $9.58m which is $3.05m lower than the Full Year Adopted Budget Surplus of $12.63m. This is due to the significant ongoing financial impact on Council services due to the State Government's continuation of a State of Emergency and restrictions relating to COVID-19. The Full Year forecast also accounts for the Council decision on 15 September 2020 to extend rental relief to community groups and sporting clubs for a further 6 months to Feb 2021 and commercial tenants up to Feb 2021.
- *Revised Budget: under the Local Government Act 2020, the Chief Executive Officer is required to consider Council's half year financial position and include a statement as to whether a revised budget is, or may be, required.* Despite the financial impact of Covid-19 on Council, the Chief Executive Officer Andrew Day, is of the opinion a revised budget is not required. This is in accordance with Section 95 and Section 97 of the Act.

3. Corporate Performance

Spotlight - Statutory Planning





Statutory Planning

There has been a slight increase in the number of planning application received for Quarter 2 due to the easing of COVID-19 restrictions. Despite lockdown, planning applications have continued to be processed in a timely manner.

Council Plan 2017-2021

Our Council Plan has five themes: Healthy Community, Liveable Places and Spaces, Resilient Environment, Prosperous and Vibrant Economy and Well Governed Council. Goals for each theme were developed with the community and partners and progressed through actions and Major Initiatives, which are significant pieces of work. For 2020/2021 there are 14 Major Initiatives. 12 Major Initiatives are either on track or ahead of schedule. Two initiatives remain behind schedule: 'Grow the visitor economy, destinations and events' as local tourism has been significantly impacted by the Covid-19 social distancing protocol and 'Local planning is responsive to need and planning laws' has one out of three components deferred; the Municipal Development Contributions Plan, which is now scheduled for completion in 2021, utilising data in the Community Infrastructure Plan. Progress on all the Major Initiatives is detailed in the following pages.

No	2020/21 Major Initiatives	Measure of Success
Healthy Community		
1	Community Health and Wellbeing	Delivery of activities in the Healthy City Action Plan 2019-2021
2	Promote a connected and inclusive community	Delivery at least 3 activities by 30 June 2021 including Delivery including endorsement and commencement of Council's new Reconciliation Action Plan.
Liveable Places and Spaces		
3	Responsive Local planning	Local planning is responsive to need and planning laws by facilitating planning scheme amendments considered high priority of the 2018 Planning Scheme Review recommendations. Progress 2 additional major recommendations by June 2021.
4	Parks Improvement Program:	Implementation of Parks Improvement Program works as scheduled: Petty's Reserve, design of Hepburn Road Park and completion of the design for Main Yarra River Trail to Warrandyte by 30 June 2021
5	North East Link Planning.	Successfully collaborate with the NEL project and proponent to pursue environmental, recreation, open space and construction outcomes for Manningham.
6	Road Improvement Program	Complete Program as scheduled including: - Design for Jumping Creek Road reconstruction from Ringwood Warrandyte road to Homestead Road. - Improve safety through installation of traffic signals on Tram Road and Merlin Street. - Design and construction of the new Hepburn Road extension to provide new road and pedestrian connections.
7	Integrated Transport	Deliver short term actions in the Transport Action Plan and the Bus Action Plan including contributing to planning of the Suburban Rail Loop and Doncaster Busway.
8	Community Infrastructure Plan	Develop a long term Community Infrastructure Plan. Draft completed by 30 June 2021
Resilient Environment		
9	Education and Awareness Program	Deliver a minimum of 50 environmental education programs/initiatives for the community on environmental sustainability, biodiversity protection and smarter living, reaching at least 3000 participants.
10	Drainage Infrastructure	Continue to upgrade Council drainage infrastructure to protect habitable floor levels and improve community safety with implementation of priority actions of the Municipal Drainage Plan.
11	Lead environmental practices	Develop and commence implementation of a Council Environment Strategy and an Climate Emergency Response Plan
Vibrant and Prosperous Economy		
12	Grow the visitor economy	Partner with regional tourism on events and activities to promote Manningham as a visitor destination
Well Governed Council		
13	Long term sustainability	Prepare a 10 Year Long Term Financial Plan and Annual Budget incorporating key strategies to address the long term sustainability of Council by 30 June 2021
14	Make it easier for citizens to interact with us	Through our Citizen Connect program, we will make it easy for citizens to interact with us, find out information, request a service, provide feedback or report an issue . Implement a suite of customer focused improvements to increase Contact Centre First Contact Resolution (FCR) and improve Customer Satisfaction by 30 June 2021.

4. Major Initiatives

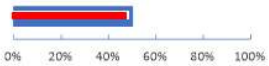
Progress Key
Actual
Target

HEALTHY COMMUNITY

1.1 A healthy, resilient and safe community

1.2 A connected and inclusive community

Community Health and Wellbeing



We progressed the Healthy City Action Plan with activities to understand and prevent loneliness, initiatives held for the 16 Days of Activism campaign for the prevention of violence and supported the community to return to recreation activities in line with State Government regulations.

Promote a connected and inclusive community

We have delivered the Community Action and Social Isolation program, the monthly MInclusive e-newsletter; a cultural consultation with the Wurunjderi Woi-wurrung and Reconciliation Action Plan Working Group meeting and two Parenting Seminars 'Supporting Children and Teens with Autism' and 'Taking care of your kids and yourself during uncertain times'.

Community Infrastructure Plan

We have completed the Community Infrastructure Needs Analysis. We are now developing a more refined list of prorities to inform future planning. The project is on track for completion by 30 June 2021.

LIVEABLE PLACES AND SPACES

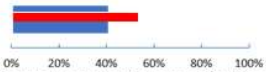
2.1 Inviting places and spaces

2.2 Enhanced parks, open space and streetscapes

2.3 Well connected, safe and accessible travel

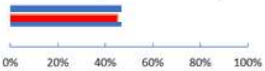
2.4 Well utilised and maintained community infrastructure

Local planning is responsive to need and planning laws



We are furthering recommendations of the Planning Scheme Review including the translation of local policies into the new Planning Policy Framework (PPF) ready for Council consideration in Quarter 2. Officers continue to advocate for and respond to State Government planning initatives, including the Bulleen Precinct Landuse Framework Plan and Amendment C125 (Yarra Valley Country Club) which will be the subject of a Panel and Advisory Panel Hearing in January 2021.

Parks Improvement Program

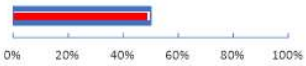


We are progressing key projects at Pettys Reserve, Hepburn Park and Main Yara Trail, with the concept design for the new open space on Hepburn Road endorsed by Council. Following the tender for detailed design, the contract has been awarded and detaile design is now underway. Petty's Reserve works include new modular change rooms, readiness of the pitch's drainage and turf, preparing for floodlights and improved drainage on west embankment with retaining and sandstone walls. Further scoping work is required on the preferred alignment of Main Yarra Trail to Warrandyte, with site works delayed due to Covid-19 lockdown.

Roads Improvement Program

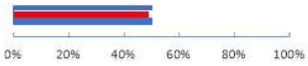
Knees Road and Hepburn Roads works are programmed to commence in Jan 21. Jumping Creek Road project stage 1 complete, with design for remaining stages on target to be developed by end of financial year. Tram Road design currently awaiting Department of Transport approval, with construction deferred into next financial year, due to ongoing negotiations with the Department.

Integrated Transport



We are delivering the short term actions of the Transport Action Plan and Bus Action Plan with input into the Doncaster Hill Framework and Liveable City Strategies and preparing for the Surburban Rail Loop Environment Effects Statement anticipated in early 2021 (subject to government announcement) and we will make submissions to the process

North East Link Project



We continue to liaise with North East Link Project on various aspects of the NEL project. Progressing the Templestowe Road soccer facilities to enable the relocation of the soccer clubs from Bulleen Park . The Planning Scheme Amendment has been approved by the Minister. Officers will commence negotiating the scope of works with NELP.

Major Initiatives cont.

Progress Key

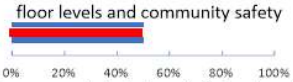
Actual
Target

RESILIENT ENVIRONMENT

3.1 Protect and enhance our environment and biodiversity

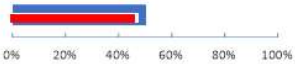
3.2 Reduce our environmental impact and adapt to climate change

Council Drainage protects habitable floor levels and community safety



Improvements in drainage infrastructure to protect habitable rooms from stormwater flows generated during major storm events continue with major capital improvements the Lilian Street Bulleen area and David Street Warrandyte area, with works commencing in the Hamal Street Donvale and Rose Avenue Bulleen areas in early 2021. The flood mapping data continues to be used to assess new developments and assists in the preparation of business cases.

