

MANNINGHAM

Ordinary Meeting of the Council

MINUTES

Date:	Tuesday, 23 July 2019
Time:	7:00pm
Location:	Council Chamber, Civic Centre 699 Doncaster Road, Doncaster

INDEX

1	OPENING PRAYER AND STATEMENTS OF ACKNOWLEDGEMENT	2
2	APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE	2
3	PRIOR NOTIFICATION OF CONFLICT OF INTEREST.....	2
4	CONFIRMATION OF MINUTES.....	3
5	PRESENTATIONS.....	4
	5.1 Key to the City – Mr Ron Kitchingman OAM.....	4
6	PETITIONS	5
7	PUBLIC QUESTION TIME.....	5
	7.1 Mr B Slater, Doncaster.....	5
8	ADMISSION OF URGENT BUSINESS	5
	8.1 Submission to Proposed Local Government Bill 2019 Reform Proposals.....	5
9	PLANNING PERMIT APPLICATIONS.....	6
10	CITY PLANNING & COMMUNITY	7
	10.1 Yarra River - Bulleen Precinct Land Use Framework Plan	7
	10.2 Reconciliation Action Plan Review and Development	73
11	CITY SERVICES.....	77
	11.1 Local Government Power Purchase Agreement (LG PPA) - Proceeding to Tender Stage.....	77
	11.2 McLachlan Street, Templestowe - Temporary Road Closure	94
12	SHARED SERVICES	98
13	CHIEF EXECUTIVE OFFICER.....	99
	13.1 Correction to Council Minutes - 28 May 2019.....	99
	13.2 Record of Assembly of Councillors	101
	13.3 Documents for Sealing.....	106
14	URGENT BUSINESS.....	108
	13.4 Submission to Proposed Local Government Bill 2019 Reform Proposals.....	108
15	COUNCILLORS' QUESTION TIME	114
16	CONFIDENTIAL REPORTS	114
	16.1 Audit and Risk Committee Independent Member Reappointment and Remuneration Benchmark	115

MANNINGHAM CITY COUNCIL
MINUTES OF THE ORDINARY MEETING OF THE COUNCIL
HELD ON 23 JULY 2019 AT 7:00PM
IN COUNCIL CHAMBER, CIVIC CENTRE
699 DONCASTER ROAD, DONCASTER

The meeting commenced at 7:00pm.

PRESENT: Councillor Paula Piccinini (Mayor)
Councillor Anna Chen (Deputy Mayor)
Councillor Andrew Conlon
Councillor Dot Haynes
Councillor Mike Zafiropoulos
Councillor Geoff Gough
Councillor Paul McLeish
Councillor Sophy Galbally

OFFICERS PRESENT: Chief Executive Officer, Mr Andrew Day
Director City Planning & Community, Mr Angelo Kourambas
Director Shared Services, Mr Philip Lee
Director City Services, Mr Leigh Harrison
Group Manager Governance & Risk, Mr Andrew McMaster

**1 OPENING PRAYER AND STATEMENTS OF
ACKNOWLEDGEMENT**

The Mayor read the Opening Prayer & Statements of Acknowledgement.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

An apology was received from Cr Michelle Kleinert.

3 PRIOR NOTIFICATION OF CONFLICT OF INTEREST

The Chairperson asked if there were any written disclosures of a conflict of interest submitted prior to the meeting and invited Councillors to disclose any conflict of interest in any item listed on the Council Agenda.

There were no disclosures made.

4 CONFIRMATION OF MINUTES

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR SOPHY GALBALLY

That the Minutes of the Ordinary Meeting of Council held on 25 June 2019 be confirmed.

CARRIED

5 PRESENTATIONS

5.1 Key to the City – Mr Ron Kitchingman OAM

SUSPENSION OF STANDING ORDERS

MOVED: CR MIKE ZAFIROPOULOS
SECONDED: CR DOT HAYNES

That Standing Orders be suspended to facilitate the presentation of the Key to the City to Mr Ron Kitchingman OAM.

CARRIED

The Key to the City is awarded to acknowledge the contribution of an individual, group or organisation for outstanding achievement in their field. Mr Kitchingman is a long-time resident of Doncaster East and has been an active member of the Manningham community for more than 50 years. Mr Kitchingman's service includes:

- President of the Beverley Hills Kindergarten where he is also a life member
- A leader of the kindergarten centralised enrolment process
- Chair of the Beverley Hills Primary School and East Doncaster Secondary College
- Board of Management, Manningham Recreation Association 1983-2006
- Councillor of the City of Doncaster and Templestowe 1970-73 & 1976-79
- Mayor of the City of Doncaster and Templestowe 1978-79
- Justice of the Peace and Bail Justice
- Member of the Manningham Association Board 1986 to present
- Councillor of the City of Manningham 2005-08
- Mayor of the City of Manningham 2006-07
- Member of the Doncare Board 2008 to present

Mr Kitchingman is also the recipient of the following awards:

- Menzies Australia Day Community Award (1998)
- Manningham Citizen of the Year (2004)
- Medal of the Order of Australia (2013)

The Mayor acknowledged Mr Kitchingman's extended and diverse service to the Manningham community and thanked him for his active citizenship. The Mayor presented Mr Kitchingman with the Key to the City and invited him to respond.

Mr Kitchingman responded and expressed his gratitude at being bestowed this honour.

RESUME STANDING ORDERS

MOVED: CR MIKE ZAFIROPOULOS
SECONDED: CR DOT HAYNES

That Standing Orders be resumed.CARRIED

6 PETITIONS

There were no Petitions.

7 PUBLIC QUESTION TIME

7.1 Mr B Slater, Doncaster

- Q1 Why did Council decide not to join the other three neighbouring councils in their total objection to North East Link Option A rather than just seek minor assurances?
- Q2 Why does Manningham Council accept the government's change in strategic direction opting for Option A that seriously affects thousands of residents over the original, long standing, well planned, bipartisan agreed, green fields Option C?

The Mayor, Cr Piccinini responded and reinforced Council's position that it opposes Option A. She advised that at a public Council meeting held on 26 September 2017, Council resolved to support the North East Link (missing link) proposal in principle recognising that it has the potential to provide significant benefits to the Melbourne metropolitan area and the north-east in particular. Council also resolved at this meeting to oppose Option A.

The Mayor clarified for the questioner that whilst Option A had bipartisan support at the November State election, Council does not support the selected Option A.

The Mayor advised that a panel hearing is currently underway to consider Option A. She noted that the experts at the panel hearing had made it clear, that the purpose of the hearing was to consider the impacts of Option A and that the other options were not within the terms of reference of the Panel. The Mayor stated that as it appears Option A will be proceeding, Council is being pragmatic and actively making submissions that are relevant to the terms of reference that will be heard at the panel hearing thus ensuring the best outcome for the Manningham community.

The Mayor advised that the 3 neighbouring Councils appear to be united because they have sought the same legal representation. Manningham has engaged its own legal representatives to represent its unique position and the interests of our community.

8 ADMISSION OF URGENT BUSINESS

8.1 Submission to Proposed Local Government Bill 2019 Reform Proposals

COUNCIL RESOLUTION

MOVED: CR ANNA CHEN
SECONDED: CR ANDREW CONLON

That Council admits for consideration as part of Item 14, the following item of Urgent Business: Submission to Proposed Local Government Bill 2019 Reform Proposals.

CARRIED

9 PLANNING PERMIT APPLICATIONS

There were no Planning Permit Applications.

10 CITY PLANNING & COMMUNITY

10.1 Yarra River - Bulleen Precinct Land Use Framework Plan

File Number:	IN19/457
Responsible Director:	Director City Planning and Community
Attachments:	<ol style="list-style-type: none">1 Draft Yarra River – Bulleen Precinct Land Use Framework Plan May 2019 ↓2 Council Submission to the draft Bulleen Precinct Land Use Framework Plan and draft Amendment C125 to the Manningham Planning Scheme ↓

EXECUTIVE SUMMARY

This report tables Manningham City Council's submission to the Draft Yarra River - Bulleen Precinct Land Use Framework Plan (draft Framework Plan) and draft Amendment C125 to the Manningham Planning Scheme. The draft Framework Plan was exhibited between 13 May and 7 June. The Council submission was lodged on 6 June 2019.

The submission is generally supportive of the draft Framework Plan as it generally aligns with Council's Yarra River Corridor Concept Plan. Concerns were raised with issues relating to: traffic, open space, path and trail connections, flood management, and the lack of recognition of the historic River Red Gum tree located at 39 Bridge Street, Bulleen. It also provides commentary on the draft planning scheme amendment (C125) for the Yarra Valley Country Club site, including Council's preliminary response to this proposal.

The submission was drafted in a similar format to the NEL EES submission (at a 'high level'), and reviewed and refined by Council's legal representatives, Harwood Andrews. Matters of impact and significance will be further expanded upon at the panel hearings later in the year. A copy of the draft Framework Plan is included as Attachment 1 and the submission is included as Attachment 2.

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR ANDREW CONLON

That Council:

- A. Endorse the 'Manningham City Council Submission' to the Draft Yarra River – Bulleen Precinct Land Use Framework Plan and draft Amendment C125 to the Manningham Planning Scheme, provided as Attachment 2.**
- B. Note that the Submission was provided to Planning Panels Victoria (under Delegation) on 6 June 2019 including a request to be heard at the Yarra River – Bulleen Precinct Advisory Committee hearing.**
- C. Note that Council will present to the Yarra River – Bulleen Precinct Advisory Committee hearing to address and expand on the issues raised in the submission.**

- D. (1) Insist that the land in the Bulleen Industrial Precinct used for the North East Link project construction be returned to commercial and industrial zone uses after construction.**
- (2) Insist that sporting facilities and infrastructure be allowed to be built on land along the Templestowe Road Yarra River precinct.**
- (3) Write to the Premier, relevant government ministers and local members of parliament outlining Council's expectations in points 1 and 2.**
- E. Authorise Harwood Andrews Lawyers (as Council's legal representative), and senior council officers to represent Council at the Yarra River – Bulleen Precinct Advisory Committee hearing in relation to the Yarra River – Bulleen Precinct Land Use Framework Plan.**
- F. Delegate to the Director City Planning and Community the authority to make any necessary changes to this submission and subsequent submissions, consistent with the intent of the adopted submission, for the Yarra River – Bulleen Precinct Advisory Committee.**

CARRIED

2. BACKGROUND

- 2.1 In December 2015, the Yarra River Protection Ministerial Advisory Committee (Yarra MAC) was established to provide advice on ways to protect and improve the management of the Yarra River.
- 2.2 In February 2017, the Yarra River Action Plan was released that outlined 30 actions which build on the Yarra MAC's recommendations.
- 2.3 Action 21 of the Action Plan specifies the need to prepare a cultural river precinct structure plan to provide direction on future land use changes for the Yarra corridor between Bulleen Park and Banyule Flats.
- 2.4 In response, the Department of Environment, Land, Water and Planning (DELWP) prepared the draft River - Bulleen Precinct Land Use Framework Plan (draft Framework Plan) that proposes future land use and connections for a section of the Yarra River encompassing parts of Bulleen, Heidelberg and Lower Templestowe.
- 2.5 Concurrently, two planning scheme amendments were also exhibited. They were:
- Amendment C125 – relating to the Yarra Valley Country Club Site at 9-15 Templestowe Road, and adjoining land at 27-33 Templestowe Road, Bulleen.
 - Amendment C128 – relating to the former Bulleen Drive-in site 49 Greenaway Street, Bulleen.
- 2.6 The Minister for Planning has appointed an Advisory Committee (Yarra River – Bulleen Precinct Advisory Committee) to provide strategic and statutory planning advice on the draft Framework Plan and associated planning scheme amendments.

- 2.7 The draft Framework Plan and two planning scheme amendments were exhibited between 13 May and 7 June 2019.
- 2.8 During the exhibition period, the proponent of Amendment C128 advised that they no longer wished to proceed with the Amendment or participate in the Advisory Committee process. This was confirmed on 23 June 2019 as per Addendum 1 to the Yarra River – Bulleen Precinct Advisory Committee Terms of Reference. Consequently, Council's submission did not address this Amendment.
- 2.9 On 6 June, officers (under Delegation) lodged Council's submission to the 'Yarra River – Bulleen Precinct Land Use Framework Plan' and Amendment C125. The preliminary submission was reviewed and refined by Council's legal representatives, Harwood Andrews. A copy of the submission is included in Attachment 2.
- 2.10 The submission is 'high level', with the intention that Harwood Andrews will expand on the issues raised in the submission at the public hearings.

3. DISCUSSION / ISSUE

Draft Bulleen Precinct Land Use Framework Plan

- 3.1 The submission is supportive of the Plan in principle as it generally aligns with Council's Yarra River Corridor Concept Plan. Specific issues that are addressed in the submission relate to:
- Support for the redevelopment of 35-59 Templestowe Road Bulleen (existing Bulleen Golf Driving Range) for future recreational facilities.
 - Council's disappointment that the Plan does not recognise or seek to protect the historic River Red Gum tree located at 39 Bridge Street in Bulleen.
 - The need for a signalised entrance at the Heide Museum, and another entrance further east along Templestowe Road as part of any future redevelopment of the Yarra Valley Country Club site.
 - Support for 'three' new pedestrian and cycling bridges across the Yarra River to link up to the new trail network.
 - The need for a bus service along Templestowe Road, along Bulleen Road to the Heidelberg Activity Centre and Heidelberg railway station to facilitate a public transport connection between the precinct and La Trobe National Employment and Innovation Cluster (NEIC).
 - Support for redevelopment of Crown land at 165 Templestowe Road and privately owned land at 199 – 209 Templestowe Road for active open space and conservation purposes, but recommends that the timeframe be changed from medium term to short term.
 - The need to identify the future use of the Sonoco site at 17 – 25 Templestowe Road, for employment related uses.

Amendment C125 – Yarra Valley Country Club

- 3.2 The submission acknowledges that the Yarra Valley Country Club represents a strategic redevelopment site, however the Amendment is not supported in its current form because:
- Insufficient information and technical analysis has been provided regarding the form of development and its impacts on the Yarra River and surrounding landscape.
 - The proposal would result in the loss of public open space (Parks Victoria land) at 27 – 33 Templestowe Road.
 - It poorly responds to the Precinct Plan.

4. COUNCIL PLAN / STRATEGY

- 4.1 Consideration of a number of council plans, policies and strategies has informed the development of The Submission. These include:
- Economic Development Strategy 2011
 - Healthy City Strategy, 2017-21
 - Integrated Transport Strategy, 2010 & Transport Action Plan 2018
 - Manningham Bicycle Strategy 2013
 - Manningham Bus Network Review 2017
 - Manningham Links Road Improvements Strategy 2014
 - Manningham Open Space Strategy, 2014
 - Manningham Planning Scheme;
 - North East Link Preliminary Issues and Opportunities, 2018
 - Open Space Strategy, 2014
 - Recreation Strategy 2010-2025
 - Streetscape Character Study 2009
 - Weeds Identification and Control of Common Weeds in Manningham 2010
 - Yarra River Corridor Concept Plan, 2019.

5. IMPACTS AND IMPLICATIONS

- 5.1 The DELWP draft Framework Plan generally aligns with Council's 'Yarra River Corridor Concept Plan' adopted by Council at its meeting in February 2019.
- 5.2 The draft Framework Plan is also subject to an independent Committee review and was exhibited concurrently with the North East Link (NEL) Environment Effects Statement (EES).

6. IMPLEMENTATIONCommunication and Engagement

- 6.1 DELWP held a public briefing on 29 May at Manningham Civic offices, which involved a presentation on the draft Framework Plan and proposed redevelopment of the Yarra Valley Country Club (Amendment C125). Attendees were given the opportunity to ask questions and have issues clarified.

Timelines

- 6.2 DELWP has advised (in correspondence dated 23 June 2019) that the Minister for Planning has deferred the hearings until the completion of NEL hearings and until the Minister's assessment on the NEL project is issued. At this stage, the date of the hearings are unknown, but is expected to be late 2019 or early 2020.

7. DECLARATIONS OF CONFLICT OF INTEREST

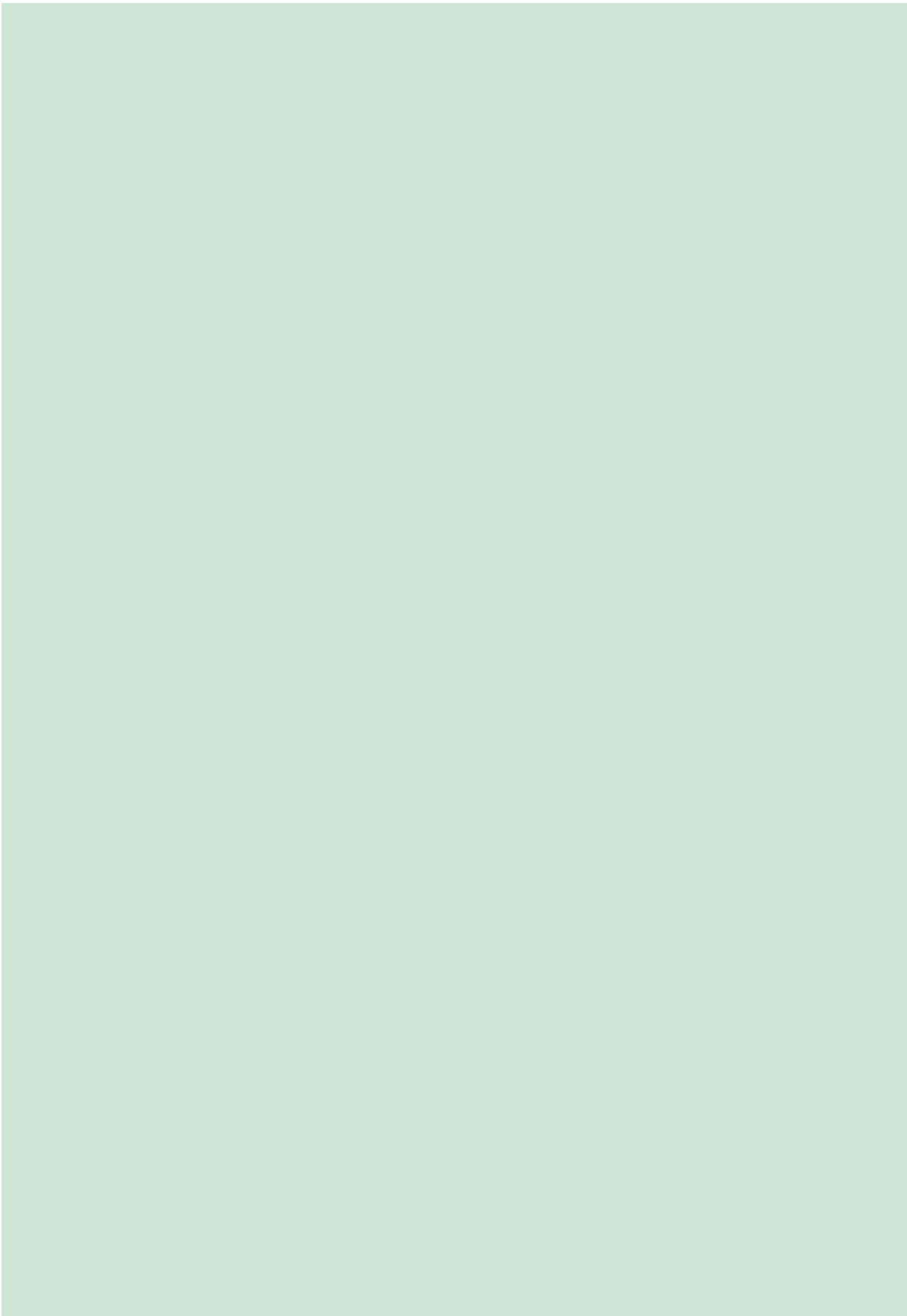
No officers involved in the preparation of this report have any direct or indirect conflict of interest in this matter.

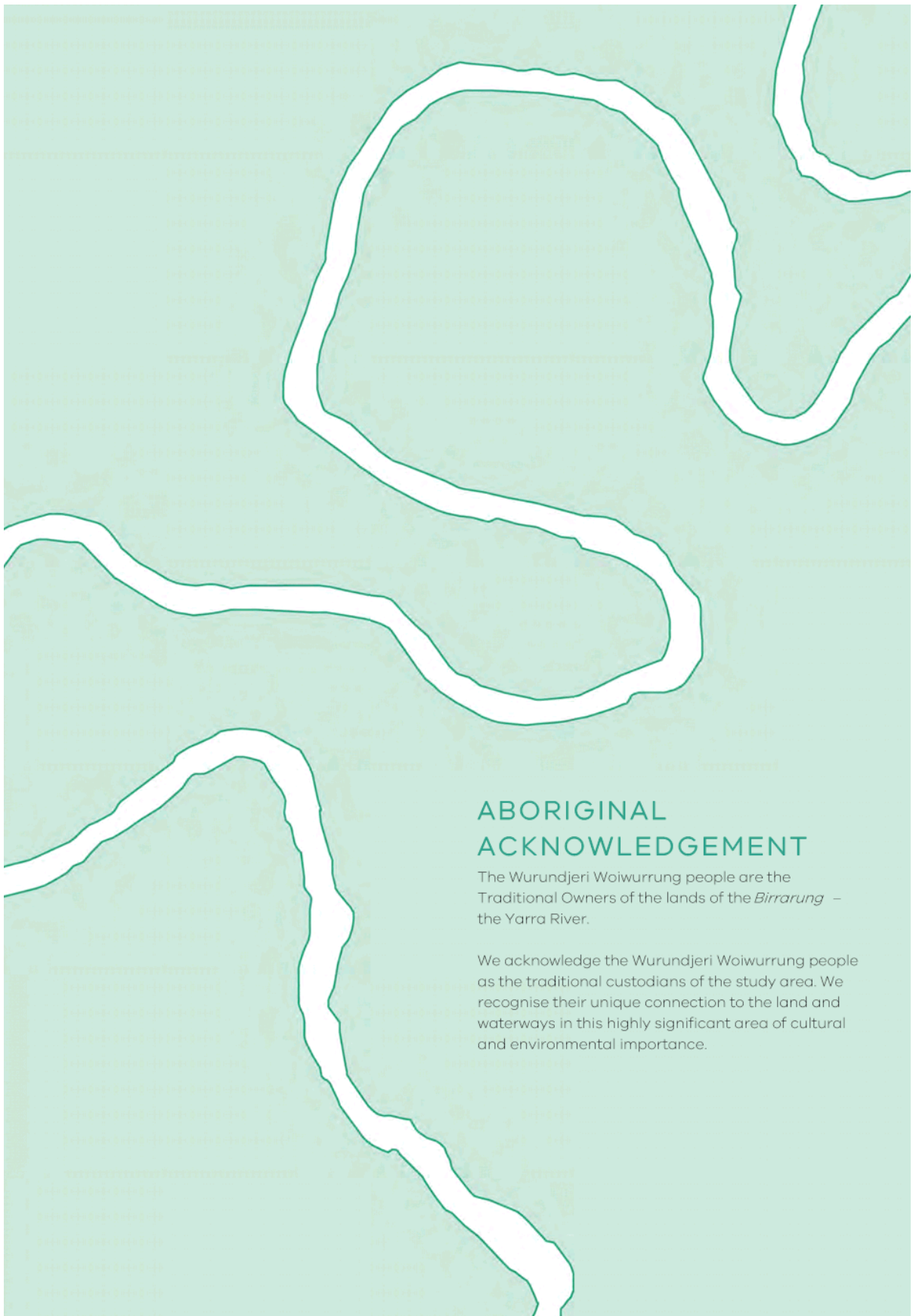
YARRA RIVER - BULLEEN PRECINCT

LAND USE FRAMEWORK PLAN

DRAFT
2019







ABORIGINAL ACKNOWLEDGEMENT

The Wurundjeri Woiwurrung people are the Traditional Owners of the lands of the *Birrarung* – the Yarra River.

We acknowledge the Wurundjeri Woiwurrung people as the traditional custodians of the study area. We recognise their unique connection to the land and waterways in this highly significant area of cultural and environmental importance.



CONTENTS

1.0 INTRODUCTION.....	7
2.0 SETTING AND CONTEXT.....	13
3.0 ISSUES AND OPPORTUNITIES.....	33
4.0 VISION AND PRINCIPLES.....	41
5.0 DRAFT FRAMEWORK PLAN.....	43
6.0 NEXT STEPS.....	55



LIST OF MAPS

1. STUDY AREA
2. LAND STATUS
3. CULTURAL HERITAGE
4. PARKS AND OPEN SPACE
- 5A. YARRA RIVER – BULLEEN PRECINCT LAND USE FRAMEWORK PLAN: LAND USE AND CULTURE
- 5B. YARRA RIVER – BULLEEN PRECINCT LAND USE FRAMEWORK PLAN: CONNECTIONS

LIST OF FIGURES

1. STRATEGIC SUMMARY
2. YARRA RIVER PROTECTION PROGRAM
3. CULTURAL HERITAGE TIMELINE

FURTHER ACKNOWLEDGEMENT

The Yarra River – Bulleen Precinct Land Use Framework Plan project commenced in 2018 as the Cultural River Precinct Structure Plan. DELWP acknowledges the feedback provided by the community and stakeholders in April-May 2018 and recognises the critical contribution of Taylor Cullity Lethlean and Capire Consulting to the project.