Lead Environmental Practices



We are preparing the Climate Emergency Plan. The draft Environment Strategy is being prepared. Strategy and Climate Emergency Plan scheduled to be released for public consultation together by May/June 2021. Next quarter will focus on the development and associated engagement for the Climate Emergency Plan.

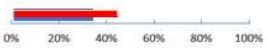
Environmental education and awareness

We have held the Spring Outdoors online with over 400 people participating. Australian Energy Foundation (AEF) energy saving webinars for residents on solar, batteries and 'preparing your home for Summer'. We delivered the Nature Stewards program and annual Waterwatch report; a citizen science program that engages volunteers to monitor the health of our local waterways.

VIBRANT AND PROSPEROUS ECONOMY

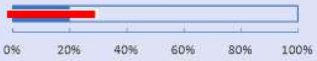
4.1 Grow our local business, tourism and economy

Grow the visitor economy



We are supporting Tourism and related industries as they recommence. We continue to work closely with partner Yarra Ranges Tourism to ensure information, support and advice is provided to all operators in a timely fashion. Established and delivered a promotional campaign to support local business and encourage residents to rediscover their local and intra-municipal areas through the #ExploreBuyLocal social media campaign. The Campaign consisted of videos exploring three activity centres from different demographics and encouraged local to visit participating shops to find clues and enter a draw to win a shop local voucher.

Key: Monitoring Progress



Target
Actual

*Target is usually 25% cumulative across the project timeframe

In the example above, the project is 20% complete with a target of 35%

WELL GOVERNED COUNCIL

5.1 A financially sustainable Council that manages resources effectively and efficiently

5.2 A Council that values citizens in all that we do

Making it easier for citizens

We have completed Customer pulse surveys and analysis is underway to identify key actions. Live chat has been implemented in early November and customers are readily using the channel for service enquiries with an average of 80% satisfaction rating. From early November COVID-19 regulations allowed our front counter to reopen to allow customers the option to visit us in person.

Long Term Sustainability

The 10 year long term financial plan is being developed as part of the development of the 2021/22 Budget in line with key budget principles to maintain long term financial sustainability and strategies to address rate capping, the financial impact of State Government restrictions associated with COVID-19 on Council services and the Community and other financial challenges.

5. Councillor Expenses

An allocation of $12,770 for each Councillor and $15,375 for the Mayor is budgeted each financial year to reimburse Councillors for expenses incurred while carrying out their official roles.

Significant demands are placed on Councillors in carrying out their civic and statutory roles attending community meetings and events, capacity building and advocacy meetings in pursuit of the best outcomes for the municipality. The Mayor has a slightly higher allowance as they are required to carry out additional civic and ceremonial duties.

The Councillor Allowance and Support Policy guides the reimbursement of Councillor expenses. This budget is all inclusive and covers conferences and training, travel, child minding and information and communications technology expenses. As part of Council's commitment to remaining accountable and transparent, these expenses will be presented to the community each quarter.

Categories include: Travel (including accommodation, cab charges), Car Mileage, Childcare, Information and Communication Technology, Conferences and Training (including professional development, workshops), General Office Expenses (including meeting incidentals), Formal

Councillor	Travel	Car Mileage	Childcare	Information Communication Technology	Conferences & Training	General Office Expenses	Formal Attendances	Other	Total Qtr	Year to Date	Allowance (Pro-rata)	Allowance (Financial Year)
Cr A Chen (Deputy Mayor)	$0	$59	$0	$0	$0	$0	$0	$127	$186	$186	$8,799	$12,898
Cr A Conlon (Mayor)	$0	$0	$0	$161	$0	$0	$0	$0	$161	$215	$9,994	$14,650
Cr D Diamante	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$8,799	$12,898
Cr G Gough	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$8,799	$12,898
Cr M Kleinert	$0	$0	$0	$0	$0	$0	$0	$364	$364	$364	$8,799	$12,898
Cr C Lange	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$8,799	$12,898
Cr T Lightbody	$0	$0	$0	$0	$0	$0	$0	$40	$40	$40	$8,799	$12,898
Cr L Mayne	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$8,799	$12,898
Cr S Mayne	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$8,799	$12,898
Notes for the Quarter												
New Councillors were sworn in on 10 November 2020. Allowances for the remainder of financial year is on a pro-rata basis.												

6. CEO Expenses

The Chief Executive Officer incurs various expenditure while carrying out duties relating to the CEO role.
Expense categories related specifically to the CEO role are travel, conferences and seminars, miscellaneous. Gifts declared are also included in this report although not an expense to Council. The CEO is required to be transparent in the use of Council resources as per the Employee Code of Conduct.

Quarter 2, 1 October - 30 December 2020

	Travel	Food and Beverage	Conferences and Seminars	Gifts declared	Miscellaneous	Total Qtr	Total Year
Andrew Day	$0.00	$0.00	$0.00	$0	$0	**$0.00**	**$0.00**

Notes:

All costs are GST exclusive

Expense categories

Travel

This category covers costs associated with assisting the CEO in meeting transport costs incurred whilst attending meetings, functions and conferences. This includes taxi services, uber services, car parking fees, airfares, accommodation costs etc.

Food and Beverage

This category covers costs associated with food or beverages that directly relate to the CEO role within a professional context.

Conferences and Seminars

This category covers registration fees associated with attendance by the CEO at conferences, functions and seminars. Meetings such as these are normally held by local government related organisations, professional bodies and institutions, educational institutions and private sector providers on areas and events which support the role of the CEO or impact on the City in general.

Gifts Declared*

This category relates to any gifts that exceed the token gift threshold ($50.00) that the CEO is required to declare as per the Token Gift Policy. This category is not added to the total expenses as it is a declaration not a cost to Council.

Miscellaneous

This category relates to any other costs associated with the CEO role not covered by the categories above.

13.3 Councillor Code of Conduct

File Number: IN21/85

Responsible Director: Chief Executive Officer

Attachments: 1 Councillor Code of Conduct ⇩

EXECUTIVE SUMMARY

In accordance with section 139(4) of the Local Government Act 2020 (the Act), a Council must review and adopt the Councillor Code of Conduct (the Code) within a period of 4 months after a general election. The purpose of the Code is to include the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as a Councillor, including prohibiting discrimination, harassment (including sexual harassment) and vilification.

A revised Code has been prepared following consultation with Councillors and is now presented for consideration and adoption by Council.

1. RECOMMENDATION

That Council:

A. notes the Councillor Code of Conduct has been reviewed in accordance with section 139(4) of the *Local Government Act 2020*; and

B. adopts the revised Councillor Code of Conduct shown at Attachment 1.

2. BACKGROUND

2.1 Council is required to review and adopt a Councillor Code of Conduct within a period of 4 months after a general election.

2.2 The Code sets out the standards of conduct expected of elected representatives and establishes a framework for fostering good working relationships between Councillors, the community and the administration. These elements along with the mandated requirements under the Act are designed to build public confidence in the integrity of local government.

2.3 A revised Councillor Code of Conduct has been prepared following discussions with Councillors and to reflect the requirements of the *Local Government Act 2020 (Vic)* and the *Local Government (Governance and Integrity) Regulations 2020 (Vic)*.

3. DISCUSSION / ISSUE

3.1 Section 139(3) of the Act sets out the minimum requirements to be included in the Councillor Code of Contact. This includes the standards of conduct prescribed by the *Local Government (Governance and Integrity) Regulations 2020 (Vic)* and any other provisions prescribed by the regulations for the purposes of section 139 of the Act.

Councils can also include any other any other matters which the Council considers appropriate in addition to the standards of conduct.

3.2 A number of changes are included in the revised Code. This includes:

3.2.1 Replacing the Primary and General Principles of Councillor Conduct with the new mandated Standards of Conduct which address the following areas of Councillor conduct:

- Standard 1 – Treatment of others
- Standard 2 – Performing the role of Councillor
- Standard 3 – Compliance with good governance measures
- Standard 4 – Maintaining Council reputation

3.2.2 Reference to the 'We Are Manningham' organisation values

3.2.3 New clauses regarding:

- Bullying, vilification and victimisation
- Sexual harassment
- Occupational health and safety
- Human rights and equal opportunity
- Child Safety
- Reporting fraud and corruption
- Interactions with the community
- Meeting with planning applicants
- Significant and/or intimate relationships
- Updated dispute resolution procedures

4. IMPLEMENTATION

4.1 Timelines

Council is required to review and adopt the Councillor Code of Conduct by 24 February 2021.

5. DECLARATIONS OF CONFLICT OF INTEREST

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

Councillor Code of Conduct

February 2021

Interpreter service
9840 9355
普通话 | 廣東話 | Ελληνικά
Italiano | عربي | فارسی

MANNINGHAM

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1. Introduction

The *Local Government Act 2020* (the Act) requires Council to develop a Councillor Code of Conduct (the Code). The purpose of the Code is to set out the standards of conduct expected to be observed by Councillors in the course of performing their duties and functions as well as guidance in the event of any breach of the Code.

This Code was adopted by Council on 23 February 2021 and replaces the previous Code adopted by Council on 17 February 2017. This Code will be reviewed in accordance with relevant legislative obligations. Additionally, every two years Councillors will review this Code to ensure that it meets and continues to reflect community standards and expectations.

2. Scope

This Code applies to a Councillor who is conducting the business of Council and/or acting as a representative of Council and is to be read alongside relevant legislation, Council policies, procedures and guidelines.

3. My Commitment

As a Councillor of Manningham Council I commit to:

a) complying with the various provisions of the *Local Government Act 2020* (the Act) and with this Code;

b) working together in the best interests of the Manningham municipal community;

c) working together constructively to achieve our vision as set out in our Council Plan in a manner that is consistent with our values;

d) embracing and demonstrating Manningham's corporate values;

e) respecting the role of the Mayor, Deputy Mayor, my fellow Councillors, the Chief Executive Officer and Council staff as set out in the Act ; and

f) discharging my responsibilities to the best of my skill and judgement.

4. Councillor Conduct Standards

Councillors must comply with the prescribed standards of conduct set out in Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*. A breach of the conduct standards constitutes misconduct as defined under the Act.

4.1 Standard 1 – Treatment of others

In performing the role of a Councillor, I will treat other Councillors, members of Council staff, the municipal community and members of the public with dignity, fairness, objectivity, courtesy and respect, including by ensuring that I -

a) take positive action to eliminate discrimination, sexual harassment and victimisation in accordance with the Equal Opportunity Act 2010; and

b) support the Council in fulfilling its obligation to achieve and promote gender equality; and

c) do not engage in abusive, obscene or threatening behaviour in my dealings with members of the public, Council staff and Councillors; and

d) consider the diversity of interests and needs of the municipal community, treat all persons with respect and have due regard for their opinions, beliefs, rights and responsibilities.

4.2 Standard 2 – Performing the role of Councillor

In performing the role of a Councillor, I will do everything reasonably necessary to ensure that I perform the role of Councillor effectively and responsibly, including by ensuring that I -

a) undertake any training or professional development activities the Council decides it is necessary for all Councillors to undertake in order to effectively perform the role of a Councillor; and

b) diligently use Council processes to become informed about matters which are subject to Council decisions; and

c) am fit to conscientiously perform the role of a Councillor when acting in that capacity or purporting to act in that capacity; and

d) represent the interests of the municipal community in performing the role of a Councillor by considering and being responsive to the diversity of interests and needs of the municipal community.

4.3 Standard 3 – Compliance with good governance measures

In performing the role of a Councillor, to ensure the good governance of the Council, I will diligently and properly comply with the following -

a) any policy, practice or protocol developed and implemented by the Chief Executive Officer in accordance with section 46 of the Act for managing interactions between members of Council staff and Councillors;

b) the Council expenses policy adopted and maintained by the Council under section 41 of the Act;

c) the Governance Rules developed, adopted and kept in force by the Council under section 60 of the Act;

d) any directions of the Minister issued under section 175 of the Act.

4.4 Standard 4 – Council Reputation

In performing the role of a Councillor, I will:

a) ensure that my behaviour does not bring discredit upon the Council.

b) not deliberately mislead the Council or the public about any matter related to the performance of my public duties.

4.5 Standard 5 – Political debate

Nothing in these standards is intended to limit, restrict or detract from robust public debate in a democracy.

5. Relationship with Council Staff (derived from s124)

a) I will not seek to improperly direct or influence members of Council staff in the exercise of any power or in the performance of any duty or function.

b) I acknowledge that there must be mutual respect and understanding between Councillors and Council staff in relation to their respective roles, functions and responsibilities and I will comply with any policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the CEO.

c) Where practicable, I will direct my enquiries to the Administration through the CEO, Directors or Managers.

d) I accept that decisions which modify, change or reject staff recommendations must only be made at formal Council meetings.

e) I agree that workplace bullying and sexual harassment can and should be prevented. I will act with courtesy towards Council staff and avoid behaviour that is intimidating. I am aware of legislative obligations with respect to equal opportunity, harassment and bullying.

f) I note that s3 of the Act also includes a definition of 'bullying by a Councillor' and that such action is classified as serious misconduct and if it occurs, may be referred to a Councillor Conduct Panel.

6. Misuse of position (derived from s123)

6.1 I will not misuse my position as a Councillor to:

a) to gain or attempt to gain, directly or indirectly, an advantage for myself or for any other person; or

b) to cause, or attempt to cause, detriment to the Council or another person *(this includes the manner in which I communicate with and/or about Councillors or others, whether verbally, by electronic or any other means).*

6.2 Misuse of my position includes:

(a) making improper use of information acquired as a result of the position I held or hold; or

(b) disclosing information that is confidential information within the meaning of s3 of the Act; or

(c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or

(d) exercising or performing, or purporting to exercise of perform, a power, duty or function that I am not authorised to exercise or perform; or

(e) using public funds or resources in a manner that is improper or unauthorised; or

(f) participating in a decision on a matter when I have a conflict of interest.

7. Public image and working relationships

7.1 I recognise that Councillors play a key role, both individually and collectively, in maintaining a positive public image and in preserving public confidence in the Council.

I will:

a) use my best endeavours to build and maintain sound and productive working relationships with my Councillor colleagues;

b) refrain from actions that may damage the image of the Council and my Councillor colleagues;

c) ensure that my communications do not contain remarks of a personal, derogatory, insulting or offensive nature directed at current and former Councillors, Council staff or members of the community *(Communication mediums include but are not limited to verbal, letters, faxes, emails, SMS messages, and any social media);*

d) ensure that any comments I make on social media are clearly identified as personal opinions that do not necessarily reflect the views of the Council;

e) ensure that any media statements are factual and devoid of comments that could reasonably be construed as being derogatory, offensive or insulting to any person and that such comments are clearly identified as personal opinions that do not necessarily reflect the views of Council. No views or positions are to be attributed to other Councillors without their express consent;

f) provide the Mayor, CEO and Manager Communications with a copy of all material that I provide to media outlets *(i.e. daily newspapers, Manningham circulation newspapers and electronic/online services)* within 24 hours of doing so; and

g) conduct myself in public forums respectfully and with appropriate decorum.

7.2 To avoid any misunderstanding, I understand that nothing in this Code is intended to fetter or impede me from publicly expressing views or concerns on matters of policy or organisational performance where I believe that it is in the public interest to do so.

8. Council decision making

8.1 All Councillors are committed to making all decisions impartially and in the best interests of the municipal community.

I will:

a) actively and openly participate in the decision making process, striving to be informed to achieve the best outcome for the community;

b) respect the views of the individual in the debate. However, we also accept that decisions are based on a majority vote; and

c) accept that no Councillor can direct another Councillor on how to vote on any decision.

8.2 Notwithstanding my broader policy positions, I will keep an 'open mind' when researching, hearing submissions, considering and finally, making a decision regarding a specific matter.

8.3 I agree to abide by the Governance Rules which set out the procedures for decision making by Council as amended from time to time.

9. Confidential information (derived from s3 and s125)

In performing the role of Councillor I will:

a) comply with any legislative provisions and Council policies concerning my access to, use of, or disclosure of Council information, whether confidential or otherwise;

b) ensure all Council documents, but especially those containing confidential information, are properly safeguarded at all times – including materials stored at private or business premises;

c) not release confidential information for any purpose to any person or organisation (other than those who are entitled to the information); and

d) also ensure that when I am no longer a Councillor I will either return any confidential information to the CEO or dispose of it in a secure manner.

10. Use of Council resources (including funds and property)

10.1 I will maintain adequate security over Council property, facilities and resources provided to me to assist in performing my role and will comply with any Council policies applying to their use.

10.2 I will ensure any expense claims that I submit are in compliance with the relevant legislative provisions and Council policy.

10.3 I will not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

10.4 I will not use public funds or resources in a manner that is improper or unauthorised.

11. Communication

11.1 As a representative of the community, I have a primary responsibility to be responsive to community views and to adequately communicate the attitudes and decisions of Council.

11.2 I will endeavour to ensure that the messages communicated through the media are clear and consistent, and positively portray the Council as a decisive and responsible governing body.

11.3 I acknowledge that the Mayor will provide official comment to the media on behalf of Council. This includes:

a) statewide political issues affecting Local Government;

b) contentious or sensitive local issues that impact the community that do not relate directly to the business of Council but to the representation of the community;

c) issues pertaining to policy and Council decisions;

d) issues relating to the strategic direction of the Council; and

e) the Mayor nominating another Councillor to make official comment on behalf of the Council, where appropriate.