© The State of Victoria Department of Environment, Land, Water and Planning 2019

This work is licensed under a Creative Commons Attribution 4.0 International licence. To view a copy of this licence, visit creativecommons.org/licenses/by/4.0

ISBN 978-1-76077-582-7



YARRA FLATS PARK
SOURCE: TCI

1.0 INTRODUCTION

1.1 OVERVIEW

The Yarra River (Birrarung) plays a central role in the liveability of Melbourne, not only by providing water to the city, but also by supporting the social, cultural, economic and recreational needs of communities along its 242-kilometre length. Its riparian area – the riverbanks and the land adjacent to the river – is also a significant biodiversity corridor that supports indigenous plants and animals and provides Melburnians with a unique connection to nature.

Of special importance is the stretch downstream from the confluence with the Plenty River, where the Yarra River bends its way south-westward through Lower Templestowe, Heidelberg and Bulleen. This suburban segment of the river is home to extensive parklands and distinctive natural and cultural places. It contains the last significant remnants of the network of billabongs and riparian woodlands, featuring centuries-old River Red Gums, that were once a common feature of the river throughout our city. It has inspired generations of artists associated with the Heidelberg School and modernist art movements.

The critical need to plan for the future of the Yarra River – Bulleen Precinct (the study area) arose through the work of the Yarra River Protection Ministerial Advisory Committee, which recommended the development of an integrated plan to provide direction to future land use changes for the area.

The Victorian Government's *Yarra River Action Plan (2017)* committed to the preparation of a framework plan, noting that the study area has the opportunity to become an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage.

This area contains important Crown parklands that are part of the Greater Yarra Urban Parklands – declared under the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* – identifying them as part of an urban natural entity of state significant parklands stretching from Melbourne's urban growth boundary to the heart of the city. Together with

the Yarra River itself, these parklands are recognised as a magnificent natural asset that is key to Melbourne's liveability and vitality.

Notwithstanding its environmental and cultural significance, this part of the Yarra River is also subject to transitioning land uses brought about by development and infrastructure pressures. It is critical, therefore, that changes in land use are managed carefully and deliver the best environmental, cultural and community outcomes.

This draft Yarra River – Bulleen Precinct Land Use Framework Plan has been developed to translate the values and ambitions of the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017*, aiming to 'keep the Yarra (Birrarung alive)'. The draft Framework Plan outlines a vision and principles to guide land use and connections in the study area over the long term. Underpinning this is a series of detailed objectives for the study area, which set out a road map for achieving this vision. In summary, the draft Framework Plan proposes:

- Reconnected parklands and ecological landscapes, increasing the open space footprint and filling in the gaps of the Greater Yarra Urban Parklands.
- United key walking and cycling routes, 'knitting' together key places within the study area and beyond, including to public transport routes and activity centres. This results in improved community access and connection to the Yarra River and will reinforce the study area's future role as a cultural and recreational destination.
- An internationally significant cultural place, centred on the relationship between the arts, nature and Traditional Owner heritage, with Heide Museum of Modern Art to be expanded and two potential new cultural hubs established.
- A complementary mix of uses, where public and private uses are better connected and add value to each other.

The draft Framework Plan, once finalised and adopted, will provide certainty to local communities, landowners and developers by prioritising the amenity and character of the Yarra River, balancing the need for change in the study area with the protection of the river for the benefit of current and future generations.

7

1.2 YARRA RIVER – BULLEEN PRECINCT ADVISORY COMMITTEE

In October 2018, the Minister for Planning appointed an advisory committee under section 151 of the *Planning and Environment Act 1987* to provide advice about the Yarra River – Bulleen Precinct.

The purpose of the advisory committee is to provide the Minister for Planning with strategic and statutory planning advice on the future of the study area and make recommendations, including about the draft Framework Plan, options for its implementation and two development proposals.

After a public exhibition period, the advisory committee will conduct public hearings and provide all submitters, including key stakeholders such as the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Birrarung Council, the North East Link Project and relevant councils, with an opportunity to be heard.

The advisory committee will also consider the exhibited Environment Effects Statement (EES) for the North East Link Project.

1.3 STRATEGIC SUMMARY

Figure 1, overleaf, is a strategic summary that outlines the consultation undertaken to date as well as the vision, principles and objectives of this draft Framework Plan.

Detailed information is included in the body of the report.



'The precinct has the opportunity to become an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage'

Yarra River Action Plan (2017)

o

COMMUNITY CONSULTATION

IN 2018, YOU TOLD US THAT IT WAS IMPORTANT TO:

improve the environmental health of the Yarra River

- Environmental health is intrinsic to our connection to the study area
- Preserve and enhance the natural 'bushland' feel of the study area

Celebrate cultural and heritage values

- Recognise the intrinsic link between the natural landscape and Aboriginal culture
- Work with the Wurundjeri Woiwurrung people to share and celebrate culture and heritage

Protect the visual landscape through land use planning

- Protect natural spaces and ensure any future developments in study area complement - and are sensitive to - the natural environment
- Any development should be low key and responsive to the Yarra River corridor setting

improve community use and access

- Improve connections between pedestrian and cycling paths
- Create new connections to the Yarra River, to parklands and natural areas
- There should be more, well-designed sporting and recreation opportunities
- Balance community use and access with protecting the environment
- As part of any development at the Yarra Valley Country Club site, land should be returned to public, including for new wetlands
- Land at the former Bulleen Drive-in site should be used for rehabilitation and the restoration of indigenous vegetation

Create a 'world class cultural precinct'

- Create a hub that builds on existing cultural places, Traditional Owners' history and culture, and features educational opportunities and community spaces
- Expand the Heide Museum of Modern Art
- Ensure strong governance is in place to deliver on the community's vision for the study area.



FIGURE 1: STRATEGIC SUMMARY

VISION & PRINCIPLES

THE VISION & PRINCIPLES ARTICULATE AN IDEAL FUTURE FOR YARRA-RIVER BULLEEN, TRANSLATING THE VALUES EXPRESSED IN CONSULTATION, POLICY AND LEGISLATION

Healthy environment: land and water

This environment - the **land and water** - is a healthy living entity where indigenous plants and animals thrive

- Build on the legacy of high-quality parklands in the precinct
- Reclaim and rehabilitate riparian corridors
- Protect and restore habitats and biodiversity, reconnecting the floodplain and billabongs

Culture, the arts, and storytelling

This is a place of spiritual connection where layered stories - Wurundjeri Woiwurrung colonial and modern - are celebrated and kept alive

- Keep culture alive, strengthening existing cultural places
- Develop new cultural hubs, drawing together key threads of culture
- Tell the stories of people who have lived and worked here over many generations

Connected people and places

This is where **people and places connect to to a destination of international significance**

- Rebuild connections within and between landscapes, between land and water, between stories, between people and communities
- Reaffirm the Yarra River (Birrarung) as the heart of the precinct
- Create a walking and cycling network that links to the river, key destinations and the rest of Melbourne
- Use urban form to restore visual and physical links to the Yarra River and parklands

Delivering public value

There is a legacy and value here for **future generations**

- Ensure future development and change leaves a lasting positive legacy
- Introduce a compatible mix of uses to improve the quality and amenity of parklands and open space
- Improve the environmental, social and cultural values of the study area for future generations

OBJECTIVES

THE OBJECTIVES SET OUT A ROAD MAP FOR ACHIEVING THE VISION

OBJECTIVE 1: ECOLOGICAL AND PARKLAND CONNECTIONS

- 11. A continuous open space connection on the east side of the River
- 12. Restore and link remnant indigenous landscapes
- 13. Revive the study area's billabong network

OBJECTIVE 2: ACCESS FOR THE FUTURE

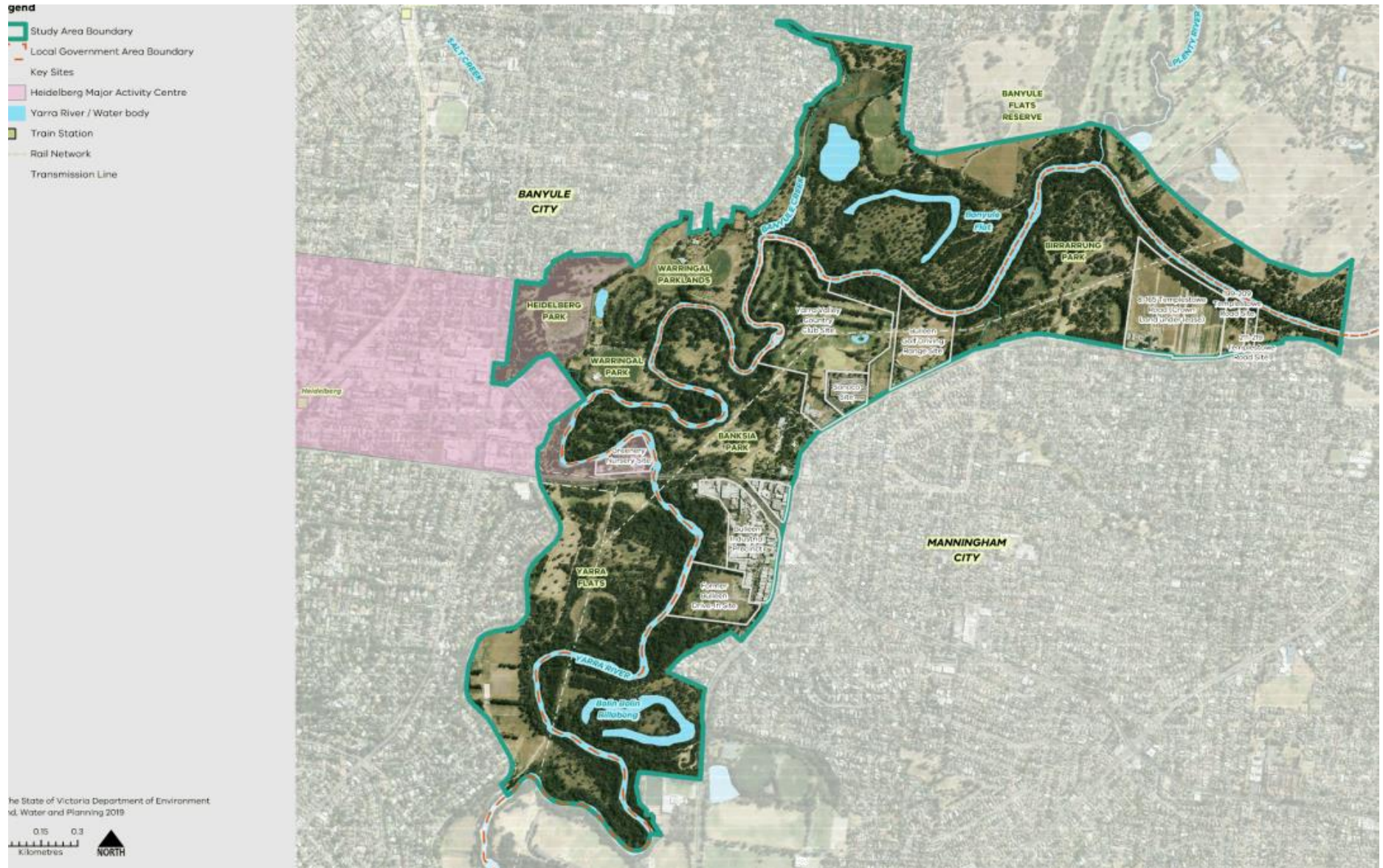
- 21. Establish new pedestrian and cycling linkages
- 22. Balance access needs
- 23. Create new pedestrian and cycling bridges across the Yarra River
- 24. Link the future cultural core
- 25. Investigate duplication Templestowe Road
- 26. Provide shared signalled traffic access to Heide and adjoining sites

OBJECTIVE 3: AN INTERNATIONALLY SIGNIFICANT CULTURAL PLACE

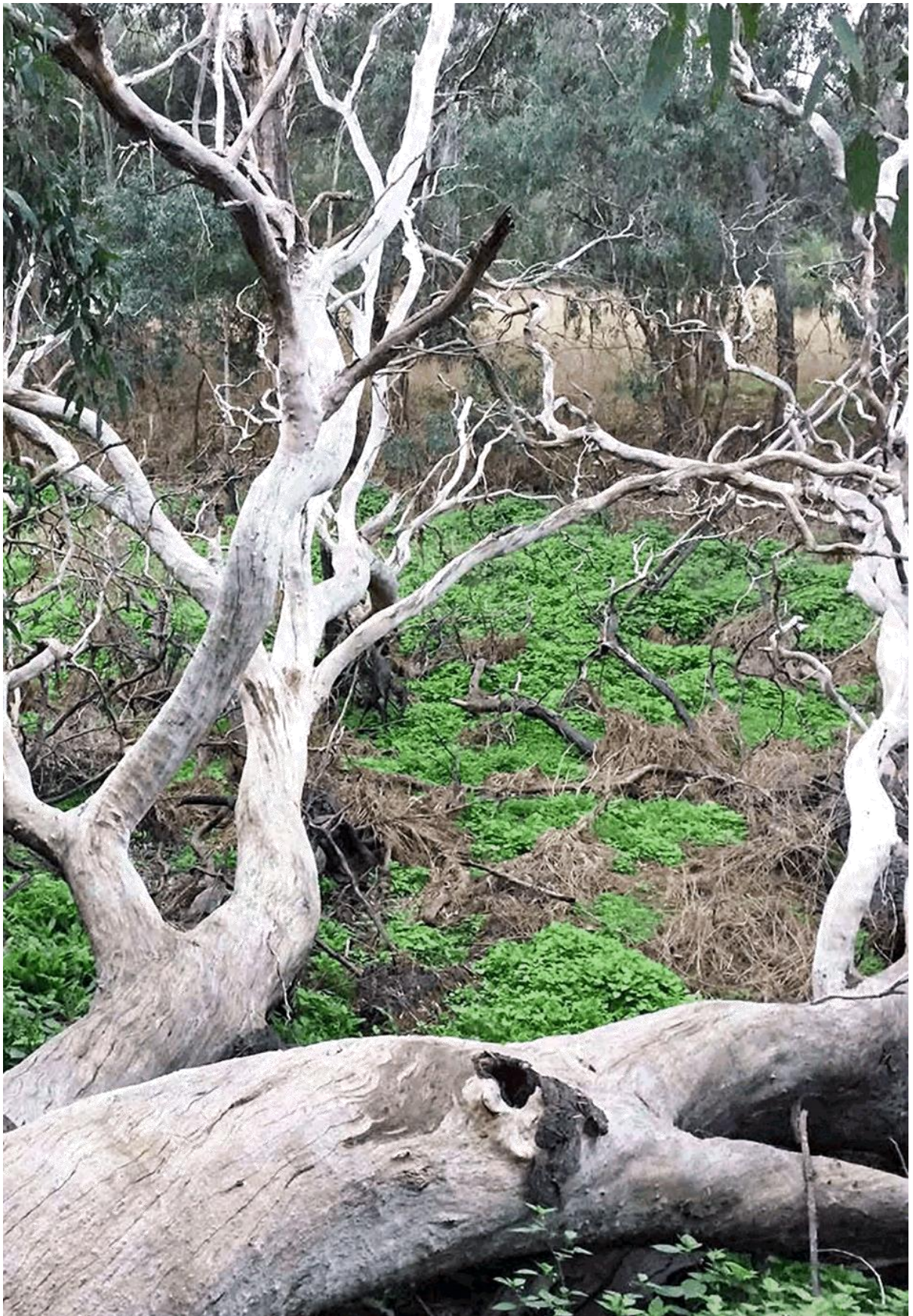
- 31. Support continued development of Heide Museum of Modern Art
- 32. Redevelop the Yarra Valley Country Club (YVCC) to include a new cultural place
- 33. Develop a new Cultural Gateway at Bulleen Industrial Precinct
- 34. Develop a shared storytelling strategy

OBJECTIVE 4: A COMPLEMENTARY MIX OF USES

- 41. Facilitate some residential uses integrated with a new cultural place at YVCC
- 42. Renew the Bulleen Industrial Precinct
- 43. Redevelop the former Bulleen Drive-in site as open space or conservation
- 44. Deliver open space or recreation at the Bulleen Golf Driving Range site and adjoining properties
- 45. Deliver open space and recreation at 165 Templestowe Road and adjoining private land
- 46. Development should be low-rise with uniform setbacks to streets and reflect parkland setting
- 47. Consolidate and share traffic access and car parking to serve a range of sites
- 48. Support public pedestrian access on both sides of the Yarra River







2.0 SETTING AND CONTEXT

2.1 POLICY AND STRATEGIC CONTEXT

The study area covers an area of the Yarra River corridor through the suburbs of Lower Templestowe, Heidelberg and Bulleen, shown in Map 1.

This draft Framework Plan has been developed with recognition of the existing legislative, policy and strategic framework aimed at protecting the Yarra River, and with the goal of balancing the impacts of development on the waterway's intrinsic values. The following sections provide an overview of this policy and strategic context.

Plan Melbourne 2017-2050

Plan Melbourne 2017-2050, the city's metropolitan strategy, recognises the contribution that the Yarra River and its parklands have made in shaping the city's development. Plan Melbourne directs that these parklands should be protected, enhanced, and supported by a network of green spaces to encourage biodiversity conservation and the restoration of natural habitats. Key Plan Melbourne policies relevant to the draft Framework Plan include:

- **Policy 4.1.4: Protect and enhance the metropolitan water's edge parklands:**
The first step in protecting parklands on the edge of the Yarra River is the establishment of the Great(er) Yarra (Urban) Parklands stretching from Warrandyte to Port Phillip Bay.
- **Policy 4.2.2: Support the growth and development of Melbourne's cultural precincts and creative industries:**
Ensure spaces and facilities are created that encourage cultural innovation and new forms of artistic expression throughout the metropolitan area.

- **Policy 6.5.1: Create a network of green spaces that support biodiversity conservation and opportunities to connect with nature:** Melbourne's network of green spaces is made up of a range of both public and private spaces to connect people with nature and retain habitat areas for biodiversity conservation. Existing green spaces will need to be protected while new spaces are created to increase and improve landscape connectivity.
- **Policy 6.5.2: Protect and enhance the health of urban waterways:** There are a range of challenges for the health of Melbourne's waterways, such as climate change and population growth. This policy notes that water-sensitive urban design and stormwater harvesting allow for the retention of stormwater in the landscape – necessary to secure the health of the city's waterways and bays.
- *Plan Melbourne* also calls for the protection and management of sites of Aboriginal and post-European settlement cultural heritage. Protection of these sites will ensure they are available for present and future generations.

Yarra River protection

Through a comprehensive suite of reforms as part of the Yarra River protection program, the Victorian Government is working to secure the future of the river as an integral part of Melbourne's liveability and vitality. The reforms reflect the Yarra River's social, environmental and economic importance to Melbourne and Victoria.

Central to the program is the *Yarra River Protection (Wilip-gin Birrarung murron) Act 2017* (the Yarra River Protection Act). The Yarra River Protection Act provides for the management and protection of the Yarra River and its public lands as one living and integrated natural entity through the development and implementation of a Yarra Strategic Plan and establishes the Birrarung Council to act as the 'voice of the Yarra River'.

As part of the Yarra River corridor, public land in the study area is subject to the provisions of the Yarra River Protection Act, including a range of principles for managing public land in the precinct. Principles relevant to this draft Framework Plan include:

- **Social principle:** The existing amenity of Yarra River land, including its natural features, character and appearance, should be protected and enhanced for the benefit of the whole community.
- **Recreational principle:** Community access to, and use and enjoyment of, Yarra River land should be protected and enhanced in designing and managing public open space for compatible multiple uses that optimise community benefit.
- **Environmental principle:** There should be a net gain for the environment in the area of Yarra River land arising out of any individual action or policy that has an environmental impact on Yarra River land.

Yarra River Action Plan

An integral part of the Victorian Government's reforms to better manage and protect the Yarra River is the *Yarra River Action Plan*, which identifies a suite of strategic, legislative and policy actions to ensure the long-term health of the waterway and its lands. These actions are aimed at better connecting Victorians with the environment, protecting the health of waterways and parklands, and understanding that creating a greener, healthier city is not just good for the community but good for our economy.

The *Yarra River Action Plan* recognises that the Yarra River is more than a waterway; it is about the parklands and green open spaces that line its banks, the communities that live along its path and the sporting and recreational clubs that use its waters and lands.

This draft Framework Plan has been developed in direct response to Action 21 in the *Yarra River Action Plan*, which calls for development in the short-term of:

'a precinct structure plan to provide direction to the future land use changes for the Yarra corridor between Bulleen Park and Banyule Flats. This precinct has the opportunity to become an internationally significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage. The precinct has a number of public acquisition overlays and land use opportunities that should be reviewed as a whole to provide certainty to landowners and developers.'

Yarra Strategic Plan

As already noted, a key feature of the Yarra River Protection Act is the requirement to develop and implement an overarching plan for the length of the river to be known as the Yarra Strategic Plan. This landmark plan will be an integrated river corridor strategy driven by a 50-year community vision. The vision was established in 2018 through an engagement process led by Melbourne Water.

The Yarra Strategic Plan will enable agencies to plan, protect and manage the Yarra River corridor as one living, integrated natural entity. It will act as an overarching strategy to integrate the many plans, regulations and investment programs of the various agencies and organisations that help manage the Yarra River. The Yarra Strategic Plan will also enable collaborative management of the river with Traditional Owners.

In accordance with provisions in the Yarra River Protection Act, the Yarra Strategic Plan will include a framework plan that:

- creates a spatial structure for the future use and development of the Yarra River corridor
- identifies areas for protection.

To ensure a unified approach to the study area, this draft Framework Plan has been developed to align with the forthcoming Yarra Strategic Plan, which is anticipated to be in place in 2020 following an endorsement process outlined in the Yarra River Protection Act.

In keeping with the 50-year community vision established as part of the Yarra Strategic Plan process, this draft Framework Plan includes an aligned community vision that reflects the significant values attached to the study area and its important cultural and recreational role in the Yarra River corridor and in Melbourne more broadly.

Figure 2 shows the context of this project, and the Yarra Strategic Plan, as part of the Yarra River Protection program.

The Ancient Spirit and Lore of the Yarra

Alongside the 50-Year Community Vision for the Yarra River sits the closely aligned Wurundjeri Woiwurrung Water Policy *Nhanbu narrun ba ngargunin twarn Birrarung* – Ancient Spirit & Lore of the Yarra. This policy incorporates the Wurundjeri Woiwurrung peoples' culture and unique connection to the Birrarung into the Yarra Strategic Plan.

This policy is grounded in the Wurundjeri Woiwurrung peoples' responsibilities as the traditional custodians of the river and its lands, and is reflective of the genuine participation of Traditional Owner groups in decision-making about Country.



For further information on the *Yarra Strategic Plan* and its 50-year community vision, visit: imaginetheyarra.com.au



* projects to be completed

FIGURE 2: YARRA RIVER PROTECTION PROGRAM



State planning policy

State planning policy stresses the importance of protecting the vegetation and landscape along the Yarra River to ensure that development preserves the local landscape setting. Notably:

- Clause 12.03-1S identifies the strategic need to protect the Yarra (and other major waterways) as a significant economic, environmental and cultural asset as well as ensuring that development along these waterways responds to and respects the significant assets of these spaces.
- Clause 12.03-1R relates to the protection of the Yarra River, and the sole objective is to maintain and enhance the natural landscape character of the Yarra River corridor.
- Clause 19.02-6S aims to ensure that open space networks are linked through the provision of walking and cycling trails.
- Clause 19.02-6R seeks to ensure that continuous open space links and trails are created along the Yarra River parklands, extending from Warrandyte to the Port Phillip Bay.

Stronger planning controls

In 2017 the Victorian Government introduced stronger, consistent planning controls to protect the Yarra River from inappropriate development. The controls introduce mandatory height limits, establish minimum setbacks from the river's edge, help protect vegetation and address overshadowing of the river. Introduced on an interim basis, the controls are due to be finalised on a permanent basis in 2021.

For further information visit:
planning.vic.gov.au.

Local planning policy

The study area incorporates parts of two local government areas: Manningham and Banyule. The planning schemes for these two municipalities include both state and local policy content that seeks to protect and enhance the natural environment.

Both planning schemes focus on linking natural environments along the Yarra River and require that developments protect and enhance the natural environment. Notable local policies within these schemes are outlined below.

Banyule Planning Scheme

- Clause 21.03 (Cultural Heritage) sets out key issues relating to cultural heritage, noting '*cultural heritage places, including buildings and structures, areas or groups of buildings (heritage precincts), archaeological sites, trees, landscapes, and Aboriginal sites, places and objects require improved understanding, protection and conservation*'.
- Clause 21.05 (Natural Environment) outlines objectives and strategies aimed at addressing key natural environment issues, with a key objective being the need to '*protect, conserve and enhance areas of floral, faunal and habitat significance*'. Strategies to achieve this include the linking of open spaces and discouraging land uses or developments that will detrimentally affect the municipality's environmental and conservation values.