11.4 I acknowledge that the CEO is the official spokesperson for all operational matters pertaining to Manningham Council as an organisation including:

a) staffing and structure of the organisation

b) corporate issues relating to service provision or the day to day business of Council; and

c) that the CEO may nominate a member of Council staff or spokesperson if appropriate.

11.5 I acknowledge that I am entitled to express independent views through the media, however, I will make it clear that any unofficial comment is a personal view, and does not represent the position of the Council as a whole.

12. Gifts and hospitality (derived from s137 and s138)

12.1 I commit to comply with my legislative and policy obligations in relation to gifts, donations and hospitality.

12.2 I will scrupulously avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to gain favourable treatment from me as a Councillor or from the Council.

12.3 I will notify the CEO and Group Manager Governance and Risk if, in the conduct of my duties I receive an inappropriate offer or benefit of any kind.

12.4 I will take all reasonable steps to ensure that my immediate family members (parents, spouse, children and siblings) do not receive gifts or benefits that give rise to the appearance of being an attempt to gain favourable treatment.

12.5 Where I receive a gift on behalf of Council, the gift becomes the property of the Council. For transparency and accountability purposes, these gifts will be recorded in the Councillors Gifts Register with a notation that it is the property of the Council.

13. Conflict of interest (derived from s126-131 and Chapter 5 of the Governance Rules)

13.1 I acknowledge that if I have a conflict of interest in a matter which is to be considered or discussed at a Council meeting, I must, if attending the meeting, disclose the conflict of interest in accordance with the provisions of the Act and Manningham's Governance Rules (unless any of the exemptions apply).

13.2 I will seek advice from the CEO or other appropriate officer if I need assistance interpreting the relevant legislation. While I may seek advice, I recognise that the legal onus rests with me to identify, manage and disclose any conflicts of interest I may have. If I cannot confidently say that I do not have a conflict, I will declare a possible conflict and comply with the relevant requirements as if I do have a conflict of interest.

14. Personal dealings with Council

When I deal with Council in my private capacity (e.g. as a ratepayer, recipient of a Council service or applicant for a permit) I do not expect nor will I request preferential treatment in relation to any such private matter. I will avoid any action that could lead Council staff or members of the public to believe that I was seeking preferential treatment.

15. Bullying, vilification and victimisation

Council is committed to maintaining a workplace that is free from bullying, vilification and victimisation, where all people are treated with dignity and respect. In performing my role as a Councillor I must take positive action to eliminate victimisation in accordance with the Equal Opportunity Act 2010.

I will uphold Council's obligations to support a safe workplace, and will not engage in repeated unreasonable behaviour toward another Councillor or member of Council staff, whether in person or online, that creates a risk to the health and safety of that other Councillor or member of Council staff.

16. Sexual harassment

Sexual harassment is against the law and will not be tolerated under any circumstances. In performing my role as Councillor I must take positive action to eliminate sexual harassment in accordance with the Equal Opportunity Act 2010.

I will not engage in any unwelcome conduct of a sexual nature towards another individual where a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the individual harassed would be offended, humiliated or intimidated.

17. Occupational health and safety

Council is committed to providing and maintaining a safe workplace for all and recognises the provisions of the *Occupational Health and Safety Act 2004* apply to Council and Councillors.

The CEO has clear accountability for occupational health and safety matters, given their mandate under the Act, and will put policies in place from time to time to ensure a safe workplace for Councillors to carry out their civic duties. I will adhere to any policies established for this purpose.

I understand that occupational health and safety is a shared responsibility and I will take reasonable care to protect my own health and safety as well as the health and safety of others in the workplace.

18. Human rights and equal opportunity

In performing my role as a Councillor I must take positive action to eliminate discrimination in accordance with the *Equal Opportunity Act 2010* and support Council in fulfilling its obligation to achieve and promote gender equality.

I acknowledge that human rights are protected under the *Victorian Charter of Human Rights and Responsibilities Act 2006 and* undertake to exercise my duties in a manner that is compatible with the rights set out in the Charter.

19. Child Safety

Council prides itself on being a child safe organisation and has zero tolerance for child abuse. Council adheres to the Victorian Child Safe Standards and related legislation which governs the protection of children and young people.

Any allegation or incident of abuse will be treated very seriously and consistently with child protection legislation, regulations and guidelines and in accordance with Council policy and procedures.

I will maintain the highest standards of professional conduct in my attitude, behaviour and interactions with children and young people. As a leader, I will uphold the rights and bests interests of the child and take these matters into account in all decision making.

20. Reporting fraud and corruption

Ethical behaviour is an integral part of responsible, effective and accountable government. I acknowledge Council's obligations under the *Public Interest Disclosures Act 2012* to facilitate the making of disclosures or improper conduct by public officers and public bodies, including Council, its employees and Councillors.

I will immediately report to the Chief Executive Officer and/or appropriate integrity body, in line with Council's Public Interest Disclosure Procedures, any suspected, potential or actual fraudulent, criminal, unethical, corrupt or other unacceptable behaviour that comes to my knowledge. I will participate as required to the best of my ability in any subsequent investigation whether undertaken internally or externally.

21. Interactions with the community

In performing my role as a Councillor I commit to treating all members of the community with dignity, fairness, objectivity, courtesy and respect.

Where a member of the community would like to raise a complaint against a Councillor for a possible breach of this Code or offence under the Act, this may be directed to the Chief Municipal Inspector of the Councillor Conduct Officer.

22. Meeting with planning applicants

When proposing to meet with a known or proposed planning applicant (or property owner, or their representative), either for the purpose of discussing their application or where the application is likely to become a topic of discussion, Councillors should consider holding the meeting with a planning officer present.

Councillors should notify the CEO, Director City Planning and Community or their delegate of the meeting or any interactions with the applicant.

Where a Councillor chooses to hold a meeting without a planning officer present, they should notify the CEO, Director City Planning and Community or their delegate of the meeting.

23. Significant and/or intimate relationships

I understand that conflict and bias can arise from situations where relatives or people with significant and/or intimate relationships work together, and this can potentially lead or be seen to lead to decisions I make as a Councillor being made for reasons other than the public interest.

If I am involved in a relationship of a significant or intimate nature with another Councillor, a member of Council staff, contractor or consultant, I undertake to disclose this relationship to the Mayor and the CEO.

24. Election Period Policy

In order to ensure that general elections for Manningham Council are conducted in a manner that is fair and equitable, and publicly perceived as such, Council has adopted an Election Period Policy as part of Manningham's Governance Rules. I agree to abide by that policy.

25. Candidature of Councillors for State or Federal Elections

The perception of the politicisation of local government resulting from Councillors running for office in State or Federal parliament is often a contentious issue. As a Councillor, I agree to follow the Guidelines prepared by the Municipal Association of Victoria in regard to candidature at State or Federal elections. The Guidelines are shown as Attachment 2 to this Code.

26. Dispute Resolution

17.1 Before commencing any formal dispute resolution process, the Councillors who are parties to a dispute are expected to use their best endeavours to resolve the matter in a courteous and respectful manner between themselves. Where, after these endeavours have been exhausted, the matter still remains unresolved, the parties may resort to any or all of the Council's three phase dispute resolution process.

17.2 The Council's three phase dispute resolution process involves:

a) a facilitated discussion between the parties in dispute with the Mayor in attendance to provide guidance

b) mediation by an independent mediator engaged by the Councillor Conduct Officer; and

c) an internal arbitration process involving an independent arbiter.

17.3 I agree to follow the dispute resolution process as detailed in Attachment 1 to this Code.

27. Signatories to the Code

In signing this document, we agree to comply with the principles established by this Councillor Code of Conduct in conjunction with all relevant legislation and policies.

Cr Anna Chen
Waldau Ward _____

Cr Andrew Conlon
Currawong Ward _____

Cr Deirdre Diamante
Tullamore Ward _____

Cr Geoff Gough
Bolin Ward _____

Cr Michelle Kleinert
Westerfolds Ward _____

Cr Carli Lange
Yarra Ward _____

Cr Tomas Lightbody
Manna Ward _____

Cr Laura Mayne
Schramm Ward _____

Cr Stephen Mayne
Ruffey Ward _____

ATTACHMENT 1: Dispute Resolution Procedure

The primary purpose of this dispute resolution procedure is to provide Councillors with the support and mechanisms to resolve conflicts and disputes in a manner that enables them to move forward and maintain effective working relationships.

Councillors recognise that they hold an individual and collective responsibility to resolve disputes in a proactive, positive and courteous manner before they are escalated.

This procedure:

a) is not intented to resolve differences in policy or decision making, which are appropriately resolved through discussion and voting in Council meetings.

b) does not include a complaint made against a Councillor or Councillors by a member or members of Council staff, or by any other person, or a disclosure in accordance with the *Public Interest Disclosures Act 2012*.

This process operates alongside, and does not displace, any external avenues provided for by legislation for the reporting and resolution of issues and disputes. It should be read in conjunction with the Act which sets out avenues for reporting matters of Councillor misconduct and establishes external authorities to hear, investigate, prosecute and make findings of Councillor misconduct, serious misconduct and gross misconduct.

Nothing *is this procedure prevents an* individual Councillor with a specific issue or dispute from pursuing other avenues available to them under the law.

Responsibilities

Mayor

The Mayor has a responsibility to:

- establish and promote appropriate standards of conduct
- support good working relations between Councillors
- support Councillors in dispute resolution.

Councillor Conduct Officer

The Councillor Conduct Officer has a responsibility to:

- assist Council in the implementation and conduct of the internal resolution procedure
- assist the Principal Councillor Conduct Registrar to perform the functions specified in section 149 of the Act.

Chief Executive Officer (CEO)

The CEO has a responsibility to:

- ensure that support and assistance is available to all Councillors where it is required
- take all reasonable steps to ensure the consistent and accountable application of this policy across Council
- comply with all relevant legislation as the senior officer within Council administration.

Councillors

Councillors as defined in this section have a responsibility to

- co-operate with any investigation into, or arbitration of, a complaint made under this procedure
- maintain confidentiality regarding any complaint.

Phase 1 – Facilitated Discussion

Any party to the dispute may request the Mayor to convene a meeting of the parties.

1. A dispute referred for facilitated discussion may relate to:
   - an interpersonal conflict between Councillors where the conflict is or is likely to affect the functioning of the Council; or
   - an alleged breach of the Councillor Code of Conduct.
2. The party requesting the facilitated discussion (requestor) is to provide the Mayor with the name of the other Councillor and the details of the dispute in writing. The written request is to indicate that it is for a "facilitated discussion" dispute resolution process. Where the request relates to an alleged breach of the Councillor Code of Conduct, the request must:
   - specify the name of the Councillor alleged to have breached the Code;
   - specify the provision(s) of the Code that is alleged to have been breached;
   - include evidence in support of the allegation;
   - name the Councillor appointed to be their representative where the request is made by a group of Councillors; and
   - be signed and dated by the requestor or the requestor's representative.
3. The requestor is to notify the other party of the request and provide him or her with a copy of the written request either at the same time as it is provided to the Mayor or as soon as practicable thereafter.
4. The Mayor is to ascertain whether or not the other party is prepared to attend a "facilitated discussion" meeting.
5. If the other party is not prepared to attend a meeting, the Mayor is to advise the requestor forthwith. No further action is required of the Mayor.
6. If the other party declines to participate in a meeting, this does not constitute a breach of this Councillor Code of Conduct.
7. If the other party consents to attend a facilitated discussion, the Mayor is to convene a meeting of the parties at the earliest available opportunity. Unless one or both parties are unavailable, this should be within 5 working days of receiving the consent of the other party.
8. The Mayor may present the parties with guidelines, in advance of the meeting or at the meeting, to help facilitate the discussion.
9. The role of the Mayor at the meeting is to provide guidance to Councillors about the conducted expected of a Councillor including in relation to the role of a Councillor under section 28 of the Act, and the observation of the prescribed conduct standards and the Councillor Code of Conduct.

10. The Mayor is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to mediation or, in the case of alleged misconduct, the internal arbitration process.

11. If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, either or both of the parties have recourse to mediation or, in the case of alleged misconduct, the internal arbitration process.

12. Where the Mayor is a party to the dispute, the request is to be made to the Deputy Mayor (if any) or the immediate past Mayor. The Deputy Mayor or the immediate past Mayor will perform the functions ascribed to the Mayor.

Phase 2 – Mediation

1. A Councillor or a group of Councillors may make an application for a dispute to be referred for mediation whether or not the dispute has been the subject of an application for a "facilitated discussion".

2. An application made for a dispute to be referred for mediation may relate to:

   - an interpersonal conflict between Councillors where the conflict is or is likely to affect the operations of the Council; or
   - an alleged breach of the Councillor Code of Conduct.

3. The applicant is to submit a written application to the Councillor Conduct Officer setting out the name of the Councillor and the details of the dispute. The application is to indicate that the application is for mediation. Where the application relates to an alleged breach of the Councillor Code of Conduct, the application must:

   - specify the name of the Councillor alleged to have breached the Code
   - specify the provision(s) of the Code that is alleged to have been breached
   - include evidence in support of the allegation
   - name the Councillor appointed to be their representative where the application is made by a group of Councillors; and
   - be signed and dated by the applicant or the applicant's representative.

4. The applicant is to notify the other party of the request and provide him or her with a copy of the application either at the same time that it is submitted to the Councillor Conduct Officer or as soon as practical thereafter.

5. The Councillor Conduct Officer is to ascertain (in writing) whether or not the other party is prepared to attend mediation. If the other party declines to participate in mediation, he or she is to provide their reasons for doing so in writing to the Councillor Conduct Officer. These reasons may be taken into account if the matter is, subsequently, the subject of an application for a Councillor Conduct Panel.

6. When the other party declines to participate in mediation, this does not constitute a breach of this Councillor Code of Conduct.

7. If the other party agrees to participate in mediation, the Councillor Conduct Officer is to advise the applicant, the Mayor and CEO forthwith.

8. The Councillor Conduct Officer is to engage the services of an external mediator to conduct the mediation at the earliest practicable opportunity.
9. The mediator is to document any agreement reached at the meeting. Copies of the agreement are to be provided to both parties. Where one party does not comply with the agreement, the other party has recourse to the internal arbitration process where the matter relates to alleged misconduct.
10. If the parties cannot resolve the dispute at the meeting, a further meeting may be convened with the consent of both parties. Where the dispute remains unresolved, the applicant has recourse to the internal arbitration process where the matter relates to alleged misconduct .

Phase 3 – Internal Arbitration Process

An internal arbitration involves a party (the applicant) to a dispute requesting the Principal Councillor Conduct Registrar to appoint an impartial third party (the Arbiter) to make findings in relation to allegations concerning another Councillor or Councillors and whether they have engaged in misconduct under the Act.

1. An application for an internal arbitration process to make a finding of misconduct against a Councillor can be made by a Councillor or a group of Councillors.
2. The application must:
   - specify the name of the Councillor alleged to have breached the conduct standards;
   - specify the clause of the standards in the *Local Government (Governance and Integrity) Regulations 2020* that the Councillor is alleged to have breached;
   - specify the misconduct that the Councillor is alleged to have engaged in that resulted in the breach of the conduct standards;
   - include evidence in support of the allegation;
   - name the Councillor appointed to be their representative where the application is made by a group of Councillors;
   - be signed and dated by the applicant or the applicant's representative;
   - be made within three months of the alleged misconduct occurring; and
   - be given to the Principal Councillor Conduct Registrar in the manner specified by Principal Councillor Conduct Registrar in any guidelines published under section 149(1)(c) of the Act.
3. An applicant may withdraw an application for arbitration at any time. Once an application has been withdrawn, the same or a similar application relating to the same issues or dispute in relation to the respondent Councillor cannot be resubmitted by the applicant.
4. On receiving an application, the Principal Councillor Conduct Registrar will:
   - advise the Mayor and CEO of the application without undue delay
   - identify an arbiter to hear the application
   - obtain from the arbiter written advice that they have no conflict of interest in relation to the Councillors involved
   - notify the parties of the name of the proposed arbiter and provide them with the opportunity (2 working days) to object to the person proposed to be the arbiter
   - consider the grounds of any objection and appoint the proposed arbiter or identify another arbiter
   - provide a copy of the application to the arbiter as soon as practicable after the opportunity for the parties to object to an arbiter has expired

- after consultation with the arbiter, advise the applicant and the respondent of the time and place for the hearing; and
- attend the hearing(s) and assist the arbiter in the administration of the process.

5. The Principal Councillor Conduct Registrar, after examining an application, will appoint an arbiter to hear the matter if satisfied that:

   - The application is not frivolous, vexatious, misconceived or lacking in substance; and
   - There is sufficient evidence to support an allegation of a breach of the Councillor Code of Conduct as specified in the application.

6. In identifying an arbiter to hear the application, the Principal Councillor Conduct Registrar will select an arbiter who is suitably independent and able to carry out the role of arbiter fairly. The arbiter must be selected from a panel of eligible persons established by the Secretary to conduct an internal arbitration process.

7. The role of the arbiter is to:

   - consider applications alleging a contravention of the Councillor Code of Conduct by a Councillor;
   - make findings in relation to any application;
   - give a written statement of reasons supporting the findings to the parties at the same time as it gives its findings to the Council; and
   - recommend an appropriate sanction or sanctions where the arbiter makes a finding of misconduct against a Councillor.