Manningham Planning Scheme

- Clause 21.07 (Green Wedge and Yarra River Corridor) of the Manningham Planning Scheme notes that development within the Yarra River corridor (and green wedge) should protect and enhance the natural environment, including the Yarra River and Yarra River corridor. The clause notes that:
 - '*the challenge for the municipality is to provide for sustainable land use and development in these areas while achieving a net gain of native vegetation*'

- *'any housing or subdivision within the green wedge or Yarra River corridor must consider the cultural, environmental and landscape values of the area.'*
- Clause 22.11 (Heritage) identifies a range of objectives and strategies in the protection of cultural heritage assets, key objectives for which include:
 - *'to enhance cultural heritage through the retention and protection of significant buildings, precincts, trees and landscapes'*
 - *'to protect sites of archaeological significance'*

Key strategies include the need to:

- *'identify and assess the cultural significance of heritage places and sites of archaeological significance'*
- *'encourage initiatives that preserve and enhance Manningham's cultural heritage'*

Public acquisition overlays

The significance of the Yarra River's parklands is underscored by the presence of a number of Public Acquisition Overlays (PAOs) on private properties in the study area. The majority of these were put in place in 1975 for the purposes of conservation, recognition of landscape value, protection of the Yarra River frontage and provision of parkland linkages to north side of the river.

These PAOs are preserving the long-term opportunity for the Victorian Government to deliver better social, environmental and economic outcomes for communities through the strategic acquisition of land.

Currently, private property holdings create major gaps in the public land footprint of the Yarra River and represent barriers to access and connectivity.

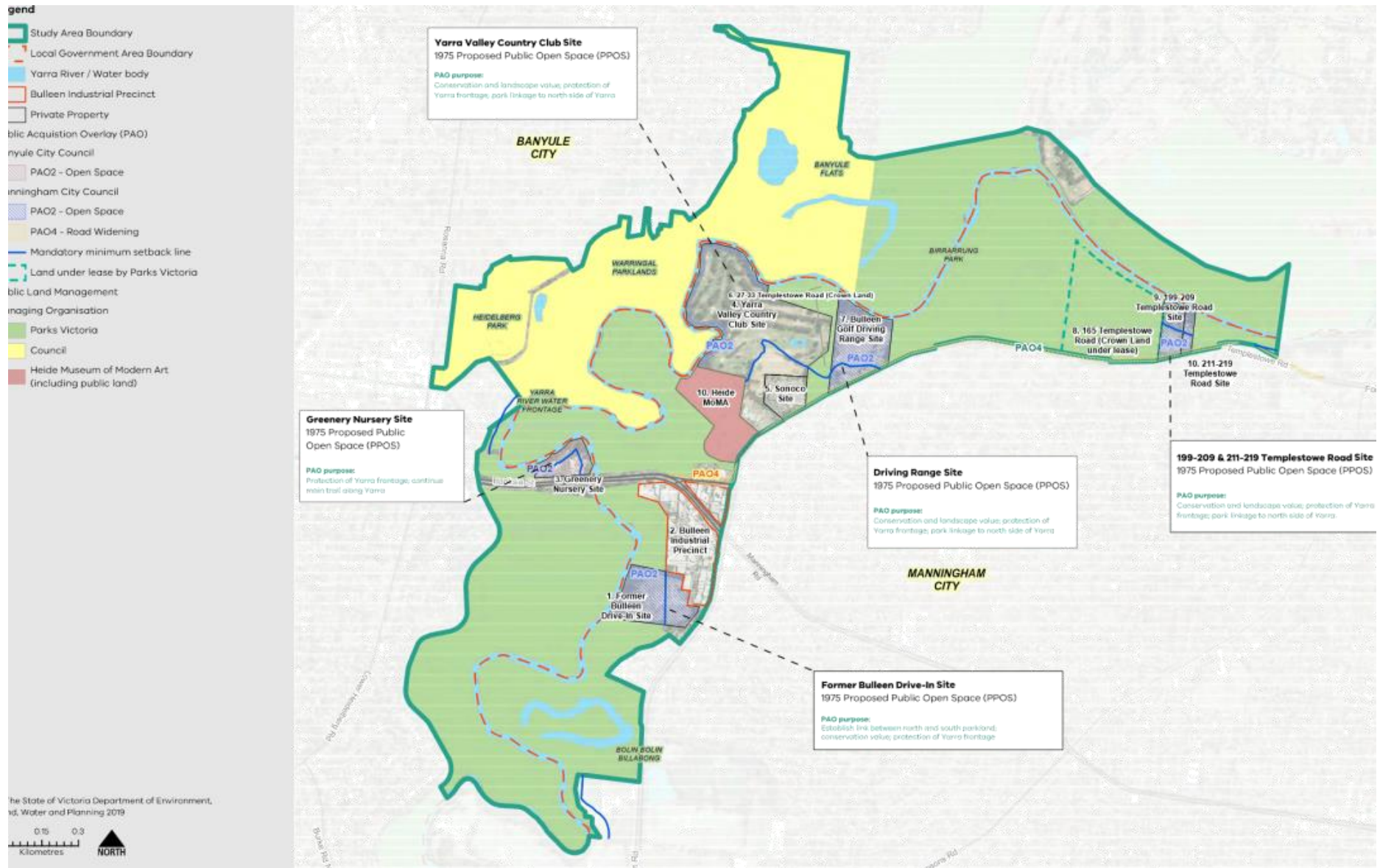
There are also PAOs in place to facilitate road improvements, including the widening of Templestowe Road.

Management of land

Land within the study area is managed by a range of public and private entities, including Parks Victoria, local government, the Heide Museum of Modern Art and private landholders.

Some areas are managed in partnership with others, such as friends' groups, the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation and Melbourne Water.

Map 2 shows the status of land ownership and management, and lists the study area's existing PAOs.



2.2 OTHER PROJECTS

In addition to the Yarra Strategic Plan, there are a number of important projects that focus on the study area. The draft Framework Plan has been developed in recognition that the following projects are already under way.

Project	Agencies	Detail
Banyule Flats Conservation Project	Banyule Council	Development and enhancement of existing connectivity corridors, particularly along drainage lines at ground level and above. Restoration of wetlands and Banyule Swamp.
Bolin-Bolin Billabong Rehabilitation Project	Melbourne Water, Parks Victoria, Manningham Council, Wurundjeri-Woiwurrung Cultural Heritage Aboriginal Corporation	Major rehabilitation works at Bolin Bolin Billabong, aiming to restore natural water inflow regimes and rehabilitate the surrounding environment, improving habitat for local wildlife as well as amenity for people using the area.
Bulleen Banyule Flats Cultural Values Study (Yarra River Cultural Mapping Pilot)	Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation	<p>The <i>Yarra River Action Plan</i> includes a commitment to work with Traditional Owners, to map cultural values along the Yarra River. With DELWP's support, the Wurundjeri Woi Wurrung Corporation is managing and delivering a pilot cultural values project.</p> <p>The project will detail the places of Traditional Owner tangible and intangible significance associated with the study area and document the Wurundjeri's historic and contemporary use and occupancy of the Yarra River (Birrarung) and surrounding land. This will inform the protection and recognition of Wurundjeri values for the future.</p>
Koonung Creek Linear Park Pathway Connection	Manningham Council, Boroondara Council	Investigation (as part of the Koonung Creek Linear Trail Management Plan) of a pedestrian link to create a circuit at the southern end of the Bolin-Bolin Cultural Heritage Trail Site.
North East Link Project	North East Link Project	Proposed construction of road tunnel, generally along a north-south alignment through the precinct, set to include a significant interchange at Manningham Road.
Yarra Flats Park Restoration	Melbourne Water	Planning to improve the quality of the stormwater runoff from the adjacent residential areas. The proposal is part of Melbourne Water's overall plan to improve the health of the Yarra River.
Yarra Strategic Plan	Melbourne Water	This landmark plan will be a single, integrated river corridor plan to give effect to the Yarra River 50-Year Community Vision (2018), enable collaborative management of the river with Traditional Owners, guide localised planning and ensure management of the Yarra River as one living and integrated natural entity.

2.3 COMMUNITY VIEWS AND VALUES

In 2018 the Victorian Government consulted with the community on the future directions for land use and development within the study area. Through a range of face-to-face and online engagement activities, the following was heard:

The health of the Yarra River is of paramount importance

- Environmental health is intrinsic to the sense of connection to the Yarra River and the study area
- The natural 'bushland' feel of the study area needs to be preserved and enhanced.

Celebrate cultural and heritage values

- The intrinsic link between the natural landscape and Aboriginal culture and practices should be recognised.
- Work with the Wurundjeri Woiwurrung people to share and celebrate culture and heritage.

Protect the visual landscape through land use planning

- Protect natural spaces and ensure any future developments in the study area complement – and are sensitive to – the natural environment.
- Any development should be low key and responsive to the Yarra River corridor setting.

Community use and access needs to be improved

- Improve connections between pedestrian and cycling paths, including pedestrian bridges.
- Create additional connections to the Yarra River, to parklands and natural areas.
- There should be more, well-designed sporting and recreation opportunities in the study area, accessible to an increasingly diverse community.
- We need to carefully balance community use and access with protecting the environment.
- As part of any development at the Yarra Valley Country Club, it would be good if it could be returned to public, including for new wetlands.
- Land at the former Bulleen Drive-in site could be used for rehabilitation and the restoration of indigenous vegetation.

Create a 'world class cultural precinct'

- Create a hub that attracts visitors and builds on existing cultural places, Traditional Owners' history and culture, and features educational opportunities and community spaces that complement the existing landscape
- Expand the Heide Museum of Modern Art to grow the arts focus of the study area.
- Ensure strong governance is in place to deliver on the community's vision for the study area.

2.4 WHAT IS SPECIAL?

The study area is a unique part of the Yarra River that encompasses significant sections of the Greater Yarra Urban Parklands. Over time, with Melbourne's projected population growth and the impacts of climate change, this impressive cultural landscape will become even more important.

This study area is defined by some remarkable features:

- **Evolution of the landscape:** A high concentration of remnant landscapes, including a network of billabongs and riparian woodlands, that continue to play an important ecological and cultural role and provide uniquely immersive experiences close to Melbourne's central city area.
- **Traditional Owner connection to Country:** A series of highly significant sites that represent a continuous cultural connection to the river and thought to be the confluence of several songlines.
- **Colonial and modern art practice:** The inspiration and founding place for Australia's early artists, the Heidelberg School and the nexus of Australia's modern art movement, the Heide Museum of Modern Art.
- **Melbourne's environmentalist lineage:** A significant site of environmental activism and stewardship over time.
- **Melbourne's great parklands:** A diverse and extensive urban open space network, offering a range of landscape experiences and uses, accessible to the communities of Melbourne.

Overall, the cultural and environmental values embodied in the study area tell important stories of Melbourne's continuing relationship to the Yarra River.

Making the right decisions to protect and enhance these values will set an important precedent for the long-term protection and enjoyment of the river into the future.



Evolution of the landscape

The study area is a landscape of high ecological value. It has retained much of its pre-contact conditions and character through the past two centuries and is unique in Melbourne.

The greater Yarra River is an important ecosystem – one that has been largely spared by development due to its topography, geomorphology and flood-prone nature. It is an important ecological corridor, linking habitats along its length and across a broader network of tributaries.

The study area has been shaped by long-term geomorphological processes, resulting in a unique landscape characterised by expansive, flat areas punctuated by steep and rocky escarpments. This in turn has shaped the study area's ecological characteristics, cultural history and identity.

The study area contains large areas of remnant indigenous vegetation – mainly floodplain riparian woodland containing River Red Gums, Silver Wattles, Currant Bush Tea Tree, River Bottle Brush and Sword and Common Tussock Grasses.

This landscape links a network of wetlands and billabongs that flood intermittently and provide important habitat to threatened plant species, threatened and migratory bird species, and native fish and frog species. Further upstream, the landscape transitions to riparian forest and woodland, characterised by Manna Gum, Silver Wattle and Blackwood.

The Yarra River corridor landscape was managed and cultivated by its Traditional Owners – the Wurundjeri Woiwurrung – through the changing seasons of the year.

'The requirement to touch the land and waterways lightly, respecting that which provides life, is implicit here. Since our beginning it has been understood that a harm to any aspect of biik, to Country, is a harm to all things and ourselves'.

Wurundjeri Council foreword, Yarra River Action Plan (2017)



Traditional Owner connection to Country

'The Wurundjeri's connection to land is underpinned by cultural and spiritual values vastly different to those of the Europeans. The Wurundjeri did not 'own' the land in the European sense of the word, but belonged to, or were owned by the land' (Yarra City Council in partnership with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation).

The study area is a significant cultural landscape for its Wurundjeri Woiwurrung Traditional Owners. The Yarra River – Birrarung – is a place of spiritual focus, a place for living and intergroup conference, a conduit for movement and a cultivated natural resource. The study area contains a remnant network of billabongs that were an important food resource for Traditional Owners, as well as a place of meeting and camping during the summer and autumn fish and eel harvest. Accounts of large gatherings in this area were recorded by early colonial settler William Thomas, the Assistant Protector of Aborigines in the Port Phillip District, between 1840 and 1859.

Today, the near-intact pre-contact conditions and character of this floodplain landscape are unique in Melbourne.

European colonisation catalysed a process of dispossession, which involved both the displacement of communities from Country and disconnections in the land, modification of land uses and water systems, and urbanisation. Although European colonisation has disrupted the relationship between Aboriginal culture and the natural environment, connection to Country and bonds within the community have been continuous.

Of particular significance to the Wurundjeri Woiwurrung in the study area is the Bolin Bolin Billabong, a key feature of the Birrarung riverscape and an impressive place of natural and cultural of significance in its own right.

'We belong to this Country. This Country and the Birrarung are part of us. The Birrarung is alive, has heart, a spirit and is part of our Dreaming. We have lived with and known the Birrarung since the beginning. We will always know the Birrarung. Since our beginning it has been known that we have an obligation to keep the Birrarung alive and healthy – for all generations to come'

Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017

Colonial and modern art practice

The landscape of the study area is closely linked to Australian artistic practice, from the Heidelberg School to the modernists associated with Heide. From the 1840s, European painters were inspired by the landscape of the Yarra River near Heidelberg, which they first perceived as a bush wilderness and later as a semi-rural, Europeanised landscape. Artists including Arthur Streeton, Tom Roberts, Frederick McCubbin and Charles Conder, inspired by contemporary European practice, worked *'en plein air'* to capture the light and shadow of the idyllic Australian landscape as it appeared.

With the introduction of the railway from Melbourne to Heidelberg in 1888, this landscape became accessible to the urban population of Melbourne, a destination to be experienced by day-trippers and shared with the city's growing population. Walking routes linked significant sites of the Heidelberg School; both sites along the river, which inspired painting, and sites of the School's social life, such as the Banyule and Clarendon Eyre estates, the Old England Hotel and the Impressionists Retreat.

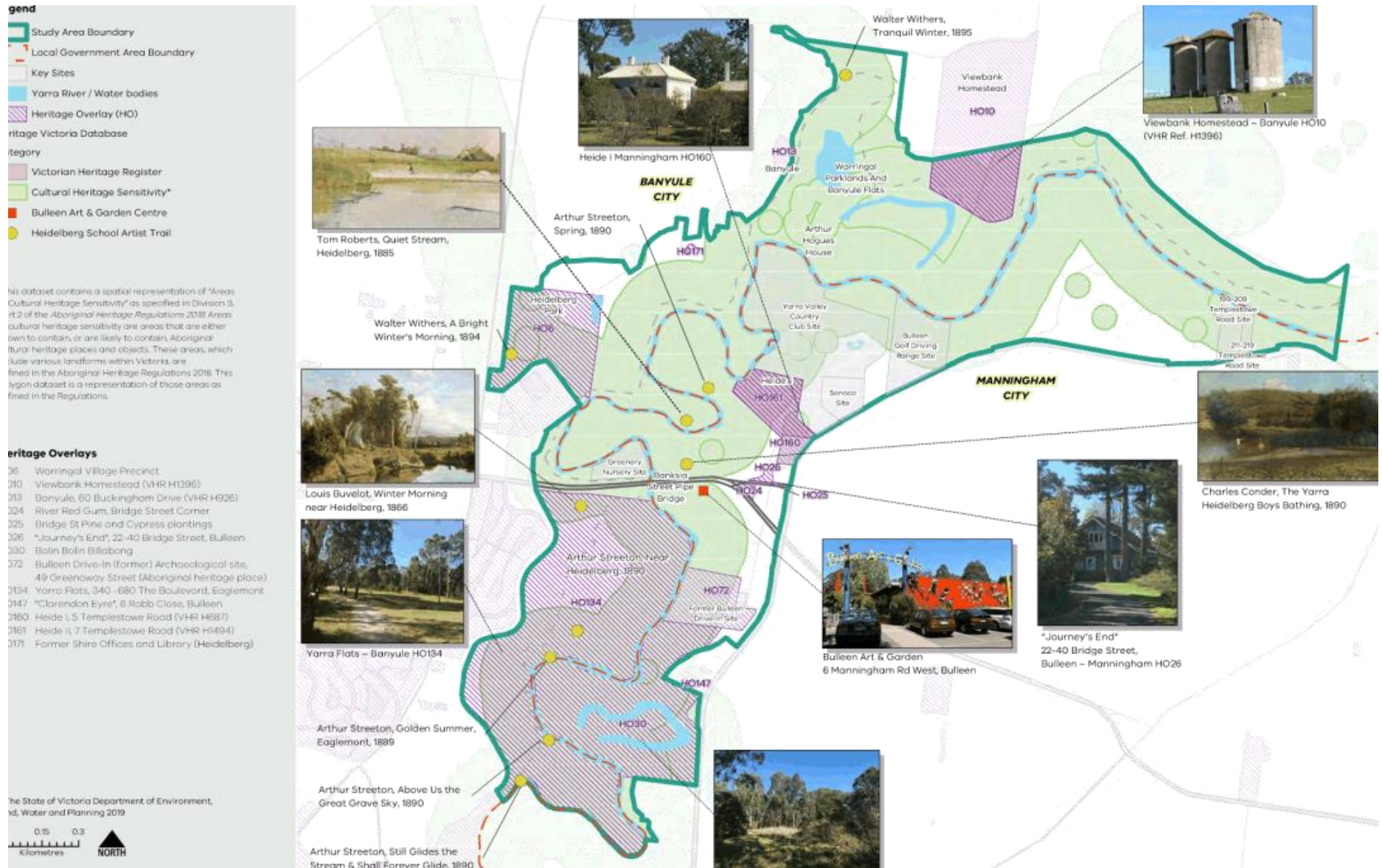
In the twentieth century, Heide – a former dairy farm purchased in 1934 by John and Sunday Reed – became the 'hub or crucible for the avant-garde' of Melbourne. Supporting the artists Albert Tucker, Joy Hester, John Perceval, Danila Vasillieff and Sidney Nolan, the Reeds acted as philanthropists, offering support for avant-garde art practice and making a lasting contribution to international modernism.

Heide II, a modernist house, was designed by David McGlashan and Neil Everist in 1963. The Reed's brief to the architects was for 'a gallery to be lived in' and anticipated the home's future use as a museum. Gifted by the Reeds to the public in 1981, today Heide is a well-loved museum, events and education space, with a sizeable public sculpture garden and an estimated 120,000 visitors per year. It is described as having a 'mythology', its identity 'rooted in the story of site and in the initiatives of artistic people'.

The rich heritage of the study area is highlighted in Map 3, and in the cultural heritage timeline at Figure 3.

'An effect is only momentary: so an impressionist tries to find his place. Two half-hours are never alike, and he who tries to paint a sunset on two successive evenings, must be more or less painting from memory. So, in these works, it has been the object of the artists to render faithfully, and thus obtain first records of effects widely differing, and often of very fleeting character'

Heidelberg School Artists' Exhibition Statement, 1889





Melbourne's environmentalist lineage

The study area's high ecological values and their proximity to urban development have made this area a place of environmental activism since the mid-20th century. A time of Melbourne's second major population boom, the post-war years saw increased pollution and erosion of the Yarra River and expanded sand mining operations (for construction) and residential subdivision along the waterway.

The first of these river-based environmentalist groups, the Save the Yarra League (originally the River Protection League), was ambitious and visionary. Their aim was to 'ultimately ... have the State Government acquire the land on both sides of the Yarra (from Studley Park, Kew, to Pound Bend, Warrandyte) ... and develop it as a national park.'

In the decades since, a range of river advocacy groups have formed to promote and restore the health of the Yarra, including the Warringal Conservation Society (1970), numerous 'friends' groups, and, in recent years, the Yarra Riverkeeper Association (2006). These groups have also launched significant campaigns to secure the public open space footprint of the Yarra River corridor against residential development, such as Banyule Flats (1970) and Westerfolds Park (1970s).

This environmentalist lineage, including community advocacy and tireless volunteer hours, has played a key role in the protection and revitalisation of the impressive public parklands we have today.



Melbourne's great parklands

The Yarra River and its lands form one of Melbourne's most significant public open space corridors. Its extensive bush, pastoral and parkland landscapes have played an important social, economic, recreational and ecological role for the city through time.

The Yarra River's parklands have largely retained their bushland qualities, partly reflecting a historical desire for metropolitan parks to remain a 'fair representation of the Australian forest land' (Clement Hodgkinson, Inspector-General of Gardens, Parks and Reserves, Melbourne, 1873).

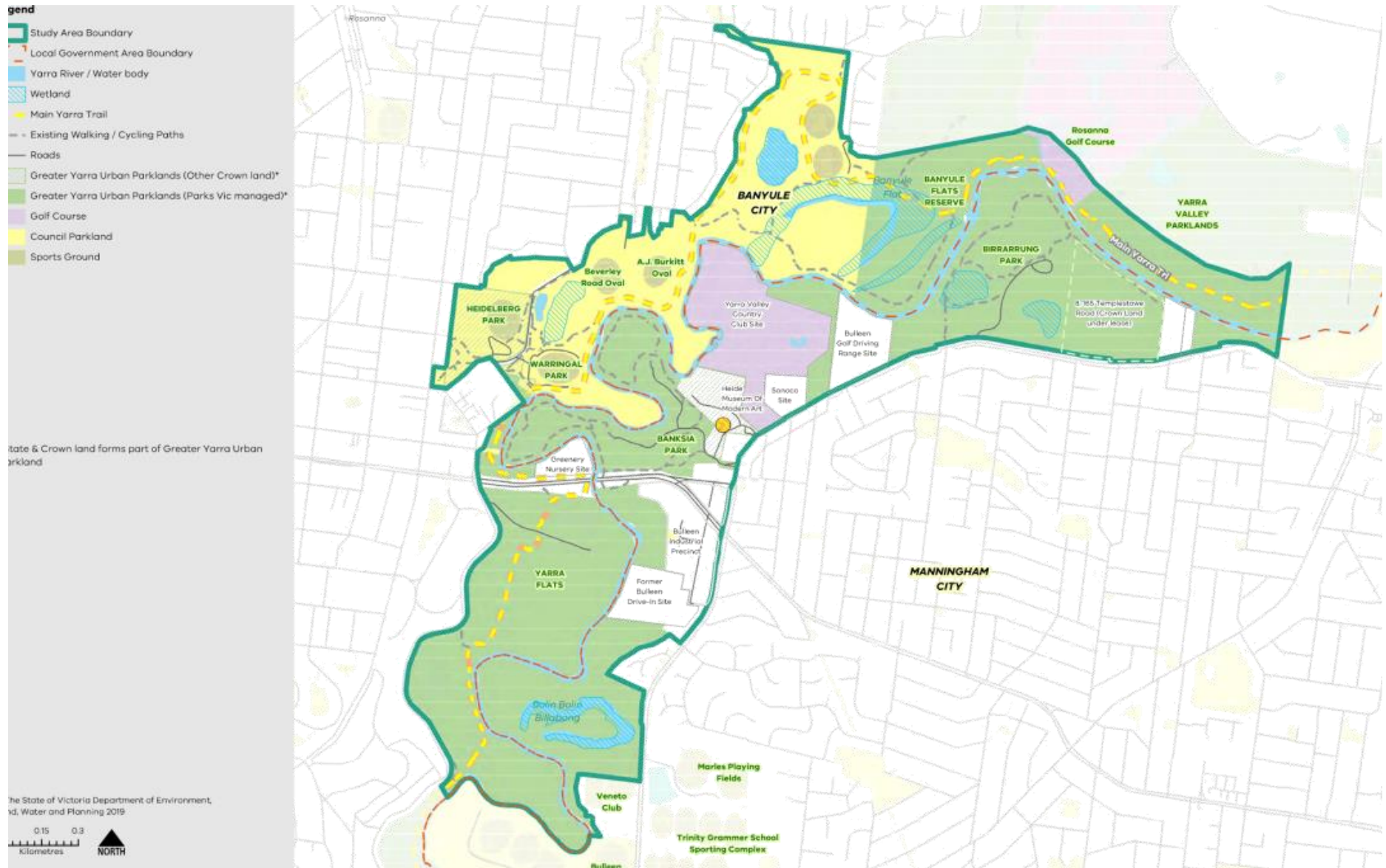
Although the scale, topography and flood-prone nature of the Yarra River's lands makes much of the riverscape inappropriate for development, the study area reflects the history of varied land uses along the Yarra River corridor. These include agricultural, industrial, recreational, conservation and other community uses.