8. In considering an application alleging a breach of the Councillor Code of Conduct, an arbiter will:

   - in consultation with the Councillor Conduct Officer, fix a time and place to hear the application;
   - authorise the Councillor Conduct Officer to formally notify the applicant and the respondent of the time and place of the hearing;
   - hold as many meetings as he or she considers necessary to properly consider the application. The arbiter may hold a directions hearing;
   - have discretion to conduct the hearings as he or she deems fit while ensuring that the hearings are conducted with as little formality and technicality as due and proper consideration of the application allows;
   - ensure that the parties to and affected by an application are given an opportunity to be heard by the arbiter;
   - hearing ensure that the rules of natural justice are observed and applied in the hearing of the application;
   - ensure that the hearings are closed to the public and held in confidence;
   - ensure that a Councillor who is a party to an internal arbitration process does not have a right to representation unless the arbiter considers that representation is necessary to ensure that the process is conducted fairly; and
   - consider an application by a respondent to have legal representation.

9. Where an application to have legal representation is granted by an arbiter, the costs of the Councillor's legal representation are to be borne by the Councillor in their entirety.

10. An arbiter:

    - may find that a Councillor who is a respondent to an internal resolution procedure application has not engaged in misconduct
    - may find that a Councillor has engaged in misconduct

- may hear each party to the matter in person or by written or electronic means of communication
- is not bound by the rules of evidence and may be informed in any manner the arbiter sees fit
- may at any time discontinue the hearing if the arbiter considers that the application is vexatious, misconceived, frivolous or lacking in substance or the applicant has not responded, or has responded inadequately, to a request for further information
- must refer the matter in writing to the Principal Councillor Conduct Registrar if the arbiter believes that the conduct that is the subject of the application for an internal arbitration process appears to involve serious misconduct and would more appropriately be dealt with as an application to a Councillor Conduct Panel under section 154 of the Act.

11. The arbiter is to give a copy of his or her findings and the statement of reasons to the Council, the applicant, the respondent and the Principal Councillor Conduct Registrar. At the same time, the arbiter provides the findings and statement of reasons, he or she shall, where a Councillor has been found to have engaged in misconduct, recommend an appropriate sanction or sanctions.

12. A copy of the arbiter's findings, statement of reasons and any recommended sanctions is to be submitted to the next Council meeting after Council has received a copy of the arbiter's decision and statement of reasons and recorded in the minutes of the meeting. If the arbiter's decision and statement of reasons contains any confidential information, the confidential information must be redacted before submission to the Council meeting..

13. If an arbiter has made a finding of misconduct the arbiter may do one or more of the following:

    - direct the Councillor to make an apology in a form or manner specified by the arbiter
    - suspend the Councillor from office of Councillor for a period specified by the arbiter not exceeding one month
    - direct that the Councillor be removed from any position where the Councillor represents the Council for the period determined by the arbiter
    - direct that the Councillor is removed from being the chair of a delegated committee for the period determined by the arbiter
    - direct a Councillor to attend or undergo training or counselling specified by the arbiter.

14. A Councillor who does not participate in the internal arbitration process may be guilty of serious misconduct. The Act provides that serious misconduct by a Councillor means any of the following:

    - failure by a Councillor to comply with the Council's internal arbitration process
    - failure by a councillor to comply with a direction given to the Councillor by an arbiter under section 147
    - the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor
    - failure of a Councillor to comply with a direction of a Councillor Conduct Panel
    - continued or repeated misconduct by a Councillor after a finding or misconduct has already been made in repect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b)
    - bullying by a Councillor of another Councillor or a member of Council staff
    - conduct by a Councillor that is conduct of a type that is sexual harassment of a Councillor or a member of Council staff
    - the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information

- conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff
- the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the Act.

15. Allegations of serious misconduct are heard on application by a Councillor Conduct Panel.

16. An application cannot be made for an internal arbitration process during the election period for a general election. Any internal arbitration process that is in progress is to be suspended during the election period for a general election.

17. If the respondent to an application for an internal arbitration process is not returned to office as a Councillor in the election, the application lapses. If the respondent is returned to office in the election, the application made against the Councillor may resume, whether or not the applicant was returned to the office Councillor as a result of the general election if:

    - the application was made by the Council and the Council so resolves to resume the application
    - the application was made by a group of Councillors and any one (or more) of those Councillors who has been returned to office wishes to proceed with the application; or
    - the applicant (individual Councillor) is returned to office and wishes to proceed with the application.

ATTACHMENT 2: Guidelines Candidature of Councillors State or Federal Elections

a) A Councillor who becomes an endorsed candidate of a registered political party or publicly expresses an intention to run as an independent candidate for a State or federal election (a Prospective Candidate), should provide written advice to the CEO, as soon as practicable, who should then advise all Councillors.

b) A Councillor who is a Prospective Candidate, should declare his/her intended candidacy at a meeting of the Council as soon as practicable after notifying the CEO pursuant to Guideline 1.

c) A Councillor who nominates as a candidate for a State or federal election (a Nominated Candidate), should apply for leave of absence from the Council and this leave of absence should commence no later than the date of their nomination as a candidate with the relevant electoral commission for the election (Nomination Date) and conclude no earlier than the close of voting for the election. During this period, a Councillor who is on a leave of absence should not attend meetings of the Council or otherwise act as a Councillor.

d) Any Councillor / staff relationship protocol which the Council has in place in respect of the caretaker period prior to a Council election, should be observed by a Nominated Candidate and this should apply from their Nomination Date until the close of voting for the election.

e) A Council, upon receiving an application for a leave of absence from a Councillor who is a Nominated Candidate or who intends to become a Nominated Candidate, should approve that application.

f) A Councillor who is a Prospective Candidate or a Nominated Candidate, should take care to differentiate between his/her role as a State or federal election candidate and role as a Councillor when making public comment.

g) A Councillor who is a Prospective Candidate or a Nominated Candidate, should not use Council resources, including Council equipment and facilities in relation to his/her candidacy.

h) A Councillor who is a Prospective Candidate or a Nominated Candidate, should not use Council activities, including committee meetings and Council-related external activities in relation to his/her candidacy.

The guidelines draws a distinction between Prospective Candidates and Nominated Candidates because, as with Council elections, candidates for State and federal elections only become actual nominated candidates a few weeks prior to the relevant election date. Accordingly, the guidelines recommends different treatment for Prospective Candidates and Nominated Candidates on the basis that some requirements are recommended as appropriate for Nominated Candidates during a formal election period which are not considered to be necessary prior to the formal election period.

ATTACHMENT 3: Definitions

Bullying by a Councillor	means the Councillor repeatedly behaves unreasonably towards another Councillor or member of Council staff and that behaviour creates a risk to the health and safety of that other Councillor or member of Council staff;
Chief Municipal Inspector	means the person appointed under section 182 of the Act
Conflict of Interest	A Councillor has; • a general conflict of interest in a matter if an impartial, fair-minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their pubic duty. • a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a lost depending on the outcome of the matter.
Conduct Standards	the standards of Councillor conduct prescribed under Schedule 1 to the *Local Government (Governance and Integrity) Regulations 2020*.
Council Meeting	means Meeting of Council, an Advisory Committee, the Audit Committee, an informal meeting or a Section 223 Committee.
Councillor Conduct Officer	*a person appointed by the Chief Executive Officer to assist Council in implementing its internal arbitration process.*
Councillor Conduct Panel	A panel established under the *Local Government Act 2020* to hear applications and make findings of alleged misconduct or serious misconduct by a Councillor.
Gross misconduct by a Councillor	means behaviour that demonstrates that a Councillor is not of good character or is otherwise not a fit and proper person to hold the office of Councillor;
Improper conduct	*includes a failure to disclose a conflict of interest, a breach of confidentiality, the improper direction or influence of staff and the improper use of Council resources*
Internal arbitration process	means the procedure - (a) specified in the Councillor Code of Conduct; and (b) developed and maintained by a Council in accordance with section 141 of the Act to address the matters specified in that section;
Misconduct by a Councillor	means any of the following - means any breach by a councillor of the prescribed conduct standards included in this Councillor Code of Conduct

Principal Councillor Conduct Registrar	receives applications for the establishment of Councillor Conduct Panels in accordance with the *Local Government Act 2020*.
Serious Misconduct	• failure by a Councillor to comply with the Council's internal arbitration process • failure by a councillor to comply with a direction given to the Councillor by an arbiter under section 147 • the failure of a Councillor to attend a Councillor Conduct Panel hearing in respect of that Councillor • failure of a Councillor to comply with a direction of a Councillor Conduct Panel • continued or repeated misconduct by a Councillor after a finding or misconduct has already been made in repect of the Councillor by an arbiter or by a Councillor Conduct Panel under section 167(1)(b) • bullying by a Councillor of another Councillor or a member of Council staff • conduct by a Councillor that is conduct of a type that is sexual harassment of a Councillor or a member of Council staff • the disclosure by a Councillor of information the Councillor knows, or should reasonably know, is confidential information • conduct by a Councillor that contravenes the requirement that a Councillor must not direct, or seek to direct, a member of Council staff • the failure by a Councillor to disclose a conflict of interest and to exclude themselves from the decision making process when required to do so in accordance with the Act.
The Act	means the *Local Government Act 2020*
Serious misconduct by a Councillor	means - (a) the failure of a Councillor to attend a Councillor Conduct Panel hearing formed to make a finding in respect of that Councillor; or (b) the failure of a Councillor to give a Councillor Conduct Panel any information the Councillor Conduct Panel has requested the Councillor to give; or (c) the failure of a Councillor to comply with a direction of a Councillor Conduct Panel; or (d) continued or repeated misconduct by a Councillor after a finding of misconduct has already been made in respect of the Councillor by a Councillor Conduct Panel; or (e) bullying of another Councillor or member of Council staff by a Councillor; or

(f) conduct by a Councillor in respect of a member of Council staff in contravention of section 76E; or
(g) the release of confidential information by a Councillor in contravention of section 77.

13.4 Appointment of Authorised Officers - Planning and Environment Act 1987

File Number: IN21/57

Responsible Director: Chief Executive Officer

Attachments:
1. S11A Instrument of Appointment and Authorisation - Janet Edward ⇩
2. S11A Instrument of Appointment and Authorisation - Pamela Djurdjic ⇩

EXECUTIVE SUMMARY

In accordance with the Planning and Environment Act 1987(the Act), Council is required to authorise officers for the purpose of enforcing the provisions of the Act. It is proposed to appoint the Council officers detailed below as Authorised Officers pursuant to Section 147(4) of the Act.

The Local Government Act 1989 also empowers Council to appoint a person, other than a Councillor, to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.

A person who is appointed to a position has the powers of that position under the legislation which they have been appointed. Authorisations are necessary to facilitate the efficient and effective function of councils as they enable authorised officers to carry out compliance or enforcement under legislation related to their functions and powers of the Council.

Authorised officers will continue to be appointed under s224 of the Local Government Act 1989, as there are no provisions for appointing authorised officers under the new Local Government Act 2020.

1. RECOMMENDATION

In the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and the other legislation referred to in the attached instruments of appointment and authorisation, Council resolves that:

A. the following Council Officers be appointed as authorised officers:

- **Janet Edward**
- **Pamela Djurdjic**

B. the instruments will come into force immediately upon execution and will remain in force until Council determines to vary or revoke the Instrument or the officer ceases their employment with Council; and

C. the Instrument be signed and sealed.

2. BACKGROUND

2.1 The *Planning and Environment Act 1987* (the Act) regulates enforcement of the Act and is reliant on authorised officers acting on behalf of the Responsible Authority which is Council.

2.2 The Act, unlike the *Local Government Act 1989*, does not permit appointments to be made by the Chief Executive Officer and therefore in order for the officer to legally undertake the duties of their position under the Act, it is necessary for Council to make appointments by formal resolution.

2.3 The Instrument of Appointment and Authorisation has been prepared based on advice from Maddocks Lawyers and empowers the relevant officer to exercise those powers granted in the Instrument.

2.4 The appointment will come into force immediately upon its execution under the Seal of Council and will remain in force until varied or revoked by Council or the officer ceases employment with Council.

2.5 In addition to the appointment under the Act, Council pursuant to Section 224 of the *Local Government Act 1989*, may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of most other Acts, Regulations or Local Laws which relate to the functions and powers of Council. This broader Instrument of Appointment and Authorisation has already been carried out, in respect to the designated officers, under the delegated authority of the Chief Executive Officer as the first part of a dual appointment process.

2.6 The appointment will be recorded in the Authorised Officers Register that is required to be kept by Council and is available for public inspection.

3. DECLARATIONS OF CONFLICT OF INTEREST

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

Instrument of Appointment and Authorisation
(*Planning and Environment Act* 1987)

In this instrument "**officer**" means -

Janet Edward

By this instrument of appointment and authorisation Manningham City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act* 1987 and the regulations made under that Act; and

2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 23 February 2021.

The Common Seal of)
Manningham City Council)
was hereunto affixed)
in the presence of:)

Mayor …….

Chief Executive Officer ……..

Date: ……..

Instrument of Appointment and Authorisation
(*Planning and Environment Act* 1987)

In this instrument "**officer**" means -

Pamela Djurdjic

By this instrument of appointment and authorisation Manningham City Council -

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act* 1987 and the regulations made under that Act; and

2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

It is declared that this instrument comes into force immediately upon its execution and remains in force until varied or revoked.

This instrument is authorised by a resolution of the Manningham City Council on 23 February 2021.

The Common Seal of)
Manningham City Council)
was hereunto affixed)
in the presence of:)

Mayor ……

Chief Executive Officer ……..

Date: ..……..

13.5 Informal Meetings of Councillors

File Number: IN21/47

Responsible Director: Chief Executive Officer

Attachments:
1 Consultation Meeting- 27 January 2021 ⇩
2 Doncaster Church of Christ Site Meeting- 27 January 2021 ⇩
3 Sustainable Design Taskforce- 28 January 2021 ⇩
4 Pre-briefing Heritage Advisory Committee Meeting- 28 January 2021 ⇩
5 Councillor Only Time- 2 February 2021 ⇩
6 SBS Meeting- 2 February 2021 ⇩
7 North East Link Project Briefing- 4 February 2021 ⇩
8 Access and Equity Advisory Committee – 8 February 2021 ⇩
9 Councillor Only Time-9 February 2021 ⇩
10 SBS Meeting- 9 February 2021 ⇩

EXECUTIVE SUMMARY

Chapter 6, sub rule 1 of the Governance Rules adopted by Council on 25 August 2020, requires a record of each meeting that constitutes an Informal Meeting of Councillors to be reported to Council and those records are to be incorporated into the minutes of the Council Meeting.

RECOMMENDATION

That Council note the Informal Meetings of Councillors for the following meetings and that the records be incorporated into the minutes of this Council meeting:

- **Consultation Meeting – 27 January 2021**
- **Doncaster Church of Christ Meeting – 27 January 2021**
- **Sustainable Design Taskforce – 28 January 2021**
- **Pre-briefing Heritage Advisory Committee Meeting – 28 January 2021**
- **Councillor Only Time – 2 February 2021**
- **SBS Meeting – 2 February 2021**
- **NELP Briefing – 4 February 2021**
- **Access and Equity Advisory Committee – 8 February 2021**
- **SBS Meeting – 9 February 2021**
- **Councillor Only Time – 9 February 2021**

1. BACKGROUND

1.1 In accordance with section 60 of the Local Government Act 2020, Council adopted its Governance Rules (Rules) on 25 August 2020 with the Rules coming into effect from 1 September 2020.

1.2 Chapter 6, sub rule 1 of the Rules requires the Chief Executive Officer to ensure a summary of matters discussed at an informal meeting is tabled at the next convenient Council meeting and recorded in the minutes of that meeting.

1.3 An Informal Meeting of Councillors is a meeting that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting or Community Asset Committee meeting.

2. DISCUSSION / ISSUE

2.1 Summaries of the following informal meetings are attached to this report.

- Consultation Meeting – 27 January 2021
- Doncaster Church of Christ Meeting – 27 January 2021
- Sustainable Design Taskforce- 28 January 2021
- Pre-briefing Heritage Advisory Committee Meeting – 28 January 2021
- Councillor Only Time – 2 February 2021
- SBS Meeting – 2 February 2021
- NELP Briefing – 4 February 2021
- Access and Equity Advisory Committee – 8 February 2021
- SBS Meeting – 9 February 2021
- Councillor Only Time – 9 February 2021