The Crown parklands of the study area are now part of the 'Greater Yarra Urban Parklands', declared under the Yarra River Protection Act, which identifies them as part of urban natural entity of state significant parklands stretching from Melbourne's urban growth boundary to the heart of the city. The Yarra River Protection Act recognises these public parklands, together with the river itself, as a magnificent natural asset and key to Melbourne's liveability and vitality.

As an important stretch of this metropolitan-scale system of parklands, the study area plays a significant role in formal and informal recreation, through its formal sport fields and shared recreational trails. It is also used for diverse activities such as scouting, orienteering and bird watching, and river activities such as rowing, kayaking and canoeing.

Cycling is the most common activity within the study area, and the Main Yarra Trail – a shared track that runs continuously from the Docklands to Warrandyte – is a key recreational route linking the study area to the city and outer suburbs beyond.

Map 4 shows the network of parks and open space in the precinct.







3.0 ISSUES AND OPPORTUNITIES

The study area presents a number of challenges that this draft Framework Plan seeks to address. These challenges include physical and legacy factors impacting the environment and connectivity, as well as emerging issues including the North East Link Project and development pressure related to the growth of Melbourne.

It is important to recognise that many of these issues also create opportunities. For example, growth and investment also bring chances for renewal and reconnection. This section places these issues and opportunities into context.



BANYULE PLATS
SOURCE: TCL

3.1 NORTH EAST LINK PROJECT

New three-lane, twin tunnels are proposed to be constructed as part of the North East Link Project, generally along a north-south alignment beneath the precinct. The North East Link Project will connect Melbourne’s M80 Ring Road with an upgraded Eastern Freeway, providing improved vehicular links between the study area and Greater Melbourne, and northern and south-eastern growth areas. The top of the tunnels will be at least 15 metres under residential properties and at least 20 metres under the Yarra River bed. The project will also deliver new walking and cycling paths in the study area.

The most significant physical impact of the North East Link Project in the study area will be a major interchange with Manningham Road, planned to include new ramps between Manningham Road and the proposed tunnels. Infrastructure associated with the tunnels, including a substation and emergency smoke exhaust, are proposed to be constructed above ground near Manningham Road.

Construction of the North East Link Project will have a range of short- and long-term impacts on land uses in the study area. The project will result in some permanent land acquisition, the temporary occupation of parts of the study area, and impacts on the ongoing use of land after completion. These impacts are being assessed as part of that North East Link Project’s Environment Effects Statement (EES).

As a result, the draft Framework Plan recognises that the Bulleen Industrial Precinct and the former Bulleen Drive-in site are likely to have disrupted usage in the short term, with potential for land use change and renewal over the longer term.



Perspective image of Manningham Road Interchange proposed as part of the North East Link Project.

This image is an artist impression only and is subject to change.

Environment Effects Statement: North East Link Project

An EES has been released for the North East Link Project and is on exhibition for public comment until Friday 7 June 2019. A subsequent Inquiry and Advisory Committee will consider the EES, a Works Approval Application, draft planning scheme amendments and public submissions.

Submissions can be made by visiting engage.vic.gov.au/north-east-link-project

3.2 POPULATION GROWTH AND LAND USE CHANGE

Melbourne's population growth and the trend towards smaller household sizes is reflected in urban consolidation and renewal within the middle-ring suburbs of Bulleen and Banyule. The study area's proximity to these established residential neighbourhoods and planned new infrastructure will continue to place redevelopment pressure on private land holdings. Population growth will also increase demand for higher-quality, and better access to, open space and recreation facilities.

Currently, there are a number of private land holdings in the Manningham side of the study area where future change in land use is anticipated over the medium term. These include the Bulleen Industrial Precinct, the former Bulleen Drive-in site and the Yarra Valley Country Club site.

There are also other private land holdings in the study area that represent opportunities for renewal and change over the longer-term. These sites include the Sonoco industrial site at 17-25 Templestowe Road, the Bulleen Golf Driving Range site at 37 Templestowe Road, and private property located at 199-209 and 211-219 Templestowe Road.

Planning controls and future development

Any development within the study area will bring with it both challenges and opportunities that would need to be carefully balanced. There are currently two 'live' development proposals, one for the former Bulleen Drive-in site and other for the Yarra Valley Country Club site. The Minister for Planning has referred these applications to the Yarra River – Bulleen Precinct Advisory Committee.

Key considerations for any future development in the study area will be how it responds to the high-level policy and objectives for Yarra River protection and the existing planning controls in the Manningham Planning Scheme.

Furthermore, as outlined in Section 2, a number of PAOs in the study area are preserving the long-term opportunity for the Victorian Government to deliver better social,

environmental and economic outcomes for communities through the strategic acquisition of land. Any decision on future development will be considered within this strategic context.

Of the suite of planning controls in place, most relevant to the draft Framework Plan is the Design and Development Overlay Schedule 2 (DDO2), which stipulates mandatory minimum setback lines from the Yarra River and mandatory maximum building heights. The Design and Development Overlay (DDO), along with a Significant Landscape Overlay (SLO), was introduced on an interim basis in 2017 as part of streamlined and consistent planning controls from Richmond to Warrandyte. The controls were developed with reference to the *Middle Yarra River Corridor Study* (DELWP and Planisphere, 2016) and are a key component of the Victorian Government's Yarra River protection program. These controls will be reviewed and finalised by 2021.

The DDO2 outlines a range of design objectives, covering landscape protection, siting and design, and site coverage and permeability. The DDO was chosen as the most appropriate tool to manage built form outcomes, while the SLO and an Environmental Significance Overlay provide protection for the Yarra River landscape and its vegetation.

Use of the DDO is supported by *Planning Practice Note 59: The Role of Mandatory Provisions in Planning Schemes*, which indicates that the DDO is the most appropriate tool for the expression of mandatory built form requirements.

A review of planning controls undertaken as part of the preparation of this draft Framework Plan affirms the minimum setback line of the DDO2 in its current form. Maintaining any future development within the footprint of the minimum setback line avoids further loss of open space and will allow the integrity of the Yarra River's natural topography to be maintained. This is consistent with the objectives of state and local policy for development in the Yarra River corridor.

Any future development must also demonstrate how it responds to key aspects of the final approved version of the Framework Plan.

25

Bulleen Industrial Precinct

The Bulleen Industrial Precinct is located south of the intersection of Bridge Street and Bulleen Road in Bulleen. As outlined in Section 3, the North East Link Project and a new interchange at Manningham Road will fundamentally change the long-term land use potential of this industrial area, ultimately resulting in the removal of the industrial precinct. However, the final design of the North East Link Project also presents opportunities for its renewal.

Current policy within the Manningham Planning Scheme calls for the retention of industrial uses within existing employment areas, particularly those that do not adversely affect the amenity of the local area and the natural environment.

Recognising the role that the Bulleen Industrial Precinct has played in providing local employment and services, this draft Framework Plan recommends a renewal of community and employment uses in the precinct, where suitable, following the construction of North East Link Project (see Section 5).

3.3 ECOLOGICAL AND CULTURAL CONNECTIONS

Over time, as the study area has been urbanised and reshaped by infrastructure and development, connection has been lost between landscape and water, and between people, their stories and the environment.

Patterns of land use and interventions upstream have disrupted natural inflows into billabongs and lagoons, while some continuing land uses limit ecological and habitat connections.

As outlined in Section 2, the study area is highly significant to the Wurundjeri Woiwurrung people and also contains rich historic heritage sites and stories. However, the study area has no dedicated place where Wurundjeri Woiwurrung culture and connection to landscape is acknowledged, celebrated and shared. Other stories that are told, are limited in effectiveness and are not well physically or thematically linked.

The initial brief for the Yarra River – Bulleen Precinct Land Use Framework Plan, as set out in the *Yarra River Action Plan*, recognised the need to rebuild these connections by creating an internationally-significant cultural precinct, centred on the relationship between the arts, nature and Traditional Owner heritage.

This need for ecological and cultural recognition and connection has therefore formed a foundational component of the vision and principles of this draft Framework Plan (see Section 4). The Yarra River itself is the key to reconnecting this fragmented reach of the waterway.



A future 'cultural core'

There is an opportunity to strengthen the 'cultural core' of the study area, with a focus on cultural and heritage places. Generally located in the centre of the study area, the core encompasses places of Aboriginal cultural significance, Heide I and Heide II, its grounds and sculpture park, landmark trees and vegetation of heritage significance, as well as places where members of the Heidelberg School artists movement worked.

In the future, the core could be reinforced by new cultural places, with a strong gateway feature linking further south to the Bolin Bolin Billabong.

Critical to the success of the study area as a flourishing cultural precinct will be how we can strengthen and connect *living culture* – including Traditional Owners' connection to Country and a thriving creative industries ecosystem which builds on a significant artistic heritage. Most importantly, the 'Cultural core' concept could reinforce physical and cultural connections to the Yarra River (Birrarung) and to existing heritage-listed places.

This idea is further explored in Section 5.

3.4 PHYSICAL CONNECTIONS

The study area has weak internal and external connections, with key destinations poorly linked to each other and limited connections to key places further afield. In particular, there is poor physical connectivity with the nearby Heidelberg Major Activity Centre.

While the North East Link Project will largely address regional vehicular access, local and internal access, particularly for pedestrians and cyclists, needs to be addressed through the draft Framework Plan and subsequent projects.

Currently, the internal movement network includes walking and cycling tracks, notably the Main Yarra Trail on the northern and western (Banyule) side of the Yarra River. Beyond the Main Yarra Trail, circulation is uncoordinated and missing several key connections, particularly for cyclists, pedestrians and public transport users. In addition, there is existing conflict between types of users – pedestrians, slow cyclists, fast cyclists and mountain bikers.

Improving physical connectivity and ‘knitting’ together key destinations is of critical importance. At the same time, community access demands must be balanced with protection of cultural values, natural vegetation and riparian environment.

At present there is only one river crossing through the study area – a street-level, car-dominated bridge at Banksia Street. This impacts on access to the key destinations within the study area, including to the Yarra River itself.

Existing places of cultural significance, including the Heide Museum of Modern Art and the Bolin Bolin Billabong, are difficult to access except by private vehicle, while large, private land holdings fragment the public park network and community access to the Yarra River.

This fragmentation of the public open space ‘footprint’ of the Yarra River limits the opportunities to fully address the environmental needs of the corridor (for revegetation and conservation) and increasing recreational needs (for more open space, trails and sports fields).

Improving physical connectivity and ‘knitting’ together key destinations is of critical importance. Notwithstanding this, it is important to recognise that community access demands must be balanced with protection of cultural values, natural vegetation and the riparian environment.

Securing the Yarra footprint

In response to the recommendations of the Yarra River Protection Ministerial Advisory Committee, the *Yarra River Action Plan* outlines five objectives, including securing the open space footprint of the Yarra River.

This objective aims to:

- protect iconic and naturalistic river landscapes from inappropriate development
- connect communities and places along the river with trails and cycling corridors
- recognise the importance of the river to the economic prosperity and vitality of Melbourne and the Yarra Valley.

3.5 LAND AND WATER

The study area includes a network of ecologically and culturally valuable remnant floodplain landscapes, including large areas of intact indigenous vegetation and billabongs; however, many of these valuable landscapes are disconnected, from both the larger Yarra River corridor and the water flows integral to their health.

As a riparian landscape, the relationship between land and water is intrinsic. Flow regulation, water extraction and urban development have reduced flows by about 38 per cent in this stretch of the river, which affects the frequency of flooding.

Historically, river floods would have disturbed the study area's billabongs on a near annual basis but this now happens every three to four years; floods would have filled the billabongs once every three years, whereas this now occurs every 30 years.

The billabongs, if restored and rehabilitated, could play a major hydrological role in stormwater management into the future. Altered flood regimes and ensuing sedimentation also affect the distribution of vegetation in these landscapes, promoting colonisation by other vegetation types, both indigenous and weeds.

Urban stormwater is the most significant source of pollution to the Yarra River. The study area is surrounded predominantly by suburban subdivisions, affecting water quality of the site's adjacent catchments.

Despite the decrease over the years in the likelihood of flooding, the study area remains subject to inundation. In recognition of this, most of the study area is subject to a Land Subject to Inundation Overlay (LSIO). The LSIO is a planning control that ensures that any development maintains the free passage and temporary storage of floodwaters, is compatible with the flood hazard and will not cause any significant rise in flood level or flow velocity.

The LSIO was originally applied based on flooding recorded in 1934, however, recent modelling undertaken as part of the Environment Effects Statement for the North East Link Project produced flood maps very similar to the existing LSIO.

A significant portion of the study area is subject to inundation in a one per cent annual exceedance probability storm event, which means that there is a one per cent chance of such a flood event occurring in any given year. In such an event, much of the floodplain would be flooded by water more than two metres deep.

Maintaining floodplain storage – and ensuring enough land is available to service environmental needs – will be a critical flood management factor for any development in the study area.



These issues and opportunities, together with the special features of the study area, highlight the need for a coordinated plan for the study area to guide decision making and deliver on the commitment of the *Yarra River Action Plan*.



4.0 VISION AND PRINCIPLES

4.1 VISION

A vision for the study area has been developed that captures the intent of *Yarra River Action Plan* and translates the values and ambitions of the Yarra River Protection Act:

This environment – the land and water – is a healthy living entity where indigenous plants and animals thrive

This is a place of spiritual connection where layered stories – Wurundjeri Woiwurrung, colonial and modern – are celebrated and kept alive

This is where people and places connect - to a destination of international significance

There is a legacy and value here for future generations.

The vision for the study area responds to the Yarra Strategic Plan community vision for the Suburban Reach of the Yarra River (Kew to Warrandyte) established in 2018:

Our Yarra River, Birrarung, provides a continuous network of protected parklands, providing inclusive access to all. A covenant of custodianship is adopted by private landowners along the reach, embedding a culture of respect and responsibility for river values. The river corridor provides a healthy natural environment, enabling swimming, relaxation and other recreational activities. Importantly, it also supports a flourishing natural ecosystem, including networks of billabongs and wetlands, for indigenous plants and animals to thrive.

This is a valued place of connection to Wurundjeri Woiwurrung culture and community, with a network of hubs of learning, play and celebration. It benefits from a united and integrated approach to governance and land management, guided by the wisdom and practices of Traditional Owners, keeping culture not just in the past but alive into the future.'

'Suburban Reach Vision' (Kew to Warrandyte) in Yarra River 50-year Community Vision (May 2018)

4.2 PRINCIPLES

The principles for this draft Framework Plan, set out below, have guided the development of the plan. They are organised under four key pillars that align with the vision.

Healthy Environment – Land and Water	Build on the legacy of high-quality parklands Reclaim and rehabilitate riparian corridors Protect and restore habitats and biodiversity, reconnecting the floodplain and billabongs
Culture, the arts, and storytelling	Keep culture alive, strengthening existing cultural places Develop new cultural hubs, drawing together the key threads of culture Tell the stories of people who have lived and worked here over many generations
Connected people and places	Rebuild connections: <ul style="list-style-type: none"> • within and between landscapes, between land and water • between stories, between people and communities Reaffirm the Yarra River (Birrarung) as the heart of the study area Create a walking and cycling network that links to the river, key destinations and the rest of Melbourne Use urban form to restore visual and physical links to the Yarra River and parklands
Delivering public value	Ensure future development and change leaves a lasting positive legacy Introduce a compatible mix of uses to improve the quality and amenity of parklands and open space Improve the environmental, social and cultural values of the study area for future generations

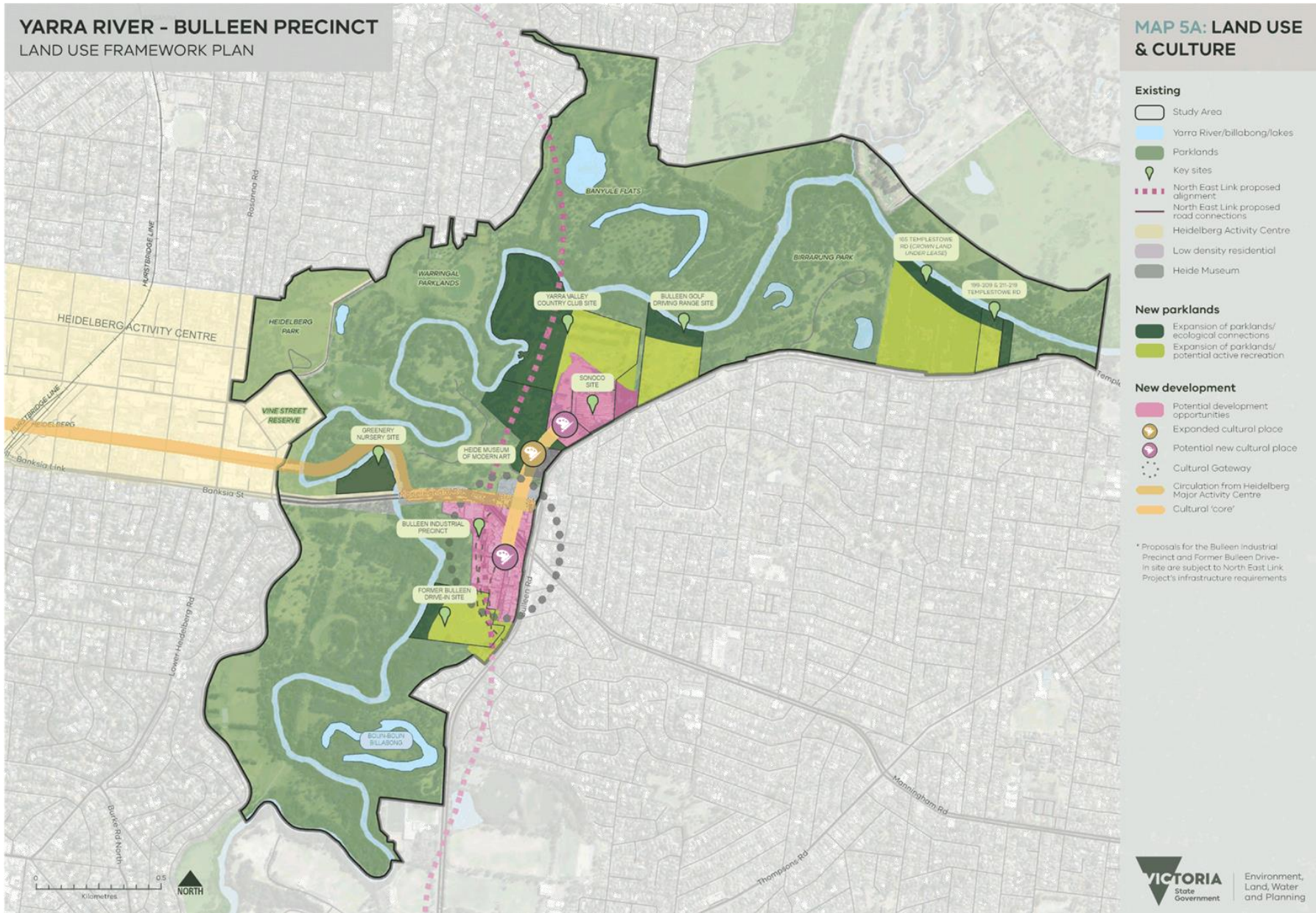
5.0 FRAMEWORK PLAN

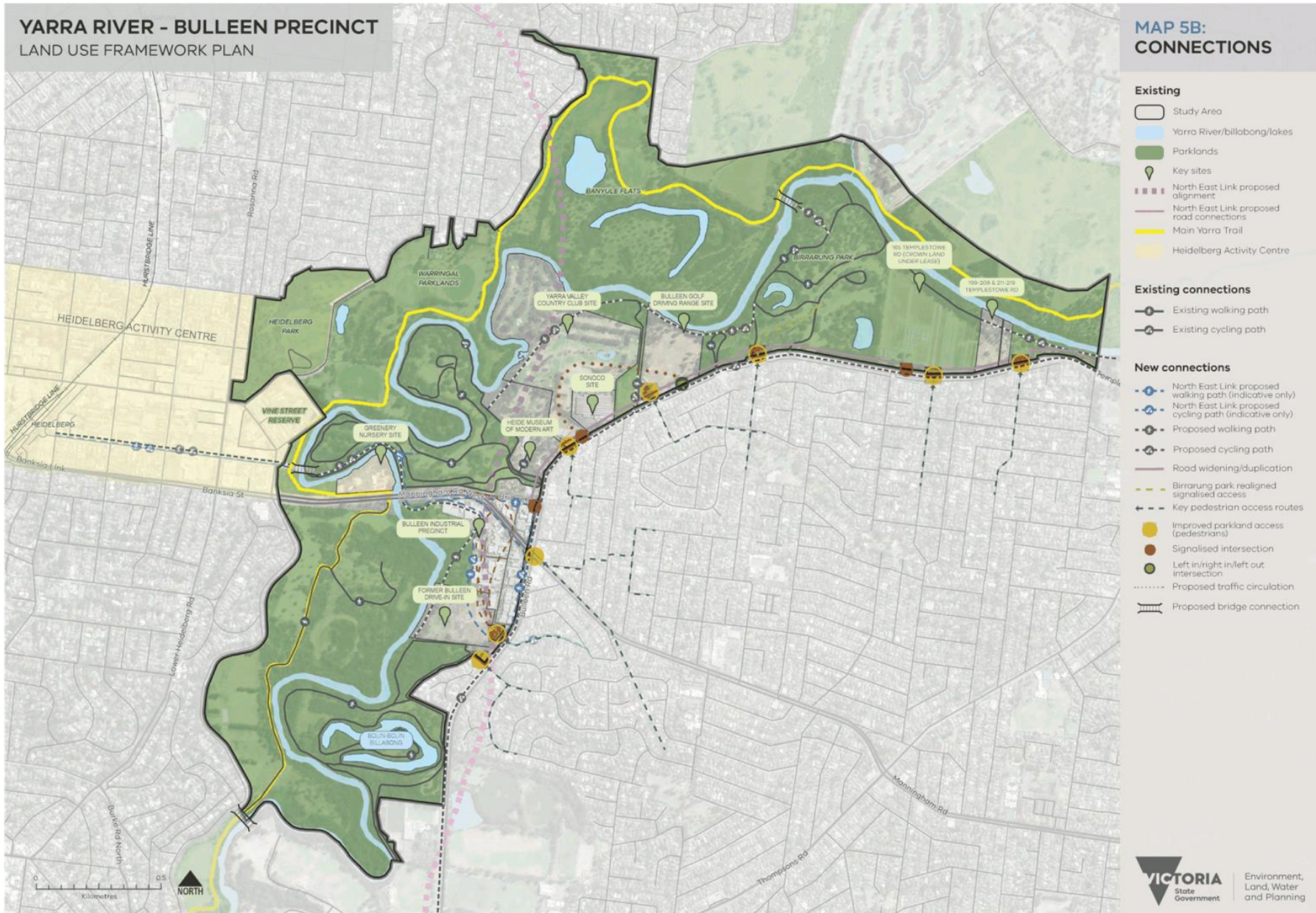
The draft Framework Plan is the spatial representation of the vision and principles outlined in Section 4. The Framework Plan is expressed in Maps 5A and 5B and in four interrelated objectives:

- **OBJECTIVE 1:** Ecological and parkland connections
- **OBJECTIVE 2:** Access for the future
- **OBJECTIVE 3:** An internationally significant cultural place
- **OBJECTIVE 4:** A complementary mix of uses

These objectives, like the vision, have been distilled from the outcomes of community and stakeholder consultation, our strategic analysis and other policy drivers, as set out in this report.

This section outlines the objectives in further detail.







1. Objective 1: Ecological and parkland connections

At the heart of the draft Framework Plan is the need to reconnect the study area's network of ecologically and culturally valuable remnant floodplain landscapes, including intact indigenous vegetation and billabongs. This is closely linked to the need to fill in the gaps of the Greater Yarra Urban Parklands, which is interrupted by the large, mostly inaccessible private land holdings fronting the river, particularly on the east side.

Through the development of the North East Link Project, there is the potential for impact on the billabong network through groundwater drawdown. This must be addressed through controls arising from the North East Link Project's EES process.

Through this objective, the draft Framework Plan seeks to:

- 1.1. Create a contiguous, open space connection on the east side of the River that expands and links together the Greater Yarra Urban Parklands. This will be achieved by converting at least part of the private landholdings and leased Crown land on the eastern side of the Yarra River (former Bulleen Drive-In site, Yarra Valley Country Club, Bulleen Golf Driving Range, 165 Templestowe Road, 199-209 and 211-219 Templestowe Road) to open space. In most cases, this will include a mix of active and passive open space uses as well as a more naturalistic, re-vegetated buffer directly fronting the Yarra River (see below).
- 1.2. Restore and link the study area's remnant indigenous landscapes by re-vegetating a portion of private landholdings and leased Crown land where they directly front the Yarra River. Revegetation should be undertaken at a depth sufficient to achieve minimum ecological outcomes and to support a pathway connection.
- 1.3. Following the conclusion of the North East Link Project's EES process, revive the study area's billabong network and develop coordinated water management approaches to improve water quality.

2. Objective 2: Access for the future

Improving physical connectivity and 'knitting' together key places will be critical to the success of the study area's future role as a cultural and recreational destination. Access for all modes needs significant improvement, but will be particularly important for walkers and cyclists.

Through this objective, the draft Framework Plan seeks to:

- 2.1. Link up key destinations to each other, to the Main Yarra Trail, to surrounding neighbourhoods and nearby Heidelberg Station, by further developing the pedestrian and cycling network through the study area. The development of new and improved access for pedestrians and cyclists is particularly important on the large private land holdings on the east side of the Yarra River (outlined in Objective 1) but also on existing streets and through parkland where connectivity has been lost or lacks formality.
- 2.2. Structure the future pedestrian and cyclist network to accommodate (and where necessary, separate) different types of users, by considering accessibility needs at a regional, subregional and local scale (noting that final plans for the future trail network must also be balanced with protection of cultural values, natural vegetation and riparian environment).
- 2.3. Create at least two new pedestrian and cycling bridges across the Yarra River to link up the new trail network. These new bridges should support improved regional-scale access for pedestrians and cyclists to the study area, including between the Main Yarra Trail and public transport connections.
- 2.4. Consider a new pedestrian link between the new cultural gateway (see Objective 3), Bolin Bolin to the south, and Heide and the Yarra Valley Country Club site to the north.
- 2.5. Investigate, in partnership with VicRoads, the duplication of Templestowe Road, which an analysis of current and projected traffic volumes suggests is warranted.
- 2.6. Provide a shared signalised intersection for accessing the Heide Museum of Modern Art and the Yarra Valley Country Club site.

3. Objective 3: An internationally significant cultural place

This objective has its genesis in the Yarra River Protection Ministerial Advisory Committee's final report and in the subsequent *Yarra River Action Plan*. It highlights the opportunity to create an internationally significant cultural place, centred on the relationship between the arts, nature and Traditional Owner heritage.

This draft Framework Plan identifies and seeks to protect future opportunities to develop cultural infrastructure, without prescribing the possible use or function at each opportunity (noting that this should occur within the implementation phase).

Our consultation has revealed that there is strong support in the community for the development of new cultural facilities in the area, building on existing cultural places that are treasured for their historical, cultural and environmental values. In particular, consultation findings indicate that new cultural places should be connected to Aboriginal and art histories and be inclusive and accessible to the wider community.

Cultural and heritage places are dispersed throughout the Yarra River – Bulleen Precinct (see Map 3). In particular, there is a strong cluster, or 'core' of cultural places located in the heart of the study area. This cultural core – accommodating places of Aboriginal cultural significance, Heide and its grounds and sculpture park, trees and vegetation of heritage significance and places where Heidelberg School artists worked – is the logical place for expanded cultural infrastructure.

This objective seeks to reinforce the cultural core by facilitating the **planned expansion of Heide Museum of Modern Art**, together with a **new cultural place**. This new cultural place must have a seamless physical and cultural connection to Heide and to the Yarra River and strong links to Bolin Bolin Billabong and other significant places within the broader Yarra River landscape. It must also support the living cultures of this place.

To provide better access, visibility and exposure to the study area as an internationally significant cultural place, a new **cultural gateway**, focused on the Bulleen Industrial Precinct should also be created, further building this **cultural core**.

The gateway should incorporate both functional and landmark sculptural elements. Its design should incorporate North East Link Project infrastructure (portals, stacks, control buildings), a new cultural place and other development opportunities into an integrated built form solution that screens elevated roads from the street and the Yarra River, provides an activated street edge to key thoroughfares. As a gateway, this element must also facilitate strong links to the broader Yarra River and cultural landscape, including to the new cultural place and Heide to the north, and Bolin Bolin Billabong to the south.

The concept of this gateway has synergies with the ideas in North East Link Project's Urban Design Strategy, which will be considered as part of the project's EES by the inquiry and advisory committee. Central to the Urban Design Strategy are principles and objectives for places that are enhanced, connected, diverse, enduring, comfortable, vibrant, safe and walkable. The Urban Design Strategy also highlights the importance of:

- Maintaining and enhancing the identity of local places and respectfully considering indigenous and non-indigenous cultural values
- Appropriate consideration of local community facilities, the natural environment, European and indigenous history, and cultural places such as the Bolin Bolin Billabong, Yarra Bend Park and Heide Museum of Modern Art
- Recognising the Yarra River through design that respects and promotes the river and its environs, which encompass its tributaries, wetlands, billabongs, native vegetation and parklands such as Banyule Flats, and seek opportunities to celebrate this iconic Melbourne asset and ceremonial meeting place for the benefit of Traditional Owners and the general public.

Each of these threads within the cultural core – the expansion of Heide Museum of Modern Art, the new cultural place and the cultural gateway – should be drawn together by a storytelling strategy. This could include signs, monuments, markers, sculpture, interpretative facilities and other infrastructure that both tells the layered stories of this place and draws together the key threads of culture and history that are present here.

Through this objective, the draft Framework Plan seeks to:

- 3.1. Support continued development of Heide Museum of Modern Art at its current location and strengthen links between the Museum, the surrounding parklands and other cultural destinations.
- 3.2. Develop a new cultural place in association with the redevelopment of the Yarra Valley Country Club, closely linked to the Yarra River, Heide, parklands and other cultural destinations.
- 3.3. Develop a new cultural gateway focused on the Bulleen Industrial Precinct. This should be achieved in partnership with the North East Link Project, VicRoads and with local government. The gateway should include the renewal of employment uses in this area and be anchored by a new cultural place. The gateway should incorporate North East Link Project infrastructure and other built form elements into an integrated design solution that screens elevated roads from the street and the Yarra River, and provides an activated street edge to key thoroughfares. The gateway should also support strong pedestrian connection with Bolin Bolin to the south and with Heide and the Yarra Valley Country Club site to the north.
- 3.4. Develop a shared storytelling strategy that connects the multi-layered stories of the study area.

Critical to the success of the cultural core concept will be how it can strengthen and connect living culture – including Traditional Owners' connection to Country and a thriving creative industries ecosystem that builds on the significant artistic heritage of the study area.

4. Objective 4: A complementary mix of uses

As Melbourne grows, land in the established area becomes increasingly contested. This reality is impacting places of renewal across Melbourne that are close to waterways and major infrastructure projects including Arden, on the Moonee Ponds Creek, and Footscray on the Maribyrnong River. In these places, a complementary mix of uses will need to be supported, where public and private are more closely connected and add value to each other.

This is indeed the case in the study area where there is a real opportunity for some residential, commercial and cultural uses to 'activate' open space uses and the public realm, by introducing more pedestrian activity and passive surveillance throughout the day and into the evening. There is also an opportunity to leverage private investment in the public realm, linked to a development contributions scheme or another agreement.

Given the study area's rich parkland setting and ecological and cultural values, it will also be important to consider how future buildings respond to and reflect the environment. Where future development is contemplated, a compact and low-rise urban form that supports sightlines back to the Yarra River and parklands and provides public access through street connections and laneways must be prioritised.

Through this objective, the draft Framework seeks to:

- 4.1. Facilitate a new development site (fronting Templestowe Road) that encompasses parts of the Yarra Valley Country Club site, the Sonoco site at 17-25 Templestowe Road and Crown land at 27-33 Templestowe Road in the core of the study area. Development should be seamlessly integrated with a new cultural place, with the Heide Museum of Modern Art and existing parklands. The inclusion of residential uses will better activate open space in the study area and provide some passive surveillance of parks and open space. Development must maintain the existing minimum mandatory setback line set out in DDO2 of the Manningham Planning Scheme.
- 4.2. Facilitate a new cultural gateway (see Objective 3) and development site on the balance of land within the (former) Bulleen Industrial Precinct. Consider the potential for this site to be anchored by a new cultural place. Uses on this site could include employment uses that complement cultural uses.
- 4.3. Following construction of the North East Link Project, redevelop relevant parts of the former Bulleen Drive-in site as active open space and revegetate a habitat corridor along the Yarra River frontage. Maintain the existing minimum setback line as set out in DDO2.
- 4.4. Facilitate the development of new open spaces at the Bulleen Golf Driving Range site and on the balance of the Yarra Valley Country Club site and 27-33 Templestowe Road to complement adjoining residential development. Revegetate a habitat corridor along the Yarra River frontage.
- 4.5. In the medium-term, redevelop Crown land under lease at 165 Templestowe Road and at 199-209 and 211-219 Templestowe Road as active open space, revegetating a habitat corridor along the Yarra River frontage. Maintain existing minimum setback line as set out in DDO2.
- 4.6. Consistent with the provisions of DDO2, facilitate a new low-rise built form in defined locations that reflect the parkland setting and surrounding residential neighbourhoods. Create a strong built form edge with uniform setbacks to Banksia Street, Manningham Road West and Bulleen Road. Ensure the new built form prioritises public access to the Yarra River and parklands and avoids 'gated' privatised spaces.
- 4.7. Consolidate and share traffic access and car parking to serve a range of sites, including Heide and a redeveloped Yarra Valley Country Club site.
- 4.8. Support public pedestrian access along the entire stretch of both sides of the Yarra River through the study area.

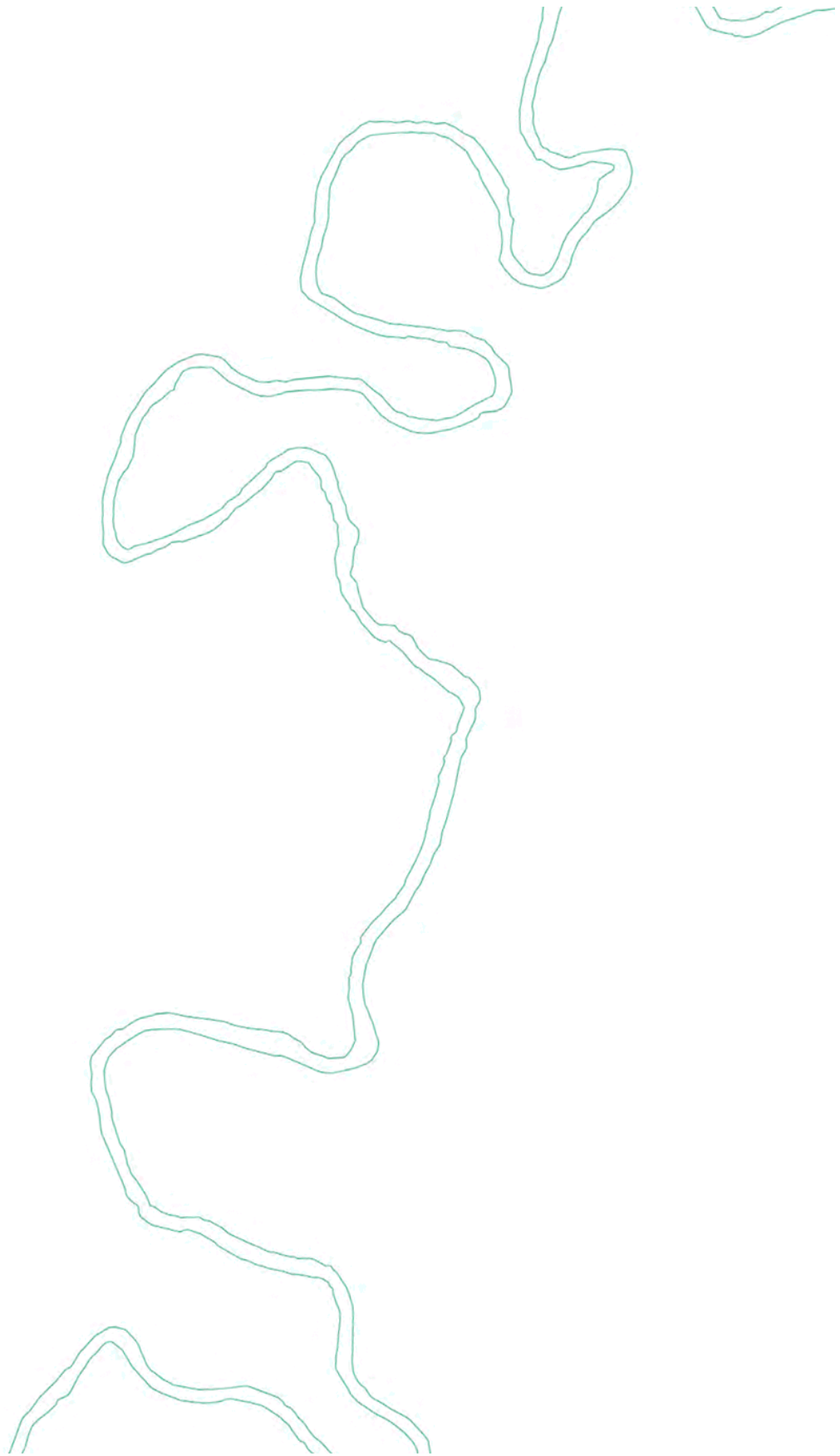


FRAMEWORK PLAN SUMMARY: KEY SITES

The following table summarises the proposed long-term future land uses for key sites identified in the preceding objectives and shown in Maps 5A and 5B.

Key site	Existing use	Proposed future use
41-49 Greenaway Street (Former Bulleen Drive-In site) *	Vacant (Urban Floodway Zone, Residential Growth Zone)	Open space / recreation / conservation
Bulleen Industrial Precinct*	Manufacturing industry, storage and distribution (Industrial 1 Zone)	Employment / community
1 Templestowe Road 22-40 Bridge Street 42 Bridge Street	Residential, community (Rural Conservation Zone)	(No change)
7 Templestowe Road (Heide Museum of Modern Art)	Gallery, open space (Public Park and Recreation Zone)	(No change)
9-15 Templestowe Road (Yarra Valley Country Club site)	Golf course (Special Use Zone)	Open space / recreation / conservation; Community / residential
17-25 Templestowe Road (Sonoco site)	Manufacturing industry, storage and distribution (Industrial 1 Zone)	Community / residential
27-33 Templestowe Road (Crown land)	Open space (Public Park and Recreation zone)	Open space / recreation / conservation
37-59 Templestowe Road (Bulleen Golf Driving Range site)	Golf driving range (Rural Conservation Zone, Urban Floodway Zone)	Open space / recreation / conservation
165 Templestowe Road (Crown land under lease, HM. Clause)	Agriculture (Public Park and Recreation Zone)	Open space / recreation / conservation
199-209 Templestowe Road 211-219 Templestowe Road	Residential (Rural Conservation Zone, Urban Floodway Zone)	Open space / recreation / conservation

* Future use is also subject to consideration as part of the North East Link Project Inquiry and Advisory Committee





6.0 NEXT STEPS

YARRA RIVER – BULLEEN PRECINCT ADVISORY COMMITTEE

In October 2018, the Minister for Planning appointed an advisory committee under section 151 of the *Planning and Environment Act 1987* to provide advice about the Yarra River – Bulleen Precinct.

The purpose of the advisory committee is to provide the Minister for Planning with strategic and statutory planning advice on the future of the Yarra River – Bulleen Precinct and make recommendations about the draft Framework Plan, development applications in the study area and options for implementation.

After a public exhibition period, the advisory committee will carry out a public hearing and provide all submitters, including key stakeholders such as the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, the Birrarung Council, the North East Link Project and relevant councils, with an opportunity to be heard.

The advisory committee will also have regard to the simultaneous process for the North East Link Project's EES.

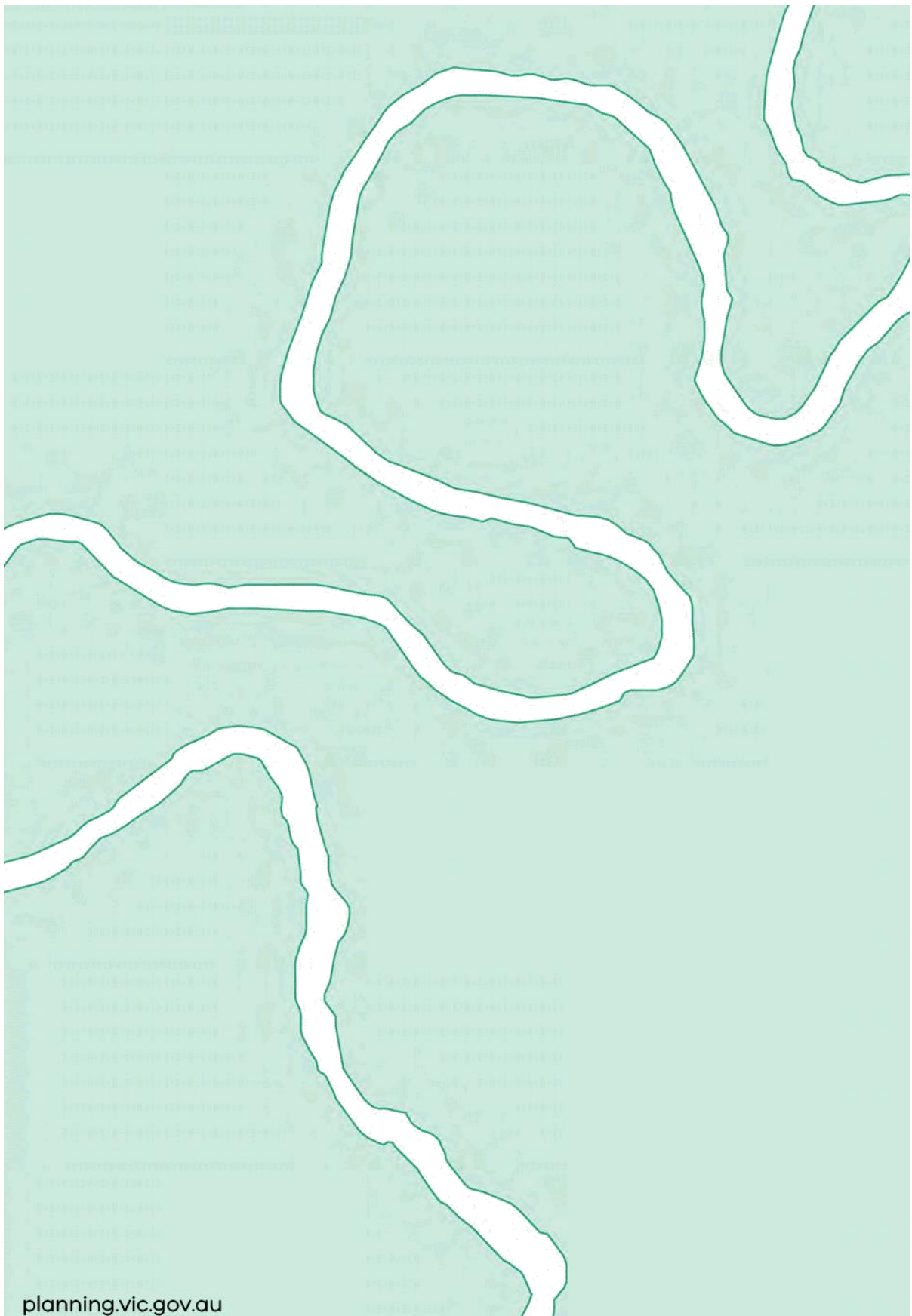
FINALISATION AND IMPLEMENTATION OF THE FRAMEWORK PLAN

To enable the Framework Plan to be finalised and implemented, the following work will be required:

- **Implementation and staging plan** that has regard to the timing and delivery of the North East Link Project
- **Built form modelling** to inform final development controls
- **Planning scheme amendments** to give statutory effect to the plan
- **Land acquisition and assembly strategy** to enable proposed development and open space outcomes
- **Accessibility and movement strategy** to resolve the initiatives in this plan and identify any further requirements arising from the final proposed form of the North East Link Project, including its EES.



55





7 June 2019

Yarra River – Bulleen Precinct Advisory Committee
C/- Planning Panels Victoria

Online submission via Engage Victoria

To the Committee,

Draft Bulleen Precinct Land Use Framework Plan and draft Amendment C125 to the Manningham Planning Scheme

Introduction

1. This submission is made by Manningham City Council (**Council**) in relation to both:
 - a. the draft 'Yarra River - Bulleen Precinct Land Use Framework Plan' (**Precinct Plan**); and
 - b. draft Amendment C125 to the Manningham Planning Scheme (**draft Amendment**).
2. This submission does not respond to draft Amendment C128 to the Manningham Planning Scheme on the basis of advice from the Department of Environment, Land, Water and Planning (**DELWP**) that the proponent for that draft Amendment no longer seeks to pursue it or participate in the Advisory Committee process. Council reserves its right to make a supplementary submission addressing the draft Amendment in the event it is not abandoned.
3. The purpose of this submission is to provide an outline of Council's position on the Precinct Plan and Amendment. Council intends to expand on this submission at the hearing and reserves its right to raise additional matters in the course of the hearing, particularly having regard to any matters arising from the North East Link Project Inquiry and Advisory Committee hearing process.
4. Our submission should be read in conjunction with Council's submission on the Environmental Effects Statement for North East Link (see Attachment 1).
5. We address the Precinct Plan and draft Amendment C125 each in turn.



Interpreter service

9840 9355

普通话 | 廣東話 | Ελληνικά

Italiano | عربي | فارسی

Manningham Council

699 Doncaster Road (PO Box 1), Doncaster, Victoria 3108

p 03 9840 9333 f 03 9848 3110

e manningham@manningham.vic.gov.au

ABN 61 498 471 081 www.manningham.vic.gov.au



The Precinct Plan

6. At the outset Council commends the Vision, Principles and Objectives articulated in the Precinct Plan. They are indeed responsive to the *Yarra River Protection Act (Wilip-gin Birrarung Murron) 2017* and *Yarra River Action Plan 2017*.
7. Council is pleased to observe that the Precinct Plan generally aligns with its own Yarra River Corridor Concept Plan (**Council's Concept Plan**). Council's Concept Plan illustrates our preferred vision for future land uses, transport links and activation of open space within the Yarra River corridor in Bulleen and Templestowe Lower. A copy of Council's Concept Plan is included in Attachment 2.
8. However, Council takes issue with some of the strategies identified to achieve the Objectives. For convenience, Council's key concerns in this regard are set out below under the headings of the relevant Objectives:

Objective 2: Access for the future

- a. In addition to providing for the signalisation of the Templestowe Road/Bridge Street intersection, Council considers the Precinct Plan should also foreshadow a full signalised entrance to the Heide Museum. Council does not support this being a shared intersection with the proposed residential development at the Yarra Valley Country Club. In Council's submission, a separate signalised intersection should be provided for the Yarra Valley Country Club further east along Templestowe Road, as part of any future redevelopment of that site.
- b. Council considers strategy 2.3 of the Precinct Plan report should be amended to refer to the creation of "three" new pedestrian and cycling bridges across the Yarra River to link up to the new trail network, consistent with the illustrated connections on Map 5B: Connections in the Precinct Plan. Council considers all three connections are warranted to achieve the relevant Objective.
- c. The Precinct Plan should identify and provide for a bus service along Templestowe Road, from Templestowe Village and along Bulleen Road to the Heidelberg Activity Centre and Heidelberg railway station



to facilitate a public transport connection between the precinct and La Trobe National Employment and Innovation Cluster (NEIC).

- d. The Precinct Plan should include a (separated) shared user path along the north side of Templestowe Road between Finns Reserve and Manningham Road to facilitate active travel to various destinations within the precinct (such as the sporting fields and the Heide Museum) and also to the Heidelberg Activity Centre and Heidelberg railway station directly west of the precinct.

Objective 3: An internationally significant cultural place

- e. Council is disappointed the Precinct Plan does not recognise or seek to protect the significant large and historic River Red Gum tree located at 39 Bridge Street in Bulleen. This is also potentially relevant to Objective 1: Ecological and parkland connections.

Objective 4: A complementary mix of uses

- f. The Precinct Plan seeks to, in the medium-term, redevelop Crown land under lease at 165 at Templestowe Road and privately owned land at 199-209 Templestowe Road for active open space and conservation purposes. Council supports these future uses but considers the timeframe for facilitating this transition in use should be brought forward (i.e. in the short-term).
- g. The Precinct Plan does not acknowledge the potential for 203 Bulleen Road, Bulleen, to support potential development opportunities given the site fronts Bulleen Road and is set back from the Yarra River and flood plain. Council considers this to be an oversight.
- h. The Precinct Plan identifies the Sonoco site, located at 17-25 Templestowe Road, as a potential development opportunity site and proposes it be used for a community/residential use in the long-term. Council accepts the site presents a strategic redevelopment opportunity but considers that the land which is currently used for manufacturing, storage and distribution purposes consistent with its Industrial 1 zoning, should continue to be used for employment generating purposes in the long-term.