3. DECLARATIONS OF CONFLICT OF INTEREST

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

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Consultation Meeting		
Date:	Wednesday, 27 January 2021	**Time Opened:**	6:00 pm
		Time Closed:	7:00 pm
Location:	Zoom		
Councillors Present:	Cr Anna Chen, Cr Deirdre Diamante, Cr Laura Mayne, Cr Stephen Mayne, Cr Tomas Lightbody, Cr Carli Lange, Cr Michelle Kleinert, Cr Andrew Conlon		
Officers Present:	Jonathan Caruso Suchita Vyas		
Apologies:			
Items discussed:	1. 63 Turana Street, Doncaster – PLN19/0629		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Doncaster Church of Christ site: Combined Amendment C127 and Planning Permit Application PLN 20/0303		
Date:	Wednesday, 27 January 2021	**Time Opened:**	4.55 pm
		Time Closed:	5.55 pm
Location:	Council Chamber		
Councillors Present:	Cr S Mayne, Cr L Mayne, Cr C Lange, Cr M Kleinert and Cr T Lightbody		
Officers Present:	Angelo Kourambas Director City Planning and Community		
Apologies:	Cr Diamante		
Items discussed:	1. The Church of Christ's aspirations for the Doncaster Road site 2. Background to the previous proposal/current planning permit 3. The proposed development and assessment process currently underway and listed for consideration by Council in February 2021.		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Sustainable Design Taskforce		
Date:	Thursday, 28 January 2021	**Time Opened:**	8:00 am
		Time Closed:	9:30 am
Location:	Zoom		
Councillors Present:	Cr Anna Chen, Cr Laura Mayne, Cr Stephen Mayne, Cr Carli Lange, Cr Michelle Kleinert		
Officers Present:	Niall Sheehy Jonathan Caruso Suchita Vyas Dylan Pedersen Subash Nanoo Jan Marzic		
Apologies:	Cr Andrew Conlon, Cr Tomas Lightbody, Cr Deirdre Diamante		
Items discussed:	1. 1/420 Thompson Road, Templestowe – PLN20/0540		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

	Heritage Advisory Committee Meeting Preparation		
	Thursday, 28 January 2021		5pm
			5:45pm
	Via Teams (on line) meeting		
	Cr Deirdre Diamante		
	Frank Vassilacos – Manager Integrated Planning, Lydia Winstanley – Coordinator City Planning, Matthew Lynch – Strategic Planner		
	N/A		
	Preparations for the forthcoming Heritage Advisory Committee Meeting Benchmark with other Councils who have Heritage Advisory Committees Heritage Festival activities Heritage Advisory Committee Terms of Reference		

		No	

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Councillor Only Time		
Date:	Tuesday, 2 February 2021	**Time Opened:**	06: 00 pm
		Time Closed:	07: 00 pm
Location:	Koonung Room		
Councillors Present:	Mayor Cr Conlon, Deputy Mayor Cr Chen, Cr Diamante, Cr Gough, Cr Kleinert, Cr Lange, Cr Lightbody, Cr L Mayne		
Officers Present:	CEO- Andrew Day		
Apologies:	Cr S Mayne		
Items discussed:	1. Councillor question time 2. Conflict of interests 3. Manningham Matters- Mayors message 4. Advocacy Agenda		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Strategic Briefing Session		
Date:	Tuesday, 2 February 2021	**Time Opened:**	7:10 pm
		Time Closed:	21:55 pm
Location:	Council Chambers, Manningham Civic Centre		
Councillors Present:	Cr Andrew Conlon (Mayor), Cr Anna Chen, Cr Deirdre Diamante, Cr Geoff Gough, Cr Michelle Kleinert, Cr Carli Lange, Cr Tomas Lightbody, Cr Laura Mayne		
Officers Present:	Andrew Day, Chief Executive Officer Angelo Kourambas, Director City Planning & Community Helen Napier, Acting Director City Services Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk Carrie Bruce, Senior Governance Advisor Justin Hanrahan, Manager Economic and Community Wellbeing Bronwyn Morphett, Coordinator Social Planning and Community		
Apologies:	Cr Stephen Mayne		
Items discussed:	1. Healthy City and Access and Equity Advisory Committees Options Paper 2. Disability Advisory Committee Membership 3. Councillor Code of Conduct 4. Delegated Authority to CEO - Contract for a Renewable Energy Power Purchase Agreement 5. Manningham Public Toilet Plan - Community Feedback		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	North East Link Project Briefing		
Date:	Thursday, 4 February 2021	**Time Opened:**	6:00 pm
		Time Closed:	9:30 pm
Location:	Manningham Civic Officers – Council Chambers		
Councillors Present:	All 9 Councillors		
Officers Present:	Andrew Day Angelo Kourambas Frank Vassilacos Liz Lambropoulos Andrew Mangan Lydia Winstanley Daniele Raneri		
Apologies:	Nil		
Items discussed:	1. External Briefing by North East Link to provide an update to Councillors on the project.		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No.	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Access and Equity Advisory Committee		
Date:	Monday, 8 February 2021	**Time Opened:**	6.30 pm
		Time Closed:	8.15 pm
Location:	Council Chambers		
Councillors Present:	Cr Tomas Lightbody		
Officers Present:	Katrine Gabb, Justin Hanrahan, Bronwyn Morphett		
Apologies:	Nil		
Items discussed:	1. Welcome and Acknowledgement of Country 2. Introductions 3. Confirmation of previous minutes and actions 4. Meeting times and days for 2021 5. Updates: Inclusive language guide, community spirit campaign, culturally diverse communication methods and channels 6. Access and Equity Advisory Committee/Healthy Cities Healthy Cities Advisory Committee Review 7. Plan 21 Workshop update 8. Other Business		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Councillor Only Time		
Date:	Tuesday, 9 February 2021	**Time Opened:**	06: 00 pm
		Time Closed:	07: 00 pm
Location:	Koonung Room		
Councillors Present:	Mayor Cr Conlon, Deputy Mayor Cr Chen, Cr Diamante, Cr Gough, Cr Kleinert, Cr Lange, Cr Lightbody and Cr L Mayne		
Officers Present:	CEO - Andrew Day		
Apologies:	Cr S Mayne		
Items discussed:	1. Councillor Statement of Intent 2. Engagement with MPs 3. Committee Structures		

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

MEETING DETAILS			
Meeting Name:	Strategic Briefing Session		
Date:	Tuesday, 9 February 2021	**Time Opened:**	7:03 pm
		Time Closed:	10:53 pm
Location:	Council Chambers, Manningham Civic Centre		
Councillors Present:	Cr Andrew Conlon (Mayor), Cr Anna Chen, Cr Deirdre Diamante, Cr Geoff Gough, Cr Michelle Kleinert, Cr Carli Lange, Cr Tomas Lightbody, Cr Laura Mayne, Cr Stephen Mayne		
Officers Present:	Andrew Day, Chief Executive Officer Angelo Kourambas, Director City Planning & Community Philip Lee, Director Shared Services Rachelle Quattrocchi, Director City Services Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk Kerryn Paterson, Group Manager People and Communications **Other Officers in Attendance** Carrie Bruce, Senior Governance Advisor Helen Napier, Manager City Amenity (virtual) Dragutin Lijovic, Coordinator Waste Services Ben Harnwell, Coordinator Business and Events Jon Gorst, Chief Financial Officer Lydia Winstanley, Coordinator City Planning Lauren Shelton, Principal Planner Lee Robson, Group Manager Community Programs		
Apologies:	Nil		
Items discussed:	1. Collaborative Procurement for Advanced Waste Processing Solutions 2. Regional Landfill Services Contract Award (Confidential) 3. 2021 Community Grant Program 4. Covid-19 Financial Relief Measures (Confidential) 5. Chapel Hill - Combined Amendment C127 and Development Planning Permit Application PLN20/0303 at 674-680 Doncaster Road, 2 Short Street, 14, 14A, 16 and 18 Hepburn Road, Doncaster. 6. Councillor Code of Conduct 7. Reformed MEMPC 8. Capital Works Program December 2020 Status Report 9. Manningham Quarterly Report (Quarter 2, Oct – Dec)		

Informal Meeting of Councillors

Chapter 6, Sub rule 1 of the Governance Rules 2020

MANNINGHAM

CONFLICT OF INTEREST DISCLOSURES			
Were there any conflict of interest disclosures by Councillors?		No	
Councillor	**Item**	**Left meeting for Item (Y/N)**	**Time Left / Time Returned**

13.6 Documents for Sealing

File Number: IN21/26

Responsible Director: Chief Executive Officer

Attachments: Nil

EXECUTIVE SUMMARY

The following documents are submitted for signing and sealing by Council.

1. RECOMMENDATION

That the following documents be signed and sealed:

Consent to Build Over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and J S Schiller
14 Mitchell Avenue, Warrandyte

Community Services Lease
Council and The Young Men's Christian Association of Ballarat
Part 5-7 Derreck Avenue, Bulleen

Lease
Council and The Young Men's Christian Association of Ballarat
Part Crown Allotment 9A Section 14, Township of Templestowe, Parish of Bulleen

Licence
Council and Rotary Club of Warrandyte Donvale Inc.
Part Crown Allotment 8 Section 11 in the Township and Parish of Warrandyte;
Crown Allotment 11 Section 12 in the Township and Parish of Warrandyte; and
Part Crown Allotment 9 Section 13 in the Township and Parish of Warrandyte

Licence
Council and Rotary Club of Warrandyte Donvale Inc.
Part Stiggants Reserve, 45-55 Yarra Street, Warrandyte

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 document 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 general or material conflict of interest in this matter.

14 URGENT BUSINESS

15 COUNCILLORS' QUESTION TIME

16 CONFIDENTIAL REPORTS

There are no Confidential reports.