Draft Amendment C125

9. Council recognises the Yarra Valley Country Club which is the key parcel of land subject of the draft Amendment, presents a strategic redevelopment opportunity. However, Council opposes the draft Amendment on the following key grounds:
- a. The draft Amendment is a poor response to the Precinct Plan.
 - b. If approved, the draft Amendment will result in the loss of public open space at 27-33 Templestowe Road, Bulleen. This land is Crown Land located in the Public Park and Recreation Zone. Consistent with its Crown land status and zoning, the Precinct Plan envisages it will be used for open space, recreation and conservation purposes in the future. In contrast, the draft Amendment proposes to rezone this land to the Residential Growth Zone.
 - c. The proposal to offset the loss of public open space at 27-33 Templestowe Road with part of the Club land is not supported. Council is not satisfied that the "offset land" proposed to be included in the Public Park and Recreation Zone will be fit for purpose or at what and whose cost it might be made so. No supporting documentation has been provided either to Council or accompanying the Amendment to address this.
 - d. The proposed planning controls for the Club land are poorly resolved. As a package, they fail to articulate a vision for the land which responds suitably to its particular context and ensures a net community benefit is achieved, including affordable housing. This is exacerbated by the absence of even a draft development plan.
 - e. The lack of any technical background reports (other than a planning report) which informed the draft Amendment is concerning. Without these technical reports, the community is in the dark both about the potential effects of the proposed use and development of the land on the environment (in its broadest sense) and about the potential effects of the environment on the proposed use and development. This is particularly concerning given any future permit applications would be decided absent any third party notice requirement or appeal rights if the Development Plan Overlay is applied to the land as proposed.
 - f. The absence of any technical background reports also makes it challenging for Council to identify and plan for any additional



infrastructure and/or service needs generated by future use and development of the land. Neither does the Amendment address funding of any such infrastructure or services.

- g. The proposal to amend the Design and Development Overlay Schedule 2 by increasing the maximum building height and reducing the mandatory minimum setback of development from the Yarra River are not supported by any technical reports or detailed analysis regarding the potential impacts of those changes on this significant landscape and River.
- h. The draft Amendment does not envisage providing a new cultural place consistent with the Precinct Plan. This is very disappointing.

Council looks forward to expanding on this submission at the public hearing.

Yours sincerely

Angelo Kourambas
Director of City Planning and Community

Trim ID: CO19/35621

Encl:

Attachment 1 - Council's submission on the Environmental Effects Statement for North East Link

Attachment 2 - Council's Yarra River Corridor Concept Plan

10.2 Reconciliation Action Plan Review and Development

File Number: IN19/458
Responsible Director: Director City Planning and Community
Attachments: Nil

EXECUTIVE SUMMARY

Council's commitment to Reconciliation is currently outlined in the Council Plan 2017/21 and Healthy City Strategy 2017/21 with an action area to "Respect, support and celebrate Aboriginal people, culture and heritage".

To progress Reconciliation matters, Council subscribes to Reconciliation Australia's, Reconciliation Action Plan Framework; a strategic document to drive our role and contribution to Reconciliation, both internally and across the Manningham community.

Noted within the Healthy City Action Plan 2017/19, is the commitment to undertake a review of Council's existing Reconciliation Action Plan (RAP) by October 2019.

Between 2018/19, officers conducted an internal review of the RAP 2015/17. This report provides a summary of the findings, highlighting key achievements as well as a number of recommendations to inform future Reconciliation practice.

This report also advises that a new RAP has commenced which includes an expression of interest process seeking internal and external working group members to help guide the development of the RAP 2020/22.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR SOPHY GALBALLY

That Council note:

- A. the completion of Action 1.2.6.4 - Review Reconciliation Action Plan as contained in the Healthy City Action Plan 2017/19.**
- B. a Reconciliation Action Plan Working Group is currently being established through an Expression of Interest process to support the development of Council's RAP 2020/22 and implementation of actions.**
- C. a draft Reconciliation Action Plan 2020/22 will be provided to Council for consideration during Quarter 4 2019/20.**

CARRIED

2. BACKGROUND

- 2.1 Reconciliation Australia's RAP Framework provides a nationally endorsed policy framework to advance reconciliation in local government areas. A RAP is a strategic document that includes practical actions to drive an organisation's role and contribution to reconciliation both internally and in the communities it serves.
- 2.2 Reconciliation Australia's RAP template prescribes the minimum elements required (16 actions) to build strong relationships, respect and opportunities. An Innovate RAP focuses on developing and strengthening relationships with Aboriginal and Torres Strait Islander peoples, engaging staff and stakeholders in reconciliation, and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples.
- 2.3 Reconciliation Australia requires the establishment of an appropriate governance structure, including the formation of a RAP Working Group to guide the development of the RAP and to support its implementation.
- 2.4 Council has demonstrated a commitment to reconciliation since 1997 with the development and implementation of two successive RAPs, 2012/14 and 2015/17 endorsed by Reconciliation Australia.

3. DISCUSSION / ISSUE

Review Manningham RAP 2015- 2017:

- 3.1 As per Action 1.2.6.4 - Review Reconciliation Action Plan as contained in the Healthy City Action Plan 2017/19, officers conducted a review of the Manningham RAP 2015/17 during 2018/19. A number of achievements and improvement opportunities were identified and these findings will guide the development of the successive RAP.
- 3.2 The Manningham RAP 2015/17 included 35 actions and its implementation was overseen by a RAP Working Group which met in July 2016. While a number of actions were undertaken in its first year, the review found the status of the actions diminished over time. In 2017/18, 7 actions were completed or on track, 13 were partially achieved and 15 were in progress.
- 3.3 The review identified a number of significant achievements which included:
 - 3.3.1 Well attended reconciliation events held in Manningham as part of NAIDOC and National Reconciliation Week, and Aboriginal Art Programs and Environmental Programs.
 - 3.3.2 Aboriginal and Torres Strait Islander Flags permanently displayed at Council.
 - 3.3.3 Use of an Acknowledgement to Country and Wurundjeri Elders engaged to conduct Welcome to Country at key Council events.
 - 3.3.4 Walking tours conducted at sites of significance by key stakeholders in partnership with Council.
 - 3.3.5 Council allocating funding of over \$60,000 over three years to organisations to deliver activities and events that promote cultural understanding and reconciliation.

- 3.4 The review also identified a number of improvement opportunities as outlined below:

3.4.1 Establish new RAP Working Group

Establish a new RAP working group with representation from appropriate organisations and community members as well as from Council's Executive Management Team.

3.4.2 Ensure the RAP is realistic and achievable

During the development of the RAP 2020/22, consideration of key actions is required to ensure our commitments are achievable with required timelines and available resources.

3.4.3 Strengthen ownership and commitment to reconciliation across Council.

To ensure Council has the greatest impact in Reconciliation matters, cross-organisational commitments to Reconciliation and the implementation of RAP actions is necessary. This could be achieved through staff capacity building as well as identifying and embedding relevant actions within Business Plans.

3.4.4 Embed the RAP within the corporate reporting framework

Strengthen reporting mechanisms to ensure all endorsed RAP actions are included within Council's corporate reporting tool.

3.4.5 Invest in relationship building and partnerships

Strong engagement and relationships within Council and our external partners are critical to the successful delivery of the future RAP

4. COUNCIL PLAN / STRATEGY

- 4.1 Manningham's RAP 2015/17 has been identified within the Council Plan and in Manningham's Healthy City Strategy 2017/21 under the priority of an inclusive and diverse community.
- 4.2 The RAP development and its implementation delivers on the Healthy City Strategy Action Area 'embracing reconciliation' by respecting, supporting and celebrating Aboriginal people, culture and heritage.
- 4.3 This report completes Action 1.2.6.4 - Review Reconciliation Action Plan as contained in the Healthy City Action Plan 2017/19.

5. IMPACTS AND IMPLICATIONS

- 5.1 Under the Victorian Human Rights Charter, Councils are required to protect the distinct cultural rights of Aboriginal and Torres Strait Islander people in Victoria. Section 19(2) of the Charter says:
- 5.1.1 Aboriginal people hold distinct cultural rights and must not be denied the right to enjoy their identity and culture,

- 5.1.2 maintain and use their language,
- 5.1.3 maintain their kinship ties,
- 5.1.4 maintain their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

6. IMPLEMENTATION

6.1 Finance / Resource Implications

The development of the new RAP will be delivered within existing the 2019/20 budget.

6.2 Communication and Engagement

To support the development of the RAP 2020/22, a communication and engagement plan will be developed.

6.3 Timelines

The table below details the key steps and timing for the development of RAP 2020/22:

Activity	Deliverable	2019/20
1. Establish RAP Working Group	Working Group established And TOR endorsed	Q1
2. Undertake consultation to inform RAP 2020/22	Consultations with key stakeholders completed	Q2
3. Analysis of consultation findings	Documented outcomes of internal and external consultation	Q3
4. Develop Draft RAP	Draft RAP completed	Q4
5. Submission of Draft RAP	Submission of Draft RAP to Council and Reconciliation Australia* for review	Q4

** Advice from Reconciliation Australia suggests Council allow a minimum of four months for the review and ratification of Council's RAP 2020/22.*

7. DECLARATIONS OF CONFLICT OF INTEREST

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

11 CITY SERVICES

11.1 Local Government Power Purchase Agreement (LG PPA) - Proceeding to Tender Stage

File Number: IN19/464
Responsible Director: Director City Services
Attachments: 1 Technical Background [↓](#)
2 Financial Analysis [↓](#)

EXECUTIVE SUMMARY

As reported to Council at its Ordinary Meeting of 28 May 2019, last year Manningham joined a group of 39 Victorian councils to investigate the viability of a joint Local Government Power Purchase Agreement (LG PPA). The business case for this project has forecast a favourable return, with the proposal having the potential to provide participating councils with clean energy at a competitive price.

This report outlines the anticipated benefits of the LG PPA proposition for the procurement of renewable electricity. Renewable electricity through this LG PPA would help Council achieve its future emission reduction targets.

Following Council's resolution at its meeting on 28 May, this report also confirms the CEO's decision to commit the three electricity accounts that make up the 'Large Sites' category to the next step in the LG PPA project, being the Tender Stage.

Large Sites consist of:

- MC² and Civic Offices*
- Depot*
- Pines Learning and Activity Centre.*

The report also explains the reasoning behind only choosing Large Sites, and excluding Public Lighting and Small Sites.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR DOT HAYNES

That Council:

- 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.**

CARRIED

2. BACKGROUND

- 2.1 At its Ordinary Meeting of 28 May 2019, Council resolved as follows, in consideration of an officer report on a joint Local Government Power Purchase Agreement (LG PPA) between a group of 39 Victorian councils:

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.*
- 2.2 Based on the findings and recommendations of Council's Internal Working Group and the independent assessment, as outlined in the following, the Chief Executive Officer determined to commit Council's three large sites to the Tender Stage of the LG PPA project, namely:
- MC² and Civic Offices
 - Depot
 - Pines Learning and Activity Centre.
- 2.3 The purpose of this report is to now provide feedback to Council on the Business Case findings, and to seek endorsement for the CEO to sign a Participation Agreement in order to proceed to the Tender Stage, noting that Council is not committed to accepting any of the tenders received, should the defined pricing parameters not be met.

Power Purchase Agreements

- 2.4 It is likely that there will be ongoing volatility in electricity prices. In addition, many organisations, including Manningham, are committed to reducing greenhouse gas emissions contribute to climate change. To address these issues, an increasing number of public and private sector organisations are adopting a new electricity procurement approach for renewable energy, called Power Purchase Agreements (PPAs).
- 2.5 PPAs are traditionally the preserve of energy retailers, who contract electricity supply from electricity generators. Now, organisations who are not energy retailers are increasingly embracing this approach as a way to address price volatility and emission reduction imperatives.
- 2.6 Energy sustainability consultants, Energetics, track the rising popularity of PPAs (see energetics.com.au/insights/knowledge-centres/corporate-renewable-ppa-deal-tracker). They observe that nearly 3000 megawatts (MW) of combined generation capacity has so far been supported. The likes of Mars Confectionary and Sydney Airport have instituted PPAs.

- 2.7 Notably, two joint procurement groups, led by local governments, have also instituted PPAs, as outlined in the following paragraphs.

Melbourne Renewable Energy Project (MREP)

- 2.8 Led by Melbourne City Council, the 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

- 2.9 The MREP consortium entered into a PPA to buy a total of 88 megawatt-hours (MWh) of electricity annually for the next 10 years, at an undisclosed price, from wind energy provider Pacific Hydro. This volume of electricity equates to about one-third of the output of the 'Crowlands' wind farm, now in construction by Pacific Hydro. Crowlands is located near Ararat, north-west of Melbourne.

- 2.10 Each consortium member has committed to a fixed percentage of their total electricity requirement to be met through the PPA. Notably, Yarra and Melbourne Councils have each committed to 100% of their electricity requirements to be met for the whole 10 year PPA period.

Southern Sydney Regional Organisation of Councils (SSROC)

- 2.11 The SSROC PPA brings together 18 urban councils to buy electricity from the Moree solar farm north of Sydney. It is estimated the councils would have up to 35% of their electricity requirements met over the lifetime of PPA to year 2030.

Local Government Power Purchase Agreement (LG PPA) project

- 2.12 The LG PPA is a unique opportunity to join a group of 39 Victorian councils in in the biggest council renewable energy purchasing activity in Australia to date. The image below depicts all the councils across Victoria who are currently participating in the LG PPA project.



2.13 Overall, the total commitment to date of the 39 councils is equivalent to 25% of the total electricity consumed by all Victorian councils.

Scale



2.14 The LG PPA group engaged industry leading advice to examine the costs, risks, and market appetite for a power purchase agreement using the load types specific to council operations.

2.15 The results showed that, as an aggregate group, participating councils could save up to 14% on their electricity use charges over ten years; meaning that the LG PPA potentially is a cost-effective way to transition some of Council’s electricity to 100% renewable energy, as demonstrated by comprehensive cost analysis and market-testing results.

2.16 Whilst the collective load of the Buyers Group provides its members with a great opportunity to secure the best possible pricing from the market, in the long-term the evolution of the electricity market carries with it a high level of price uncertainty. There is no guarantee that a 10-year PPA executed today will always be “in the money” compared to BAU, as illustrated under the high-renewables scenario. Therefore, consideration must also be given to the non-price attributes of the respective models, as rated in the next table.

Relative effectiveness of risk transfer between options

	Spot market exposure	Partial firming	Fully firming	Standard retail contract
Budget certainty (near term)	● Low	● High	● High	● High
Budget certainty (long term)	● Medium	● Medium	● High	● Low
Reduction in spot market exposure	● Low	● High	● High	● High
Reduction in futures market exposure	● High	● Medium	● Medium	● Low
Flexibility in volume	● High	● Medium	● Medium	● Medium
Flexibility in shape change	● High	● Medium	● Medium	● Medium
Operational simplicity of contract management	● Low	● Medium	● High	● High
Hedge against rising market prices	● High	● Medium	● Medium	● Low

2.17 When considering the risk transfer table above, it is worth recalling that the decision by the CEO to commit Large Sites to the Tender Stage is based on the prediction by the Model that under ‘partially firming’ pricing this was the best option for LG PPA electricity for Manningham.

Participant Agreement for Tender Stage

2.18 The local government buyers group is now preparing for the Tender Stage of this project and those councils who wish to continue with this project need to sign a Participation Agreement by 9 August 2019, prior to the tender process starting. This will ensure that the loads tendered to market are firm commitments upon which retailers will base their prices. The CEO will be required to sign the Participation Agreement.

2.19 By signing this document, Manningham Council will commit to purchase all electricity for its Large Sites via the Local Government Power Purchase Agreement, provided that pricing parameters are met. These pricing parameters are discussed in the paragraphs and table below.

2.20 Based on the Model's pricing under the medium renewables scenario, the PPA pricing must be less than or equal to an equivalent pricing for ‘Forecast BAU + 80% voluntary LGCs’. In other words, the tender pricing parameters compare 100% renewable energy and 80% carbon neutral electricity. In the table below, the tender pricing comparison is between ‘BAU + 80% LGCs’ compared with ‘PPA’ electricity.

2.21 The table shows that the Model predicts:

- a \$60/MWh price for PPA electricity which is a \$10/MWh saving on the Forecast BAU;
- the price of ‘Forecast BAU + 80% voluntary LGCs’ is \$76/MWh.

2.22 Under the pricing parameters specified in the Participation Agreement, the financial model predicts Manningham will commit to buy electricity for any PPA price less than or equal to \$76/MWh.

2.23 In the unlikely event that such a high price for PPA electricity is returned from the tender process (viz \$16/MWh above the predicted PPA price of \$60/MWh), Manningham would be paying a \$6/MWh premium above a standard retail electricity contract (Forecast BAU= \$70/MWh) which amounts to \$13,080 for 2024 tonnes greenhouse reduction per year. However it is more likely that the model predictions prove to be correct. If so, Manningham will achieve both greenhouse and cost savings of 2024 tonnes and \$21,859 per year, respectively.

		Medium Renewables Scenario						
		Standard Retailer Contract		Tender Pricing Comparison (PPA<=Forecast BAU + 80% LGCs)		Savings (Forecast BAU-PPA)		
Market Category	MWh pa	Current Contract \$/MWh pa	Forecast BAU Medium Renew \$/MWh pa	PPA \$/MWh pa	Forecast BAU + 80% Vol LGCs \$/MWh pa	\$/MWh saved pa	\$Total saved pa	%Savings (BAU-PPA)
Large Sites	2180	\$110	\$70	\$60	\$76	\$10	\$21,859	14%

3. DISCUSSION / ISSUE

Why a Renewable Energy Power Purchase Agreement for Manningham Council?

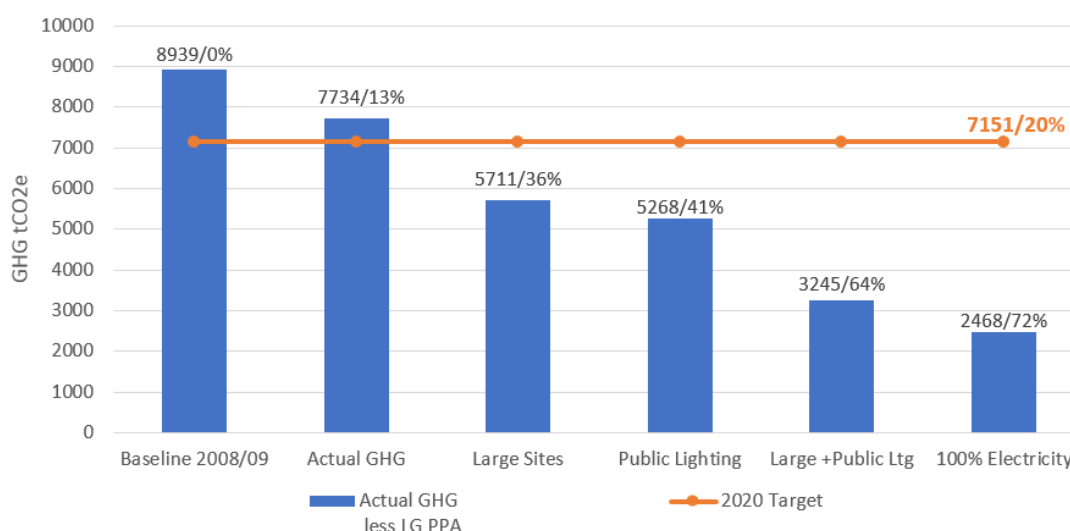
- 3.1 Installing roof-top solar on council buildings and other energy efficiency measures are typically the most cost-effective approaches for councils to mitigate against electricity price increases. Manningham has already implemented, and will continue to develop, a range of roof-top solar and energy efficiency projects.
- 3.2 However, there are limits to these approaches. For example, installing solar on all suitable rooftops is likely to only meet about a quarter of total electricity requirements for all buildings combined.
- 3.3 Other approaches will be needed to achieve Council's emissions reduction target. In addition, Manningham Council seeks to support the decarbonisation of the electricity grid, for example, through offsite renewable generation, and this is where PPAs can play a significant role. Wind and/or solar are the leading choices for renewable generation PPAs.
- 3.4 Giving consideration to entering into a renewable energy PPA is in line with the Council Plan and other policies. Under the 'Resilient Environment' theme in the Council Plan 2017-2021, there is a goal to 'reduce our environmental impact and adapt to climate change'. Consistent with this goal, Council has a Climate 2020 Action Plan that seeks to reduce energy use and greenhouse gas emissions. In this plan, Council has committed to reducing its emissions by 20% below 2008/09 levels by year 2020. This is typically referred to as Council's Climate 2020 target for greenhouse emissions reduction, when compared with a 2008/09 baseline year.
- 3.5 The electricity sector splits all accounts into three categories – Public Lighting (unmetered), Large Sites and Small Sites. The table below shows Manningham Council's electricity use split into these three categories. The table shows that Large Sites are responsible for 38% of Manningham Council's electricity use, and Public Lighting 47% of total electricity consumed.

Scenario	% LG PPA Electricity?
Business As Usual (BAU)	0%
Large Sites	38%
Public Lighting (PL)	47%
Large Sites + Public Lighting	85%
Small Sites	15%
100% electricity accounts	100%

- 3.6 If Manningham decides to purchase part, or all, of its electricity through this renewable energy PPA, it will achieve its greenhouse emission target, the Climate 2020 target, as shown in the graph below. However, any emission reductions resulting from LG PPA electricity use would not be reflected in Council's actual emissions figure until the 30th June 2021, and beyond (refer item 5.8 and Timeline Table).
- 3.7 The graph below shows the FY2008/2009 emissions baseline (8939 tCO₂e), the current actual greenhouse emissions for Council operations (7734 tCO₂e), and the 20% greenhouse reduction target (7151 tCO₂e).

- 3.8 The remaining bar graphs depict the resulting greenhouse reductions if renewable electricity was purchased through the LG PPA procurement process for Large Sites, Public Lighting and Small Sites (not depicted). The percentage figures indicate the emissions reduction when compared with the baseline year of 2008/09. For example, using LG PPA electricity to power our public lighting will result in a 41% emission reduction, when compared with the baseline year.

LG PPA & Climate 2020 Target



History and process going forward – MAV and electricity contracts

- 3.9 In October 2018, the Chief Executive Officer confirmed Manningham Council’s participation in the LG PPA project. Manningham Council joined 38 other Victorian councils to develop a business case for a LG PPA. Executive Officers from each of Victorian Greenhouse Alliances are participating as members of the Project Team. This includes the Northern Alliance for Greenhouse Action, of which Manningham is a member. Darebin Council is the lead council for the project, and they engaged energy consultants, Energetics, to develop the Business Case.
- 3.10 Historically, the Municipal Association of Victoria (MAV) takes up of the role of joint procurement Tender Agent for electricity supply contracts for participating councils. In 2017, MAV acted as the Tender Agent for Manningham Council’s current electricity contract which is due to expire 31st December 2020. The current contract is for electricity supplied from standard coal-fired electricity generation.
- 3.11 MAV has now been confirmed as the Tender Agent for the LG PPA project.
- 3.12 At the 28 May Council meeting, Council resolved that, for the purpose of progressing discussions on Council’s participation in the proposed LG PPA, the Chief Executive Officer could determine the percentage of Council’s electricity that may be purchased through this scheme, if Council chooses to proceed.
- 3.13 After the 23 July 2019, if Council endorses the decision to proceed to the Tender Stage, Manningham will sign a Participant Agreement before the 9 August 2019, which forms the formal commitment by Council to proceed to the Tender Stage.

Internal Working Group

- 3.14 The Internal Working Group consists of senior representatives from assets and engineering, finance, procurement and environment. The working group initiated a consultancy to undertake an independent assessment of the LG PPA Business Case, in light of Manningham's specific electricity profile and priorities. A number of scenarios have been investigated, along with associated benefits and risks.

Independent Assessment of LG PPA Business Case Model

- 3.15 The project's Business Case and financial model (the Model) were completed on 10 May 2019.
- 3.16 The consultants appointed to undertake an independent assessment were asked to:
- 3.16.1 Identify the underlying key assumptions of the LG PPA Business Case and the Model
 - 3.16.2 To develop a shortlist of preferred options using the Model
 - 3.16.3 To select an option with reasons for doing so
 - 3.16.4 Then they were asked to step back from the Model, and reflect on the pros and cons of proceeding with this option, or a PPA altogether.
- 3.17 Further information on the Business Case, the Model and the Independent Assessment has been provided in Attachments 1 and 2.
- 3.18 The Independent Assessment was summarised in a technical report. In everyday language, the key comments from that report can be summarised as follows –
- 3.18.1 Volatile electricity futures markets and policy settings => makes long term forecasting even more challenging
 - 3.18.2 PPA market is evolving => other options may be available in 2 to 3 years
 - 3.18.3 If Council proceeds with the PPA, choose the option with lowest risk profile => Large Sites with Large Generation Certificates generated by the PPA
 - 3.18.4 Note risk can be reduced by choosing a shorter contract term, preferably less than 10 years
 - 3.18.5 Whilst the medium renewables scenario was chosen as the most likely, a high renewables scenario is still a possibility
 - 3.18.6 Under a high renewables scenario, Business-As-Usual pricing generates a lower \$/MWh than PPA pricing for Large Sites, Small Sites and Public Lighting.

Conclusion

- 3.19 The Local Government Power Purchase Agreement represents a great opportunity for Council to be involved in a significant state-wide project with other councils, whilst meeting sustainability targets by 30 June 2021. The business case shows that the arrangement is estimated to be cost favourable to Council. It would also provide greater budget certainty and mitigate the risk of market volatility.
- 3.20 Based on the findings and recommendations of the Internal Working Group and the Independent Assessment, as outlined above, the Chief Executive Officer has decided to commit Council's three large sites to the Tender Stage of the LG PPA project.
- 3.21 In Attachment 2, the financial modelling results show that –
- 3.21.1 Council could save up to 14% or approximately \$22,000 per annum over ten years when compared with a standard electricity contract (refer Forecast BAU column)
 - 3.21.2 the Model predicts the price of PPA electricity will be much less than the current contract price and the Forecast BAU
 - 3.21.3 Tender pricing parameters which state that Manningham commits to contracting for PPA electricity providing the PPA price is less than or equal to the price for 'Forecast BAU + 80% LGCs.'
- 3.22 Additional savings are also realised as project establishment and contract management costs are also reduced by aggregation across the large buyers group.
- 3.23 This report seeks Council endorsement of the CEO's decision to progress to the Tender Stage by signing the Participation Agreement.

4. COUNCIL PLAN / STRATEGY

- 4.1 The Annual Environment Report relates to the following Council Plan 2017-2021 goals under the Resilient Environment theme:
- Goal 3.1 - Protect and enhance our environment and biodiversity.
 - Goal 3.2 - Reduce our environmental impact and adapt to climate change.
- 4.2 With the Action areas:
- Optimise the management of our energy, waste and water.
 - Demonstrate leadership in sustainable and innovative environmental practices.

- 4.3 In addition, the Climate 2020 Action Plan (2009) sets a Climate 2020 target of 20% reduction in greenhouse emissions for Council operations by 2020 when compared with the baseline year of 2008/09.

5. IMPACTS AND IMPLICATIONS

- 5.1 A PPA has the potential to deliver renewable electricity to Manningham that is 80% carbon neutral, at a price that is comparable with, or more affordable than, currently contracted electricity supply that is sourced from emission-intense coal-fired generation.
- 5.2 GreenPower is no longer purchased by Council, due to the steep price increases over the past several years having led to a doubling in price (from approx. \$39/MWh to \$75-\$92/MWh). As an alternative to GreenPower, the LG PPA offers a more affordable way of purchasing clean and green electricity.
- 5.3 Under the pricing parameters specified in the Participation Agreement, the financial model predicts Manningham will commit to buy electricity for any PPA price less than or equal to \$76/MWh. In the unlikely event that such a high price for PPA electricity is returned from the tender process (viz \$16/MWh above the predicted PPA price of \$60/MWh), Manningham would be paying a \$6/MWh premium above a standard retail electricity contract (Forecast BAU= \$70/MWh) which amounts to \$13,080 for 2024 tonnes greenhouse reduction per year. However it is more likely that the model predictions prove to be correct. If so, Manningham will achieve both greenhouse and cost savings of 2024 tonnes and \$21,859 per year, respectively.

Finance / Resource Implications

- 5.4 The development of a Business Case and financial model constituted the initial stage of the LG PPA project which has now been completed. The contribution of \$10,000 required to participate was funded from Council's 2018/19 environment budget allocation.
- 5.5 To participate in the Tender Stage, a contribution of \$25,000 is required which will be funded from Council's 2019/20 environment budget allocation.
- 5.6 The in-kind support of Council's Senior ESD Planner will also be required.

#	Description	When
1	CEO decision – commit Large Sites to Tender Stage	12 Jun 2019
2	MAV confirmed as Tender Agent for the Tender Stage	13 Jun 2019
3	SBS Report	2 Jul 2019
4	Council Report	23 Jul 2019
5	Participant Agreement signed	9 Aug 2019
6	Tender Process and Contract Execution	Aug 2019 to Jan 2020
7	Current electricity contract expires	31 Dec 2020
8	LG PPA commences	1 Jan 2021

9	50% LG PPA reduces Council emissions by 1012 tCO2e	FY2020-2021	<u>Co</u> <u>mm</u> <u>uni</u> <u>cati</u> <u>on</u> <u>and</u>
10	Climate 2020 Target achieved	30 June 2021	
11	100% LG PPA reduces Council emissions by 2024 tCO2e	From 1 Jul 2021 onwards	

Engagement

5.7 There is no communication and engagement required for the Tender Stage of the LG PPA project.

Timelines

5.8 The table below depicts key milestones in the project. Notably, participation in the LG PPA will enable Council to meet its greenhouse reduction target by 30th June 2021.

6. DECLARATIONS OF CONFLICT OF INTEREST

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

ATTACHMENT 1: TECHNICAL BACKGROUND

This attachment seeks to provide further information on the more technical aspects and concepts that underpinned the Business Case and financial model for a Local Government Power Purchase Agreement (LG PPA).

Throughout the InfoCouncil Report and Attachments there are shorthand terms used as follows –

Business Case – This is the business case report developed by Energetics and titled – *Group level business case report – Financial assessment of renewable electricity procurement options – 10 May 2019*

The Model – refers to the financial model created by Energetics to accompany the Business Case. The Model enables each council to input their own data, which then generates financial information for analysis and consideration.

Key assumptions – Pricing Models

- 1.1 The Business Case rests on the following pricing models, which are analogous to a standard electricity contract, a fixed plus variable loan, and a fixed loan.
 - 1.1.1 **Forecast BAU** (cf standard electricity contract) - This pricing consists of the forecast for electricity plus the forecast cost of 20% Large Generation Certificates (see below) to meet the compliance requirements of the 20% renewable energy target.
 - 1.1.2 **Partially fixed, firm PPA** (cf a fixed plus variable loan) - A portion of the contract volume is typically priced at a fixed rate for the PPA term, referencing an underlying PPA price, whilst the remainder of the volume is re-priced every 2 to 3 years. Repricing is typically in reference to the futures contract market.
 - 1.1.3 **Fixed, firm PPA** (cf a fixed loan) - This model removes exposure to market risks, with the retailer fixing rates for the tenure of the PPA (typically 5 to 10 years). The fixed price option assumes the retailer will utilise a portfolio of renewable projects to underwrite the offer. In the case of the partially fixed model, it is assumed that retailers will aim to optimise the “match” of the renewable energy profile with that of the respective account types, using a mix of wind and solar, resulting in the “co-incident” load priced at the fixed prices as illustrated below.

Table 5: Co-incident load assumptions for the partially fixed priced option

Account type	Hedged by:	Co-incident load priced at fixed rate	Balancing load priced at variable rate
Large market	64 % Solar and 36 % Wind	83%	17%
Small market	53 % Solar and 47 % Wind	79%	21%
Unmetered	100 % Wind	63%	37%

Large Generation Certificates (LGC)

1.2 One LGC is created under the federal Renewable Energy Target (RET) scheme when an eligible renewable energy generation plant with over 100 kilowatts (kW) capacity generates 1 megawatt hour (MWh) of renewable energy. Retailers recover the cost of LGCs purchase obligations under the RET scheme from customers. The approach adopted by the Model adopts the market forecasts for three price series, as explained below and shown in the figure below:

1.2.1 Compliance LGCs: This refers to the expected cost retailers will seek to recover as part of their obligations to meet the Renewable Energy Target (RET), or "environmental charges" component on an electricity invoice under Business as Usual (BAU).

1.2.2 Voluntary LGCs (floor price): This is the price for LGCs over and above the volume required to meet obligations under the RET, with the price set with reference to substitute products (i.e. Australian Carbon Offset Units).

1.2.3 GreenPower: This is essentially one LGC per MWh renewable energy sourced from a GreenPower® accredited generators, under short term contract from either a retailer or broker.

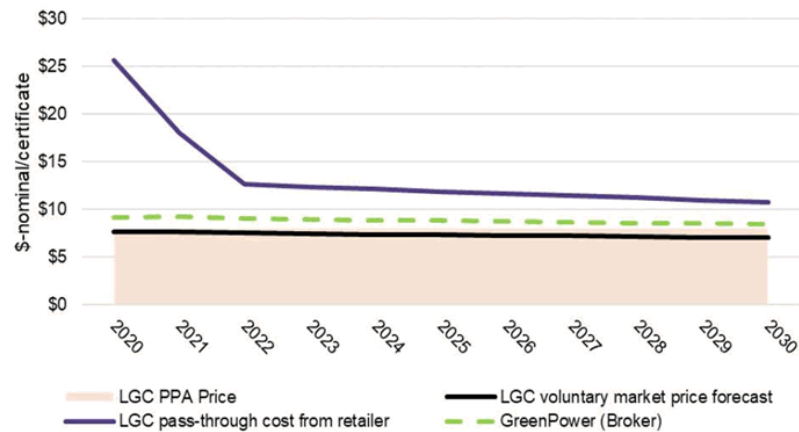


Figure 9: LGC price forecast

Key Assumptions – Renewable Energy Scenarios – Low, Medium and High

1.3 The volume of supply (relative to demand) and the source of supply have a material impact on prices, with the next ten years influenced largely by new renewable energy generation coming on line. Price projections are provided for three distinct, but plausible, market scenarios, influenced by federal policy:

1.3.1 Low-renewables: under current policy settings and committed generation projects

1.3.2 Mid-renewables: assuming introduction of both committed and advanced renewable energy projects

- 1.3.3 **High-renewables:** assuming introduction of committed, advanced and publicly announced renewable projects (refer figures below).
- 1.4 All scenarios assume no increase in electricity demand over the ten years. However, it is possible that demand may exceed forecast under this scenario, due to, for example, an accelerated uptake of electric vehicles or fuel switching away from natural gas to electricity. In this event, prices under all three electricity price scenarios will increase – if supply is held constant.

Key differentials in the electricity price forecast scenario



		Low-renewable	Mid-renewable	High-renewable
Timing*	River-link interconnector	2026	2024	2023
	Snowy Hydro II	na	2027	2026
Size	Battery of the Nation	Minimal uptake	Increased use	Full uptake
	Marinus Link (Tas-Vic)	600MW	1200MW	1800MW
	Other Storage	Existing and committed	+ Oven Mountain, Kidson & expansion of Shoalhaven	
	ISTP Interconnector augmentation	Group 1	Group 1+2	Group 1+2
	Rooftop Solar & Small Batteries	'Weak'	'Neutral'	'Strong'
Mix of replacement fuels	Renewables as per the AEMO scheduled generator list. Use gas and batteries to avoid unserved energy. No early mothballing of coal.	Additional renewables – advanced planning stage	Additional Renewables as publicly announced	

© Energetics Pty Ltd • 17 * Results in mothballing and partial shutdown of gas and coal generators

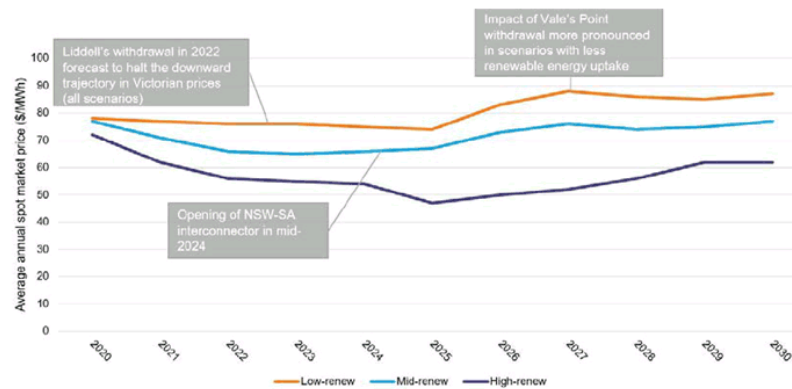


Figure 7: Victoria's wholesale price forecast (nominal \$/MWh)

Independent Assessment, findings from the Model and recommendations

- 1.5 The Independent Assessment was summarised in a technical report. In everyday language, the key comments from that report can be summarised as follows –
 - Volatile electricity futures market and policy settings => makes long term forecasting even more challenging (refer figure below)
 - PPA market evolving => other options may be available in 2 to 3 years
 - If Council proceeds with the PPA, choose the option with lowest risk profile => Large Sites with LGCs generated by the PPA
 - Note that the shortest contract duration available reduces risk, preferably less than 10 years
 - Whilst the medium renewables scenario was chosen as the most likely, a high renewables scenario is still a possibility
 - Under a high renewables scenario, BAU pricing generates a lower \$/MWh than PPA pricing for Large Sites and Public Lighting.

Volatility - electricity futures markets past, present & future



- 1.6 The Independent Assessment produced a summary of the best options for Manningham Council, with the two highest ranking options provided in Attachment 2. Consideration of the best options, according to the Model and the Independent Assessment, led to the following observations.

1.6.1 Small Sites are not suited to Power Purchase Agreements, largely because of their high administration overheads. As a result, most PPA agreements either exclude Small Sites or manage these accounts under a standard retail arrangement. For these reasons, Small Sites will not be committed to Stage 2: Tender Process. However, if at Tender Evaluation stage, the Working Group recommends that Small Sites should be included, there may be an opportunity to increase our commitment. If not, we expect future opportunities may present

themselves as the PPA market evolves.

RECOMMENDATION 1: Omit Small Sites from electricity accounts to be committed to Stage 2: Tender Process

- 1.6.2 **Large Generation Certificates (LGCs) - 100% versus 120% purchase –** According to the Model, the best option for Large Sites and Public Lighting appears to be 100% LGCs (or 80% Carbon Neutral). This result may reflect the higher price for 'non-PPA LGCs'.

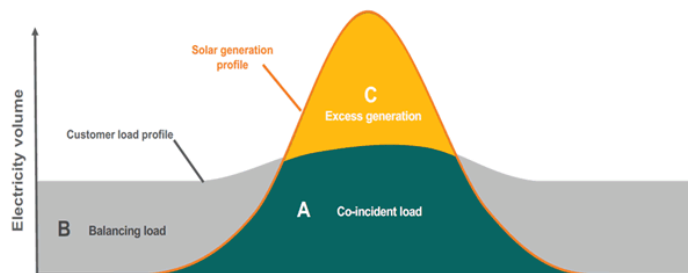
RECOMMENDATION 2: Consider 100% LGCs (viz 80% Carbon Neutral) as the preferred LGC option

- 1.6.3 **Large Sites versus Public Lighting –** the forecast PPA costs, savings and risk exposure for Large Sites is much better than for Public Lighting, according to the Model. This result is not that surprising. There is more likely to be an excess of solar-generated electricity during the day, which is 'coincident' with the Large Sites' load profile. Whereas Public Lighting relies on Wind Power generation, and there is not such a clear match between load profile and generation, so less predictability for 'coincident load' (refer figure below). This mismatch and lower predictability for wind power generation shows up most clearly in the risk analysis, where potential increased costs if a high-renewable scenario eventuates, are much higher for Public Lighting.

RECOMMENDATION 3: According to the Model, Large Sites show the best forecast for costs and savings over 10 years, and lower risk of cost blow-outs in the event of a high-renewables scenario (refer Attachment 2: Financial Analysis).

Risk & electricity futures pricing

- Load Matching
- Wind vs Solar - & predictability
- Public Lighting vs Large Sites



ATTACHMENT 2: Financial Analysis

The table below summarises the costs and risks, associated with the two market categories, Large Sites and Public Lighting, if Manningham were to enter a 10 year electricity contract under a renewable energy Power Purchase Agreement (PPA).

The financial analysis was based on costs over ten years, as generated by the Model. The table below has then taken these 10-year figures and expressed them as average annual figures.

Market Category	MWh pa	Medium Renewables Scenario							
		Standard Retailer Contract		Tender Pricing Comparison (PPA<=Forecast BAU + 80% LGCs)		Savings (Forecast BAU-PPA)			Risk Analysis - Worse Case
		Current Contract \$/MWh	Forecast BAU <small>Low/Med/Hi Renew</small> \$/MWh	PPA \$/MWh pa	Forecast BAU + 80% Vol LGCs \$/MWh pa	\$/MWh saved pa	\$Total saved pa	%Savings (BAU-PPA)	\$Extra Costs Hi Renewables (PPA - BAU)
Large Sites	2180	\$110	\$78/ \$70 /\$56	\$60	\$76	\$10	\$21,859	14%	\$14,366 over 10 years or \$1,437 p.a.
Public Lighting	2657	\$95	\$74/ \$66 /\$54	\$65	\$72	\$1	\$3,257	2%	\$279,756 over 10 years or \$27,975 p.a.

11.2 McLachlan Street, Templestowe - Temporary Road Closure

File Number: IN19/465
Responsible Director: Director City Services
Attachments: 1 Location of Temporary Road Closure and Pavement Resurfacing [↓](#)

EXECUTIVE SUMMARY

This report recommends a temporary closure of McLachlan Street, between Swilk/James Streets and Parker Street, in accordance with Schedule 11 Section 10 of the Local Government Act 1989, to address road safety concerns. The road closure is proposed to be in place until such time a permanent solution to managing the traffic and road safety matters are resolved.

It is proposed that the temporary road closure be installed as part of upcoming works to seal the balance at McLachlan Street, and that a physical barrier be placed approximately 35 metres south of Swilk and James Streets, as shown on Attachment 1.

COUNCIL RESOLUTION

MOVED: CR GEOFF GOUGH
SECONDED: CR ANDREW CONLON

That Council:

- A. Agrees to commence the statutory process under the provisions of Schedule 11, Section 10 Part 1(c) of the Local Government Act 1989, to trial a temporary road closure of McLachlan Street, between Swilk/James Streets and Parker Street in Templestowe, as shown in Attachment 1, in order to address road safety concerns.**
- B. Supports the temporary closure of McLachlan Street to through traffic by way of a barrier and signage being installed in McLachlan Street, approximately 35 metres south of Swilk and James Street, subject to:**
 - **Approval being obtained from all relevant service authorities and emergency service organisations that may be affected by the proposal; and**
 - **A report being obtained from VicRoads on the proposed road closure;**
- C. Notes the engagement and communications plan in relation to the proposed road closure process, as detailed in Section 4.2 of this report; and**
- D. Supports the proposal to seal the pavement in McLachlan Street, south of the road closure to Parker Street, utilising funds from the Capital Works Program.**

CARRIED

2. BACKGROUND

- 2.1 The section of McLachlan Street between Swilk/James Streets and Parker Street, in Templestowe, is an unsealed road, approximately 110m long and 3.5m wide.
- 2.2 The road provides direct access to a three storey apartment comprising of twelve units. A permit was issued for the apartment development at 12 Swilk Street in August 2013, but there was no requirement to seal McLachlan Street as part of the permit issued for the development. The position at the time was that Council could run a special charge to construct the road, if required at a later date. Since then, Council has resolved to abandon undertaking Special Charge Schemes and has, therefore, lost the opportunity to apply this.
- 2.3 A single dwelling also abuts this section of McLachlan Street to the west; however, access to this property is via Parker Street.
- 2.4 There is no other development requiring direct access from this section of McLachlan Street.
- 2.5 The apartments have now been occupied, and residents have expressed concerns over the road condition, citing perpetual dust in the summer months through to dangerous driving conditions when the road is wet.
- 2.6 An inspection of the site noted that the existing road surface is in poor condition, there is a considerable road level difference between Swilk/James Streets and McLachlan Street, and there is very limited visibility looking west around the road bend for drivers turning right from McLachlan Street onto Swilk/James Streets, due to an embankment which makes the turn hazardous.
- 2.7 Based on the above, an opportunity exists to improve public safety by closing this section of the road to through traffic, until such time a permanent solution to managing the traffic and road safety matters are resolved. It is proposed to locate the road closure in McLachlan Street, approximately 35m south of the Swilk/James Street intersection.
- 2.8 The proposal is not considered to adversely impact traffic flows, as this section of McLachlan Street carries very low traffic volumes and primarily serves to provide access to the apartment in question.
- 2.9 In addition, it is considered that the road conditions could also be improved by sealing the road pavement south of the road closure to Parker Street.
- 2.10 A plan showing the location of the temporary road closure and pavement resurfacing is provided as Attachment 1.

3. IMPACTS AND IMPLICATIONS

- 3.1 The Instrument of Delegation dated 8 April 2019, pursuant to Section 10 Part 1(c) of Schedule 11 of the Local Government Act 1989, delegates jointly to the Director City Planning and Manager Infrastructure Services, the power to block or restrict the passage or access of vehicles on a road by placing and maintaining on a trial basis any temporary barrier or other obstruction on the road.
- 3.2 This procedure exempts Council from following the statutory process under Section 223 of the Local Government Act 1989 and to close the road to traffic.

- 3.3 The proposed road closure and sealing a section of the road pavement in McLachlan Street would have a positive impact on the amenity of the residents and on road safety.
- 3.4 As a result of the road closure, vehicular access for residents of the apartment would be via the Parker Street end of McLachlan Street only. This may result in a slight increase in travel distance; however, by altering their travel patterns, the nett increase in travel distance would be minimal.
- 3.5 Under the provisions of the Manningham Planning Scheme, this section of McLachlan Street is covered by a Cultural Heritage Sensitive planning overlay. Council Statutory Planners have confirmed that the construction works for the road are exempt from a planning permit, given the value of works is less than \$1M, the extent of asphalt resurfacing is marginally more than the existing width of road, and the works are being undertaken by Council.

4. IMPLEMENTATION

4.1 Finance / Resource Implications

The funds required to implement the proposed road closure and sealing of the road pavement in McLachlan Street have been allocated from Council's 2018/2019 Capital Works budget, under Road Management Strategy – Traffic and Road Use program.

4.2 Communication and Engagement

It is proposed that the notification of Council's intention to close the section of McLachlan Street to traffic as a trial be made via (i) letters to property owners and occupiers in the immediate vicinity of the road closure, (ii) signage and (iii) via Council's media outlets for the wider community.

4.3 Consultation will be undertaken with service authorities and emergency service organisations that may have assets within the road reservation, or have an interest in the closure from an emergency management perspective.

4.4 In accordance with the provisions of Schedule 11, Section 10 Part 1(c) of the Local Government Act 1989, a report is being obtained from VicRoads on the proposed road closure.

4.5 Timelines

It is proposed that temporary closure be effected as part of the road reconstruction works scheduled to commence in August 2019.

5. DECLARATIONS OF CONFLICT OF INTEREST

Officers involved in the preparation of this report do not have any direct or indirect conflict of interest in this matter.

12 SHARED SERVICES

There were no Shared Services reports.

13 CHIEF EXECUTIVE OFFICER

13.1 Correction to Council Minutes - 28 May 2019

File Number: IN19/486
Responsible Director: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

This report seeks to redress an omission from the 28 May 2019 Council minutes. A division was called in relation to the supplementary motion on Item 9.2 - Planning Application PLN18/0571 at 674-680 Doncaster Road, 2 Short Street, 14, 14A, 16 and 18 Hepburn Road, Doncaster. The division was not recorded in the draft minutes presented to Council for confirmation at its ordinary meeting held on 25 June 2019 and as such this report seeks to insert a notation into the Council meeting minutes of the 28 May 2019 to redress the omission.

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR SOPHY GALBALLY

That Council:

- A.** acknowledges the omission contained in the minutes of the ordinary meeting held on 28 May 2019 and subsequently confirmed at the ordinary meeting held on 25 June 2019, the omission being the recording of a division which was called in relation to the supplementary motion in Item 9.2; and
- B.** approves a notation being added to the relevant item of the confirmed minutes, to read:

NOTE: A division was called by Councillor Gough in relation to the supplementary motion, those Councillors voting for the motion being Councillors Chen, Zafiroopoulos, Haynes, Gough and Conlon and those voting against the motion being Councillors McLeish, Kleinert, Galbally and Piccinini. The division was not recorded in the draft minutes presented to Council for confirmation at its ordinary meeting held on 25 June 2019. At Council's ordinary meeting held on 23 July 2019, the omission was acknowledged and approval was given to insert this notation.

CARRIED

2. BACKGROUND

At the 28 May 2019 Council meeting, a division was called in the supplementary motion for Item 9.2. The division was not recorded in the draft minutes which were subsequently confirmed by Council without the omission being identified.

This report seeks to redress this omission by providing for a notation to be inserted into the 28 May 2019 minutes as outlined in the recommendation to this report.

3. DECLARATIONS OF CONFLICT OF INTEREST

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

13.2 Record of Assembly of Councillors

File Number:	IN19/461
Responsible Director:	Corporate Counsel and Group Manager Governance & Risk
Attachments:	1 Record of Assembly - Heritage Advisory Committee - 14 February 2019 ↓
	2 Record of Assembly - Access & Equity Advisory Committee - 3 June 2019 ↓
	3 Record of Assembly - Strategic Briefing Session - 2 July 2019 ↓

EXECUTIVE SUMMARY

Section 80A of the Local Government Act 1989 requires a record of each meeting that constitutes an Assembly of Councillors to be reported to an ordinary meeting of Council and those records are to be incorporated into the minutes of the Council Meeting.

COUNCIL RESOLUTION

MOVED: CR ANDREW CONLON
SECONDED: CR SOPHY GALBALLY

That Council note the Records of Assemblies for the following meetings and that the records be incorporated into the minutes of this Council Meeting:

- **Heritage Advisory Committee – 14 February 2019**
- **Access and Equity Advisory Committee – 3 June 2019**
- **Strategic Briefing Session – 2 July 2019**

CARRIED

2. BACKGROUND

2.1 An Assembly of Councillors is defined in the Local Government Act 1989 as a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of the Council staff which considers matters that are intended or likely to be:-

2.1.1 The subject of a decision of the Council; or

2.1.2 Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation.

- 2.2 An advisory committee can be any committee or group appointed by council and does not necessarily have to have the term 'advisory committee' in its title.
- 2.3 Written records of Assemblies are to include the names of all Councillors and members of Council staff attending, a list of matters considered, any conflict of interest disclosures made by a Councillor and whether a Councillor who has disclosed a conflict of interest leaves the meeting.

3. DISCUSSION / ISSUE

3.1 The Assembly records are submitted to Council, in accordance with the requirements of Section 80A of the Local Government Act 1989. The details of each of the following Assemblies are attached to this report.

- Heritage Advisory Committee – 14 February 2019
- Access and Equity Advisory Committee – 3 June 2019
- Strategic Briefing Session – 2 July 2019

4. DECLARATIONS OF CONFLICT OF INTEREST

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

Record of an Assembly of Councillors

Manningham City Council

Heritage Advisory Committee Meeting

Meeting Date: Wednesday, 14 February 2019
Venue: Koonung Room, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6.00 p.m.

1. Councillors Present:

Cr Sophy Galbally

Officers Present:

Matthew Lynch – Strategic Planner

2. Disclosure of Conflicts of Interest

No Conflict of Interest were disclosed.

3. Items Considered

1. Confirmation of previous minutes (Minutes to be circulated)
2. Declaration of conflicts of interest
3. Welcome to attendees and acknowledgment to the Wurundjeri people, who are the traditional owners of the land on which we meet
4. Actions from previous meeting (14 November 2018)
5. Updates
 - Heritage Restoration Fund Claims to date
 - Amendments C122 – Miscellaneous Changes
6. Other business:
 - Future Committee Meeting dates: 8 May, 21 August & 20 November 2019
 - Heritage week
7. Next meeting – 8 May 2019

Finishing time

The meeting ended at 8.09 pm

Record of an Assembly of Councillors

Manningham City Council

Access & Equity Advisory Committee

Meeting Date: 3 June 2019

Venue: Heidi room, Civic Office, 699 Doncaster Rd, Doncaster

Starting Time: 5.00pm

1. Councillors Present:

Councillor Mike Zafirooulos – Koonung Ward

Officers Present:

Matt Slavin, Manager Integrated Planning

Jon Adams, Community Development Officer – Metro Access

Natalie Jacobson, Senior Health and Wellbeing Planner

2. Disclosure of Conflicts of Interest

No conflicts of interest were disclosed.

3. Items Considered

1. Welcome and Acknowledgement of Country
2. Note any conflicts of interest and Confirmation of previous minutes
3. Consultation – Community Engagement, Jude Whelan, Manager Communications and Marketing
4. Consultation – Healthy City Action Plan, Natalie Jacobson, Senior Health and Wellbeing Planner
5. Consultation – Key days/weeks of significance for Council to acknowledge, Justin Hanrahan, Manager Economic and Community Wellbeing
6. Committee member update
7. Other Business

Finishing time

The meeting ended at 7.00pm

Record of an Assembly of Councillors

Manningham City Council

Strategic Briefing Session

Meeting Date: 2 July 2019
Venue: Council Chamber, Civic Office, 699 Doncaster Rd, Doncaster
Starting Time: 6:38pm

1. Councillors Present:

Councillor Paula Piccinini (Mayor), Councillor Anna Chen (Deputy Mayor),
Councillor Andrew Conlon, Councillor Sophy Galbally, Councillor Dot Haynes,
Councillor Geoff Gough, Councillor Michelle Kleinert, Councillor Paul McLeish

Apologies from Councillors:

Councillor Mike Zafirooulos

Executive Officers Present:

Andrew Day, Chief Executive Officer
Leigh Harrison, Director City Services
Kevin Ayre, Acting Director Shared Services
Angelo Kourambas, Director City Planning and Community
Andrew McMaster, Corporate Counsel and Group Manager Governance & Risk

Other Officers in Attendance:

Carrie Bruce, Senior Governance Officer
Faye Adams, Senior ESD Officer
Clayton Simpson, Coordinator Environment
Lyn Meredith, Environmental Land Management Officer
Sam Bradley, Senior Environment Planner
Helen Napier, Manager City Amenity
Frank Vassilacos, Coordinator Integrated Transport
Liz Lambropoulos, Team Leader Integrated Transport
Matt Slavin, Manager Integrated Planning
Robert Morton, Recreation Planner
Kerryn Paterson, Group Manager People and Communications
Jude Whelan, Manager Communications
Felicity Lucarelli, Senior Integrated Communications Advisor – North East Link
Ellen Davis Meehan, Community Engagement and Research Advisor

2. Disclosure of Conflicts of Interest

No conflict of interest were disclosed.

3. Items Considered

- 3.1 Local Government Power Purchase Agreement
- 3.2 Pest Deer Control and State Government Advocacy
- 3.3 North East Link Update
- 3.4 Preparation of Municipal Wide Urban Design Framework (Liveable City Strategy) and Review of Doncaster Hill Strategy
- 3.5 Local Government Bill 2019 – Proposed New Reforms
- 3.6 Yarra River – Bulleen Precinct Land Use Framework Plan
- 3.7 Reconciliation Action Plan Review and Development
- 3.8 Audit and Risk Committee (Confidential)
- 3.9 McLachlan Street, Templestowe – Temporary Road Closure

The meeting ended at 10.50pm

13.3 Documents for Sealing

File Number: IN19/460
Responsible Director: Corporate Counsel and Group Manager Governance & Risk
Attachments: Nil

EXECUTIVE SUMMARY

The following documents are submitted for signing and sealing by Council.

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR MIKE ZAFIROPOULOS

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 M H Au-Yeung
9 Thomas Street, Doncaster East**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and M J Vella and J A Vella
88 Bellevue Avenue, Doncaster East**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and G R Jafari and Z Jafari
19 Ramleigh Rise, Templestowe Lower**

**Deed of Renewal and Variation of Lease
Council and Twin Hills Pre School Inc.
Part 39-41 Mayfair Avenue, Templestowe Lower**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and K Thompson
4 Burns Court, Templestowe**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and K K Ong and M H Low
2 Coolabah Street, Doncaster**

**Consent to Build over an Easement
Agreement under Section 173 of the Planning and Environment Act 1987
Council and J T Seach and E L Seach
77-79 Arundel Road, Park Orchards**

**Community Services Lease
Council and EACH Limited
Part Manningham City Square, 687 Doncaster Road, Doncaster**

CARRIED

2. BACKGROUND

The Council's common seal must only be used on the authority of the Council or the Chief Executive Officer under delegation from the Council. An authorising Council resolution is required in relation to the documents listed in the Recommendation section of this report.

3. DECLARATIONS OF CONFLICT OF INTEREST

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

14 URGENT BUSINESS

14.1 Submission to Proposed Local Government Bill 2019 Reform Proposals

File Number: IN19/500
Responsible Director: Corporate Counsel and Group Manager Governance & Risk
Attachments: 1 Submission on the Proposed Reforms to the Local Government Bill 2019 [↓](#)

EXECUTIVE SUMMARY

On 17 June 2019, the Minister for Local Government, the Hon Adem Somyurek MLC announced that the State Government intends to introduce the Local Government Bill 2019 into Parliament later this year with six new proposed reforms. Feedback on the proposed reforms is due by 31 July 2019. A draft submission has been prepared for Council's consideration prior to submission to the Minister.

COUNCIL RESOLUTION

MOVED: CR PAUL MCLEISH
SECONDED: CR ANNA CHEN

That Council endorse the submission on the proposed reforms to the *Local Government Bill 2019* shown at attachment 1.

CARRIED

2. BACKGROUND

On 17 June 2019, the Minister for Local Government, the Hon Adem Somyurek MLC announced that the State Government intends to introduce the Local Government Bill 2019 into Parliament later this year with six new proposed reforms.

The 2019 Bill builds on the Local Government Bill 2018 which was developed following a three year consultation with councils, the community and sector bodies. The proposed reforms have been released for consultation with the sector and feedback is due by 31 July 2019.

3. DISCUSSION / ISSUE

A high level review of the lapsed Local Government Bill 2018 has been undertaken by the State Government and as a result, 6 new reforms are proposed to be included in the Local Government Bill 2019 when introduced to Parliament.

The proposed new reforms include:

- Simplifying and clarify enrolments for voters in council elections
- Introducing mandatory training for council election candidates and councillors
- Capping electoral campaign donations and gifts

- Allowing for the dismissal of a councillor after a community-initiated Commission of Inquiry
- Defining standards of conduct to guide councillor behaviour and make dealing with councillor conduct issues faster and easier
- Introducing a preference for single member wards to make councils more accountable.

Following consultation with Councillors at a strategic briefing session on 2 July 2019, a submission has been prepared for formal consideration by Council. The submission responds to the reform proposals and provides feedback more generally on the submission process. The limited timeframe for submissions prevents informed consideration of the impacts and implications for local government and therefore the attached submission focusses on the high level concepts of the proposed reforms.

4. DECLARATIONS OF CONFLICT OF INTEREST

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



Return Address:
PO Box 1
DONCASTER
VIC 3108

23 July 2019

The Hon. Adem Somyurek MLC
Minister for Local Government
Level 16, 121 Exhibition Street
Melbourne VIC 3000

Dear Minister

Local Government Bill 2019 Reform Proposals

Thank you for the opportunity to provide feedback on the additional reforms to be included in the proposed *Local Government Bill 2019 (2019 Bill)*.

At the outset Manningham Council would like to express our disappointment at the very limited timeframe that has been provided for consideration of the draft reforms and for submissions to be received. This limited timeframe prevents informed consideration of the impacts and implications for local councils and should be subject to more robust examination and engagement with stakeholders. Manningham Council's feedback therefore focusses on the high level concepts of the proposed reforms as there is insufficient detail and time to provide a more informed position.

Simplified franchise

Council reaffirms its support for maintaining the current franchise arrangements and do not support moving to an 'opt in' model for property owners not otherwise enrolled on the state roll for the municipality.

Moving to an 'opt in' model would significantly disadvantage affected voters, particularly if they have a limited understanding of the electoral process and English is not their first language. This would effectively limit participation and representation in the electoral process.

Single-member wards

This reform proposal is not supported. Council supports the inclusion of uniform multi-member wards as a third electoral structure in the proposed *2019 Bill*.

In the absence of more rigorous engagement with the sector and the community on the substantial implications of this proposal and in support of our position, Council draws your attention to the most recent in-depth examination of electoral structures in Victoria – the Local Government Electoral Review Panel (the Panel).

Following extensive consultation with the sector, the broader community and the Victorian Electoral Commission, the Panel made a number of recommendations regarding future directions for electoral structures in Victoria. These recommendations were made on the basis of ensuring the electoral structures in place ensured fairness and consistency of representation within and between municipalities.



Interpreter service
9840 9355

普通话 | 廣東話 | Ελληνικά

Manningham Council

699 Doncaster Road (PO Box 1), Doncaster, Victoria 3108

p 03 9840 9333 f 03 9848 3110

e manningham@manningham.vic.gov.au

ABN 61 498 471 081 www.manningham.vic.gov.au



In considering the range of electoral structures available under the current legislative framework, the Panel found that:

'...the fairness and consistency of the system would be strengthened by ensuring that candidates in each council election in the one municipality would require the same quota to be elected. Furthermore, each elected councillor would come to the council having secured the same minimum level of community support.'

In support of this, the Panel recommended the discontinuation of the current practice of mixed wards (a mixture of both single and multi-member wards) and a mix of non-uniform multi-member wards. In addition, it also recommended that the number of available electoral structures under the *Local Government Act 1989 (the Act)* be limited to three electoral structures; unsubdivided, single-member wards and uniform multi-member wards.

The potential advantages and disadvantages of the single-member versus multi-member wards are well established and it is not Council's intention to explore these here other than to note the following points of the Panel:

- Single-member wards may offer an effective electoral structure where populations are evenly distributed and relatively stable. They are more challenging to apply when populations are unevenly dispersed.
- Practical challenges arise in areas with high population growth. *The Act* requires that individual councillor-voter ratios do not deviate from the average number of voters by more than 10 per cent. In areas of rapid or dispersed population growth, the sustainability of single-member wards within the 10 per cent ratio is particularly difficult, if achievable at all.
- Multi-member wards avoid the instability associated with wholly single-member wards in areas of rapid and dispersed population growth because larger ward populations tolerate larger shifts and remain within the 10 per cent allowable deviation.

What this demonstrates is a one size fits all approach to subdivided municipalities fails to take into consideration the unique circumstances that make up each municipality.

With regard to gender diversity, a review of 2016 electoral results shows that Councils with a multi-member ward structure had a higher percentage of female candidates elected to Council (41.3%) than single-member wards (33.9%). Based on this assessment it appears that multi-member ward structures encourage greater gender diversity. In addition, there is also a greater likelihood that a more diverse selection of candidates will stand for election and that significant minorities will have a greater opportunity of being elected and represented. Increased diversity will ensure a variety of views are represented in Council decision making.

Manningham Council has governed successfully under a multi-member ward structure for many years. The city's unique constitution of high density activity centres and semi-rural acreage with a dispersed population has been well supported by its electoral structure. A move to single member wards would pose challenges in determining clear and readily identifiable boundaries given Manningham's balance between city and country.

Manningham Council
699 Doncaster Road (PO Box 1), Doncaster, Victoria 3108
p 03 9840 9333 f 03 9848 3110
e manningham@manningham.vic.gov.au
ABN 61 498 471 081 www.manningham.vic.gov.au



Mandatory training for candidates

This reform proposal is supported provided the training is accessible, delivered in a way that promotes participation, is at no cost to the candidate and funded by the State Government.

Mandatory induction for councillors

This reform proposal is supported in principle. Council does support the proposal to withhold Councillor allowances if Councillors fail to participate in the induction program in accordance with the prescribed timeframes.

Manningham Council is committed to providing an induction program that sets councillors up for success in a range of disciplines during their term. Providing a standardised, presumably minimum required standard of induction for councillors across the sector by prescribing the program in regulation has merit. In the absence of draft regulations, there is insufficient detail contained in the reform proposal to provide more meaningful comment.

Donation reform

This reform proposal is supported.

Standards of conduct

This reform proposal is supported in principle.

Council reaffirms its support for uniform standards of conduct across the sector. Providing flexibility to customise the code of conduct will allow councils to exceed the minimum standards provided under *the Act* and will promote improved standards of conduct and increased accountability.

In the absence of draft regulations, there is insufficient detail contained in the reform proposal to provide more meaningful comment.

Internal Arbitration Process

This reform proposal is not supported in its current form.

It is acknowledged that the existing internal dispute resolution processes contained under *the Act* and included in most councillor Codes of Conduct are problematic and require reform. However, Council has concerns regarding the proposed legislated arbitration process and potential misuse by councillors to remove a councillor from office.

Current internal dispute resolution processes are primarily managed internally and place the Mayor and Chief Executive Officer as leads in the process. Managing conflict has the potential to cause detrimental harm to relationships and may encourage dysfunction. One benefit of the proposed legislated arbitration process is the proposed removal of the Mayor and Chief Executive Officer from the dispute resolution process. This should result in expedited and objective dispute resolution for the affected parties.

This reform proposal requires further consideration and engagement.



Community accountability

This reform proposal is not supported.

Council holds concerns about the proposed two new pathways to disqualification. The Community Initiated Commission of Inquiry will be particularly damaging for both the individual and council as a whole given the outlined process in the reform paper.

The process, to be set through regulation, will require specific information including a statement providing the grounds for why the petition is being sought. This statement will be publicly available. Whilst Council will be afforded the opportunity to provide a response to the grounds of the petition, this very public process has capability of causing significant reputational damage to all parties involved, prior to any resolution of the matter brought about by achievement (or non-achievement) of the relevant percentage quota. In addition, organised groups with wide networks and significant funding could potentially abuse the process to secure the removal of a councillor from office.

This process requires significant review and in the absence of draft regulations, there is insufficient detail contained in the reform proposal to provide more meaningful comment.

Manningham Council is of the view that a number of the additional reform proposals require further consideration and engagement with the sector. The impact of introducing a standardised ward structure and the proposed changes to improve conduct and community accountability as outlined above have not been appropriately examined to fully understand the effects of the proposed changes.

The *Local Government Bill 2018 (the Bill)* was developed collaboratively with the sector following extensive consultation. The introduction of these reforms with limited opportunity for consultation is disconcerting. The reforms should be subject to the same rigorous consultation that informed the preparation of the *2018 Bill*.

If you require further clarification on any of the matters raised in this submission, please contact Council's Senior Governance Advisor, Carrie Bruce on 9840 9210 or email carrie.bruce@manningham.vic.gov

Kind regards

Paula Piccinini
Mayor

Andrew Day
Chief Executive Officer

15 COUNCILLORS' QUESTION TIME

There were no questions from Councillors.

16 CONFIDENTIAL REPORTS**COUNCIL RESOLUTION**

MOVED: CR DOT HAYNES
SECONDED: CR ANNA CHEN

That Council declare the information contained in Item 16.1 - Audit and Risk Committee Independent Member Reappointment and Remuneration Benchmark is no longer confidential information and the report be considered in the open meeting of Council.

CARRIED

16.1 Audit and Risk Committee Independent Member Reappointment and Remuneration Benchmark

File Number: IN19/485
Responsible Director: Chief Executive Officer
Attachments: Nil

EXECUTIVE SUMMARY

The Audit and Risk Committee comprises three independent members and two Councillors in accordance with the Audit and Risk Committee Charter adopted on 26 June 2018. One of the independent members and current chair, Theresa Glab will be completing her first term of appointment on 31 August 2019. The Charter allows for independent members to serve a total of three consecutive terms. A review panel was convened to interview Ms Glab and discuss and evaluate her role on the Committee during her first term. The review panel recommends Council reappoint Ms Glab to the Committee. In addition, Officers have taken the opportunity to undertake a benchmark evaluation of independent member remuneration levels with peer councils and present this information to Council with a further recommendation to marginally increase the remuneration levels of the (non-Chairperson) independent members.

COUNCIL RESOLUTION

MOVED: CR DOT HAYNES
SECONDED: CR GEOFF GOUGH

That Council:

- A. reappoint Theresa Glab for a second term to the Audit and Risk Committee as an independent member expiring 30 September 2022.**
- B. maintain the Audit and Risk Committee Chairperson's annual remuneration at \$10,500 and increase independent member's remuneration from \$7,000 to \$7,250 per annum with effect from 1 September 2019**

.CARRIED

1. BACKGROUND

The Audit and Risk Committee plays a pivotal governance role in providing Council with independent oversight and advice on Manningham City Council's financial and performance reporting, compliance of internal and external audit activities, risk management and internal control systems.

In keeping with Council's decision to stagger the expiry terms of the independent members to ensure seamless continuity of the Committee's function, Theresa Glab's first term commenced on 1 July 2016 and expires on 31 August 2019. The terms of the other two independent members, Mr Alan Fotheringham and Mr Andrew Dix, are due to expire in 2020.

Remuneration for the independent members of the Audit and Risk Committee was last reviewed by Council on 29 March 2016. The Audit and Risk Committee annually elect an independent member to the role of Chair, who is remunerated at a higher level than the general committee members in recognition of the additional work required in this role. This is normal practice within the local government sector. At the meeting in March 2016, Council maintained the remuneration level of a general member at \$7,000 and increased the Chair's remuneration from \$9,000 to \$10,500.

2. DISCUSSION / ISSUE

Following Ms Glab's expression of interest in continuing in her appointed role, a review panel comprising the Chief Executive Officer, Mr Andrew Day, Corporate Counsel and Group Manager Governance and Risk, Mr Andrew McMaster and Chief Financial Officer, Mr Kevin Ayre, was formed.

The panel met with Ms Glab on 3 June 2019 and undertook a review interview utilising questions which evaluated Ms Glab's performance against the key criteria of the role.

The review panel concluded Ms Glab has consistently demonstrated her value in this role, noting her second year as Chair of the Committee.

The review panel agreed that Ms Glab has great experience in internal and external audit programs in the private and government sectors which has been valuable over the course of her first term on the Audit Committee.

The review panel:

- agreed that Ms Glab has a good understanding of the strategic risks that face Council presently and into the future; and
- considered she was able to demonstrate an effective working rapport with other Committee members and management to understand and respond to those risks;
- was of the view that Ms Glab has taken a pragmatic, risk based approach to issues considered and addressed by the Committee in exercising its independent function.

The review panel recommend to Council that they offer a second term of appointment to Ms Glab.

Independent Member Remuneration

In response to an enquiry from a general independent member, querying if remuneration included an annual adjustment increase, Council Officers confirmed that this was not the case and offered to undertake a benchmarking enquiry on how other similar Council's approach remuneration.

10 Victorian councils were reviewed as part of this benchmarking exercise. The results demonstrated that based on five meetings per year, general independent member remuneration levels on average were \$261 higher than Manningham's rates and Committee Chair remuneration levels on average, were \$515 lower per annum.

Furthermore, it is noted that Manningham's general independent member remuneration level of \$7,000 has not been increased since a Council resolution on 29 April 2014.

Summary table industry benchmark Audit Committee independent member remuneration

Growth Area Y/N	Ordinary Member Fee (if known)	Chair Fee (if known)	Frequency	Remuneration
Manningham (Metropolitan)	\$1,400.00	\$2,100.00	Per Meeting	N/A - 2014 Council Resolution set the fees; increased in 2016 for Chair
Metropolitan	\$1,460.00	\$1,840.00	Per Meeting	Indexed each year by CPI
Metropolitan	\$1,545.00	\$1,961.00	Per Meeting	Indexed each year by CPI
Outer Metropolitan	\$1,300.00	\$1,400.00	Per Meeting	Annual fee and no CPI increases
Outer Metropolitan	\$1,250.00	\$1,630.00	Per Meeting	Indexed each year by CPI & adjusted annually on 1 July
Metropolitan	\$2,006.00	\$2,507.00	Per Meeting	Rate set by Council and indexed annually by CPI
Outer Metropolitan	\$1,457.00	\$1,457.00	Per Meeting	Indexed with CPI since Feb 2013. No difference between Chair and Ordinary Member
Metropolitan	\$1,400.00	\$1,850.00	Per Meeting	Fees haven't changed since 2017
Metropolitan	\$1,300.00	\$1,922.00	Per Meeting	Not indexed and rates set by Council
Outer Metropolitan	\$1,276.00	\$1,818.00	Per Meeting	Reviewed annually by Council and paid quarterly
Outer Metropolitan	\$1,582.00	\$1,997.00	Per Meeting	Reviewed annually as part of annual budget process * No less than once every Council term, the remuneration of Independent Members will be benchmarked against no less than five (5) other peer Councils to provide the Council with the information required to fully review the remuneration. In intervening years, the remuneration will be adjusted having regard to the Consumer Price Index (Melbourne All Groups).

Average (incl. MCC) \$1,452.36 \$1,862.00

In conclusion, to provide greater parity of independent member fees within the local government sector and continue to attract quality independent members, it is recommended that Manningham's independent member's remuneration be increased by \$250 per annum. No change is made to the Chair's rate of remuneration.

3. COUNCIL PLAN / STRATEGY

Continuity of a high performing Audit and Risk Committee will continue to provide an important independent governance function to Council and the citizens of Manningham.

4. IMPLEMENTATION

4.1 Finance / Resource Implications

The proposed increase in independent member remuneration level would have a negligible impact on Manningham's budget.

4.2 Timelines

Theresa Glab's reappointment would commence from 1 September 2019 for a three year period and 29 days to expire on 30 September 2022. This will align with the Audit and Risk Committee's Charter appointment period, to coincide with the commencement of the Audit Year.

5. DECLARATIONS OF CONFLICT OF INTEREST

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

The meeting concluded at 7:48pm.

Chairperson
CONFIRMED THIS 27 AUGUST 2019